## Nebraska

# OBJECTION TO TWO

Auditor Insists Gaylord Must Quit One or the Other,

CHICAGO MAN'S GREAT SCHEME

Wants States of Nebraska and South Dakota to Help Build a Bridge for His Projected Rail-

road.

(From a Staff Correspondent.) LINCOLN, Neb., Sept. 16.-(Special.) C. P. Gaylord, elected supreme secretary of the American Order of Protection, cannot serve in that capacity unless he re-signs as the head of the Order company, which has a contract to do the field work for the first named company.

This is the statement of State Auditor Barton, who supplemented it by remark ing that if there was any law by which he eguld force Mr. Gaylord to resign one of the offices to which he has been elected he will call it to his aid. He was in consultation with the legal department of the the former secretary, O. C. Bell, not to turn the records of his office over to the new secretary. In this way he expects to get the matter into the courts and get a ruling as to the legality of the proposition of one person serving in the two capacities.

At its meeting the American Order of Protection elected the following officers:
Supreme past commander, E. J. Clements, Nebraska, re-elected.
Supreme commander, J. Marion Price,
Colorado, to succeed T. M. Bennitt, Nebraska.
Supreme vice commander, J. M. Millicen.

Supreme vice commander, J. M. Milliken,
Nebraska (office was vacant).
Supreme secretary, C. P. Gaylord, Nebraska, to succeed O. C. Bell, Nebraska.
Supreme treasurer, R. T. Hight, Nebraska to succeed John Ratcliffe, Ne-

braska.
Supreme chapiain, Catherine Dalley,
Colorado, to succeed Mrs. C. E. Borton,
Colorado. Supreme captain, P. E. Walters, Ne-braska (office was vacant). Supreme pilot, Lillian Jacobson, Ne-braska, re-elected.

Magee Has a Great Scheme. C. A. Magee of Chicago who has been writing for a long time to the secretary Dakota and appropriate \$300,000 each for the of the conference were as follows: state the free use of the bridge for wagons ference would like to sell to the state first mortgage gold bonds to make up an amount with the appropriation of \$1,200,000.

No Intent to Disobey Law. train crew. Recently railway trainmen complained informally to the railway commission that the Missouri Pacific and the Rock Island were violating this law. To-day the commission got a letter from Gay the commission got a letter from Bailey Waggoner, coursel for the rule was not authorized pacific. In which it was set out if this by the commission and was put into effect.

GRAND ISLAND, Neb., Sept. 16.—(Special Telegram.)—The hearing of the charges of Adjutant McGraw of the Soldiers' home there were many more gallor cans of blackberries charged and a drug store.

GRAND ISLAND, Neb., Sept. 16.—(Special Telegram.)—The hearing of the charges of Adjutant McGraw of the Soldiers' home there were many more gallor cans of blackberries charged and a drug store.

BEATRICE—Mr. Ali members of the State Board of Public Lands and Buildings and Governor Shallenberger are pressuated that after the first few weeks of the winter for the benefit of their health.

BEATRICE—J. B. Smith, a dairyman of BEATRICE—J. B. Smith, a dairyman of the state railway commission. The company changed its rules so clai Telegram.)—The hearing of the charges were delivered. Upon another occasion there were many more gallor cans of blackberries charged and a fruly for the state of the state railway commission. The company changed its rules so clai Telegram.)—The hearing of the charges were delivered. Upon another occasion there were many more gallor cans of blackberries charged and for than were delivered, at least half a dozen others were alleged. Mr. Jones stated that after the first few weeks of the winter for the benefit of their health.

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BEATRICE—J. B. Smith, a dairyman of the charges were delivered. Upon another can be claided to the charges.

Beatrice of the the law. The specific charge alleged this road employed one man to act as brakeman and flagman.

Landis Accepts Nomination. H. D. Landis, who received thirty-four votes for the demogratic nomination for regent of the state university and four votes as a populist candidate, which being a majority of the votes cast in each party for second place on the ballot as a candidate for regent, has accepted the nomination. Mr. Landis filed his acceptance today with the semetary of state, who will advise the legal department before placing the name on the official ballot. Mr. Landls got his votes in Saunders county and expressed surprise that he received no votes in his home county of

New Point in Liquor Law. In a brief filed in supreme court for the defendant in error, John S. Gibson, president of a local colored club, charged with Greene, attorneys, argue that the excise board of Lincoln has no power to define

> NATIONAL CORN FXPOSITION MAHA, December 6 to 18, 1909. Watch this paper for further particulars,



### What's The Matter

with the little fellow? The chances with the little fellow? The chances are that it is his eyes. Children's eyes often need attention, especially children just beginning school work. There is no duty that you owe more imperatively to your children than that of having their eyes regularly examined by a careful and compotent optician. Why not bring the child in tomorrow and learn for yourself if the eyes are defective.

