

SHUMWAY GETS NEW LEAVE

Doomed Man is Granted Stay of Execution Until March 5.

ORDER BY THE SUPREME COURT

Prisoner in Dress and Ready to Start for Gallows When the Decree Giving Few More Days Comes.

(From a Staff Correspondent.) LINCOLN, Feb. 19.—(Special.)—His good-byes said, his final prayer spoken, his preparations to die all made, standing in the very shadow of the gallows, R. M. Shumway, convicted murderer of Mrs. Sarah Martin, was saved by a stay of execution issued by the supreme court. Notice of the action of the court was received at the state penitentiary just two minutes before the death march was to have started. From the prisoner's cell to the scaffold, Shumway thought the appearance of the deputy warden and others at his cell door was notice to him that the moment of his execution had arrived. When he was informed that by the court's decree his execution had been postponed until March 5, except by a change of expression he showed no signs of interest, he said nothing. A few moments later he remarked: "I just as well have been hanged today as March 5."

In the warehouse of the broom factory, where the gallows is located, 100 or more persons had been permitted to enter to witness the hanging, and among these were Jacob Martin, the husband of the murdered woman; Harvey Groves, her brother; two nephews, C. E. Groves and L. E. Groves; Dr. A. R. Touville, the family physician for the Martins; a delegation from Beatrice, and Firth and Adams, near where the crime was committed, and several members of the legislature.

These persons had reached the prison early in the forenoon, and for more than an hour they huddled together in the damp, cold gallows room waiting the coming of the condemned man. It had been told that the death march would start at 2:30 o'clock and it was just that hour that Warden Beemer stepped to the door and announced the decision of the court.

Insists He is Innocent. Shumway had written his last letter to his sweetheart, Stella Bogerly, and had this morning received one from her in reply. In her letter she expressed sympathy for him and the hope that "we shall soon meet."

The stay of execution was signed by Judges Root, Rees, Dean and Fawcett. Judges Barnes and Letton not concurring. The action was taken after affidavits had been presented to the court to show Shumway was not mentally competent. Fulton Jack, a Beatrice attorney, swore Shumway was not competent to transact ordinary business. R. W. Baban, another lawyer, signed an affidavit to the same effect. Mrs. Anna Peters of Beatrice testified in an affidavit that her husband, John F. Peters, one of the jurors who convicted Shumway, had committed suicide because he felt he had done a great wrong in voting for conviction. Three physicians, A. B. Robinson, C. F. Fall and P. Y. Goss, testified he was not mentally responsible, and his half-brothers, A. F. and William Shumway, swore he had been injured while a boy by being dragged by a horse. They asserted his head was injured then and he has never recovered.

The hearing before Governor Shallenberger. The hearing before Governor Shallenberger in the Shumway case lasted from 10 o'clock until 12:40 p. m., and, at the conclusion, the governor without hesitation declared he would not interfere in the case. He said he believed Shumway had had a chance to avail himself of his constitutional rights and that it was for the supreme court and not for him to pass upon these questions.

Shumway was represented before the governor by R. M. Landis of Seward and Judge Francis G. Hamer of Kearney. Deputy Attorney General Grant Martin represented the state. The defense urged that a reprieve of 100 days be granted in which Shumway might protect his rights. It was claimed he had been deprived in the first trial of seven peremptory challenges, and that in the supreme court he had been denied a rehearing by three judges only, whereas four was a majority. Judge Hamer urged that the brutality of the crime caused the prosecution to overlook the rights of his client.

B. & M. PLANS IMPROVEMENTS Will Build New Coal Sheds and Tank at Broken Bow.

BROKEN BOW, Neb., Feb. 19.—(Special.)—The Burlington railroad at this point contemplates making several important changes and improvements in the near future. Division Superintendent J. C. Birdsell of Alliance has been in town this week and says the road will erect new coal sheds in the east end of the yards, at a cost of \$12,000. A steel water tank with a capacity of 100,000 gallons will also be erected and a number of new wells sunk. The tank will be located in the east part of the yards, but will not be on the main track as the old one now is. It will be east of the depot and to the south of the side tracks, and a water crane will be erected where the present tank stands. This crane will supply water for engines on the main line and

his time being devoted to a discussion as to whether he, Andrew Rosewater, or Senator Ransom wrote the charter of twelve years ago, and he said the object was to Victor Rosewater being present to make suggestions to a democratic legislature or to help Mayor Dahman.

