

TEST THE MONUMENT BILL

John H. McClay Brings Mandamus Case Against Chief Executive.

GOVERNOR MICKY IN A TRAIN WRECK

Lincoln Man Probably Fatally Injured by Falling of Skylight While Trading in Clothing Store.

(From a Staff Correspondent.)

LINCOLN, Sept. 14.—(Special.)—John H. McClay, member of the late legislature and father of the Lincoln monument bill which provided that the state appropriate \$10,000 for the erection of a monument in the capitol grounds to the memory of the great emancipator, the money to be available when the city of Lincoln should have contributed a like amount, has brought suit in the supreme court to mandamus Governor Mickey to compel him to appoint a commission of five to select the site upon which to erect the monument.

The suit is a friendly one brought to test the constitutionality of the law, at the suggestion of Governor Mickey, who made the stipulation when he signed the bill. The bill passed both the house and the senate in regular order, but in the enrolling room by some oversight it was held up and did not receive either the signature of Speaker Meeker or the president of the senate. McClay dug up the bill after the session had adjourned and his solicitor Governor Mickey signed it with the understanding that suit would be brought to test its constitutionality before any contract was let for the building of the monument. A movement is now on foot to mandamus the people of Lincoln to compel them to donate the \$10,000.

Governor in a Wreck.

Governor Mickey has returned to Lincoln after an unsuccessful attempt to reach Muscatine, Ia., there to address a conference of the Methodist church. He was prevented from reaching his destination by a wreck near Seymour, Ia. The tender flew the track and drew off with it the mail car, baggage car and a passenger coach. The sleeper upon which the governor was riding did not leave the track. One hundred feet from where the train fell the track, said the governor, was a high embankment which the train would have undoubtedly gone over had the wreck occurred there. The governor managed to get back to Fairfield and home this morning. The accident occurred shortly after midnight Saturday. No one was injured.

Injured by Falling Skylight.

In the presence of his wife and her sister, Frank Seelye, a postal clerk running between here and Omaha, was dangerously injured late this afternoon by being struck on the head by a heavy piece of glass that fell from the skylight in the Ewing Clothing company store on O street. He was rendered unconscious by the blow and his head was severely cut. He was taken to a hospital in the police ambulance and his recovery is doubtful. Seelye and his wife were in the store making some purchases when he was injured. The skylight had been broken and fastened with boards some time previous. One of the boards gave way allowing a heavy piece of glass to fall.

Admission Fee at Penitentiary.

For the first time in several years admission was charged visitors to the state penitentiary during the state fair. Over 2,000 persons paid 10 cents each to get in and look at the unfortunates. Warden Beemer made the order to charge admission to all parties who were not armed with a pass signed by the governor, or without the sanction of the Board of Public Lands and Buildings. It is thought, however, that no member of the board will seriously object to parties paying their way in, inasmuch as two extra guides had to be employed to show visitors through, as many as 100 people called there. Years ago it cost 25 cents to be shown through the institution, but the admission fee was abolished several years ago.

Live Stock Insurance.

The Phoenix Mutual Live Stock Insurance company is a new institution recognized by the insurance department of the auditor's office. It was organized in Lincoln under the law enacted by the legislature for the insurance of live stock. It incorporates 100 persons, among whom are S. H. Burnham, Frank D. Eager and B. F. Zimmer. The company will insure cattle, horses, sheep and swine against fire, tornado and accidents that result in death.

School House Fight.

Out in Hall county a merry school contest is being waged in school district No. 6 and already several fights have occurred and the case has gone through the district court and is now in the supreme court. It is all over an attempt to move the school house a mile from its present site. The school has been located at its present site for the last fifteen years, but according to the brief of the appellant, Joseph Ladd, on June 25, 1902, at the annual meeting in that district it was voted to move the schoolhouse to the northeast corner of the northeast one-fourth of section 19, township 10, range 10. Eighteen votes were cast for the removal and seven against it. The brief stated that at no time was there ever any further designation given nor was there any direction given for the purchase of a site nor for the expenditure of money for the removal.

Milkmen Win First Round.

Robert J. Flick, charged by Food Commissioner Thompson with selling skim milk that failed to contain sufficient butter fat, was discharged in Justice Blaeser's court this morning, and thus the first battle with the milk men has been won by them. Thompson bought the milk from an

employe of Flick. In all there are twelve more cases to be tried, some of which are for selling milk adulterated with formaldehyde.