**Euteson Optical Co.,** 

state this afternoon, and he has instructed crime and fix a punishment. The board under the law, the brief said, has the authority to grant liquor licenses, make rules or the government of the places in which iquor is to be sold. When the board established a rule to prohibit clubs from selling iquor to their members and fixed a penalty for a violation of this rule it went beyond its jurisdiction. Laws depriving one of property or liberty must be passed according to law like an ordinance, but the rules of the excise board are not even passed with a title and a bill. The board simply meets and "adopts the rules of last

Gibson was convicted of selling liquor as president of the chib and was fined.

Butcher Makes a Mistake. C. Moran of Havelock, who came to the state fair and paid \$200 for a thoroughbred helfer, now wishes he had his money, He turned the critter out in the pasture with his bunch of cattle. This morning Supreme medical examiner, M. A. Hoover, the butcher man came along with his Kearney, Neb., to succeed F. A. Graham, wagon looking for beef. So he stopped at Lincoln. Supreme inner guard, John L. Sheer, the Moran house. He was told to go out Kansas. Supreme outer guard, A. S. Bender, WyoThere were two red helfers in the pasture declared it to be the right of the legisand relish. When the bill came he asing.
Auditing committee, O. C. Bell, F. A. and it was the thoroughbred that the lature to enact such a law even if it did Auditing committee, O. C. Bell, F. A. and it was the thoroughbred that the Graham, E. P. Clementa, lock will get some fresh meat.

Methodist Conference. Karl Sladek, Bohemian missionary, told of state regarding the construction of a the Methodist conference today of his north and south railroad through Ne- work among the Bohemians of Nebraska brasks, has made a request to the secre- and he recommended that the work be tary of state which if carried out will help extended. F. M. Sisson and J. W. Miller out the scheme some. Mr. Magee asked were announced as transferred to the the secretary to have the legislature of North Nebraska and New Mexico confer-Nebraska join with the legislature of South ences, respectively. Others transferred out

and foot passengers and incidentally he Memorial services were held this after-

Western Union Appeals. The Western Union Telegraph company has appealed to the supreme court from Governor and State Board at Grand The Missouri Pacific railroad company the decision of the district court of Lanhas no intention of disobeying the law caster, which assessed the corporation \$100 requiring a certain number of men to a and costs for changing its rates without because the company intended to obey of the commissioners. A second count against the company for failing to file its

annual report on time was dropped. Reed Named for Clerk. Robin R. Reld has been appointed clerk

Oil Tanks Must Stay. not be taken away from it unless it can e proven that the tanks are a nuisance. selling liquor to its members, Greene & the storage of gasolene and coal oil in for the Kearney Military academy, which ance per se, but where the tanks are im- its most successful years.

#### Nebraska

roperly kept or negligently constructed the rule is different, and the company may PROBING compelled to properly construct them be ppshihited from using them.

objectionable in the neighborhood, or that he rental value of premises in the viinity is reduced is not sufficient ground ilone for interference by a court. He holds that the city has the right to refuse perssion for the construction of additional tanks if it would be unjust to property owners to permit it, and that if it does so it should notify the company to that effect. He holds that the city cannot ompel the removal of the fourth oil tank erected by the oil company at that location

# Judge Sullivan In the Tax Case

Democratic Candidate Seeks to Set Aside a Pet Democratic

Law.

(From a Staff Correspondent.) LINCOLN, Neb., Sept. 16 .- (Special Telegram.)-Judge J. Sullivan, who is attempting to have nullified the law enacted by the last legislature providing for the payment of an annual license fee by corporaions, this afternoon filed his brief in the district court of Lancaster county.

Judge Sullivan argued in his brief that s a license for the right to do business. As a license he insists that the money should go into the school fund or municipal division in which it is paid, according shall be under the supervision of the govmention is made of a governmental supervision. The brief refers the court to the that taxes shall be raised by taxation on the valuation of all classes of property. This section refers to persons and corpora-

dividuals. Corporations are creatures of the law, he argued, and are given liberties

The democrats in the legislature set great voucher. store by the enactment of this legislation

HEARING OF CHARGES OF ADJUTANT M'GRAW

Island to Investigate Condut

of the Home.

ness followed by C. H. Jones, head of the commissary department. The hearing may take several days.

his acting as commissary the system of delivery became better, and when there were complaints they were rectified.