The Omaha man had not concluded what they wished to say when the hour became too late to continue longer, and another meeting will be held.

SKULL FRACTURED IN RUNAWAY Young Man Instantly Killed by Fractious Team.

BLOOMINGTON, Neb., Feb. 19.—(Special.)—Word was just received here that "Happy" Nelson, a young farmer living with his older brother four miles east of Center, was killed in a runaway accident Monday. Young Nelson had taken his brother to Creighton to catch a train for Wahoo. On his way home his team became unmanageable and ran away. In front of the mill in Beatrice, Neb., he was thrown out of his wagon, striking his head against a wheel of another wagon standing in front of the mill. A fracture of the skull resulted, which caused instant death. This is the fourth accident in this county within two weeks, three of them resulting in death.

GERING DAMAGE CASE ON TRIAL Prominent Plattsmouth Druggist Sues for False Arrest.

PLATTSMOUTH, Neb., Feb. 19.—(Special.)—The suit brought by Henry Gering to collect \$5,000 damages from John M. Leyda for being arrested by the sheriff and tried in county court on the charge of having illegally sold liquor in his drug store on Sunday, was called in district court Thursday. The sheriff had been previously ignored and Judge H. D. Travis had appointed ex-Sheriff W. D. Wheeler to empanel a jury and care for the same during the trial. Judge J. Sullivan and General Cowan of Omaha are assisting in the prosecution, while Byron Clark and J. E. Leyda, a brother of the defendant, represent the defendant.

COMBINATION AGAINST BRYAN Shallenberger and Hitchcock Said to Head Opposition.

NORFOLK, Neb., Feb. 19.—(Special Telegram.)—The news this afternoon says it has authoritative information that leading Nebraska democrats, including Governor Shallenberger and Congressman Hitchcock, both senatorial candidates, have agreed to retire Bryan from leadership in the state and national party affairs, believing he should withdraw after everything has been sacrificed for him by Nebraska democrats during sixteen years.

Mrs. Louisa Standish Moore. SCOTIA, Neb., Feb. 19.—(Special Telegram.)—Mrs. Louisa Standish Moore died yesterday at the home of her daughter, Mrs. George W. McAnulty, after a prolonged illness. Mrs. Moore was the widow of the late David Moore and with her husband was among the early settlers of the North Platte valley, having come here in 1871, and has resided here ever since. Besides Mrs. McAnulty, Mrs. Moore leaves a son, Dr. Milan S. Moore of Gothenburg, Neb. She was a sister of M. M. Standish, 319 Pacific street, Omaha.

Nebraska News Notes. WESTON—John Kavan, Jr., died early this morning after a few days' illness of pneumonia.

KEARNEY—Miss Mary Sawhill, just recovering from a long and serious illness, fell down a stairway in the home of her sister, Mrs. Margaret Oyster, this morning, fracturing her collar bone.

DICKENS—An important deal was closed here this week when W. T. S. Conner and his partner, J. J. Conner, of the city, secured the rights to the livery and feed barn at this place formerly owned by J. Castor. Mr. Conner is at present running a hotel here.

KEARNEY—Headmaster Russell of the Kearney Military academy has received an entire new outfit of band instruments that should be ready for use in a few days.

KEARNEY—At a meeting of Company A, Nebraska National Guard, held last evening, Jay Hawthorne was elected second lieutenant. Mr. Hawthorne entertained the company at the dance cafe after the meeting had adjourned.

BEATRICE—G. O. Hill returned home yesterday from Mead where he was called recently by the death of his wife, Mrs. Hill, who died of smallpox. Mr. Hill was a little discouraged relative to the removal of the body to the city.

MCCOOK—Captain John O'Brien, a veteran of the civil war, died here suddenly yesterday morning. He was 81 years of age and was the father of C. J. O'Brien, cashier of the McCook National bank in this city.

MCCOOK—Fred Whitney, a young man of this city, was arrested today, charged with stealing a sack of flour from the mill of the McCook Milling company.

