

HASCALL AS A GOVERNOR

Convenes Legislature and England Had to Furnish Key to Dissolve It.

WIKING IN PARLIAMENT PRECEDENT

Judge Hascall Will Be Buried This Afternoon at Forest Lawn Under Auspices of the Masons.

Judge Isaac S. Hascall, who died at 1 a. m. Saturday, and who will be buried this afternoon, for a part of one day at least, fulfilled the role of governor of Nebraska and performed a single act whose undoing was accomplished only after a legal precedent, not to be found in the constitutional law of this country, was done out of the archives of history.

Judge Hascall, as a member of the state senate, in the absence of the governor and secretary of state, seized his opportunity and convened the legislature in extra session. It was only after a complicated legal war was waged, and the precedent of the king's resolving the convening of Parliament introduced that his action was set aside.

Judge Hascall, who acted as counsel against the Hascall proclamation, retains this interesting bit of history. "Prior to February, 1872, David Butler, governor of Nebraska, had been impeached and removed from office," said Judge Wakley.

"The had been great contention and wrangling in the legislature over certain measures tending to bring it in disrepute. On February 3, 1872, James was temporarily absent from the state, and Hascall, acting as secretary of state, went to the secretary's office, obtained his seal and issued a proclamation as acting governor, convening the legislature to meet February 15, for the purpose of acting upon certain specified subjects.

"On the return of Acting Governor James he immediately issued a proclamation revoking that of Hascall and forbidding the legislators to convene pursuant thereto. Nevertheless, at the appointed time a majority of the members of both houses met and undertook to do business.

"A test case was immediately gotten up for determining the legality of the session. A. W. Tennant, senator from Dodge county, was arrested by the sergeant-at-arms for not obeying a call of the senate. Habeas corpus proceedings were immediately begun in his behalf, alleging the want of authority in the senate to issue the warrant. The case was heard forthwith on oral argument, in the supreme court, then in session. I was chief counsel for the petitioners in the senate. Habeas corpus proceedings in behalf of a right to revoke the Hascall proclamation. Authorities in point in this country were wholly lacking, and the case was determined upon general principles of constitutional law and precedents in England of the king revoking his convening of Parliament. A majority of the court, Judges Lake and Crouse, upheld the right to revoke, Chief Justice Mason dissenting and subsequently writing an opinion sustaining the majority ruling with his usual vigor and incisiveness.

"The case was a leading one and perhaps is still the only case directly in point to be found in the United States, involving as it did, a very important constitutional question. It is reported in 1 Neb., 409."

When Mrs. Hascall left the judge after but a brief period as his wife and companion a few months ago, she informed him she did so with no intention of returning and she kept her word. What property the judge left, which was not considerable, went to Mrs. Williams, his daughter. Some weeks ago, while he was in possession of all his faculties, he summoned his daughter as witness and the proper legal authority to his bedside and there made out the necessary papers that transferred to Mrs. Williams all his earthly possessions and bound them safe from attachment by Mrs. Hascall, should she attempt to assert a claim. Dr. J. S. Alexander, who attended Judge Hascall during his final illness, was one of the witnesses to this procedure.

John Mitchell, leader or king of a band of 600 Gypsies that has been encamped in the river bottoms north of the Union Pacific shops for two weeks, was arrested last night on the charge of abducting Nelson Yuana, a Gypsy who arrived yesterday from St. Louis. Yuana told the police that Mitchell had stolen his two daughters, Miranda and Matilda, and \$200 while the band was in St. Louis, and when he arrived here and demanded the girls and the money a fight followed and he

Omega Oil advertisement featuring an image of a woman and text describing the benefits of the oil for various ailments like neuralgia and rheumatism.

PONY EXPRESS IN THE WEST

Courier Dates Back Over Seventy Years on the Frontier.

CUT BIG PLACE IN WILD DAYS

Their Role as Empire Builders Was Performed with Boldness In Face of Grave Dangers.

In the drama of empire building in the great west of fifty and sixty years ago, there were no more romantic and interesting figures than the pony express riders and pony express riders, the mounted messengers of the plains, who, fearless and alone, but always alert, traversed the lonely plains and mountains from the western slopes of the Sierras to the Missouri river, carrying on their backs messages and dispatches that meant the conquest of an empire.

