POLICE BOARD LEGAL BODY

Supreme Court Passes on the Case from South Omaha.

MORTENSON FOOTS UP TRUST FUNDS

Dates and Programs Announced for the Various District Teachers' Associations-Amendments to School Laws.

(From a Staff Correspondent.)

LINCOLN, Feb. 17 .- (Special.)-The South Omaha Fire and Police commission ap- his home town. The meeting was held pointed by the governor, is a constitutional Tuesday afternoon and strong resolution and valid body. The supreme court so were adopted. decides in an opinion handed down Wednesday afternoon in which the application for s writ of ouster is denied. The decision also affirms the constitutionality of the that where general and specific provisions state, which make a total of almost \$6,000. conflict the specific ones take precedence.

The suit is an action in quo warran o and war commenced by the attorney general for the purpose of testing the validity of the act, particularly that part of the act, particularly that part of the act, particularly that part of the act which provides for the appointment of a board of fire and police commissioners by the governor. Governor's appointees Thomas J. Nolan, A. L. Burquist, William P. Van Sant, Alfred A. Nixon and George W. Masson were mude respondents and were required to show by what authority they claimed to hold office. The suit was commenced at the solicitation of citizens to the amount of \$1,740.335.32. At present they claimed to hold office. The suit was commenced at the solicitation of citizens of South Omaha. The court is governed by the rule that a legislative act will not be declared unconstitutional unless it is so clearly in conflict with some provisions of the fundamental law that it cannot stand. The general question relating to the constitutionality of such legislation has been before the court several times. The attack on the South Omaha charter was directed against specific provisions as to when and how the appointment shall be made, and term of office, the qualifications of members of the board, together with the powers and duties of that body. Foilowing is the sysilabus of Judge Barnes opinion.

lowing is the sysilabus of Judge Barnes opinion.

An answer to a petition in quo warranto which alleges that the respondents are holding the office in question by lawful appointment, and under the provisions of a legislative act, and which sets forth the facts in relation thereto, is sufficient to put the validity of such act in issue.

A legislative act should not be declared inconstitutional unless it is so clearly in conflet with some provision of the fundamental law that it cannot stand.

The legislature may by statute conferupon the governor the power to appoint the board of fire and police commissioners for cities of the first class.

Where general and specific provisions of a statute come in conflict, the general law yields to the special without regard to priority in dates, and a special law will not be repealed by a general provision unless by express words or necessary implications.

The several sections and provisions of the legislature act should be construct to

several sections and provisions of the

The several sections and provisions of the legislative act should be construct together, and harmonized if possible; and if there is a conflict in them general expressions must give away to special and specific provisions.

That part of the charter of South Omaha providing for the election, and defining the furisdiction of the police fudge is seperable from the rest of the act and if necessary heav be rejected without affecting the validity of the charter.

Held, that the respondents are the lawfully constituted Ranted of Fire and Police commissioners of the City of South Omaha.

The original results and the unanimous one of the

The opinion is the unanimous one of the

court and is signed by all of the judges. Robinson Stays in Prison.

The life sentence of James Robinson of McPheroon county, convicted of murder, is confirmed by the supreme court. He was charged with the murder of Elmer Thayer on June 20, 1902. One of the contentions of the defense was that the crime was committed in Arthur county and that the two countre never were legally consolidated, but the court holds otherwise. It was also contended that the verdict was not sustained by the cyldence, because the state failed to prove a motive for the killing. The court mays on this latter point: "This contention cannot be sustained. The law is well settled In this surselletide, as well as in others, that where all of the essential elements of the crime are present a conviction for murder will stand, even if there be no evidence hoids that Arthur county is attached to McPherson county and is under the jurisdiction of the latter county.

Raifng on Freeholders.

The supreme court has decided that where certain persons are made freeholders for the purpose of qualifying them to become signers of an application for liquor licenses it is not competent for the board granting the license to count such signers upon the petition. This came down today in the case wherein J. N. Colglazier and others sought a reversal of the decision of the village board of Shubert and the district court of Richardson county which granted a license to sell liquor to Charles McClary and A. Z. Martin. The evidence showed that several of the signers had become freeholders merely for the purpose of signing the petition. The court reversed the decision of the lower court.

