

TEST ON FRATERNAL TAXES

Highlanders Appeal from the Decision of the District Court.

BATTLESHIP NEBRASKA IS DELAYED

Builders Unable to Say When It Will Be Completed, as Government is Slow Providing it with Ordnance.

(From a Staff Correspondent.)

LINCOLN, March 28.—(Special).—A brief was filed this afternoon in behalf of the Highlanders against the taxation of their reserve fund. The lower court of Hamilton county decided against the order. The order claims exemption from taxation on the following grounds:

- 1. The entire property sought to be here taxed is used exclusively for charitable purposes.
2. The legislative and executive departments continuously and without question for thirty years since the adoption of our constitution, and under the identical statute now in force, have construed the statute and statute to exempt from taxation the property of fraternal beneficiary associations exclusively for the purposes of said association, and such construction and exposition is conclusively binding both upon the state and the courts.

The question here presented to the court is a new one. Never, so far as we are able to ascertain, has any state prior to the year 1896 made any attempt to tax the ordinary funds of a fraternal beneficiary association. Nebraska enjoys the unique distinction of being the pioneer in this movement. No other state has thus far seen fit to follow its lead.

On the other hand, the courts have proceeded on the rational theory that the provision made for these societies is the best possible protection for the dependent—provident safeguard against a day of certain disaster; that it is the greatest aid to the state yet devised to reduce to a minimum poverty, dependence and crime, and for these reasons merits and should receive all possible encouragement from the state.

Nebraska Waits on Ordnance

Governor Mickey this morning received a letter from Moran Brothers, builders of the battleship Nebraska, stating the contractors could not tell when the ship would be ready for commission. The governor some time ago wrote to the firm asking when the ship would be ready for commission and the letter received this morning was in reply to that. The reason no date can be fixed, the letter stated, was because the government has to furnish the ordnance material, and there is no telling when this will be ready for the vessel.

Based on the amount of money invested the last three months have been the best for the state treasury in the history of the state. During that time Treasurer Morrison has listed \$700,000 against \$22,000 in arrears for the same period last year. Today \$50,000 in warrants was taken up by the treasurer. Under the provisions of the Sheldon bill enacted into law by the late legislature there has been collected \$115,000, and this sum represents a portion of the big investment in this enormous amount of money invested, which seems to indicate a large amount of prosperity, the state debt still hovers around the \$2,000,000 mark, with little indication of any material reduction during the year.

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Pollock Confers with Friends. Congressman Pollock is still in Lincoln and during the day he conferred with a number of politicians and business men relative to his candidacy. Since it became known that he was going to have opposed by Mr. Pollock said he had received many letters from over the district and even from Lancaster county, assuring him of support and asserting that he would be given a second term.

Chairman Tregarden left for his home this morning and will return to attend the committee meeting a week from Friday night. It has not been decided whether a primary will be called but many of Pollock's friends are urging him to this course.

Agriculture in Junior Normal.

Agriculture will be taught in the junior normal schools of the state this summer and the instructors will be supplied from the Agricultural college at the expense of the university. This suggestion came from Prof. A. E. Davison, principal of the college, in a letter to Superintendent McBrien. At a meeting held recently this letter was discussed by Charles A. Andrews, Prof. Davison, S. H. Thompson, Holdrege, Superintendent McBrien, Deputy Superintendent Bishop and G. H. Thomas of McCook, and the suggestions made in the letter were adopted.

Clearing House Organized.

Representatives of the Lincoln banks, except the Farmers and Merchants met at the Lincoln hotel last evening and organized a clearing house.

THE VALUE OF CHARCOAL.

Few People Know How Useful It is in Preserving Health and Beauty. Nearly everybody knows that charcoal is the safest and most efficient disinfectant and purifier in nature, but few realize its value taken into the human system for the same cleansing purpose.

Charcoal is a remedy that the more you take of it the better; it is not a drug at all, but simply absorbs the gases and impurities always present in the stomach and intestines and carries them out of the system. Charcoal sweetens the breath after smoking, drinking or after eating onions and other odorous vegetables. Charcoal effectively cleans and improves the complexion, it whitens the teeth and further acts as a natural and eminently safe cathartic.