Some of the first of these centaurs of which there is any mention are briefly alluded to in Dr. Francis Parkman's "Oregon Trail" on the two of whom he speaks as early as 1835 carrying dispatches from California to St. Joseph, then but a fur trading post on the Missouri river. These men were employed by the fur traders to carry important messages from the trading posts to civilization.

Mention also is made of couriers being met on their way eastward by the California argonauts in 1846 and 1848.

"How Oregon Trail Was Saved," by a heroic express rider in the days of '54-'59 or '60, in 1847, and which gave to the United States a territory now comprised in the state of Washington is a matter of history. The rider on that occasion, a patriotic American citizen and pioneer physician of the Pacific coast, rode horseback nearly 3,000 miles across plains and mountains and eventually reached Washington in time to secure the rejection of the Polk administration in repelling the arrogant claims of Great Britain and secured this magnificent territory to the United States for all time.

There was no other means of rapid transit across the continent at these times and communication was equally delayed and uncertain, but for the gallantry and bravery of these fearless and fleet riders. There was no telegraph lines until 1858, the building of which was carried out by Edward Creighton of Omaha, assisted by the late Count John A. Creighton.

Long, Lonely and Dangerous. The long trail was a dangerous one as well as a lonely one. During the Mormon expedition under General Albert Sidney Johnson, in 1847, these couriers and express riders were availed of for carrying important military dispatches.

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Organized in the '60's. It was not until some time in 1860 or 1861 that these couriers were organized into a corps as an adjunct to the Ben Holliday Overland Stage Line. Their particular duty was to carry small express packages and letters. The corps consisted of eighty riders and the line extended from Downsville, Cal., to St. Joseph, Mo. They rode in relays, the single trip being approximately 50 miles, which was supposed to be covered in less than thirty hours. The riders had fresh mounts at each station, and they were always ready and saddled for them about every thirty-five or forty miles. The riders usually rode unarmed, with light jockey saddles, their packages being carried in very light saddlebags. The rate was \$5 per ounce or \$5 per letter or dispatch and no one rider was permitted to carry more than thirty pounds to the horse.

Event to Stage Passengers. The passing of an express rider was always an event to the stage passengers. The stage drivers knew about when the pony express riders would pass them night or day and the stage invariably stopped to give the rider a cheer as he passed. They generally rode at a full gallop and were seen but a moment and were soon lost in the distant dust.

Never in the past history of the pony express riders interfered with by the Indians, though it did occasionally happen that they were waylaid by "road agents," who shot them from ambush and rifled their saddlebags, leaving the poor fellows to rot where they fell.

With the advent of the Union Pacific railroad in 1867 the pony express rider was out of existence. In the early days of the past in 1868, with the protection to the telegraph lines by the troops of the regular army, there was but little use for the intrepid riders except in isolated cases.

Nobody is Too Old. To learn that the sure way to cure a cough or cold is with Dr. King's New Discovery, 6c and 15c. For sale by Boston Drug Co.

ROBERT BURNS CELEBRATION

Memory of Scotland's Poet Will Be Honored in Edward Creighton Institute Friday Night.

WOMAN PROTESTS ON USURY

Pays \$20.00 on \$25 Loan and Creditors \$100 Demand \$200.00.

After paying \$20.00 on a loan of \$25, Miss Maudie Albright says in a petition filed in district court Saturday the chattel loan brokers from whom she borrowed the money are demanding \$200.00 more. She has secured a restraining order from Judge Redick to prevent the brokers from taking the furniture which she mortgaged in order to get the money. She will fight the case on the ground the loan company is charging her usury.

The defendants in the suit are Daniel L. Stanton and Charles D. Stanton, who operate the C. D. Stanton Loan company. In her petition, Miss Albright says that she has borrowed \$25 from the defendants, but they made her sign a note for \$50. Recently they demanded settlement on the basis she still owed them \$25.00, and she refused to pay because she had already paid more than \$25. They then sent her home and took a chair, which was covered by the mortgage. She says she fears they will take the rest of the furniture unless enjoined by the court.

