

### ROSE IS STILL UNCONVINCED

Declines to Be Picked Away from Internal Revenue Quest.

### EXPRESS CARE COMES UP AGAIN

Vital Point on Part of the State Argued in Court—Creamery Men Try to Agree on Order of Board.

(From a Staff Correspondent.)  
LINCOLN, Neb., Nov. 6.—(Special Telegram)—Details of a meeting between Ross Hammond of Fremont, W. H. Rose of Lincoln, both candidates for appointment as internal revenue collector of Nebraska, and United States Senator Elmer J. Burke were made known today. The three men were closeted for a long time at the Lindell hotel, where they discussed the situation in all its details and it is the understanding that a strong effort was made on the part of Senator Burke and Mr. Hammond to impress the deputy attorney general with the belief that he did not want the collectorship at all. It is not known what other position was offered Mr. Rose or whether any definite place was placed within his reach. Since the meeting, however, it has been made plain by Mr. Rose and his friends that he is still after the place and has not yielded a particle in his desire to secure the appointment.

It was learned today that in a short time Senator Burke's secretary, George E. Tolley, may enter into business on his own account and leave the employ of the government. Mr. Tolley is a graduate of the state university law school and it is said he contemplates entering practice. In this event, the senator's stenographer, Mr. Smith, will probably be promoted to the position of secretary.

The matter of the injunction asked for by the attorney general against the express companies to compel them to abide by the provisions of the thirty per cent. reduction law was argued in the supreme court this afternoon. The argument turned on a clause in the answer of the express companies that the law did not become effective until August 6. The attorney general insisted that the law went into effect April 6, the day the bill was signed by the governor. The petition for injunction was filed by the attorney general July 6; later the case was transferred to the federal court on application of the express companies and upon argument there was sent back to the state court. In his argument Attorney General Thompson said:

"The provisions of the act clearly manifest an intention on the part of the legislature that it should go into effect immediately upon its approval by the governor."

"Section 24 of article III of the constitution provides as follows: 'No act shall take effect until three calendar months after the adjournment of the session at which it passed, unless the emergency clause be expressed in the preamble or body of the act, the legislature shall, by vote of two-thirds of all the members elected to each house, otherwise direct the contrary.'"

"Section 25 of the act in question provides as follows: 'This act shall take effect on and after its passage and approval.'"

"Section 3 of said act provides as follows: 'Within thirty days after the passage and approval of this act all express companies doing business in this state shall file with the railway commission a complete list of all rates and classifications charged for the transportation of money or merchandise within the state by such company, which was in force on the first day of January, A. D. 1907.'"

These provisions make it certain that the legislature clearly intended that the act should take effect upon its passage and approval by the governor, and it is fully borne out by the journal of the legislature on November 2, 1907, by the following entry:

"The bill, with emergency clause, was read the third time and upon its passage voting in the affirmative thirty-nine, negative none, not voting none. A constitutional majority of the bill passed and it was voted in the affirmative the bill passed with the emergency clause and the title agreed to."

It is further borne out by the house journal showing the proceedings of April 6, 1907, by the following entry:

"Also 355, with the emergency clause was read the third time and upon its passage voting in the affirmative thirty-eight, negative none, not voting none. A constitutional majority of the bill was voted in the affirmative the bill passed with the emergency clause and the title agreed to."

It will be seen moreover from the foregoing that a constitutional majority of two-thirds of the members of both the senate and the house voted for the passage of this bill with such of said branches of the legislature as passed it under an emergency clause.

Acts containing provisions similar to that which the act under consideration contains, relative to the time when it shall go into effect, are to be found in many other acts passed by the legislature in its history. In all of these acts it is clearly stated that upon its passage and approval by the governor it shall go into effect.

At the same session of the legislature at which this act was passed another act was passed by the legislature known as the railway commission bill, section five of said commission bill provides as follows:

"It shall be the duty of all common carriers within the state to file with the State Railway Commission, within thirty days after the date of its passage, a complete list of all rates and classifications charged for the transportation of money or merchandise within the state by such company, which was in force on the first day of January, A. D. 1907, both state, interstate and proportional common carriers, subject to the provisions of this act who shall fail, neglect or refuse to furnish and file the schedule of rates, fares, charges and conditions as provided herein."

shall be guilty of a misdemeanor and upon conviction thereof, for each offense, shall be fined in any sum not to exceed \$25,000.