The supreme court today decided that the officers was a valid act, thus reversing the decision of the district court of Lancaster The suit was brought by O. M. Stonebreaker of the State Journal company, who

Some Get Sick This Way Then My Book Is A Help

The Book Tells A Way To Health.

Book 1 on Dyspepsia.
Book 2 on the Heart.
Book 3 on the Kidneys.
Book 4 for Women.
Book 5 for Men (sealed).
Book 6 on Rheumstlam. shall

you are losing strength, your nerves are failing, your vitality is alloping away.

tell you of my past-of 30 years given t will tell you how I found the cause of all this

It will tell you how I found the cause of all this weakness. It will tell you that the toside increase have fatted. And it wilk appear to you as clearly as the light of day.

Not the nerves you know about that you feel will, that you command when you walk, when you move. But the vital organ nerves. The nerves that operate that regulate the heart. The nerves that mean either strength or weakness to the stomach, the liver, the kidesys—to all the organs that are essential to health, to life and to happiness.

This was my greatest discovery. Then the way to health was clear. I must vitalize these weakness in health was clear. I must vitalize these weakness in health was to that end.

At last my prescription was perfected. I called that greentplion a restorative.

Known The World Over As Dr. Shoop's Restorative

And why this unusual publicity?

What brought it so quickly before the people?
There are three vital reasons.

First, my individual—my personal application of a treatment to these obscure inside nerves.

That was never done before—nor signe.

Secondly, the prescription itself—the only one that acts directly on these failing nerves.

Thirdly—and the most conspicuous reason—is because I abnounced to the world that practically any arek ofe—anywhere—was welcome to use fir. Shoop's Restorative a whole month without the risk of even a single penny.

Restorative a whole month without the risk of even a single penny.

After this, my discover, fallures were as few that I could nafely make this offer.

And the simple way to that help is this:
You write me for the book you need.
Send no maney. A possial card will bring the book if you need my advice, it is free. Tell me of your almost as you would your hums dector. Write to me in strotest confidence.

Then with the book I'll send the name of a druggest near you who will grant the month's treatment on trial.

All druggists keep the Restorative. All do not

who does.

Six bettles with he offered for the test. If the Restorative axishes, the cost to you is \$1.50. If it falls, the less is mine. The druggist will bill the cost to file. And you alone shall be the judge.

I know you will gladly pay \$5.50 when it brings you the help you need.

Write now—today. Dr. Shoop. Box 8515. Ractue, when

Wis. Mind cases, not chronic, are often cured with one or two bottles. At druggists.

sought to prevent the purchase of the books

University Regents Organise. The Board of Regents of the State Uni-

ersity organized by electing J. L. Teeters president. The new president announced hese committees;

Executive—Teeters, Calkins, Allen, Pinance—Ernst, Rich, Teeters, Property—Allen, Ernst, Whitmore, Industrial Education—Whitmore, Calkins, ich

At noon on Tuesday the board adjourned without day. J. M. O'Neal of University Place, endorsed by the traveling men of Omaha and Lincoin in separate meetings as a candidate for the nomination of state auditor at the hands of the republicans of the state, has now been endorsed by the republicans of

Over Six Million Trust Funds,

State Treasurer Mortensen has just completed a compliation of the investments of entire South Omaha charter and asserts the money in the various trust funds of the 000, and upon the receipt of the \$100,000

to the amount of \$1,749,325.92. At present there is in the permanent school fund \$84,-962.48, and about \$43,000 will be collected today on the call recently sent out for \$50,000. This money will go to pay for the Massachusetts bonds.

With the school lands in the state and the bonds and warrants it is estimated that cine for stomach trouble that was rethe total trust funds should they be converted to cash would reach the gratifying sum of about \$11,000,000.

Programs for Teachers.

Preparations for the meetings to be held March 29 to 31 by the four teachers' associations of the state are about completed and most interesting programs have been prepared for each. The committee arranging for the meetings is composed of Superintendent M. R. Snodgrass of Wayne, Superintendent Ed C. Bishop of Lincoln Superintendent George Crocker of Falls City, Superintendent George H. Thomas of McCook. The meetings will be held as follows: North Nebraska at Columbus. Central Nebraska at Aurora, Southeast Nebraska at Beatrice and Southwest Nebraska at McCook. State Superintendent Stetson of Maine will make a circuit of the meeting places and will address each association, as will Superintendent Fowler Frank Roberson will lecture before the Aurora meeting.

