

BANKERS UNION NOW FREE

Court Dissolves Injunction and Discharges the Receiver

COMPLIES WITH RECENT ORDER OF COURT

Expert Completes the Examination of Accounts of Former Adjutant General Colby and Files His Report.

(From a Staff Correspondent.)

LINCOLN, June 6.—(Special.)—The injunction operating against the Bankers Union of the World was dissolved by the supreme court this afternoon and the receiver dismissed. Judge Field, attorney for the company, having this morning filed with the court the bills of the order changed to conform to the decision and order of the court in the case. The costs were allowed as follows: Robert Ryan, referee, \$60; John Power, receiver, \$50; Minor Bacon, stenographer, \$20. The report has been previously filed with the insurance department, but the license was not forthcoming for the reason that Deputy Pierce and Auditor Weston were not sure about some of the points that had been in controversy, and they desired to have the court interpret the opinion. The report failed to show that President Spiny had turned back into the order the money he is alleged to have taken out of it in fees, not in conformity with the decision of the court, and the auditor was also uncertain about the members who had been taken in by the corporation. Under the order, the report is limited without a medical examination. The report showed also that the order had 12,000 members when at the meeting recently held in Omaha it was brought out that there were only 6,000 members. The court held, however, that the report complied with the order handed down some time ago. President Spiny also filed with the insurance department a release of all claims against the company by him except the salary voted to him by the Board of Directors.

Compliments General Colby.

Examiner Wiggins has completed his examination of the books of the late Adjutant General Colby and a portion of the report has been filed with the court. This part of the report showed that the vouchers for \$600 or \$500 could be located, but these were later destroyed in the office of General Colby, so far as the governor. For the reason that the full report has not yet been filed with him and because the matter has not yet been talked over with General Colby the governor believed it would be unfair to make it public property at this time. It is said the report will be completed by General Colby for starting the practice, keeping books in the adjutant's office, and will at the same time condemn the practice now in vogue and that has been the vogue for years, of the adjutant drawing out in a lump sum the money appropriated to pay armory rent. This money is drawn by the adjutant each quarter in one payment and is then distributed by the adjutant to the various companies. During the last year General Colby has drawn out \$4,000 in this way, out of an appropriation of \$8,000 for the armory.

Pass Over Saloon Question.

The ministerial association this morning passed lightly over the question of closing all of the saloons all of the time after the next spring election and adopted resolutions commending the Burlington railroad for being a corporation with heart, because this organization refused to run special excursion trains on Sunday. The resolutions were introduced by the Rev. George M. Dates, pastor of the Emanuel Methodist church, and were passed with a whoop following which several of the ministers commended the great corporation for its recognition of the Sabbath and not one of them gave any other reason for the adoption of the resolutions except that the officials had refused to run the Sunday specials, though they say it that the churches had agreed to send the railroads a copy of their work.

Mother After Children.

Mrs. Freda McCure, at one time Mrs. Gross of this city, is in Judge Holmes' court after having traveled all the way from California, trying to secure possession of her two children. She and Gross were divorced some years ago and the mother was given possession of the children and with them she went to California. Later, so she claimed, Gross came to her home in California and after vainly trying to get her to again live with him, kidnaped the children and brought them to Lincoln. Each claimed the other was not a fit person to care for the little ones.

Permits for Soldiers.

National Guard organizations from other states may pass through Nebraska with impunity and guns, but without ammunition from June 1 to November 30, because Adjutant General Culver has issued an order to that effect. The order was necessary for the reason that the troops of one state have no right to go through another without permission. The without ammunition clause was put in because the governor and adjutant general have refused Nebraska shot full of holes from car windows occupied by hilarious soldiers bound to and from the St. Louis exposition.

Game Wardens Busy.

The office of the game warden did a land office business Saturday and three courts were grinding on cases started by Warden Carter and his deputies. Carter and O'Brien were doing business at Plattsmouth after having made the trip down the river from South Bend in a boat, leaving a trail of ashes in their wake, the remains of thirty-one ducks. Deputy Hunter was at Crest and Deputy Smith was at Scribner. The men arrested on the river were J. E. Cockrill, Fred Whitley, Ross Whitney, Frank Whitney, Kirt Laing, A. Childers, William Childers and William Wagner. A. Childers and Wagner were taken into Plattsmouth and each fined \$10 and costs. The cases against the others will come up later. The thirty-one nets were gathered up along the river together with a half barrel of tar. The whole mess was put in a pile, the tar poured on and then set fire.