At the morning session, at which this fair at Topeka.

Kearney Normal Opens.

KEARNEY, Neb., Sept. 16 .- (Special.)of the county court by Judge Cosgrave, to The fifth year of the Kearney Normal take the place of Horace Robins, who re- opened yesterday and about 300 students the testimony, attended the afternoon ses-He also volunteers the information that the normal, also many boys are arriving to Commissary Jones. suifable tanks does not constitute a nuis- opened today and promises to have one of

#### Nebraska

SOLDIERS'

The mere fact that they are unpleasantly Governor and Board Take Up Charges of Adjutant McGraw.

NOTHING STARTLING DEVELOPS

Beside Commandant Barnes Are Involved in the Charges Which Are Being Inquired Into.

GRAND ISLAND, Neb., Sept. 18 .- (Spe cial Telegram.)-Governor Shallenberger and the Board of Public Lands and Buildings are here investigating charges of incompetency and grafting made by ad-Jutant McGraw against Commandant Elli A. Barnes of the Soldiers' home.

At the opening of the hearing this morning Governor Shallenberger took a step which may be construed as an indication that he will oust McGraw whatever the result of the hearing. He seemed to call into question the right of the board to nvestigate when he inquired, before the taking of testimony was begun, under what provision of the statute the board sitting, and furthermore suggested that the various attorneys appearing for Commandant Barnes, Adjutant McGraw, etc., be eliminated from the hearing as counsel, himself being perfectly willing to refer all matters of a legal nature to he occupation fee charged by the state Attorney General Thompson. The latter, on the first point, declared that upon the board was imposed by statute the duty of making rules, involving the duty to see that such rules were enforced. Upon the to the constitution. He argues also that second point he preferred to permit all the decisive test of a law licensing a busi- who desired legal counsel to Mave same, ness is that such business or occupation and after a consultation between the four members of the board and Governor Shalernment. In the law under dispute, no lenberger this was agreed to and the hearing began.

Adjutant McGraw was the first witness section of the constitution which provides and alleged that Commandant Barnes continuously and persistently refused to give him access to the books, and that this led to confusion, as he could not check This section refers to persons and corpora-up bills. As a result goods were delivered tions and thus prohibits the levy of such that were not ordered, and there was no Deputy Attorney General Grant Martin ceived from Heinze Bros. at St. Joseph for the state filed a brief in which he which contained chow-chow, stuffed oliverefer only to corporations and not to in- stuffed olives. The goods were not used by the state, but the state paid for them

Secretary of State Junkin produced the not enjoyed by the people. He upholds voucher, and the stuffed olives were billed the law in every respect. No oral arguments will be made and it is believed for, so far as the evidence now in dis-Judge Frost will decide the case by Oct- closes, by the state. There was, however, no changing of names of articles on the

Mr. McGraw stated that in the bli and newspapers friendly to the candidacy shown to him by a clerk, but quickly of Judge Sullivan for supreme judge de- snatched away again, the item read "vinconstruction of a bridge across the Missouri river at Yankton. If the state will E. Houlgate, to the North Nebraska; G. Houlgate, to the North Nebraska; G. H. Mulse, to the Arkansas conference, and the free use of the bridge for wagons.

B. Thomas, to the North Nebraska; J. attempted nullification when he was box of eggs delivered from the Roeser published as filing the suit some time grocery which, he said, were not delivered, ago. nied that he had anything to do with the egar." Mr. McGraw also referred to a but admitted that later the box was made good. He stated that there were also irregularities in the deliveries of the Donald-Porter company of this city.

Story of the Sugar. C. H. Jones was the leading witness in regard to these transactions for McGraw. He alleged that at one time there were seven sacks of sugar missing from a de as a matter of fact, without the knowledge ent. Adjutant McGraw was the first withis acting as commissary the system of

testimony was given, Secretary Junkin's | BEATRICE-Alongo Whitcomb of Keno vouchers were looked up and seemed to corroborate the commissary's figures.