It absorbs injurious gases which collect in the stomach and bowels; it disinfects the mouth and throat from the poison of catarrh. All druggists sell charcoal in one form or another, but probably the best charcoal and the most for the money is in the form of Charcoal Lozenges; they are composed of the finest powdered Willow charcoal, and other harmless antiseptics in tablet form or rather in the form of large, pleasant-tasting lozenges, the charcoal being mixed with honey.

The daily use of these lozenges will soon tell in a much improved condition of the general health, better complexion, sweeter mouth and purer blood, and the beauty of it, that no possible harm can result from their continued use, but on the contrary, a great benefit.

A Buffalo physician in speaking of the benefits of charcoal says: "I advise Stuart's Charcoal Lozenges to all patients suffering from gas in stomach and bowels, and to clear the complexion and purify the breath, mouth and throat; I also believe the liver is greatly benefited by the daily use of them; they cure flatulence, gas, indigestion, and although in some cases a patient preparation, yet I believe I get more and better charcoal in Stuart's Charcoal Lozenges than in any of the ordinary charcoal tablets."

Headaches Stopped. By the Quick Cure—The Safe Cure—BROM-LAX. Contains no Quinine. Be Sure to Get the Right Kind. In the Atlantic and Pacific.

Important Selling Agreement

Between Two Leading Safe Concerns.

New York, March 28.—An announcement of great importance to the general public has just been made by representatives of the Herring-Hall-Marvin Safe Company of New York, and the Manganese Steel-Safe Company, of Plainfield, New Jersey, respectively the largest and most important of the makers of standard fire-proof safes, and the best known of the manufacturers of standard burglar-proof safes.

The Herring-Hall-Marvin Safe Company has endorsed and arranged to sell to its customers the Manganese Steel Burglar-proof safe manufactured by the Manganese Steel-Safe Company, while the latter company recommends and will sell the standard fire-proof safes manufactured by the Herring-Hall-Marvin Safe Company.

Both companies will continue to market their respective fire and burglar-proof bank vaults. The importance of the announcement lies in the fact that these two companies have, without any formal union or consolidation, agreed to unite in a selling policy which will enable each company to offer its customers a complete line of both fire and burglar-proof safes of the highest quality and fire-proof safes, and the best known of the manufacturers of standard burglar-proof safes.

The Herring-Hall-Marvin Safe Company is the manufacturer of the celebrated Marvin and Hall fire-proof safes, which for over sixty years have been recognized as the standard fire-proof safes of the world. The Manganese Steel-Safe Company manufactures solid burglar-proof safes, utilizing for this purpose the specially treated metal known as "Tico" Manganese Steel. As the name implies, this metal is the product of the Taylor Iron & Steel Company, of High Bridge, N. J., the well-known maker of high-grade steels, and the company which discovered and patented the process of treatment by which Manganese Steel was made more than a scientific curiosity, and given commercial value.

Organized the Lincoln Clearing House association, W. E. Barkley being elected manager. The Farmers and Merchants bank has indicated that it will be a member of the association, although unrepresented at the meeting last night.

STRANGER IS KILLED BY TRAIN

John Hanley, Asleep Near Track, Meets Death in Night.

LEXINGTON, March 28.—(Special Telegram).—A man whose name is given as John Hanley, was instantly killed three miles west of this city last night, by train No. 5. The man, with two companions, had been walking on the track and becoming sleepy, all three laid down and fell asleep. Hanley's head being close to the rails, was struck and broken. The train sped on, the crew being apparently unconscious of its deadly work.

The two companions of Hanley were aroused by the accident, came to this city and reported the affair. The local train this morning brought the body in and a coroner's inquest was held. The verdict pronounced by the jury was that the man died of a heart attack. The man was found in the man's pocket, indicating that he was a laborer, who had been at work. Efforts are being made to locate relatives, as the man is a stranger here and his companions know little about him.

Deck Hunter Injured.

AUBURN, Neb., March 28.—(Special).—Henry Eggelback, living near Brock, met with a serious accident yesterday evening while out hunting ducks. He was aboard a No. 8 shot gun, one of the shells being a heavier loaded than common. When he fired it exploded, blowing the stock of the gun completely off, breaking Mr. Eggelback's right arm in two places and left a bad flesh wound.

Agent Found to Be Short.