Meyer Dismisses Case.

The young man named Meyer, a member of the Fontaine club of Omaha, and one of the fifty-seven delegates from Douglas county to the state convention, this morning dismissed his suit for \$40 against H. M. Eaton, republican nominee for land commissioner, which he filed the day before the state convention. Through a Lincoln attorney he notified Justice Risser that he was willing to pay the costs in the case and to let it go at that.

Executive Committee of the State Prison Association met this afternoon and discussed informally the visits made to the various county jails. No reports were made and only a few of the members were present. The Board of Directors will meet tomorrow night and listen to committee reports.

BANNER COUNTY MEN USE GUNS

Edward Sharp Seriously Injured by E. C. Lewis.

KIMBALL, Neb., June 6.—(Special Telegram.)—Edward Sharp was shot and perhaps fatally wounded by E. C. Lewis, just over the line in Banner county, yesterday. Lewis, who is a married man, has been in Wyoming for several weeks and on his return heard that Sharp had been paying attention to his wife. Yesterday he borrowed a gun and horse and started for Sharp's home in Banner county. It seems that Lewis met Sharp and Mrs. Lewis on the road and the shooting commenced at once. Lewis' first shot going through Sharp's back, lodging near the breast bone after a long flight of 150 yards.

AS SOON AS THE TRAIN HAD ENTERED IT

Omaha station Howe made a rush out of the car, nearly knocking a switchman down, did the rapid sprint for the police station and was there in a few minutes. He told the police station officials that he had been relieved of his wealth in some strange house and had jumped from the porch in getting away from the robbers.

BACK TO THE CIRCUIT COURT

Case Against Pacific Express Company Remanded by Federal Court of Appeals.

A mandate has been handed down from the United States circuit court of appeal in the case of The United States, ex re Henry L. Haupt, for and on behalf of the Montana Loan and Investment company against the Pacific Express company. The case is thereby remanded to the circuit court.

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To Get Rid of a Troublesome Corn.

First soak it in warm water to soften it, then use the corn plaster.

NEW WORLD'S FAIR TRAINS

Leave Omaha 7:45 a. m., Council Bluffs, 8:30 a. m., St. Louis Union station 7:51 p. m., Omaha 8:30 p. m., Council Bluffs 6:45 p. m., daily, arriving World's fair station 7:30 a. m., St. Louis Union station 7:30 a. m.

Return, leave St. Louis Union station 7:30 a. m., World's fair station 9:15 a. m., Omaha 10:30 a. m., Council Bluffs 9:15 a. m., daily.

Editors at O'Neill.

O'NEILL, Neb., June 6.—(Special.)—The Elkhorn Valley Editorial association held a successful meeting here Saturday, the occasion being their eighth annual meeting.

GREELY, June 6.—Charles Jones, the young man who was placed in jail here, accused of being implicated in the Spaulding robbery, broke jail last night and was captured about 10 o'clock in the morning. He took up the floor in the corner of the jail and tunneled under the wall, coming out just about dark.

GRAND ISLAND, June 6.—The Grand Island college closes another successful year this week. The commencement exercises beginning last evening with a baccalaureate sermon by Rev. Dr. Jordan of Fremont. The exercises were held at the Bantorch opera house, which was completely filled.

PLATTSBOROUGH, June 6.—The Carter, deputy fish commissioner, caused the arrest of A. Childers and William Wagner on the charge of illegal fishing in the Platte river. Before County Judge H. E. Travis the jury returned a verdict to the charge and was by the court fined \$10 and costs. Wagner was tried, convicted and fined \$10 and costs.

TECUMSEH, June 6.—The Johnson County Teachers' institute is now in session in this city. The morning the principal of the instructors are Miss Lizzie Haas of Boone, Ia. Dr. G. E. Condra of the University of Nebraska and Dr. C. H. Anderson of the Tecumseh schools. Many teachers have come to Omaha to attend and registered and they will continue to come today and tomorrow.

FREMONT, June 6.—The Ancient Order of United Workmen and Modern Woodmen lodge observed yesterday as Memorial Sunday, the morning they attended services at the Christian church. The sermon, by Rev. F. E. James, was on the relation of the church to the world and the spiritual services were held in the afternoon at the cemetery and were largely attended by both orders.