This act under consideration and so much of the railway commission act as above set forth should be construed in pari materia. The railway commission act contained an emergency clause about which there can be no controversy and went into effect immediately upon its passage and approval. Whether under the provisions of section two of the act under consideration, or under section five of the railway commission bill, the schedule of rates was filed, by each of the express companies with the state railway commission long before the commencement of this rule, showing or purporting to show the rates in force and effect in the state of Nebraska January 1, 1907.

Creamery Men in Conference.  
The creamery men and the representatives of the railroads were in conference today over a proposed order of the railway commission compelling the express companies and the railroads to furnish better facilities for handling cream at the Omaha Union station.

The Union Pacific and Northwestern road admit the need of better facilities, but the other roads interested in the management and maintenance of the station were unwilling to agree to the added expense. The interested parties therefore endeavored to agree upon an order for the board to promulgate.

The Pacific Express company today refused to issue waybills for the cream cans that have been returned to the railway board. By issuing bills the company becomes responsible for the cans and the allegation up to date has been that the shipment was an accommodation and the company could not afford to assume the responsibility of regular shipment.

Bank in Good Condition.  
Attorney General Thompson has received a letter from a relative in Chariton, Ia., who had \$12,000 on deposit in the First National bank, the closing of which caused the death of the Commercial State Bank of Grand Island. In the letter it is stated that the Chariton bank will pay from 60 to 80 per cent on its deposits, according to the best information obtainable there. Other information in the state here is that the bank will pay 75 per cent of its liabilities. This tends to allay the feeling that any trouble will result.

On Mr. Thompson's recent trip to Central City he passed through Aurora and Osceola. He found the institutions there paying in cash and was informed they had not at any time departed from their ordinary manner of doing business.

State House Crowd Jubilant.  
Around the state house today everyone is feeling good notwithstanding most of the attaches lost a night's sleep assisting in counting the republican majority. Senator Burke, Governor Sheldon and Judge Reese stayed at the headquarters until the last moment for the expected. Judge Reese expressed his pleasure and gratitude over time his majority was shoved up, and when Douglas county came in his face expressed his pleasant surprise. "As Douglas county goes so goes the state" at once became popular.

Tuberculosis Hospital Wanted.  
Dr. Sward, member of the Board of Secretaries of the State Board of Health, wants the state to appropriate money to buy or build a hospital for those afflicted with tuberculosis. "The next legislature should appropriate money for this purpose," he said. "Omaha has set the example by voting bonds to start such a hospital in that city, but we need such a hospital for the state. It is remarkable the number of cases of tuberculosis there are in Nebraska and there should be a proper place for the treatment of those afflicted."

Confer on Terminal Tax.  
Tax Commissioner Scribner of the Union Pacific was here today discussing the terminal tax law with George Dana Bennett, secretary of the State Board of Assessment. Mr. Scribner expressed himself as well pleased with the forms made up by Bennett. The state board, he said, would get about the same information it has been getting in the past, but under the new law, it would be much more in detail and the engineer's office would have to do considerable more work in the matter.

Resolutions for Deceased.  
Resolutions were adopted in the supreme court today in honor of the memory of the late J. W. Dewesse of Lincoln, attorney for the Burlington railroads for a long number of years. Addresses were made by Byron Clark, N. K. Griggs and F. M. Hall. Chief Justice Sedgwick in a short address ordered the resolutions prepared by the committee and the records of the court.

Mid-Winter Address at University.  
The annual mid-winter commencement address next February 15 will be delivered by Dean L. A. Sherman of the graduate school of the university.

Supreme Court Proceedings.  
In the supreme court of the state of Nebraska the following cases were assigned for oral argument before the court:

Connell against State, Kennison against State; State against Union Pacific Railroad Company against State Board of Equalization.  
The following cases were assigned for oral argument before Division No. 1:

Brown against James; Caldwell against Kerr; Payne against Anderson; Lamson against Beal; Henderson against Gilman; Koter against Fletcher; Martin against Fraternal Life Association of Hastings; and the following cases were assigned for oral argument before Division No. 2:

First National Bank of Columbus against Gray; Abrahams against City of Omaha; Gray against City of Omaha; Gund against Hjaldr.  
The following are miscellaneous orders:

Bode against State; Malcolm Savings Bank against City of Omaha; State against O'Brien against City of South Omaha, dismissed. Nebraska Hardware against J. J. Louhran, pastor of the Baptist Church, against American Smelting and Refining Co., continued.