Superintendent Fowler, E. C. O'Connor of Norfolk and Superintendent Pearse of Omaha will leave Friday for Atlanta, Ga. to attend a meeting of the department of superintendence of the National Educational association which meets in that city beginning Monday.

Restrictions for Teachers.

Even this early talk of legislation to be nacted by the next legislature has begun and the school teachers are among the first on the grounds. Notwithstanding that it has not been many months since many school districts in the state were crying than ever." for any kind of an instructor, just so she would promise not to get married, should the law contemplated be enacted it would make a dearth of teachers such as this year has not witnessed. It is the intention of those interested in the welfare of the minds of the youth of the state to have ; law passed that all applicants for certificates, before standing an examination shall have secured normal school training or training in some school similar, in ad-

dition to the academic course. As planned now applicants for a third grade certificate shall have attended a nor mal or similar school for at least one term; applicants for a second grade certificate motives for its commission." The court shall have attended for at least two terms and applicants for a first grade certificate shall have attended for at least one year. It is contemplated, however, that the law shall not be effective for two years after it is passed in order that teachers can adapt themselves to the new conditions

CASS COUNTY MAN PARTS WITH CASH

Starts Out to See the Sights with a Accommodating Stranger.

PLATTSMOUTH, Neb., Feb. 17 .- (Special)-Fred Burton, who claims his hom near Plattsmouth, went to Council Bluffs a few days ago and upon his arrival there it is said, had exactly \$100 in his pocket Soon after his arrival there he formed the acquaintance of a stranger, who asked him all kinds of questions. The young man from Cass county became very confidential and informed the stranger that he had been saving his money for some time and that of the late legislature in making an he had come to that city to take a much appropriation for the purchase of statutes needed rest from his arduous duties on the to be compiled by J. E. Cobby and given to farm. The stranger became intensely in members of the legislature and state terested in Burton's story and at once volunteered to show the young man the town This being agreeable to the man from county, which held the law unconstitutional. | Cass county, the two started to see the sights. Several hours later, while they were visiting a saloon, the stranger excused himself for a moment, saying that he wished to step into a wine room. The minutes passed, and Burton waited, but his companion failed to return. About that time Burton made the discovery that his pocketbook and money were missing, and that he was among strangers in a strange city without any money. Later he reported the matter to the police officers, but thus far they have been unable to find the money or the man who stole it.

Falls City Good Roads Meeting.

FALLS CITY, Neb., Feb. 17 .- (Special.)-Although we had only four days' notice of Mr. King's coming, our good roads meeting today was one of the best of its kind ever held in our city. Hen. James Lichty was selected as chairman. In introducing D. Ward King the chairman remarked that he had made a visit to friends who lived near Maitland, Mo., and had there heard of his excellent method of working the roads. From information gained while on this visit he vouched for Mr. King and his

statements. subject of the address. Mr. King's plan is ably Congressman Burkett, in this lansimple, cheap (requiring no cash at all) and guage; calculated to arouse public sentiment on the road question. He was subjected to an avalanche of questions, all of which he answered to the apparent satisfaction of

his hearers. At the close some fifteen or more farmers indicated an intention to adopt his suggestions. A plan of co-operation was suggested by Mr. King and the merchants say if the farmers will make a proposition the town will meet it. Before leaving the courtroom Mayor Heacock began to arrange for the new plan to be used on our

A permanent organization was made John Huckings was elected president and Hugh Prichard secretary-treasurer.

Goes from Bad to Worse. Always true of constipation. It begins

many maladies, but Dr. King's New Life Pills cure or no pay, Only 25c. For sale

Shipping Out Cattle,

ROGERS, Neb., Feb. 17 .- (Special.)-Many cattle are being shipped from here nowadays. Last night six loads were billed out, all for South Omaha.

Men on the Car Platform Thankful for Swamp-Root.

Attacked by Diseases Due to Cold, Exposure and the Terrible Strain of Their Work, Motormen and Conductors Are Made Strong by This Wonderful Remedy.