KEARNEY—The annual Maquogue ball of the cadets of the Kearney Military academy was held at the city hall, which was brilliantly lighted in the evening. There were some elegant decorations and special lighting effects.

About seventy-five couples were marked and some elegant prizes were given.

BEATRICE—Mrs. Earl Owens, who has just returned from an extended trip to California, was taken ill yesterday at Wyoming with diphtheria and is reported seriously ill. The Owens home has been quarantined and every precaution necessary will be taken to prevent an outbreak of the disease.

BEATRICE—The Lushben Hay Baler company, which began business here last fall, has received many orders for a busy season. The company's manufacturing plant is located at the west end of the city. Six machines are being made to be delivered in April.

BEATRICE—The Nonpareils is the name of a new athletic club organized at the Young Men's Christian association building. The officers elected are: President, Harold Stout; president, Frank Robinson; vice president, Horace Cook; secretary-treasurer, Fred Whitely; and a base ball team by electing Robert Warren manager and Chester Dobbs captain.

Yesterday afternoon interesting reports were submitted. These officers are: President, Mrs. W. S. Johnson; president, Mrs. M. Van Arsdale, first vice president; Miss Beatrice; At the annual meeting of the Presbyterian Missionary society yesterday afternoon, the following officers were elected: President, Mrs. F. B. Sholden; treasurer, Mrs. S. P. Lester; secretary of literature, Miss Hattie Yule, assistant secretary, Mrs. M. Van Arsdale.

BLOOMFIELD—Bloomfield people are rejoicing over the recent appointment of the first regimental band of the state. Governor Shallenberger has made the appointment and has been notified by the adjutant general that the band consists of twenty-eight musicians under the leadership of Prof. W. H. Compton, formerly band leader of the First regiment band of Winnebago. The band will celebrate the event with a ball on Washington's birthday.

ALLIANCE—The first public entertainment of St. Agnes academy was held here tonight in the Phelan house in which 300 children participated. The event marked the termination of the first six months of the academy's existence. The showing in the way of ability and discipline in the many difficult drills by the children made it the best ever witnessed here. The academy is under the direction of the Rev. Fr. St. Francis and was built and held for in a little more than one year prior to the opening of the school season of last fall.

Victory for Independents. SPRINGFIELD, Ill., Feb. 19.—What independent telephone companies consider a victory is the decision of the Illinois supreme court today invalidating the sale of the majority of the stock of the Chicago Switchboard and Supply company to the American Telephone and Telegraph company. The court held that the American company bought the stock to sell it to the public.

MONEY FOR GENOA SCHOOL Senator Brown Gets an Appropriation for Two New Buildings.

NEW LUMBER RATE INTO DAKOTA Rivers and Harbors Bill, to Be Reported to the House Today, Contains Appropriation for the Missouri River.

(From a Staff Correspondent.) WASHINGTON, Feb. 19.—(Special Telegram.)—Through the efforts of Senator Brown, the item of \$24,500 for maintenance of the Genoa Indian school was restored to its customary place in the Indian appropriation bill during the consideration of that measure by the senate today. Senator Brown further gained the consent of the senate to the insertion of two amendments for further improvements at the Genoa school, one carrying an appropriation of \$7,000 for the erection of a brick barn and the other providing \$5,000 for the construction of a residence for the superintendent. As the bill now stands the appropriation is made for a total of \$66,500, with nothing said as to the disposal of the school by any officer of the government.

Petitions for Free Hides. Merchants in Nebraska are petitioning senators and congressmen to work for free hides. Last week Senator Brown presented a petition to this effect from Chadron. Today a petition from merchants of Nebraska City was presented in the senate by him. Nebraska City merchants declare the 15 per cent tax on hides is simply putting about \$500,000 annually into the treasury of the packing concerns.

For a Duty on Wool. Senators Brown and Burkett each presented petitions from the Omaha Commercial club asking for the retention of the duty on wool. The greatest part of the annual clip of wool is now made in the west and the duty is a straight protection of western interests, the Omaha club believes.

Milwaukee Ordered to Make Rates. The Interstate Commerce commission today, in an opinion by Commissioner Cockrell, announced its decision in the case against the Milwaukee railroad, the Biodeget Milling company against the same and the Interstate Iron and Steel company against the same. In the first case the defendant was ordered to maintain a rate for the transportation of lumber in carloads from Omaha to Canton, S. D., which shall not exceed 9.03 cents per 100 pounds.