FREMONT, June 6.—Joseph Greeson, who was acquitted of the charge of burglary last term of the district court, was arrested Saturday at Valley by Sheriff Bauman on a charge of petty larceny. He was found in possession of some harness and a saddle from E. L. Willcomb of Elkhorn, valued at \$5. The property was found in the cellar of the Miller's cellar, and Miller claimed that he bought them from Greeson for \$2.

HEBON, June 6.—Hibdon is making great preparation for the big celebration in our county history. Hon. E. J. Burket has been named as the speaker of the day. Music will be furnished by three bands. The celebration will be a grand one and will make the day glorious. About \$1,000 has been subscribed for music, amusements, races and other things. The service will be arranged for. Will be glad to communicate with anyone having street addresses.

GRAND ISLAND, June 6.—The annual report of the librarian of the public library shows a circulation of an average of ninety books per day, or over 30,000 for the year. The library has nearly 3,000 books, and the building is occupied and incidental expenses in connection therewith are out of the way. To increase the number to 10,000. The new building, the money for which was donated by Mr. Carnegie, will be under course of construction for nearly two years.

HEBON, June 6.—The annual commencement exercises were held in the opera house Saturday, and about five graduates, each of whom delivered a paper. William K. Fowler, state superintendent, presented the diploma, and gave the address. The honor graduate and valedictorian of

of the plant. Private parties are talking of putting in a new plant.

FATAL AFFRAY NEAR WYMORE

Two Laborers at Stone Quarries Assault Fellow Workman.

WYMORE, Neb., June 6.—(Special Telegram.)—An affray at a boarding house in the stone quarries near this city promises to be fatal to one of the participants. Those engaged were all of them Bohemians. Brehm and Fraska were intoxicated and in this condition went to the boarding house, where secretary assault M. Hannon, another named Blaska, using a hammer and knives. Aside from being seriously beaten Blaska is stabbed in several places with knives. It is not thought possible he can recover. After committing the assault Brehm and Fraska fled, taking M. Hannon with them. Officers from Wymore were summoned and arrested the two, who are now confined in the Wymore jail.

Senatorial Aspirations.

MOOREFIELD, Neb., June 6.—(Special.)—A. Wiley, of this place, has announced himself as a candidate for senator on the republican ticket from the Twenty-ninth senatorial district. He aspires to succeed Hon. D. S. Hasty, and his friends claim that he could carry the county of Frontier and two or three other counties.

INDIANOLA, Neb., June 6.—(Special.)—Harlow W. Keyes of this city would like to succeed Hon. D. S. Hasty as state senator from the Twenty-ninth senatorial district.

Extending Telephone Lines.

AINSWORTH, Neb., June 6.—(Special Telegram.)—The Keya Paha and Brown County Telephone company, with their offices in this city, held their annual meeting today and voted to run a double wire to connecting points to be commenced at once. William Stonicker was elected president; William Davison, vice president; F. A. Baldwin, treasurer, and W. H. Williams, secretary. M. H. Galloway, S. S. and F. L. Brewster were chosen as a board of directors.

News of Nebraska.

SEWARD, June 6.—The every farm house in the county of Seward is having some addition built.

AMBRIDGE, June 6.—Moisture to the amount of 1.8 inches has fallen in this vicinity during the last few days.

CAMBRIDGE, June 6.—The Cole, manager of the electric light plant, is building a neat cottage near the power house.

SEWARD, June 6.—A county convention of Sunday school workers will be held at Seward this week. An interesting program is in preparation.

HUMBOLDT, June 6.—The annual children's day exercises were held at the Christian church in this city yesterday morning and a pleasing literary and musical program was listened to by a large crowd.

PLATTSBOROUGH, June 6.—The county of Lincoln has brought suit in the district court here to collect from Edward A. Oliver and wife of Rockwell, a sum of \$1,000, claimed to be due on a promissory note.

O'NEILL, June 6.—The local lodge of Knights of Columbus held initiating exercises here yesterday at which several new members were made and the mysteries of the order. Twenty or more visitors attended the exercises.