School Attendance Increases.

The public schools of Lincoln opened this morning with an attendance largely in excess of last year. The attendance is now over 1,000. No classes will be held until tomorrow. One of the features added this year that is expected to be of much benefit to the pupils is the diningroom, where the pupils can buy hot lunches. This is in charge of the Woman's club and is new and clean from start to finish. It is located in the building of old by the opening of school, it was thought for a while, would make a scarcity of messenger boys, but the manager of both the Postal and the Western Union Telegraph companies and the managers of department stores that that while some of their help had quit, enough applications had been received during the last few days to take all the vacant places.

Street Railway Taxes Again.

The city of Lincoln and the Lincoln Traction company are at it again over the collection of taxes alleged to be due the city by the traction company. It is in the supreme court now under the title of the Lincoln Traction Company v. City of Lincoln. New York Security and Trust company and the New York Guaranty and Indemnity company against E. P. Holmes, judge of the district court of Lancaster county.

The plaintiffs ask the supreme court for a mandamus to compel Judge Holmes to vacate the restraining order issued by him in August to prevent the sale of the property at the instance of the second-lie holder, the New York Security and Trust company. The case will be argued and submitted before the whole court at the first session of the September term, to be held tomorrow.

The ground of the application is the failure of the city to file a supersedeas bond to stay the operation of the order for a sale which had been granted when the mandate from the supreme court reached the district court in the appeal case in which the city lost. There was no application to the court to fix the bond according to the petition filed this morning in the supreme court and there was no action on the part of the court fixing the amount of the bond. For this reason it is claimed that there has been no supersedeas, since the order of the court restraining the sale of the property is of itself not a stay bond sufficient to stop the sale of the property.

Held for Abandonment.

George H. Englehart was bound over to the district court this afternoon in the sum of \$500 under the abandonment law passed by the last legislature. Englehart is married and is employed by Magistrate Eberly with being the father of her child, which he deserted as soon as it was born. Englehart denies the charge.

CLOUDS KEEP AWAY FROST

Thermometer Gets Down Low Enough but Other Conditions Help Out.

LINWOOD, Neb., Sept. 14.—(Special.)—The thermometer registered 29 degrees this morning. Being cloudy it did not frost. It has been drizzling all day and if it clears up it may frost tonight.

FREMONT, Neb., Sept. 14.—(Special.)

There was a heavy rain here yesterday and last night and the mercury dropped this morning to 46. Had it not been for the rain there would probably have been a frost. Farmers are feeling anxious about the weather, for unless frost keeps off for a week or ten days there will be little marketable corn raised in the vicinity. The condition of the best crop is very bad and some fields will scarcely pay for harvesting. The loss to the hay crop in this county will also be heavy.

Kearney Presbytery in Session.

FULLERTON, Neb., Sept. 14.—(Special.)—The fall meeting of the Kearney Presbytery convened at the Presbyterian church in this city last week. Splendid sermons were delivered by Rev. Dr. T. Clark of Fremont, Neb.; Dr. B. Greenlee of North Platte and Rev. Alex. Rouleau of Douglas. Rev. Martin Hyink of North Loup was elected moderator and Rev. F. E. Thompson of St. Edwards, temporary clerk. There was a large amount of routine business transacted. Dr. George A. Ray was released from the Fullerton church as its pastor and given permission to accept the call to the St. Paul church, to take effect October 1. Harry McClanahan of Monroe was examined, licensed and ordained as an evangelist. The reports from the different churches in the presbytery were very encouraging.

Sets Fire to Firm's Books.

FREMONT, Neb., Sept. 14.—(Special.)—The firm of Wertz & Langston, which has been engaged in the wholesale cider business in this city for some time, was dissolved last week. A. Wertz succeeding to the business. His affairs, however, were not all straightened out. Yesterday afternoon Langston went down to the place of business, piled up the books on the floor and set fire to them. He was drinking yesterday, but his friends are wholly unable to account for his strange action. It is not thought that he has been guilty of any crooked work which he wished to cover up. The firm has done an extensive business and the mutilation and partial destruction of the books will fall heavily on Mr. Wertz.

Rural Mail Carriers Organize.