In the second case the defendant was ordered to maintain a rate for the transportation of iron bars in carloads from East Chicago, Ind., to Moline, Ill., which shall not exceed 5 cents per 100 pounds. Reparation was awarded to the complainants.

Congressmen to Meet. A number of members of congress have chartered the steamer Washington and will leave the capital Sunday night to witness the arrival of the battleship fleet and its escorts in Hampton Roads on February 22.

Probably about 100 senators and members will be of the party, among them being Senator Burkett and wife, Representative Boyd and wife, Representative Pollard and wife, Representative H. H. Haskins and wife, Representative Kinkaid and wife, Representative Martin and wife of Deadwood and Congressman Philo Hall of Brookings, S. D., will also join the party.

Bill for Sale of Lands. Representative Norris today secured the passage through the house of his bill providing for the sale of certain lands in Frontier county, about 400 acres, which under the recent resurvey were found to be still part of the public lands. Settlers who have occupied these scattered lands under the original survey will be reimbursed pro rata through the sale of the lands. The bill is part of the government in running the lines of the initial survey years ago and upon which the homestead entries were based and passed to patent.

Money for the Missouri. The rivers and harbors bill, which will be reported the first thing tomorrow, contains the following paragraphs for the Missouri river: \$155,000 for operating navigators above and below Kansas City; \$100,000 for emergency, all to be used to improve navigation and protect government works, \$50,000 of which to be used above and \$50,000 below Sioux City; \$40,000 for general improvement. The total for the river is \$355,000.

Minor Matters at Capital. Contracts have been awarded to the Western Portland Cement company of Yankton, S. D., for furnishing 12,000 bags, free on board cars at Belle Fourche at \$18, and to the Iola Portland Cement company of Iola, Kan., for 63,000 barrels at 80 cents per barrel, free on board cars at

DES MOINES FIRM FAILS Creditors of McQuaid Grocery Company File Petition in Bankruptcy Court.

DES MOINES, Ia., Feb. 19.—Creditors of the McQuaid Grocery company of this city filed today a petition asking the company be brought into the court of bankruptcy. A received has been appointed. The claims aggregate \$60,000 while the assets are \$25,000.

Boston Broker Bankrupt. BOSTON, Mass., Feb. 19.—Walter H. Trumbull of the firm of Walter H. Trumbull & Co., bankers and brokers of Boston, filed a voluntary petition in bankruptcy today with liabilities of \$148,000 and assets placed at \$30,200. Inability to float certain bond issues and joint liability with another firm of brokers now in bankruptcy is given as the cause of the proceedings.

Mondell Explains Bill. CHEYENNE, Wyo., Feb. 19.—(Special.)—Congressman Frank W. Mondell has replied to unauthorized statements published in certain western newspapers misrepresenting the status of his 20-acre homestead bill by referring to the text of the measure as agreed upon by the conference of the house and senate. Within the last few days there have been several attacks upon this measure and upon the dry farming movement which it is expected to foster emanating from various sources at Washington when the purpose and work of the Transmissour Dry Farming congress and the efforts of western congressmen and senators have been discredited. It was stated by one correspondent that Senator Mondell's opposition to the Mondell bill would result in the tabling of that measure and that Mr. Mondell had prepared an amendment to the bill, which would be introduced by the Department of the Interior which would so restrict the application of the measure as to practically nullify it. Mr. Mondell has not drafted any such amendment and in a telegram to Secretary John T. Burns of the third Transmissour Dry Farming Congress, Board of Control states that the amendments which have been accepted are satisfactory to him and beneficial to the west. Mr. Mondell further states that he expects to have the bill passed soon. This is the status of the measure at present.

Let The Bee Want Ads do the work for you.

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Let The Bee Want Ads do the work for you.

HALF-MINUTE STORE TALK

You may not care to buy your spring suit at this store—may have been trading elsewhere so long you rather hate to change—but one thing is pretty certain. You'll want to see the styles this store sanctions before you buy a suit at some other store. Come right in. You're just as welcome as can be.