The daily work of a motorman is enough to break down a constitution of steel. He must face cold and storm day and night. Cooped up on his narrow platform, he must stand while the bitter winds pierce him to the bone, no matter how heavy his clothing. Every minute he must be on the alert, and in the midst of suffering his judgment must be quick and sure, for an error may cost a human life. Tired and hungry after hours of work that keep his nerves tense as fiddlestrings, he sits in the corner of a car to devour a cold, hasty meal from a tin pail. These brave men are exposed to risks as great as those of the battlefield. Fortunately, when nature can stand the strain no longer, the railroad men know where to find new strength and energy. The statements printed below tell of wonderful cures by Swamp-Root, the great Kidney Remedy.

Swamp-Root Cured Me.

(TO A REPORTER.)

"Like magic fittingly describes the manner in which Swamp-Root cured me of poor digestion, coated tongue and lose of appetite, of many years standing. I tried nearly every medi-



I tried Swamp-Root on the advice of a friend. It did not require more than four bottles to set my stomach right, and for the past two months I have

1009 Nostrand Ave., Brooklyn

|Splendid Results Obtained by the | Lame Back Cured by Swamp-Root. | Weak Kidneys Cured by Swamp- | Heartily Recommends Swamp-Use of Swamp-Root.

(TO A REPORTER.)

1889 I fell a victim; since then, at the divers concoctions without relief. Hearchange of the seasons-Spring and ing and reading so much about the Fall-I suffered more or less severely merits of Swamp-Root, I thought I with fearful pains in my bones, accom- would give it a trial. Before finishing panied with a general exhaustion, sometimes so bad I would have to take to my bed. Last Fall I was threatened with the usual attack, and, hearing of the good results obtained through Swamp-Root, I bought a 50c bottle,



to do previously for years. Am stronger another, which cured me so effectually Swamp-Root." that I have had no pain or ache since Swamp-Root has my grateful and

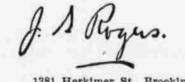


(TO A REPORTER.)

"For a long time I suffered with back-"During the epidemic of grippe in aches. I tried plasters, liniments and



the first bottle the kink in my back had nearly disappeared; this encouraged me to use it faithfully. Five bottles cured me entirely, and although it is over six months since my recovery been eating with a relish anything set which benefited me so greatly that, to I have had no pain or ache since. It one kidney remedy that cured me when gastric attacks. I take this means of before me, something I had been unable make assurance doubly sure, I bought certainly affords me pleasure to indorse all others utterly falled. I consider its showing my gratitude, and heartily



(TO A REPORTER.)

Outdoor workers of every kind escape dyspepsia, which no remedy seemed to grave dangers by tak, Swamp-Root. I first tried a small sized ing Swamp-Root at the first sign of kindey or bladder trouble. Don't wait until tomorrow.



effect on weak kidneys really wonderful and am pleased to indorse its merits.

Jus Farner Peter & Carroll

(TO A REPORTER.)

"Suffered a long time with gastric benefit, until I commenced taking bottle with such good results that I de-



termined to try more, and it cured me so effectually that, though it is now "In my case Swamp-Root was the there has been no return of the dread recommend Swamp-Root to all suffering

Why Swamp-Root Gives Strength.

Almost every one, from personal experience, knows that the effects of any kind of severe physical strain are felt, first of all, in the small of the back-in other words, in those Vital Organs, the Kidneys. This is astrue in the case of the very powerful man as it is with one of less strength, and it is especially true whenever the kidneys are weak. Weak and unhealthy kidneys are responsible for more sickness and suffering than any other disease, therefore when through neglect or other causes, kidney trouble is permitted to continue, fatal results are sure to follow.

SWAMP-ROOT STRENGTHENS THE KIDNEYS and through them helps all the other organs When this wonderful medical discovery can put the human body into condition to stand the hard work and the tremendous strain of the motormen, it is easy to understand how it has cured thousands upon thousands in the more ordinary and less strenuous walks of life.

No matter how many doctors you have tried-no matter how much money you have spent on other medicines-you really owe it to yourself and to your family to at least give Swamp-Root a trial. Its strongest friends today are those who had almost given up hope of ever becoming well again.