BEATRICE, Neb., March 28.—(Special Telegram).—Joseph Schuck, district agent for the National Benevolent society, has turned up missing at this place, and since his departure he has been found short in his accounts by State Organizer McCluskey, who is here checking up on the company office. The head offices of the company are located at Kansas City.

News of Nebraska.

YORK.—Mrs. Caroline Matilda Swart, mother of Mrs. Van Frock, died after an illness of nine days.

BEATRICE.—Albert Penner, a farmer living west of York, was injured by falling from a windmill tower, a distance of twenty feet.

BEATRICE.—The annual meeting of the Southeastern Nebraska Educational association will be held here next week, April 1 to 6. About 500 teachers will be in attendance.

BEATRICE.—Pawnee City has withdrawn from the inter-city debate to be held here during the annual meeting of the Southeastern Nebraska Educational association, and Auburn has taken Pawnee City's place.

AUBURN.—Word reached this city last evening that a slight wreck had occurred near the crossing of the Burlington and Great Northern tracks. It took several hours to get them on the track and started on their way again. No one was injured.

Roller Skating Again.

In response to urgent requests from hundreds of the young men and women who enjoy roller skating Manager Gillan has decided to continue the roller skating season for the balance of this week at least. The rink will be open both afternoon and evening the next three days, and possibly show until the opening of the Automobile race on April 4. The roller skating race will be put on each evening, Thursday afternoon will be ladies' day and all ladies will be admitted free. Friday night Hockey Hockey will go against William Matherly in a mile heat for the championship of Omaha.

FORECAST OF THE WEATHER

Fair Today and Tomorrow in Nebraska, Iowa, South Dakota and Wyoming.

WASHINGTON, March 28.—Forecast of the weather for Thursday and Friday: For Nebraska, Iowa, Missouri, Kansas, South Dakota, Colorado, Wyoming and Montana—Fair Thursday and Friday.

OFFICE OF THE WEATHER BUREAU, OMAHA, MARCH 28.—Official record of temperature, precipitation, wind, and other data for the corresponding day of the last five years:

Table with columns for Year, Maximum temperature, Minimum temperature, Mean temperature, Precipitation, and Wind velocity. Data for 1906, 1905, 1904, 1903, 1902.

Reports from Stations at 7 P. M.

Table with columns for Station and State, Temperature, and Wind. Data for various stations including Omaha, Lincoln, and other Nebraska cities.

for Bell telephones in the offices of the city clerk, police judge, water works station and the west side home house for the coming year at \$1.25 per month. A warrant for \$200 was ordered drawn in favor of the city treasurer on the Maslich judgment, fund, and the judges and clerks for the coming spring municipal elections were appointed.

BEATRICE.—O. F. Eaton, who has been commercial agent for the Rock Island road in this city for many years, has tendered his resignation, to take effect April 1. He has accepted the position of agent at this point for the United States Express company, which will open an office in the Rock Island block on North Sixth street the first of the month.

BEATRICE.—At a meeting of the Northwestern Business college students last night, A. H. Hollingworth, who has been captain and instructor of the organization ever since it was perfected, tendered his resignation, and as a token of his valuable services as such officer the company presented Mr. Hollingworth with a beautiful watch, fob and scarf pin.

OAKLAND.—Gust Anderson, an old resident of this city, who had been unconscious for over a week, Mr. Anderson has been ordered drawn in favor of the Farmers' Grain and Live Stock company for the last twenty years. He is survived by a wife and four grown children. The funeral will take place Friday afternoon from the Lutheran church.

TEKAMAH.—Mrs. Molly Smith, wife of Julius C. Smith, died at her home in this city very suddenly at 3 o'clock this morning. Mrs. Smith attended Eastern Star chapter last night, returning home about 10:30. Shortly after she complained of a pain in her head and the doctor was called, who pronounced it paralysis. The deceased leaves a husband and two sons, Waldo A. and Roy J. Smith.

PLATTSMOUTH.—Mrs. M. L. White passed quietly away at her home in this city today after a lingering illness. Her maiden name was Roba Pierce. She was born in Vermont and came to Nebraska with her husband in about the year 1852 and celebrated her 54th birthday anniversary last Friday. Her husband died several years ago, but no children survive them. For a number of years they resided in Omaha. Rev. J. E. Hougate will conduct the funeral services at the Methodist Episcopal church Thursday afternoon at 2 o'clock.