Father Loughran Moves.  
McCook, Neb., Nov. 6.—(Special)—McCook Catholics were much disturbed this week by news of the ordered removal of their pastor, Father Loughran, from St. Patrick's Catholic church of this city, from this charge to Dawson, a small charge down in Richardson county. Bishop Bonaccini's order was read by Father Loughran to his charge Sunday last, December 1 is the date set in the order, but it is hoped that the date may be extended a month longer at least. Father Loughran is much beloved by McCook Catholics and the proposed removal is deplored and regretted by practically every member of his flock, as well as by non-Catholics. Rev. Loughran is a member of the Cathedral Library board, a director in the McCook National bank, a broad and liberal-minded churchman. It is proposed to place this charge under the control of a new order of monks, having headquarters in New York.

Missouri Pacific Train Wrecked.  
STELLA, Neb., Nov. 6.—(Special)—The Daley-Dean passenger from Falls City was wrecked three miles out of Stella this morning, caused by a broken rail. The track was run up for some distance and the rear coach derailed, leaving the coach up so the passengers had difficulty in getting out. No one was injured, however, an dting the train proceeded to Omaha, leaving the rear coach. The track was cleared up by noon.

Quick Shine Goes Polish.  
Besides these qualities the great care contains no turpentine or acids, gives a satin finish, will not rub off on the clothing.  
Cost, 50¢ per box; worth \$1.00. Red Cross Cough Drops.

### DEFENDANT ASSAULTS JUDGE

Prominent Attorney as Prisoner Cleans Out Court Room.

### THROWS CHAIRS AND STOVEPOKER

Having Attacked Judge, He Makes for Sheriff, When Policemen Beat Him Into Submission with Their Clubs.

NORFOLK, Neb., Nov. 6.—(Special Telegram)—Brought into police court with his wife yesterday afternoon to answer charges of disorderly conduct, Attorney H. P. Barnhart, under the influence of liquor, attacked Police Judge Eiseley with a chair and demolished police court furniture. He also made for Chief of Police Elyx with a poker. Two policemen subdued the attorney with clubs and a physician was summoned to the city jail to attend the wounds, streams of blood marking spots affected by the clubs.

Barnhart was brought into court on complaints filed against him as the result of a family row. At a moment when Judge Eiseley was reading the record, the defendant and attached the judge with a chair. Mrs. Barnhart stepped into the court room and also became a target. Barnhart soon had the court room cleared and sent chair after chair crashing against the door and wall. The disturbance occurred just as the trial was about to begin, where votes were being cast in the election. Barnhart is still in jail.

He came here from Pierce, where he was the county attorney who prosecuted Gottlieb Nierenhoff, who killed his wife and her father and was one of two murderers engaged in the state during the last half dozen years. Barnhart was last year democratic candidate for county attorney in Madison county.

Nebraska News Notes.  
PLATTSMOUTH—The Plattsmouth Evening News was sixteen years old Tuesday.  
PLATTSMOUTH—Case county superintendent of public instruction.

PLATTSMOUTH—Lloyd P. Woolcott purchased 30 acres of land in this county in 1900 for \$3,000. He has just sold it for \$3,000.

PLATTSMOUTH—J. C. Gregory, residing in Mt. Pleasant, proceeded to plant acres of corn this year which he says yielded 114 bushels to the acre.

BEATRICE—A large force of men and teams is employed in the new Rock Island stone crusher at Rockford. The company expects to have the plant in operation in about thirty days.

BEATRICE—James Mann, charged with assaulting Milt Gettymey, a resident of this city, pleaded guilty to the crime. He was fined \$5 and costs. He paid his fine and was discharged.

COLUMBUS—Married, at the Methodist Episcopal parsonage on Monday morning by the Rev. L. R. DeWolf, Ralph W. E. Boyd of Indian Springs, D. T., to Miss Inez Sartorius of Norfolk, Neb.

BEATRICE—M. E. Hileman, superintendent of the poor farm, is engaged in gathering up the bodies of the dead and buried in the best in years. The grain is yielding about fifty bushels to the acre.