The Donald Porter company, hearing of signed. Mr. Reid is a law graduate of the have enrolled for the work of the coming sion from the president to the driver of the year. The main building has been redeco- delivery wagon, and just before closing rated and thoroughly renovated and the made answer, each being sworn. It devel-According to the opinion of Deputy City dormitory has been carefully gone over oped from the sworn testimony that when Attorney Flansburg, filed with Mayor Love Thursday, those who are objecting to the oil tanks near their homes out at Twenty-fifth and Randolph streets, must grin and bear it, for the council has given away mostly with registration and bear at the sworn testimony that when the sugar was ordered—3,000 pounds—the sugar was ordered—3,000 pounds—the sugar was ordered—3,000 pounds—the sugar was ordered—3,000 pounds—the firm was a little short, and sent out two sacks by the Soldiers' Home driver, and bear it, for the council has given away mostly with registration and bear at the sworn testimony that when the sugar was ordered—3,000 pounds—the firm was a little short, and sent out two sacks by the Soldiers' Home driver, and bear it, for the council has given away bear it, for the council has given away mostly with registration and handing out own team, twenty-three, which the comsomething for them. He holds that inasmuch as the city has granted permission for the erection of the tanks, the Lincoln of the tanks, the Lincoln of the model school bids fair wagon, who was then called and admitted occupy it with his stock of boots and Oil company has acquired property rights to have a larger attendance of pupils than that the sugar had been given into his ever, as many applications have been filed, keeping. He testified that he had delivered Incoming trains bring many students for it to the home and that it had been given

> Other Charges Brought Out. Other testimony was given by various witnesses, setting forth that the home physician and family had fine meals while patients in the hospital were poorly fed and half starved; that the doctor drank to excess; that the clothing purchased of the service was well under way would suffer very firm of 8. N. Wolbach was not always up to sample and that substitution was added. Other testimony was given by various to sample and that substitution was made; the farm boss was idle and that there were scarcely any vegetables all year, several witnesses declaring they had but one mess of peas and two small messes of string beans the entire year, no sweet corn and beans the entire year, no sweet corn and the presence of women members. the presence of women members.
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> So far the defendants of such charges have not had opportunity to offer evidence.
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> Enlow, corresponding secretary; Mrs. Edward Nelson, recording secretary; Mrs. F. A. Welch, treasurer.

have not had opportunity to offer evidence. A. held, was filled for several hours this afternoon. The board and Governor Shallenberger are patiently listening to all complaints the members may have and will resume the hearing at \$:36 a. m.

Stromsburg to Have Sewer System.

STROMSBURG, Neb., Sept. 16.—(Special.)
—Bids for the building of the sewer system in this city were opened and H. C. Gardener of Lincoin, Neb., was awarded Cations for members has secured nearly fifty applications of the local lodge. Arrangements will be made to take in a

the contract. Other bidders on the job were: J. J. Dunnegan, Shenandoah, Ia.; G. A. Benia, Seward, Neb.; Lang & Browett, University Place, Neb., and Charles Thompson. Place, Neb., and Charles Thompson, Omaha. There is over 17,000 feet of newer son, president, and C. V. Nelson, secretary, and the stock in the company is owned entirely by local business men.

gained considerable headway before dis-there were barely thirty. It is thought covered, but by the prompt arrival of the fire department it was put out. Two of this year. the younger children had been put to sleep ward Haase took place this afternoon

when all the business houses shut down between the hours of three and four o'clock. Dr. Abbott, of the First Methodist church conducted the services which in their room and it was with difficulty that they were saved, for when Mr. Lind entered the room he was unable to make his way to the bed where the children were asleep and they immediately rushed with ladders to the window and broke it with ladders to the window and broke it. with ladders to the window and broke it PERU-Sunday afternoon last, at thre

WRIGLEY WRIGLEY

PSIN GUM TASTS

Fine for breath!

The flavor lasts!

Everyone who doesn't chew it. should!

Everyone who does, should chew it more!

It's the beneficial confection!

Fine for teeth!

Nebraska

BEATRICE-J. B. Smith, a dairyman of

KEARNEY-The Kearney Land Com-

more commodious quarters in the Central National bank building.

pany will move their offices from the present location on Railroad street

BEATRICE-Ernest Schakel, the

LIBERTY-The Liberty street fair

place at present.

Look for the spear!

WRIGLEY WRIGLEY

WRIGLEY'S

SPEARMINT time!

Chew it going home -You'll be surprised at your fine

appetite. You'll be pleased

at your improved digestion.

Detroit Federation Withdraws. Labor by voting unanimously not to com-

MRS. NELSON MORRIS DIES FROM AN AUTO ACCIDENT

Widow of Chicago Packer Expires from Injuries Received by

with ladders to the window and broke it in and took the children through the window.

West Nebraska Conference.

