### FILLING ITS MISSION WELL

Builders and Traders Exchange Doing the Work it Finds at Hand.

REPORT OF THE RETIRING DIRECTORS

Omaha Has Been Given a Standing Among Builders of the Country Some Reflections on the Duty of the Guild.

The members of the newly elected board of directors of the Builders and Traders exchange, met at the exchange rooms in the New York Life building yesterday afternoon, where the following report of the retiring board was presented and unanimously

"The National Association of Builders has "The National Association of Builders has become an established and permanent fact. There seems to be a demand for its existence. Its purposes are so laudable that it commands the respect of all thinking and progressive builders throughout the country. The Builders and Traders Exchange of Omaha is a branch of the national body, It is ours to make it a living and vital branch, giving tone and vigor to the body, and receiving in return unfailing benefits, or to lapse into indifference, forfeiting the prize.

"Omaha has already attained prominence as one of the large and leading cities of the west, and gives promise of still larger growth and greater influence in shaping the destinies of the great republic. Nothing bespeaks the character of the citizens of any city with greater emphasis than its public buildings and private residences; therefore the greater the intelligence and fidelity of its builders, the more satisfactory the results in this respect. May we not confidently hope, judging from the beginning already made with a control of the cont with such gratifying success, that Omaha, in the near future, may be the proud pos-sessor of a Builders and Traders Exchange second to none in the country, making its influence felt in every direction where the material and moral good of the city be con-

cerned?

"This can surely be done if the builders and traders of this city will but realize the importance and advantages of organization. and their individual responsibility of their How the Field Enlarges.

"Bishop Newman, in a recent address in Chicago, said that while surveying the magnificent and beautiful buildings at the World's fair grounds, it occurred to him that more wonderful than the buildings was the thought that before a stone had been laid on a little with the control of the cont had been laid or a nail driven in the struc-ture it had stood a perfect and completed whole in the minds of the men who planned and executed it. Is there not dignity in such a calling? Can any class of men make such a calling? Can any class of men make just claim to greater distinction? The build-ers exchanges of this country, if properly conducted, cannot fail to receive the proper recognition at the hands of the public, and in this way help to increase the growing sentiment that labor is honorable. Let the day soon dawn when our young men will feel that the door to distinction and honor opens as readily to an intelligent and honorable as readily to an intelligent and honorable mechanic as to any citizen of any class. We have been depending too much on foreign, imported mechanics, while our own young men have been seeking genteel and "kid-glove" acceptations. glove" occupations.
"A short time ago an advertisement in the

paper for a young man to fill a \$1,000 position received, within twenty-four hours, 126 ap-plications for the position. "We must see to it that the boys of our

country are given opportunity through trade schools and the public schools to obtain a mechanical education and thus be fitted for a useful and honorable calling in life, adding to the real and permanent good of the country. We enlarge somewhat upon these matters for the purpose of answering the question; 'Of what good is the Builders and Traders exchange?' and to show that every builder in the country who honors his cailing should be en rolled as a member of some exchange. Financial and Substantial,

"Your secretary and treasurer will enter into detail as to the financial standing and general workings of the exchange for the past year. The receipts and disbursements for the current year show that we have funds sufficient to pay all our obligations and leave a small surplus. The shortage in the stock account arises from loans made to general account previous to this year, largely in the first year of the organization. Your board of directors recognizes this as an obligation that must be care for at the earliest possible moment, and has I confidence that with returning prosperity in the building business it can be easily ac-

Early in the beginning of our work for the year it seemed advisable to make some new departures to interest the individual members in the work of the organization. Accordingly monthly meetings with the re-freshment feature were inaugurated. We

feel gratified by the results.
"Our membership also has increased 100 per cent in the last twelve months. The re-lations between the employer and the em-ploye during the past year have been satis-factory in the main, and no disturbance of

any magnitude has arisen.