TECUMSEH, Neb., Sept. 14.—(Special.)—The rural mail carriers of Johnson county have organized an association. The object is to look to the interests of the carriers. Officers of the association are as follows: President, E. H. Bush of Tecumseh; vice president, Ralph Campbell of Sterling; secretary, William Devenney of Tecumseh; treasurer, E. A. Young of Tecumseh. Mr. Bush was appointed delegate to the national meeting in Chicago and he is now in attendance at the meeting.

Identifies Stolen Keys.

FAIRBURY, Neb., Sept. 14.—(Special.)—J. G. Keiso of Carleton was here today and identified a bunch of keys found on the parties arrested here having burglarious instruments in their possession, as those stolen from his store a few weeks ago when he lost over \$400 worth of goods by burglary. Saturday night Davis' blacksmith shop was broken into and a lot of steel bits, files and cold chisels taken.

Knight of Pythias Inaugural.

TECUMSEH, Neb., Sept. 14.—(Special.)—A big Knight of Pythias picnic is advertised for Vesta, Saturday, September 19. There will be a parade of the visiting lodges, music by two bands, speaking by Grand Chancellor Frank J. Kelley of Lincoln and Rev. Edgar Price of Beatrice, jubilee singing and musical performance by a colored quartet, balloon ascension, etc.

District Court in Ocho.

NEBRASKA CITY, Neb., Sept. 14.—(Special Telegram.)—District court convened here today and the cases were argued for trial. The equity docket will be finished this week. The only criminal case is that of the State against Woods, which was tried here last winter, when the jury failed to reach a verdict.

Johnson County Fair.

TECUMSEH, Neb., Sept. 14.—(Special.)—The Johnson county fair will be held in this city four days next week. The indications point to a very successful show.

COWIN TURNS OVER CASH

Pay to Government Large Sum Recovered from Railroad Companies.

PLANS FOR MANEUVERS AT FORT RILEY

It Will Be Necessary to Secure Much Lead in Addition to the Reservation to Work Out the Problems.

WASHINGTON, Sept. 14.—In the case of the United States against the American Loan and Trust company, trustee, and the Union Pacific railroad and other General John C. Cowin, the special counsel who prosecuted the case on behalf of the government, has delivered to the secretary of the treasury \$466,203, being the amount awarded in favor of the government in the circuit court of the United States for the district of Massachusetts. The case grew out of a claim of the government against the Kansas Pacific railroad before the consolidation of the two roads.

Bonaparte Takes Charge.

It was announced at the Interior department today that Charles Joseph Bonaparte had accepted the invitation of Secretary Hitchcock to take charge of the investigation of certain Indian lands. He is an official under the jurisdiction of the Department of the Interior. The scope of the investigation will be sufficiently comprehensive to embrace all statements within the power of the Interior department, including all that have appeared in the public press and all other matters that may at any time come to the notice of the investigating officials which in any respect reflect upon the official character, conduct or acts of the Bureau commission or any member thereof and the Inspector for the Indian Territory.

Plans for Maneuvers.

Plans for the forthcoming army maneuvers at Fort Riley, Kan., were announced at the War department today. The maneuvers are to begin on or about October 15, and continue until October 27. They will be participated in by troops from Jefferson barracks, Missouri; Fort Leavenworth and Riley, Kansas; Bill and Benio, Oklahoma; Niobrara and Robinson, Nebraska; Logan, Colorado; D. A. Russell, Wyoming; Douglas, Utah; Snelling, Minnesota; Lincoln, North Dakota; Keogh, Montana, and Myer, Virginia; one regiment of infantry from the Arkansas National guard, one regiment of infantry from the Iowa National guard, two regiments of infantry and two batteries of field artillery from the Kansas National guard, one regiment of infantry from the Missouri National guard, one regiment of infantry and one battery of field artillery from the Nebraska National guard, and one battalion of infantry from the Colorado National guard, making a total of more than 11,000 men.

The following brigade commanders are announced: General Grant, Bell, Barry and Carr, United States army, and General Hughes of the Kansas National guard. Major Coffin will command the divisional artillery. It was found as a result of last year's maneuvers that for the maneuvering of large bodies of men in the working out of tactical operations, the present reservation, large as it is, is inadequate. The War department has succeeded in obtaining the reservation of 40,000 acres of the signal ring reservation whose aggregate holdings amount to seventy square miles or 44,223 acres to the military authorities entering upon and occupying their holdings whenever it may be necessary to conduct in the prosecution of the maneuvers this year.

Wants Fort Leavenworth Isolated.