KEARNEY, Neb., Sept. 16.—(Special.)—
The West Nebraska conference of the Methodist church formally opened in this city Wednesday evening, although the regular work did not start until Thursday morning. Bishop Warren opened the conference which was featured with an address by E. J. James of Kimball, Neb. Delegates and clergymen have been coming in rapidly and Thursday morning sees a fair attendance.

Nebraska News Netes.

Netheriat this place The cerewing a good crowd attended in position Saturday evening, and a good crowd attended in position Saturday evening, and a good crowd attended the position Saturday evening, and a good crowd attended the position Saturday evening, and a good crowd attended the position Saturday evening, and a good rews datended the position Saturday evening, and a good crowd

juries to the abdomen which brought about DETROIT, Mich., Sept. 16.—The Detroit Federation of Labor last night practically withdrew from the American Federation of Labor by voting unaulmously not to commember of the party injured. The machine ply with the recent order of the executive was only slightly damaged.

# BEATRICE—Alonzo Whiteomb of Kenosha, Wist, who is visiting in the city, was yesterday arrested and fined & and costs for exceeding the speed limit for automobiles in the city, KEARNEY TO THE TENNIS CHAMPION Says

Tells American Girls How To Be Healthy

SAN FRANCISCO, Cal.

Don't drink coffee. Don't drink tea. Don't exercise too much.

These three don'ts constitute the much more satisfactory advice of Miss May Sutton, champion woman tennis player of the world, to girls who would go in seriously and BEATRICE—Yesterday was children's day at the Gage county fair, and the attendance was estimated at 5,000. The Blue Springs band furnished the music, and the large crowd was well entertained by the various attractions on the grounds systematically for athletics.

Eat what you want. Take long walks.

Get all the fresh air you can. These are the three rules Miss Sutton lays down for girls who desire

merely to be strong and healthy. The little champion recently appeared on courts in San Francisco in a series of exhibition matches. It had heart troubles that overtake the to sample and that substitution was made; that a case of eggs charged and paid for from O. Roeser was not delivered until the adjutant got after him continually; that the farm boss was idle and that there were the farm boss was idle and that there were been reported that she was not in the coffee drinker, Postum furnishes her strong game that made her world's head and body. champion, with her same old dash and

accuracy. At the close of the series Miss Sut- Postum (boiled 15 minutes) con-

"While I advocate hearty eating, I cannot say too much The chapel, in which the investigation is held, was filled for several hours this aft-dance and the prospects are that the at-They are nerve destroyers and for years why they have to suffer so, no one can be healthy who persists in their use.

"Too much exercise is as bad as too and drank it every day. I never had little. Walking is the best exercise much flesh and often wondered why I there is. Early each morning, after drinking a glass of hot water, dressed in loose clothing, I walk for nearly

tention from every girl. If her time sufficient nourishment to sustain life. precludes the playing of tennis or golf she should take long walks in the coffee, didn't think I could do without open air, both before the morning and it. evening meal, throwing the head and draughts of that which money cannot buy but is in reach of the poor as well as the rich-pure air.

of exercise I cannot too strongly im- very fond of it. press upon girls as being the only secret of health and grace. Medicine I could eat more and sleep better. My the largest float in the parade.

Children's Narrow Escape.

STROMSBURG. Neb.. Sept. 1s—(Special.)

A. B. Lind's large new residence in the south addition to the city was damaged by fire last night, caused by the explosion of a kerosene lamp left in the room burning while the party occupying the room had gone down stairs for supper. The fire gained considerable headway before dis-

'Don't Drink Coffee

"Don't Drink Tea

"Don't Exercise Too Much"

Very easy when you know how

is as a morning cup

A hot, steaming cup of Postum is as invigorating and bracing as coffee. But instead of caffeinewrecked nerves, headaches and a liquid food which strengthens

A ten days' trial of well-made

"There's a Reason"

WONDERED WHY Found the Answer Was "Coffee."

and eventually discover that the drug -caffeine-in coffee is the main cause of the trouble. "I was always very fond of coffee

was always so pale, thin and weak. "About five years ago my health completely broke down and I was confined to my bed. My stomach was in "Athletics should receive some at- such condition that I could hardly take

"During this time I was drinking

"After a while I came to the conclushoulders back and taking long, deep sion that coffee was hurting me, and decided to give it up and try Postum. I didn't like the taste of it at first, but when it was made right-boiled "Pure air and a moderate amount until dark and rich-- I soon became

"In one week I began to feel better

Postum Cereal Co., Ltd., Battle Creek, Mich, U. S. A.