BEATRICE—The venerable Henry Wagner, who was seriously injured in a runaway here a few days ago, is in a critical condition, and little hope is entertained for his recovery. He is over 80 years of age.

BEATRICE—As petty thieves have been operating in northeastern Gage county the last few weeks, the farmer of this section have organized a protective society, with a view to running the guilty parties to cover.

BEATRICE—John Vasey, who in company of three brothers living at Liberty, Neb., left for the west, returned home yesterday. While away he visited London and many points of interest in Europe.

COLUMBUS—The funeral of Chris M. Smith, who was found dead on the sidewalk last Saturday morning, was held at 2 o'clock this morning and was attended by the whole first department of Columbus in full uniform.

COLUMBUS—Ten transfers of real estate have been filed in the county clerk's office and the amount of money that changed hands for the transfers was \$12,385.75; four mortgages released amounted to \$7,100.

BEATRICE—The Beatrice Club met last night and elected Dr. J. M. Triplett and Brothers Baumer and Moser to membership. An informal program was given which included the reading of poems written by Dr. Triplett and Prof. Baumer.

WEST POINT—The conductor of a Northwestern train was placed in the custody of the marshal for a short time last week on the charge of allowing his train to run over a much frequented street crossing in West Point.

UPLAND—At a special meeting of the Upland Commercial club held tonight a committee was organized to discuss and report on another waterworks election. The committee decided to hold several mass meetings to discuss and then proceed with another election.

CENTRAL CITY—W. K. Bannister, who had been elected to the county clerk's office, was struck by the Union Pacific fast mail train which he had tried their skill as a blind crossing in Central City two weeks ago. He has effected a settlement with the railroad, having accepted the \$300 which he offered. The team was valued at \$250.

WEST POINT—The recent financial flurry had no appreciable effect on the three banking institutions of West Point, which are among the strongest and most conservative in the state. In spite of the panicky conditions which have prevailed in this city continued to do business on the usual lines, with not the slightest inconvenience to themselves or their depositors.

CENTRAL CITY—A fine platoon, belonging to Charles Leck, who lives on the south edge of town, was stolen from his place last night. The platoon was valued at \$500. Mr. Leck did not discover his loss until he went out to do the chores in the morning. Sheriff Hollister has notified the officers of surrounding towns but has not been able to secure any trace of the thieves. The city is the result of a plank of zealous Hallowaymen, Samuel Evans is carrying his arm in a sling, his right arm is broken above the elbow. On Halloween some boys stretched a wire across an alley near the Evans place, and when the platoon was passing over it, the alley the wire caught him fair and he was hurled from his horse and is in the hospital.

HARVARD—Evangelist Bicknell closed his series of meetings at the Christian church last Sunday evening, and has returned to his home at 315 East 12th street. While no large numbers of conversions are reported to have taken place, a good feeling is made manifest, and as an appreciation of Mr. Bicknell's service, he was engaged to return for another series of meetings in this year.

WEST POINT—Mrs. Magdalena Felzmeier, of southwestern Cumings county, died here at the home of her son, Mrs. Bluffs, on Sunday morning. A short time

Many persons who can't drink coffee without lying awake at night, find Postum Food Coffee agrees with them perfectly.

The important thing is to boil the Postum at least 15 minutes so that its flavor and full food value may be obtained. When made right and taken hot with good cream and sugar to suit one's taste, Postum is delicious as Java Coffee.

Made of wheat, it contains no drug or other harmful substance. Try Postum 10 days while you leave off coffee with its drug, caffeine.

"There's a Reason."

## BRANDEIS BOSTON STORE & SONS

### Thursday—A Notable Sale

# WOMEN'S DRESSES—EVENING GOWNS

## DEMI-COSTUMES

Charmingly Displayed on  
Our Second Floor.

### This is an Important Fashion Event as Well as a Great Special Sale

These exquisite gowns and costumes are Manufacturer's Salesroom Samples and Drummer's Model Garments, bought at a most remarkable reduction.

### FROM A FIFTH AVE., NEW YORK, MANUFACTURER

These stunning creations are in the most artistic styles for evening and party wear, dinner gowns, ball dresses, matinee costumes, reception gowns, fashionable frocks adapted for elaborate style functions.