NEW SPRING CLOTHES AT THE NEW STORE King-Swanson Co. THE HOME OF QUALITY CLOTHES ANNOUNCE THEIR READINESS TO SHOW THE NEW 1909 SPRING SUITS AND OVERCOATS

Our great first and second floors are now entirely devoted to the new Spring Clothes for Men, Young Men and Children.

For the first time in Omaha's history a store must acknowledge—during February—that the winter goods are all gone.

The remarkable clearing sales conducted by us are still fresh in the public's mind—then we advertised and sold to out-of-town dealers all that remained of the winter's stock.

Of course we could have held on to the remnants and cried "Sale! Sale!" every week—but our ways are different; when we say "Nothing carried over," we mean it.

Then, too, being acknowledged leaders it is becoming that we should take the initiative and be the first to say, "Ho, for Spring!"

Many of the new suits are in medium weights for immediate use and can be worn right up to "two-piece" time and we've a great line of topplers and raincoats—every garment new for 1909.

SUITS ..... \$10.00 to \$35.00 TOP AND RAINCOATS ..... \$10.00 to \$30.00 CHILDREN'S SUITS ..... \$1.50 UP YOUNG MEN'S SUITS ..... \$5.00 UP

Nifty Spring Hats, . . \$1.50 to \$12.00

Let Him Read His Own Paper? OMAHA, Feb. 19.—To the Editor of The Bee: In an editorial in Wednesday evening's Bee you say: "With the liquor interests and the Anti-Saloon league both favoring an elective police board for Omaha, etc."

I am directed by the executive committee of the Douglas County Anti-Saloon league to inform you that the league as an organization does not enter into the controversy as to how the police commission should be created—whether by appointment by mayor or governor or by election. Members of the league differ on this question as they do on many other matters, since they are members of different political parties. Your assumption that the league has taken sides in this controversy is probably based upon the personal opinion of some member of the league.

I am further directed to say that our only interest as an organization in the police commission, however constituted, is to see to it that they enforce the law. This we propose to do. B. F. FELLMAN, President Douglas County Anti-Saloon league.

Note: The Omaha issue, published as the official organ of the Douglas County Anti-Saloon league, and with its secretary as its business manager, under date January 23, 1909, says: "If we are to have home rule, let the police commission be elective."

A Bloody Affair is lung hemorrhage. Stop it, and cure weak lungs, coughs and colds with Dr. King's New Discovery. 50c and \$1.00. For sale by Beaton Drug Co.

Foley's Orino Laxative cures constipation and liver trouble and makes the bowels healthy and regular. Orino is superior to pills and tablets as it does not grip or nauseate. Why take anything else. Sold by all druggists.

WE WANT 1,000 PEOPLE TO VISIT OUR STORE ON SATURDAY, FEB. 20th. WE ARE GOING TO HAVE THEM WILL YOU JOIN THE CROWD? Every lady why buys 5 cents worth of goods or over, will have a cup of Hot Chocolate FREE.

Here's What We're Offering for SATURDAY SPECIALS: 10c Powder Puffs ..... 4c 15c Powder Puffs ..... 7c 25c Powder Puffs ..... 12c 25c Tallow's Elder Down ..... 7c \$1.50 Oriental Cream ..... 99c 75c Violet Toilet Water ..... 49c 50c Perfumes, all odors ..... 25c 50c Hind's Honey and Almond Cream for ..... 27c 75c Buffers for ..... 49c 1 dozen Emery Boards ..... 5c 25c Sanitol Tooth Powder 14c

10c Jap Rose Soap ..... 7c 10c Ivory Soap ..... 7c 25c and 35c Manicure Files 14c 25c Santol Face Cream ..... 14c \$1.00 Fountain Syringe ..... 69c 40c Tooth Brushes ..... 19c \$1.00 Pierce's Prescription ..... 89c 25c Mennen's Talcum ..... 15c 25c Packer's Tar Soap ..... 15c 25c Santol Tooth Paste ..... 14c 50c Danderine ..... 45c

HOWELL DRUG CO. 207 AND 209 NORTH 16TH STREET. MIDDLE THE BLOCK. HOTEL LOYAL. BETTER BREAD—MORE OF IT! GOOCH'S BEST FLOUR Omaha Branch—405 N. Y. Life Bldg. Telephone Douglas 1538.