Special Announcement Regarding the National Pure Food and Drug Law. We are pleased to announce that Foley's Honey and Tar for coughs, colds and lung troubles is not affected by the National Pure Food and Drug law as it contains no opiates or other harmful drugs, and we recommend it as a means of marked relief for children and adults. All Druggists.

SECOND DISTRICT FOR TAFT. Republican Congressional Committee Endorse Secretary and Fixer Date of Convention.

After fixing March 12 as the date of the republican convention for the second congressional district, the same date as the state convention, the congressional committee yesterday endorsed the candidacy for president of Secretary Taft. The meeting was held in court room No. 4, Bee building, and Chairman James H. Adams presided. These resolutions were unanimously adopted:

Resolved, That William H. Taft of Ohio is a candidate for the republican nomination for president of the United States, and whereas, he is a man of marked ability, great patriotism and dauntless courage and well qualified to serve the nation in this capacity.

Resolved, That the republican congressional committee of the second congressional district of Nebraska, in convention assembled, do hereby endorse the nomination of William H. Taft of Ohio for the nomination for president of the United States, and we gladly commend him to the nation as being the best man to take up and to carry on the policies of President Roosevelt and the republican party.

A Shouting Refrain. With both parties wounded, demands Buckle's Arnica Salve. Heals wounds, sores, burns or injuries. 5c. For sale by Boston Drug Co.

OMAHA HIGH SCHOOL NOTES. Register for January Comes Out with Pretty Cover and Breezy Contents.

The January number of the High School Register was issued Friday noon. It contains several editorial and department articles, and has an attractive cover design drawn by Anne Dennis of the senior class. The feature article is by Principal Waterhouse, who discusses all phases of the subject, "Athletics in the High School," and praises the work of the foot ball captain, coach and team. He says:

"The interest and assistance of the faculty in all forms of athletics is assured, so long as athletics will keep up the good record made this far. This year on the field and in the class room. At a recent meeting of the Latin society the following program was given under Miss Copeland's direction: "Some Legends of Early Rome," Evelyn Miller. "The Roman Saturnalia and Our Christmas," Mildred Beyer. "The Story of Horatius," from Macaulay's Lays, Bernice Thomas. Latin poem, "Senex et Puerum," Helen Lullberger. Reading, "Roman Toys," Maudie Cowell. "The Story of the Trojan War," from Macaulay's Lays, Mamie Masak. Recitation, "Puer Stupidius," Muriel Bullish. "Saturnia Romana," the Roman newspaper, edited and read by May Bagler. At a meeting of the German society, the excellent Christmas program presented before vacation was repeated at the request of the students.

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TELEPHONE GIRLS VACCINATED

Dr. W. J. McCann vaccinated the "hello girls" yesterday afternoon from 2 to 4 p. m. It is announced that people should be vaccinated for the disease which has sore arms and cannot make as good speed.

In speaking of the smallpox situation the doctor advanced a new theory as to the origin of the disease, which is as ingenious as unique. He said that people notice that we have had three years in which smallpox has prevailed within the last ten. In every one of these cases the disease has followed the return of a regiment of soldiers from the Philippine islands. Now there are no cases of smallpox at the fort, but it is my theory that they brought the infection in their blankets and clothing from the islands, where smallpox in a mild form is continually prevalent. The reason the soldiers are free, I take it, is because they, on entering the service, are all vaccinated, and are nearly all immune. The same condition I find here among the Austrians and Greeks. They are usually most unsanitary, but they are immune, because the quarantine

regulations of the ports of immigration require a thorough vaccination before entering. I think my theory is a good one, but other doctors may differ."

Magic City Gospel. C. W. Sears left the city yesterday for a five days' visit to Duluth.

Mr. and Mrs. A. Crandall, 169 North Twenty-third street, announces the birth of a daughter in his home.

Thomas H. Ennor is the mayor candidate in the office of the first ward on the democratic ticket.

Miss Nellie Ennor will take up her duties as a teacher at the high school with the opening of the next semester.

Mr. and Mrs. Eugene Lord of Monmouth, Ill., and Miss Cora Bate of Omaha were guests of Mrs. Richard Clifton last evening.