### The Materials are Chiffon, Voiles, Messalines, French Taffetas, Chi-fon Cloths, Laces and Nels

The trimmings are in harmony with the rich character of the garments themselves. Inasmuch as these are samples, there is only one of a kind. The very latest colors are shown.

As an indication of the great price reductions that will prevail during this sale we mention:

Costumes made to sell at \$50 will go at \$25

Costumes made to sell at \$75 will go at \$39

Costumes made to sell at \$100 will go at \$49

Costumes made to sell at \$125 to \$135 at \$69

These are only a few of the hundreds of Wonderful Bargains in this sale.

**IN CONNECTION WITH THIS SALE—SPECIAL SELLING OF OPERA COATS**

The most complete and elaborate showing of Opera Coats and Evening Wraps shown by any store west of Chicago. Most elegant style creations, showing the latest fashionable features decreed correct for the winter of 1907-8. Very special prices will prevail.

# BRANDEIS - OMAHA

ago she was taken to St. Joseph's hospital, Omaha, for treatment. It soon became known that her ailment was more mental than physical, and she accordingly was removed to the asylum at Lincoln, Neb., where considerable trouble of various kinds in the past, which weighed so heavily upon her mind, had been brought forth. She died on Saturday morning, Nov. 6, at the residence of the son, H. A. Whipple, 216 Indiana avenue. Interment will be made in Forest Lawn cemetery. Mr. J. C. Whipple is survived by his wife and four children.

**John C. Duober.**  
CANTON, O., Nov. 6.—John C. Duober, owner of the Duesch-Hampden Watch works here, said to be the largest watch factory in the world, died this afternoon.

**Travelers to Have Building.**  
SIOUX FALLS, S. D., Nov. 6.—(Special)—Colonel "Dicks" Woods of this city has arrived home from a trip to Huron, where he attended a meeting of the traveling men of South Dakota. The meeting was called for the purpose of discussing the proposition of the traveling men of the state erecting a permanent building for traveling men on the state fair grounds at Huron. The project was approved by practically all of the traveling men present at the meeting. It was decided to go ahead with the project. At another meeting of the traveling men to be held November 17 it is expected final arrangements will be made for the erection of the building. The structure will be 40x40 feet in size and will cost about \$15,000. It will be known as the traveling men's headquarters and will be maintained by the traveling men of South Dakota.

**Speechless With Wonder.**  
are the friends of those cured of stomach, liver and kidney trouble, by Electric Bitters. 50 cents. Guaranteed. For sale by Beaton Drug Co.

**DEATH RECORD.**

**James McDonald.**  
OXFORD, Neb., Nov. 6.—(Special)—James McDonald, a resident of this city since 1885, died this morning of senile decay in the 81st year of his age. Mr. McDonald was one of the organizers of the Presbyterian church here and had served as one of its ruling elders almost continuously for more than twenty years. He leaves five children, including Rev. E. A. McDonald, a Presbyterian missionary to Porto Rico, and Mrs. Mary Knapp, wife of Prof. Knapp, president of the Iowa State college at Ames. Following brief services at the Waugh home, relatives left with the body for interment at Ames, Ia.

**George Hoeknell.**  
McCook, Neb., Nov. 6.—(Special)—The body of George Hoeknell, a former prominent citizen of Nebraska, arrived from Sacramento, Cal., this morning, and was interred in the Hoeknell burial plot in Longview cemetery of this city, this afternoon. Mr. Hoeknell was a member of the Nebraska legislature of 1881. He organized and for twenty years was president of the First National bank of McCook, was a pioneer of western Nebraska and a leading spirit in the development of McCook. His body was brought here by his nephew, Mr. Simpson of Los Angeles, Cal.

**Mrs. George W. Ruteks.**  
Mrs. George W. Ruteks died Tuesday evening after an illness of about six weeks. She was the daughter of Mrs. Barbara Thiel. She was born in Beuselsbach, Wurttemberg, Germany, April 4, 1852, and came to this state in 1882. She was married July 13, 1888. A husband, four children, three sisters, four brothers, and her used mother survive her. The funeral services will be held at Dodder's undertaking rooms, 224 Cuming street, Thursday at 1 p. m. They will be conducted by Rev.