FREMONT, June 6.—The record of his preliminary examination today on the charge of stealing a horse from James Calligan and in the case of M. Hannon, a bartender, who has been advised by the military authorities to leave San Miguel county, have retained Congressman H. M. Hogg as counsel and acting under a retainer of \$100, to remain here until forced to leave. The following telegram has been sent to President Roosevelt at Washington, to which no reply has yet been received:

Has been ordered to leave our homes immediately necessary. We demand protection under the constitutional rights of citizens of the United States, demand your protection under the constitutional rights of our powerless. The governor will not protect us.

O. A. FLOATEN, M. J. SULLIVAN.

IDAHO DEMOCRATS FOR HEARST

State Convention is in Session, with Hearst as Choice of Majority.

WEISER, Idaho, June 6.—The democratic state convention to select six delegates to the national convention met here today. At a caucus of Hearst delegates J. V. Ballantine of Blaine, was selected for permanent chairman. It is considered that the delegates to the national convention will be instructed to vote for Hearst so long as in their judgment he has a chance of nomination.

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For Iowa: Fair and warmer Tuesday; Wednesday, partly cloudy.

For North Dakota: Partly cloudy Tuesday; probably showers and cooler in north-west portion; warmer in eastern portion; Wednesday, fair.

For Colorado: Partly cloudy and cooler Tuesday; probably showers at night; Wednesday, fair.

For Wyoming: Partly cloudy and cooler Tuesday; showers in west portion and at night in east portion; Wednesday, fair.

For Montana: Showers Tuesday; cooler in southeast portion; Wednesday, fair.

For South Dakota: Fair Tuesday and warmer in east portion; Wednesday, showers and cooler.

For Missouri: Fair and warmer Tuesday; Wednesday, partly cloudy; probably showers and cooler in west and south portions.

Local Record.

OFFICE OF THE WEATHER BUREAU, OMAHA, Neb., June 6.—The following maximum and minimum temperatures for the corresponding day of the last three years:

Maximum temperature... 75 72 73 73
Minimum temperature... 51 57 52 51
Normal temperature... 63 64 64 64
Precipitation... 0.00 0.00 1.00 0.00
Record of temperature and precipitation for the corresponding day of the last three years:

Normal temperature... 63 64 64 64
Deficiency for the day... 4
Deficiency for the month... 18
Normal precipitation... 1.8 inch
Excess since March 1... .57 inch
Total precip. since March 1... 11.01 inches
Excess since March 1... .57 inch
Deficiency for cor. period, 1903... 3.66 inches

Reports from Stations at 7 P. M.

Condition of the Weather

Omaha, clear... 75 80 00
Valley, clear... 72 80 00
North Platte, clear... 72 80 00
Cheyenne, clear... 72 80 00
Salt Lake City... 72 80 00
Rapid City, clear... 72 80 00
Huron, clear... 68 80 00
Chicago, clear... 64 64 01
St. Louis, partly cloudy... 68 74 00
Denver, partly cloudy... 68 74 00
Kansas City, clear... 74 78 00
Healy, clear... 74 78 00
Helena, cloudy... 62 78 04
Bismarck, clear... 62 78 04
Saltwater, cloudy... 60 84 00

the class was Beulah Grimes, to whom was awarded the Nebraska collegiate scholarship. The splendid address of Mr. Fowler was frequently applauded. At the close of the exercises the annual alumni banquet was held.

MONEY FOR WESTERN POSTS

Fortis Meade, Russell and Des Moines Comes in for Liberal Share.

CROOK ALSO GETS A SMALL ALLOWANCE

Number of Nebraska Postmasters Get an Increase in Salary Under the Annual Readjustment by Department.

(From a Staff Correspondent.)

WASHINGTON, June 6.—(Special Telegram.)—Secretary Taft today approved the recommendations of the general staff as to the amounts which shall be expended at various army posts of the country under the post quarter act for the purpose of improving forts and army posts. It has been definitely decided that \$17,000 shall be expended at Fort Meade, S. D., for the construction of the following improvements: Two sets of field officers' quarters, four sets of line officers' quarters, two sets of non-commissioned officers' quarters and one double barracks.

At Fort Robinson \$12,000 is to be allowed for the construction of an administration building.

At Fort Crook \$14,500 is allotted to be expended in the erection of one double set of quarters for non-commissioned officers, two sets of quarters for civilian employes and to enlarge the stables of the quartermaster.