Wanted to buy, a seven or eight-room house modern, near the city. Call on Mrs. C. A. Adams, 1424 S. 24th St., Omaha.

The second semester of the public schools Monday. Pupils may enter the primary grades as first year beginners and the high school as freshmen.

Following are recent births: Robert C. Goodman, 1213 Jackson, a boy; Swan Swanson, forty-second and W, a boy; John E. Kerr, 28 North Nineteenth, a girl.

Nebraska Lodge No. 227, Ancient Order of United Workmen, will give a prize masquerade ball Thursday evening, January 22, at the Casino. The usual admission will be charged.

The lettering of the corporations of the city has been changed yesterday because the work at first was not artistically done. This incident caused a great deal of comment.

Never before has any house in South Omaha slaughtered goods like we are doing at present. Take advantage while it lasts. Nebraska Shoe and Clothing House, corner 25th and N. 5th, South Omaha.

Carpenter & Commel, general machinists, 1424 S. 24th St. In charge of electric department. We solicit your business and guarantee all work. 62 N. 24th St. Tel. South 35.

Magazines and Periodicals at Less than Half Price

Our clubbing announcement for the coming season is without a doubt the cheapest and best ever offered, either by a publisher or subscription agent, and contains several combinations at less than one-half the regular price. We have been careful to select Magazines and Periodicals that we can recommend as being reliable, interesting and the best in their particular line. Many of them are the largest sellers at news stands and book stores.

If you want any publication not mentioned in this list, or if you wish to select several publications on which we have not made a combination offer, write us and we will quote you our special rate on the list selected. We can save you 15 to 50 per cent on nearly every publication issued. We suggest that you take advantage of these offers with as little delay as possible, as they may be withdrawn at any time.

Magazine and periodical subscription offers. Includes sections for 'Extra Special', 'Four Extra Good Offers', 'Our Regular Combination Offers', and 'Combinations of Two'. Lists various titles like 'The Twentieth Century Farmer', 'World's Events', 'Home Magazine', etc., with prices.

The Twentieth Century Farmer, Omaha, Neb.

AFFAIRS AT SOUTH OMAHA

J. M. Shelby Arrested on Charge of Giving Liquor to a Girl.

The South Omaha police arrested J. M. Shelby Saturday on the complaint of Mrs. Gorman, who charged him with drugging a young girl in his employ. Mrs. Gorman came to the police station greatly agitated over the alleged crime.

The officers arrested both the man and the girl. The girl said they had shared a bottle of beer together, but she had every appearance of being intoxicated and hardly accountable. No further crime is thought to be chargeable, but the police will make a thorough investigation of the case in other lines.

Man Has Pawn Tickets for Number of Diamonds When Searched at the Station and Police Are Investigating.

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ELECTION AT OMAHA CLUB

Ballooting for Four Directors Proves to Be a Spirited Affair.

Joseph Barker, Ward M. Burgess, Charles W. Hull and Conrad E. Spens were elected as directors of the Omaha club at the annual election which was held Saturday.

Clubmen Vote to Increase the Limit of Membership from Three Hundred to Three Hundred and Twenty-Five.

The membership was up to the full limit of 300 and the members voted to increase the limit to 325. There is quite a waiting list at the club and this membership will soon be taken up.

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QUEER CUSTOM IN SIXTEENTH

Officers Have Habit of Meeting on Night of Each Full Moon.

Lieutenants P. L. Smith, L. R. James, N. W. Riley and F. W. Boschen of the Sixteenth United States Infantry, were at the annual feed of the Omaha club Saturday night, but left early to attend the regular monthly moonlight meeting of the Sixteenth regiment.

Lieutenant Smith has just returned from a six-month trip through all the Asian and European capitals, where he has been inspecting the foreign armies.

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Chicago Great Western Railway advertisement. 'THE RIGHT ROAD' TO ST. PAUL AND MINNEAPOLIS. Two sumptuously equipped trains daily, making fast time. Finest Dining Car Service. Get a 'Guide to St. Paul,' a comprehensive list of attractive places to see in the Saulty City, free for the asking.