General C. W. Minter, recently commandant of the General Service and Staff college at Fort Leavenworth, Kan., in his annual report to the War department recommends that the post of Fort Leavenworth be set apart as an isolated reservation and that the course of instruction be extended to two years. He also recommends a change in the system of marking. The annual report of Major General Bates, commanding the Department of the Lakes, was given out for publication today. It says that the character and general physical status of recruits is not up to standard of former years. The number of undeveloped youths appeared particularly noticeable. There were 34 enlisted men tried by general court-martial in an increase of twenty-two over last year. One hundred and eighteen of the men tried belonged to other departments. Of the total number tried, 32 were convicted and eleven acquitted. In the cases of four, the sentences were dispensed with. Twenty men were convicted for desertion. The report concluded with an urgent requisition for a military prison.

Beavers Summons Payne.

George Beavers, the former chief of the division of salaries and allowances, Post-office department, retained a local lawyer as counsel. At the instance of the latter a subpoena was served on the postmaster general today directing the production of the records in the salary and allowance division in connection with the supply of the Dent-Brandt cashiers, at the hearing of Beavers to be held in New York September 15 under the direction of the postmaster general. Beavers' counsel, in connection with the legal requirements, tendered the postmaster general the prescribed fees and mileage expended necessary for the trip, which the postmaster general declined to accept, explaining that it was the intention for him to go to New York at that time.

Mr. Payne asserts confidence in the closing of the investigation by the early part of October.

The federal grand jury which has been investigating the postal investigation cases, resumed its sessions today, examined several witnesses and adjourned until tomorrow. It is understood that among other evidence regarding the administration of the office of the assistant attorney general for the Postoffice department prior to the investigation is being placed before the grand jury.

The hall of August Machen, the deposited head of the free delivery system, was raised from \$30,000 to \$50,000. The advance in the amount is the result of the additional indictments reported against Machen last week.

SOLDIER TO BE DEFENDED

Sentry on Guard Who Killed Man Is to Be Aided by War Department.

WASHINGTON, Sept. 14.—Upon request of the War department the attorney general will direct the United States district attorney at Pittsburg to defend the sentry of the Ninth infantry who shot and killed William Crowley near the Allegheny arsenal grounds last Thursday.

Old Man Adjudged Insane.

TECUMSEH, Neb., Sept. 14.—(Special.)—Richard Parker, 83 years of age, and who resided near Smartville, was adjudged insane by the insane commission and has been taken to the asylum at Lincoln.

Thrashing Record for Season.

SIOUX FALLS, S. D., Sept. 14.—(Special.)—The thrashing record for the northern portion of the state is claimed by Joseph Clement, who is operating machines in the vicinity of Iroquois. In one day with two machines he threshed out an aggregate of 5,000 bushels of wheat and the bar was former turning out twenty-five bushels to the acre and the latter fifty.

Another GERM DESTROYER.

Herpicide is Death to Dandruff Germs. The germ burrows into the scalp, throwing up the cuticle in thin scales, called dandruff, or scurf, and digging at the root of the hair where it taps the hair's vitality. First come the itching, lusterless and dead-like hair, then falling hair, and finally baldness. Nine-tenths of the hair troubles are caused by dandruff. Without dandruff, hair will grow luxuriantly, as nature intended. Herpicide kills the dandruff germ, leaving the hair to grow unimpeded, as it does with the hair of a man. Sold by leading druggists. Send 10c in stamps for sample to The Herpicide Co., Detroit, Mich. Sherman & McConnell Drug Co., special agents.

Omaha Man Gets Contract.

HASTINGS, Neb., Sept. 14.—(Special Telegram.)—After a conference with the contractor lasting nearly all day the school board let the contract for the erection of the new high school building to Robert Burke of Omaha for \$47,500, with a thirty day option for selecting the quality of some of the material, which may reduce the figures about \$2,000. The building is to be finished by August 1 and will be built of pressed brick and stone with slate roof.

Convicted of Incest.

ALBION, Neb., Sept. 14.—(Special.)—The jury in the case of the state of Nebraska against Elmer Russell, wherein the defendant is charged with incest, came into court Sunday morning at 1 o'clock, with a verdict of guilty. The defendant was charged with having criminal intercourse with his daughter, a girl of 16 years, on various occasions in the past two years. Sentence has not yet been passed.

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IRRIGATION EXPERTS GATHER

Meeting of the National Congress May Be Largest of Kind.