To Prove What Swamp-Root Will Do for YOU, a Sample Bottle Will Be Sent Free by Mail.

EDITORIAL NOTICE-Swamp-Root is the new discovery of the eminent kidney and bladder specialist, and is used in the leading hospitals, recommended by physicians in their private practice, and taken by doctors themselves, because they recognize in it the greatest and most successful remedy that has ever been dis-

So successful is Swamp-Root in promptly curing even the most distressing cases, that to prove its wonderful merits you may have a sample bottle and a book of valuable information, both sent absolutely free by mail. The book contains many of the thousands upon thousands of testimonial letters received from men and women cured. The value and success of Swamp-Root is so well known that our readers are advised to send for a sample bottle. In writing to Dr. Kilmer & Co., Binghamton, N. Y., be sure and say that you read this generous offer in The Omaha Daily Bee. The proprietors of this paper guarantee the genuineness of this

Don't make any mistake, but remember the name Swamp-Root, Dr. Kilmer's Swamp-Root, and the address, Binghamton, N. Y., on every bottle, for sale at all Drug Stores-Fifty Cents and One Dollar.

THOMPSON NOT A CANDIDATE

Fermally Announces He Has No Further Ambition to Be Senator.

LIKES HIS PLACE AS MINISTER TO BRAZIL

Indicates He Favors a Lincoln Man as Dietrich's Successor and This is Taken to Indicate

Burkett. (From a Staff Correspondent.) LINCOLN, Feb. 17.-(Special.)-D. E.

Thompson, minister to Brazil, is not a candidate for United States senator, and in his his paper, the Lincoln Star, this afternoon,

and prestige of the party in the state, and not wishing to even seemingly presume to dictate its choice, but having a pardonable pride in my home town and county, I wish to offer all the aid I can to the election of the most available man in Lincoln to this high office.

His statement follows: His statement follows:

A Bottle Free.

Drake's Palmetto Wine will restore the appetite, assist direction, stimulate the liver and kidneys and cure sick headache, cramps, nausea, dyspepsia, indigestion, billousness and constipated bowels. Any reader of this paper who is a sufferer can secure a trial bottle free. It will give you quick relief and a permanent cure, and cost you nothing. Write for it today to the Drake Formula Co., Drake Building, Chicago.

ALLENDERS ARE HELD FOR TRIAL

One of Girls Held by Them Belongs is Omaha and Other Nebraska City. SALIDA, Colo., Feb. 17 .- (Special Tele gram.)-S. M. Allender and his son Earl, "Making Roads Without Money" was the he comes out for a Lincoln man, presum- arrested for keeping two Nebraska girls for immeral purposes, were held for trial in the district court. The Ratekin girl's home Feeling a keen interest in the welfare is in Nebraska City and the Murphy girl's home is in Omaha.

> Allender Has Nebraska City Record. NEBRASKA CITY, Neb., Feb. 17 .- (Spe. cial.)-Rose Ratekin, who is mentioned in a dispatch from Salida, Colo., as having More than a year ago, while preparing to leave this country pursuant to assuming my duties in Brazil. I publicly announced that I was not a candidate for any office in my own mind, consulting my own personal feelings and wishes, the conclusion then formed was definite and certain. After my arrival in Brazil and experiencing the effects of the splendid climate of that country, my vision broadening to the vast possibilities for promoting the interests of our country there and elsewhere in the south, I felt persuaded that there was opportunity worthy any man's best thought and energy and a place which I

> > Thinks Bullis is Old Criminal. DAKOTA CITY, Neb., Feb. 17 .- (Special.) -Ex-Sheriff John F. Sides of this county is confident that Sam Bullis, who, with "Shorty" Gray, was arrested a few days since in Kansas City and is to be brought back to Lyons to face the charge of blowing up and robbing the Lyons bank safe, is

found congenial and in which I feit content.