BEATRICE.—The fusionists have withdrawn all opposition to the re-election of the republican municipal administration and will have a third-term set of officers. The fusion convention nominated a complete city ticket, but Chris Keener, candidate for mayor, and John Powers, candidate for city clerk, have formally withdrawn from the terms. One of the candidates for councilman has also withdrawn. Two years ago Mr. Miles was re-elected by a majority of six in a total vote of less than 1,000.

HARRY COHN LIKES ALASKA

Omaha Man Returns to Nebraska with Body of Edmund V. Harlan of York.

Assistant United States Attorney Harry L. Cohn, formerly of Omaha, but now stationed at Fairbanks, Alaska, arrived in Omaha Wednesday morning. Mr. Cohn made the trip across the snow and ice from Fairbanks to Valdez, Alaska, starting February 23. Arriving in Valdez he found Edmund V. Harlan, son of Judge N. Y. Harlan, severely ill, later dying. Mr. Cohn accompanied Judge Harlan and the body to York, Neb.

Mr. Cohn is quite enthusiastic over Alaska. To a reporter for The Bee he said: "People in the middle and eastern states do not know what a wonderful country we have up in Alaska. Almost every inch of any part of the territory is to be found some place within the territory. Of course the principal industry is that of mining, but all forms of vegetation are being produced. Right now those in the interior, such as at Fairbanks, where I am stationed, are greatly interested over the prospect of a railroad penetrating the interior. You see, the winter months when the Yukon river is frozen, it is a terrible hardship to attempt to go to the outside. I crossed 400 miles of snow and ice to reach here. The railroad will obviate all this trouble."

"There is more or less excitement there in the possibility of the territory or district being voted in the congress. Heretofore, you know, we have been unrepresented in Washington. The delegate bill will greatly aid this district. "Candidates for this place are looming up already. However, queer as it may seem to you here where politics is quite bitter in every part of the territory, the place will not be along political lines. More probable it is that the different localities will place in the field a candidate, and the locality having the largest population will succeed in having its man elected. In this way the people there are quite partisan, taking great pride in their separate localities. "Fairbanks is the leading town of Alaska now. Its output of gold for 1905 was the largest in the history of Alaska, with the exception of the early years of Dawson, Dawson, however, is not the great camp it was, its people having hocked to Fairbanks."

"I often met Nebraska and even Omaha people up there. Some of them have grown quite prosperous. In fact, I have never seen a will return to Alaska in about thirty days. By the time I reach Skagway the rivers will have opened and I will not be able to express the greatest hardships, as well as the dangers of crossing over the inside trail."

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Special Notice! HELP the Y. W. C. A. build their new home. We donate 10 per cent of our gross sales for Friday and Saturday of this week to the Y. W. C. A. building fund. We are anxious to make this donation a very generous one and ask the co-operation of our customers and prospective buyers to make their purchases, if possible, Friday and Saturday of this week. We wish to further announce that we have not in any way raised our prices, but on the other hand, will have many specials to offer in all departments. Don't forget the days, Friday and Saturday, this week. Orchard & Wilhelm Carpet Co. Tea and Walkers Served During This Two Days Sale. Tea Booth—Main Floor. 414-416-418 So. 16th St.

GREAT DAMAGE BY FLOODS

Wyoming Streams Swollen by the Sudden Melting of the Heavy Snows.

TEMPORARY IRRIGATION DAM GOES OUT

Cedar and Other Rivers in Iowa on the Rampage—Part of Railroad Bridge at Fremont Taken Out by the Ice.

CHEYENNE, Wyo., March 28.—(Special Telegram).—Flood conditions in Wyoming are causing much apprehension and fears of heavy loss of life and enormous destruction of property are entertained. Already the damage wrought by the high water will aggregate over \$500,000 and as a number of ranchmen, sheep herders and others are missing it is certain lives have already been lost.

INDIANS SAVE STAGE PASSENGERS

Unfortunates Thrown Into Water by the Collapsing of a Bridge. CHEYENNE, Wyo., March 28.—(Special).—The Lander-Casper stage, filled with passengers, mail and express, was tumbled into Wind river by a bridge giving away twelve miles east of Lander this morning. The passengers were being carried down stream when a party of Arapahoe Indians came to their rescue. Some of the buckskin swam boldly into the water, while others threw ropes to the travelers in the torrent. All were finally rescued, but many would have drowned but for the prompt work of the red men. The horses and some of the express matter were also saved, but the stage coach was carried down stream and the mail was entirely lost.