Lincoln Office Omaha Bee 518 Little Building Auto Phone 7417, Bell A-2598 G. M. Porter, Manager.

first siding. New side tracks will also be put in. Surveyors have been here this week and have plotted the ground for the installing of the sheds, water tank and side tracks. An engine house will be built and new pumping machinery put in. There is also rumor that important changes are to be made in the train schedule before very long.

LIVELY TIME OVER CHARTER

Democrats Have an Issue Before House Committee.

(From a Staff Correspondent.) LINCOLN, Feb. 19.—(Special Telegram.)—Wanted—An interpretation of home rule. Address communications to the Douglas county delegation in the legislature or to the mayor of Omaha.

The question was threshed out before the house committee on cities and towns last night by Mayor Dahman, members of the Douglas county delegation and others. The question was not settled, because the mayor gave one definition, Senator Ransom gave another and Charles E. Fanning wanted to quote Mr. Bryan's answer to the question as a final solution, but he was stopped by friends of the presidential candidate, who insisted that Mr. Bryan should not be dragged into the fight. Bryan had been appealed to, however, because Colonel Fanning, to help the mayor out, said:

"Mayor Dahman, what did Mr. Bryan say when you asked him what he understood by home rule?"

"Don't bring him in here," "Cut that out," and a few other such remarks greeted the question.

As a matter of fact, however, Mr. Bryan answered the question this way, so Colonel Fanning told them: "I believe home rule is taking the appointment of a police board away from the governor and giving it to the mayor."

The exhibition of the Omaha democrats before the committee was one of the greatest "harmony" sights ever witnessed in Lincoln. Senator Ransom insisted that he told the people countless times that he favored an elective police board, and just as Assistant Mayor Dahman claimed the senator had not, but that he (Dahman) had told them he favored a mayor appointed board.

"Not once during the campaign was it even mentioned that the police board was to be elected by home rule."

"Not once during the campaign was it ever said that the police board should be appointed," shouted Ransom.

Following are a few choice remarks of the democratic statesmen: Senator Ransom, speaking of the charter revision committee of Omaha, "They made a mistake in thinking they were elected instead of this delegation."

Platform a Farce. Senator Ransom, telling of the writing of the democratic platform: "I know all about that home rule plank of Edgar Howard's. The platform had already been written and they were just simply playing a farce for our benefit."

Senator Ransom: "Not one-half of the Commercial club ever goes to the polls to vote."

Councilman Bridges: "No man in the Second ward has asked that the board be elected."

Louis J. To-Pole: "Edgar Howard offered a plank to the platform committee of an elective police board and it was rejected."

Tom Flynn: "I was chairman of the county committee and I made the campaign that elected Senator Ransom. I never said any one to tell me he favored an elective board."

Mayor Dahman: "Ten members of the delegation agreed to an appointive board and now the charter goes through the senate providing for an elective board."

Previous to the grand mixup of the democratic patriots over the slogan, "Let the people rule," Andrew Rosewater, city engineer, pointed out the evil effects that would result from giving to the council the right to appoint the help in the office of the city engineer and he recited what had occurred when this was the law.

H. B. Zimman, representing the charter revision committee, spoke for this committee, but was stopped before he finished making the suggestions offered by his committee.

Victor Rosewater talked briefly, saying the mayor's plan of selecting the police board seemed to be the better, but he favored permitting the present board to serve out its time before the mayor should make appointments. He favored a bill making more specific the qualifications of officers to be elected. The charter pending provides no qualifications for the councilmen other than that they live in the wards they represent. He favored providing a member of the police board being a candidate for any other office during the time he has been chosen a police commissioner. He called attention to the fact that the question was wholly one of "home rule" and that if the police board is to be elected why not the Park board and other appointive officers.

Senator Howell talked briefly, most of

the

Dame Fashion's Spring Creations that will be the coming rage Invisible Striped Panama Suit, as illustrated. Positive \$25 Value, at \$14.90 SATURDAY ONLY. A charming garment possessing that stamp of newness, of exclusiveness, of absolute perfection in every detail. All the newest shades of invisible striped panamas, trimmed with soutache