**Crops Will Soon Move.**  
ABERDEEN, S. D., Nov. 6.—(Special)—The inconvenience caused by the recent order from the twin cities to elevators not to buy any more grain or issue any more grain certificates, will not last long. One of the elevators today announced that it was ready to accept grain and all the others are expected to follow this lead in the next day or two.

The financial situation here at no time caused alarm. While there is a stringency in the currency the banks have adopted the system of making part payment on checks in cash, and the balance in bank cash, which are accepted everywhere as cash. All the banks report large increases in their deposits and it is believed that the limit of cash payments will be removed in a day or two.

**More Soldiers on Reservation.**  
HURON, S. D., Nov. 6.—(Special)—Reports received here from the Cheyenne Indian reservation, where the Ute Indians are making trouble, is to the effect that they are generally less hostile than a few days since, and the arrival of several hundred additional troops is likely to have a quieting effect. Monday afternoon four special trains, aggregating seventy-five cars, loaded with cavalrymen, horses and equipments, from Fort Des Moines, Ia., and also some from Omaha, passed through this city for Gettysburg, from which place they will march across country to the scene of disturbance. This additional force will make about 1,000 soldiers on the reservation from the Cheyenne Indian reservation, where two more detachments will go through this week.

**Youthful Horse Thief is Bold.**  
SARATOGA, Wyo., Nov. 6.—(Special)—Thomas Ford, a 19-year-old boy, has shown himself to be the boldest horse thief in the west. A few days ago he left the S. J. Casteel ranch near here with one of Mr. Casteel's best horses and outfit, before starting out Ford told his fellow-workman that he was a member of a gang of horse thieves operating in the Pinedale country, in Fremont county, and that he intended to get away with one of Casteel's horses. A posse has been searching for Ford and no trace of him can be found. Ford told that he had served one year in the penitentiary for horse stealing.

**Ship South Dakota About Ready.**  
YANKTON, S. D., Nov. 6.—Senator Gamble is in receipt of a communication from Captain Charles E. Fox, United States navy, who will command the new armored cruiser "South Dakota," that the new ship is a beauty in every way and almost ready to join the Pacific squadron. It is at the navy yards, Mare Island, Cal., and Captain Fox wants to know if there are any South Dakotans who want to serve on their state ship.

**SIOUX CITY PLANT BURNS.**  
Mechanical Department of the Journal Entirely Gutted, with Heavy Loss.  
SIOUX CITY, Ia., Nov. 6.—(Special Telegram)—Fire broke out in the morning room of the Journal at 2:45 this morning and spread so rapidly that within a few minutes the plant was in flames and it was thought for a time it would be completely destroyed.

As it was, the mechanical department was gutted and in-sufficient but of commission. The big press and the linotype machines may be entirely ruined, although the exact damage to them will not be known until an examination by an expert is made. New machines have been ordered.

The editorial department and the business office miraculously escaped serious damage. The origin of the fire is not exactly known, but the rumor is that a newspaper struck a match and set fire to some papers on the floor. John Zotos, a Greek, was asleep in the press room and had a narrow escape from death. The material was saved by Foreman Willis Pritchard, who took his force to the office of the Tribune and through the kindness of that paper was enabled to print as usual this morning, with a report of the fire in its own plant.

John C. Kelly, proprietor of the Tribune, at once tendered to George D. Perkins, proprietor of the Journal, his sympathies and the use of his plant, and the offer was accepted with thanks. The Journal will publish as usual each morning from the Tribune plant without interruption. The loss at this time cannot be exactly estimated, but it is a large one, full covered by insurance.

Constipation deranges more lives with nervousness than any other abnormal condition.

## DR. PRICE'S

### WHEAT FLAKE CEREAL FOOD

is made from the whole grain of the wheat, cereal infused, making its nature's evacuant.

For sale by all Grocers

**White Shirts**

have true seams, strong buttons, and are cut on scientific pattern. They are made in white as well as fast colored fabrics in every style.

\$1.50 and more.

**CLUETT, PECK & CO.,**  
MAKERS

**GOOD FOOD**

and constipation are ill-mated companions.

Use <sup>1/2</sup> Glass

**Huyadi James Water**

On arising and enjoy your food.

**A NATURAL LAXATIVE WATER.**

Bottled at the Springs.

Avoid substitutes.