"We, as a local body, have adopted the recommendation of the National association, viz: A plan of arbitration and can see no reason why, if adhered to by both employer and employer, all questions arising between the two interests may not be satisfactorise. interests may not be satisfactorily settled without the expensive luxury of

a strike. Laws of the Association. "The code of practice adopted by this as with code of practice adopted by this association and subscribed to by all the architects in the city, we believe to be our bulwark and chart for guidance, which, if faithfully followed, will place our organization on a footing that will insure prosperity

and permanence. uniform contract adopted by us should be urged by every member to the characteristic that it may become universal throughout the land. It is the product of the combined wiscommittee representing the dom of a committee representing the National Association of Architects, and the Master Builders of the United States. A committee of this organization A committee of this organization has recently turned over to a sub-committee a building ordinance for this city, which, it completed and adopted as recommended, will be as satisfactory and perfect an ordi-nance as any in the country.

"This large and intelligent committee should receive the heartfelt thanks of the citizens of Omaha for its persistent and faithful work faithful work.

"A hasty visit from our national secretary,
Mr. W. H. Sayward, his well-timed and encouraging words, coupled with the pleasant
social gathering and entertainment, is
worthy of notice. We trust it will be fre-

quently repeated. "Your committee, in retiring from official duties, thanks you for confidence manifested and asks pardon for shortcomings. It trusts that you will be wisely directed in the choice of officers for the coming year, and that the future of the Builders and Traders exchange will grow brighter each coming year of its

W. S. Wedge was re-elected secretary and his salary increased by the addition of \$100 per year. It was decided to keep up the monthly meetings with the refreshment features.

EAST OR SOUTH

Via the Wabash Route. The short line to St. Louis and quickest route south.

Only 37 hours to Hot Springs. Only 39 hours to New Orleans. Only 38; hours to Atlanta. Only 52 hours to Jacksonville.

With corresponding fast time to all points east and south. Round trip tickets to Hot Springs, New Orleans, Lake Charles, Galveston, San Antonio, City of Mexico, Los Angeles, San Fran-cisco, Mobile, Jacksonville, Tampa, Havana and all the winter resorts of the south and west. Reclining chair cars free to St. Louis, Toledo and Detroit. Pullman buffet sleeping cars on trains. Baggage checked from hotels and private residences to destination. For tickets, sleeping car accommodations and further information call at Wabash ticket office, 1502 Farnam street, or

HAYDEN BROS.

Muslin Underwear From the New York

10 cases of ladies' and children's mus lin underwear to go on sale Thursday at about 50c on the dollar. Our entire center aisle on 16th street to be used for this sale. This being our first special sale for 1893 puts us in a position to still further impress you that we are always leaders of bargains. To start this sale a rolling we will, between the hours of 10 and 11 a. m., put on sale 100 dozen ladies' night gowns, nicely trimmed and well made, for 29c each; only two

FOR ALL DAY THUSDAY. In this sale will be found a lot of children's muslin pants, 1 to 4 years, at 12½c each, 5 to 8 years 15c, worth double. I lot of ladies' night gowns, tucked and nicely trimmed with embroidery and some in tace, 29c, 39c, 50c, 59c, 69c, 75c, 85c and 98c, and guarantee every garment to be worth double what we ask for them.

100 dozen ladies' skirts, full size and trimmed with deep embroidery, only 50c each, regular price \$1.00. 50 dozen ladies' corset covers 22c, 29c,

35c, 50c and 75c. The best values we have ever shown in this line.

100 dozen ladies' fancy night gowns, ruffled and trimmed with fancy edge. \$1.00 and \$1.25 each, one-half price. This is the newest thing in the market. See show windows for our mammoth display of bargains for this sale on

> HAYDEN BROS. 16th street.

Real estate. Bargains only. My word is good. W. G. Albright. 621-2-3 N. Y. Life bldg.

Thursday.

If you will call at our new store we will present you with a copy of a beautiful piece of music. Ford & Charlton,

Frescoing and interior decorating, designs and estimates furnished. Henry Lehmann, 1508 Douglas street.