Reformed Chinese Active.

YANKTON, S. D., March 28.—(Special).—Added interest to the so-called Chinese imperial reform movement will be the result of the announcement, from a most reliable source, that General Falkenberg of San Francisco has issued orders for the selection of a number of bright and capable junior officers to be selected to proceed at once to China to act as military advisers to the viceroys over the numerous provinces of China. General English of this city, himself leading staff officer of the association, admits such an order has gone out, although as usual, he refuses to talk much for publication.

High Water Near Casper.

CASPER, Wyo., March 28.—The North Platte river has been rising at an alarming rate during the last forty-eight hours. The great dam at Colva, erected by the reclamation service as a temporary construction to divert the waters of the river while the Pathfinder dam is being built, has been washed away and its loss will seriously interrupt the completion of the government enterprise.

Although the heavy rains of the last few days had caused much apprehension among residents of this part of Wyoming, none was prepared for the overthrow of such a piece of engineering as the huge dam. When the waters swept through the immense masonry many workmen barely escaped with their lives. The dam had been built at a cost of nearly \$100,000. The steel bridge built by the government six miles below the dam at Pathfinder was also carried away.

Small cabins, barns and property of all descriptions are floating down the swollen stream, which is spreading over the low lands and causing great loss to stockmen and ranchmen. Miles upon miles of the low lands are flooded and it is feared much stock may have been drowned. A report from Lander says that 30 sheep belonging to Charles Souther, which were housed in a large shed, were drowned and swept away.

Part of Railroad Bridge Destroyed.

FREMONT, Neb., March 28.—(Special).—Two spans of the Great Northern bridge across the south channel of the Platte were carried out by the ice today. This part of the bridge had not been replaced with steel spans. As it was short and it was not thought that ice would do much damage in that channel the company thought the piling would be all right. The other part of the bridge and the wagon bridge are unharmed. The current south of the islands is much stronger this year than usual. The roads on the Platte bottoms to the north and east of the city are in an almost impassable condition on account of the snow and rains of the last two weeks and some of the streets are not much better. The frost is coming out of the ground and a few days of warm sunshine would put them in good traveling condition.

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Ice Breaks at Pierre.

PIERRE, S. D., March 28.—(Special Telegram).—The ice on the river here began to break up and run out today after being in a rotten condition for a month. This will allow boats to operate and get home-seekers across the river.

Iowa Men Demented.

PIERRE, S. D., March 28.—(Special).—C. Van Andall of Sheldon, Ia., was picked up in a demented condition here today by officers. His relatives have been notified and are coming after him.

Trying a Battleship.

ROCKLAND, Me., March 28.—The battleship New Mexico, built for the United States government, was given an official standardization trial on the Owl's Head mile course today. Its contract requires the development of a speed of nineteen knots an hour.

The Best of Everything THE NORTH WESTERN LINE The Only Double Track Railway to Chicago VERY, VERY LOW ONE-WAY Settler's Rates to points in Minnesota, North Dakota and Canadian Northwest EVERY TUESDAY in March and April. City Offices 1401-1403 FARNAM ST. OMAHA TEL. 624-561

WE CURE MEN. Our charges are within the reach of all. Many are treated free of charge. Dr. McGrew, Specialist TREATS ALL FORMS OF DISEASES OF MEN ONLY. 80 YEARS' EXPERIENCE—20 YEARS IN OMAHA. Blood Poison, Varicocele, Stricture, Loss of Vitality and all weaknesses and disorders of men. Over 30,000 Cases Cured. Charges Less Than All Others. Treatment by mail. Call or write. Box 706, Omaha 25 South Fourteenth street, Omaha, Neb. Every Woman Interested should know the wonderful MARVEL Whirling Spray The New Vaginal Spray. It is the only medicine that cures all the ailments of women. It is made by the originators, J. P. Sherman & Co., New York.

We are putting in a NEW FRONT We have put in a New Stock The Front will be "Handsome than shown elsewhere." The Stock IS "Handsome than shown elsewhere." B. EDWARD ZEISS Successor to C. H. Frederick Co.