SPECIMENS OF FINE GRAIN AND FRUIT

Convention Will Be Unique in Regard to the Display of the Results of Water on Desert Land.

OGDEN, Utah, Sept. 14.—When Senator W. A. Clark of Montana, as president of the National Irrigation congress, calls to order the first session of the annual meeting of that body in the Tabernacle tomorrow at 9:30 o'clock there will probably be gathered there the largest number of representatives to an irrigation congress that have gathered since the inception of the movement in 1891. Every train today brought delegates by hundreds. It is expected that nearly 1,500 representatives of boards of trades, commercial and business organizations of all kinds, and state and municipal governments of the great west will be present and take part in the discussions.

Among the speakers will be Secretary of Agriculture Wilson, Senators Clark of Montana, Dubois of Idaho, Warren of Wyoming and Burton of Kansas. Senators Kearns and Smoot of Utah are expected to speak informally. Every phase of the subject of irrigation will be discussed, and the closely allied subject of colonization of the great plains and ranges of the west will receive great attention. Special illustrations of what irrigation is doing for the west will not be lacking. From all quarters are coming large exhibits of grain and fruits, grown in soil that a few years ago was considered utterly useless to compete for the rich prizes and valuable cups offered, and the horticultural exhibit bids fair to be one of the most unique as well as most elaborate ever shown. Even from across the great American desert, drawn in six "prairie schooners," is coming an exhibit of fruit and grain grown in the midst of alkali wastes. Practical illustrations of methods of irrigation will be given and a good part of one day will be devoted by the delegates to this feature. Another important subject that will come up is the question of adaptation with the Trans-mississippi congress, and it is expected that before the congress adjourns some definite action will be taken.

FORECAST OF THE WEATHER

Fair and Warmer is Promised for Wednesday, with Cloudy Tuesday.

WASHINGTON, Sept. 14.—Forecast: For Nebraska—Cloudy Tuesday and warmer in northwest portion; Wednesday fair and warmer.

For Iowa—Cloudy Tuesday, showers and cooler in east portion; Wednesday fair, warmer in west portion.

For Illinois—Showers and cooler Tuesday; Wednesday fair, fresh north winds.

For Missouri—Showers and cooler Tuesday, except fair in north-west portion; Wednesday fair and cooler.

For North Dakota—Fair and warmer Tuesday and probably Wednesday.

For South Dakota—Cloudy Tuesday, snow in extreme west portion, followed by fair with slowly rising temperature; Wednesday fair and warmer.

For Kansas—Rain Tuesday; Wednesday fair and warmer.

For Wyoming—Snow Tuesday, probably followed by fair with slowly rising temperature; Wednesday fair and warmer.

For Indiana—Showers and cooler Tuesday; Wednesday fair, winds becoming north and fresh.

LOCAL RECORD.

OFFICE OF THE WEATHER BUREAU, OMAHA, Sept. 14.—Official record of temperature, precipitation and wind at Omaha for the corresponding day of the last 100 years.

Table with columns for Year, Maximum temperature, Minimum temperature, Mean temperature, Precipitation, and Wind. Rows include years 1903, 1902, 1901, 1900, 1899, 1898, 1897, 1896, 1895, 1894, 1893, 1892, 1891, 1890, 1889, 1888, 1887, 1886, 1885, 1884, 1883, 1882, 1881, 1880, 1879, 1878, 1877, 1876, 1875, 1874, 1873, 1872, 1871, 1870, 1869, 1868, 1867, 1866, 1865, 1864, 1863, 1862, 1861, 1860, 1859, 1858, 1857, 1856, 1855, 1854, 1853, 1852, 1851, 1850, 1849, 1848, 1847, 1846, 1845, 1844, 1843, 1842, 1841, 1840, 1839, 1838, 1837, 1836, 1835, 1834, 1833, 1832, 1831, 1830, 1829, 1828, 1827, 1826, 1825, 1824, 1823, 1822, 1821, 1820, 1819, 1818, 1817, 1816, 1815, 1814, 1813, 1812, 1811, 1810, 1809, 1808, 1807, 1806, 1805, 1804, 1803, 1802, 1801, 1800.

CONDITION OF THE WEATHER

Table with columns for Location, Temperature, and Precipitation. Locations include Omaha, Valentine, Plattsmouth, Cheyenne, Salt Lake City, Chicago, St. Louis, Davenport, Kansas City, Havana, Helena, Amarok, Galveston, and St. Paul.

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