Fort D. A. Russell, Wyo., will be allotted \$28,000 to be expended in erecting new buildings as follows: Two double barracks, one set of field officers' quarters, two double sets of civilian quarters, one double set of lieutenants' quarters, one set of eight bachelor officers' quarters, four cavalry stables, two double stable guard buildings, two double blacksmith shops and for the enlargement of the guard house.

Fort Des Moines receives \$80,000 for the following barracks and other buildings: quarters to accommodate a squadron of cavalry, quarters for engineer of pumping plant and electrical engineer and wagon shed.

Personal Mention.

Charles S. Ashton, publisher of the Northern Nebraska Journal at Poncha, with his wife, is in Washington. This morning Congressman McCarthy presented Mr. and Mrs. Ashton to the president.

George Roberts, director of the mint, leaves Wednesday for a three months' visit to Alaska, sailing from Seattle on July 2.

William E. Farnham, special agent at Poncha, will spend some little time in St. Louis and Chicago before leaving on his journey.

Postal Matters.

Anna S. Sits has been appointed postmaster at Pool Siding, Buffalo county, Nebraska, vice W. Z. Tilson, resigned, and William E. Farnham, resigning, Guthrie county, Iowa, vice D. A. Clark, resigned.

Rural carriers appointed: Nebraska—Ashton, regular, Henry W. Ojendyke, substitute, W. C. Duncker, Burchard, regular, James C. Bedam, jr., substitute, James C. Bedam, jr., substitute, William K. McCreary, substitute, M. J. Sullivan, secretary of the local mailers' union, and Tony Rolla, a bartender, who has been advised by the military authorities to leave San Miguel county, have retained Congressman H. M. Hogg as counsel and acting under a retainer of \$100, to remain here until forced to leave. The following telegram has been sent to President Roosevelt at Washington, to which no reply has yet been received:

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Chicago, clear... 64 64 01
St. Louis, partly cloudy... 68 74 00
Denver, partly cloudy... 68 74 00
Kansas City, clear... 74 78 00
Healy, clear... 74 78 00
Helena, cloudy... 62 78 04
Bismarck, clear... 62 78 04
Saltwater, cloudy... 60 84 00

COURT UPHOLDS THE GOVERNOR

Colorado's Chief Executive Withstands His Legal Rights in Declaring Martial Law.

DENVER, June 6.—The state supreme court today refused the application for a writ of habeas corpus for Charles H. Moyer, president of the Western Federation of Miners, who is held as a military prisoner at Telluride by order of Governor James H. Hunt.

The governor's action in declaring martial law in San Miguel county, imprisoning Moyer and other union men on the ground that they had incited insurrection and rebellion, suspending the writ of habeas corpus and ignoring the authority of the courts as seems necessary to him in maintaining law and order is sustained. Chief Justice Gabbert and Justice Campbell concurred in the decision. Justice Steele dissented.

The opinion of the court was given by Chief Justice Gabbert. Its main points are as follows:

The governor has sole power to determine when a state of insurrection exists in any county in the state. The courts have no power to interfere with the exercise of this prerogative. The governor has the right to use the militia force of the state to suppress insurrection. He also has the power to order the imprisonment and the killing of insurrectionists if in his opinion that is necessary. He can detain militia in force until he decides the insurrection is quelled.

The courts of the state have no right to interfere with the military and their handling of prisoners. They have no power to attempt to discharge military prisoners. The contention of the applicant that the military prisoners should be turned over to the civil authorities is characterized by the court as absurd.

The question which the court was asked to decide was of such vast importance to the state that seven prominent lawyers were asked as advisory counsel to submit opinions. Charles Hughes, one of these, it is understood did not send in any opinion. The other six split evenly. Those who sustained the position of the governor were O'Neill, E. P. Feltus, H. C. H. H. A. C. Field, former Governor Charles S. Thomas, Leroy Stevick and Harvey Riddle, dissented from the opinion of the court.

TELLURIDE, Colo., June 6.—O. A. Floten, one of the proprietors of the Peoria, Colo. store, M. J. Sullivan, secretary of the local mailers' union, and Tony Rolla, a bartender, who has been advised by the military authorities to leave San Miguel county, have retained Congressman H. M. Hogg as counsel and acting under a retainer of \$100, to remain here until forced to leave. The following telegram has been sent to President Roosevelt at Washington, to which no reply has yet been received:

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