I like my work, I like the country, and I like to contemplate the future growth or our country's interests in the far south. While in Brazil, every mail brought me letters advising and urging me to be a candidate for Uaited States senator, and sluce my return the importunities of friends throughout the state have been legisletic and positive—some from friends who have been legisletic and positive—some from friends who have been legisletic and was sentenced to eighteen months in the penitentiary, which sentence he served deeply grateful, and to these it seemed my duty to come and consult with, conceiving it to be both my pleasure and obligation to carefully consider their desires. While appreciating the proffered support of those interested in me, I cannot recede from my previously announced conclusion that I will not again stand as a senatorial candidate.

For the growth of the country, and I like to contemplate the future growth or cacker. Butler, with George Cook, was a furtient in this country in 1889, charged with the cocasion. It is estimated that fully 700 coast at the Phelan or cacker in the Clizens bank of the crowded condition of the house. The former I owe much and feel date of the crowded condition of the house. The family of Bert Stewart, living seven miles west of here, has the smallpox and the members were quarantined Saturday by Judging from the enthusiastic applause of the audience, the selections were well received.

For the family of Rush Hopkins of the same legisloth of the house. The family of Rush Hopkins of the same legisloth of the country is selected in the cocasion. It is estimated that fully 700 counts in the previous and at least 100 more found it is estimated that fully 700 the country is selected in the cocasion. It is estimated that fully 700 the country is sent to the country for the country is estimated that fully 70

BEATRICE, Neb., Feb. 17 .- (Special.)was filed in district court yesterday by J. Alfred Johnson, who alleges that his two children, Beulah and Effic Johnson, are instead of killing the horse the inlawfully restrained by their grandmother, Mrs. Laura Terry, who resides near Today Mr. Riggert replevined the faithful Pickrell, this county. The order was granted by the court and Mrs. Terry, accompanied by the children, was brought here last night by the sheriff and will be given an opportunity to explain her actions

Engineers Give Entertainment. ALLIANCE, Neb., Feb. 17 -- (Special.)-The Brotherhood of Locomotive Engineers of the Wyoming division gave their first social function at this place, being an entertainment, followed by a bail. An or-

Good Cooking at home-not dear cooking-but economical and appetizing cooking is made possible in every kitchen by using a little LIEBIG

Extract of Beef

his possession for upwards of twenty-five years and was between 35 and 40 years old For three years the old fellow has done nothing but stand in the stable and eat hay. man him animal and hired another man to kill him. who did the job at once. A lot of itinerate horse trading toughs are hanging out around here this winter with such kind of

Police Unable to Catch Thieves. NEBRASKA CITY, Nob., Feb., 17,-(Spe. cial.)-The local police force so far has been unable to locate the thieves that are continually robbing cellars and freight cars | pledges. in this city. Officers searched the premises of a man living in the north part of town whom they suspicioned on account of his not being regularly employed. The man made no protest to the search and the officers were unable to locate any stolen article. The people here have begun to censure the police force for not being able to capture the thieves and a private subscription will be taken up to engage the services of a detective to locate them.

Held for Horse Stealing. BEATRICE, Neb., Feb. 17 .- (Special Telegram.)-George Gray was given his preliminary hearing in the county court today on a charge of stealing a team of horses from William McCullough of Blue Springs. He was bound over to awaii the next term

erection of a one-story brick store room 25x140 feet on Main street here. Work will commence about March 15 and when completed will be occupied by Charlie Carper

Smallpox Quits at Shelby. SHELBY, Neb., Feb. 17 .- (Special.)-The smallpox quarantine at the Shelby hotel was raised February 15. Charles DeVant, the proprietor, was the only one that had the disease, but six other persons stayed at the hotel all the time he was sick.

people of Shelby feel thankful that the disease did not spread. Adler's auction sale of unredeemed

S. E. Cor. 12th and Farnam Sts. Full Costs a Life.

ert McClaren, who arrived from Ireland only a few months ago, lost his life by falling from a load of hay. He was working for John Costello and was 22 years of

ROGERS, Neb., Feb. 17 .- (Special.) -- Rob-

Headache Cured

and prevented by Dr. Miles' Anti-Pata Pills, unequaled for neuralgia, tooth-ache, backache etc. No opiates. Non-laxative. Never sold in bulk. Send for free book on the cure of headache. 25 doses 25 cents. Sold and guaranteed by all drug-gists.

of the district court in bonds of \$700, in DR. MILES MEDICAL CO., Elkhart, Ind.,