#### LICENSES AND PERMITS.

Dealers Authorized to Sell by the Excise Board at Yesterday's Session. At a meeting of the license board held yesterday afternoon the following applications were acted upon:

Saloon licenses: William Kopke, 414 South Fourteenth street; Kitchen Bros., Paxton hotel; George O. Curtis, 220 South Fourteenth street; E. Behler, 101 South Thirteenth street; Berg & Johnson, 424 North Sixteenth street; Henry Mies, 1024 South Thirteenth street; Fred Druos, 412 South Thirteenth street; E. Rothery, 323, South Eleventh street; James Harold, 2402 Leavenworth street. Protested cases of Charles E. Morin, 1824 North Sixteenth street, and James P. Con-nelly, 2406 Cuming street, were set for hear-

ing Friday evening. The following druggists' permits were approved, but are not to be issued until the semi-annual report of the druggists has been

semi-annual report of the draggists has been made to the board;

Richardson Drug company, 904 Jones street;
Blake, Bruce & Co., 401 South Tenth street;
B. Robinson, 1102 South Thirteenth street;
Anton Cajori, 601 Pierce street; Hayden Bros., 104 South Sixteenth street; M. Parr, 423 South Tenth street; F. L. Mares, 1228 South Four-teenth street; F. L. Mares, 1228 South Four-teenth street; Swanson & Holst, 2653 Cunning street; W. E. Berry, 2504 North Twenty-fourth street; Goodmah Drug company, 1110 Farnam street; E. M. Canan, 523 South Thirteenth street; E. M. Canan, 523 South Thirteenth street; E. M. Canan, 523 South Thirteenth street; E. M. Sandstedt, 393 North Sixteenth street; M. Wirth, 1224 North Fortieth street; W. R. Bennet Co., 1502 Capitol avenue; F. W. Fogg, 124 North Twelfth street; S. H. Smith, 1025 South Tenth street; J. M. Crissey, 2112 North Twenty-fourth street; J. A. Failer & Co., 1402 Douglas street; O. L. Bang, 2421 Cunning street; O. L. Bang, 4204 Hamilton street; C. W. Rapp, 1352 North Twenty-fifth street; J. H. Owen, 213 North Twenty-fifth street; J. H. Schaefer, 324 North Sixteenth street; J. H. Owen, 213 North Twenty-fifth street; J. P. Kippey, 1101 South Twenty-fifth street; J. P. Vickers, 1923 Lowe avenue; P. Strausbaugh, 1822 Vinton street; John B. Conte, 1828 South Tenth street; C. B. Satterfield, 720 South Sixteenth street.

Pneumonia.

At no time in the history of the country has pneumonia been so prevalent as during the winter months of the last two years. In times past a common cold was not considcred at all serious, but of late years the great tendency of colds to result in pneumonia has made people apprehensive. The trouble is that colds are not always properly treated. No preparation containing oplum, vild cherry or chloroform should be used, as they have a tendency todry up a cold, whereas it should be loosened and the lungs relieved. It has been observed that when Chamberlain's Cough Remedy is used the cold never results in pneumonia. The reason is that this remedy stimulates the mucous membrane which lines the throat and lungs to a healthy action, causes a free expectora tion, throwing off the poisonous matter, and counteracts any tendency toward pneumonia. For sale by druggists.

### DISTRICT COURT DOINGS.

Final Adjournment of the September Term Next Saturday. The work of the September term of the district court has been about completed and the judges have agreed upon next Saturday as the date for the final adjournment.

Yesterday morning Judges Davis and Irvine were upon the bench to listen to the arguments in the case of Doane and Keller against the county of Douglas. The gentlemen bought lots in the poor farm addition and are now trying to have the county take property and return the purchase The plaintiffs seek to get behind an irregularity in the sale and the proceedings that were had prior to the time when the land was put on the market. Judge Keysor passed upon the case of Butts against Lawyer Van Etten and de-

cided that, the gentleman's legal wings should not be clipped. In the case of the Poor Clare convent In the case of the Poor Clare convent against the city, Judge Keysor held that the appeal from the award of the city appraisers could be taken and that the case was a proper subject for the consideration of the courts. In opening a street in the vicinity of the convent, the city made an award, from which an appeal was taken, but it was not filed until one day after the time provided for by the ordinances of the city. City Attorney Connell denurred on the ground that the appeal was not taken in time and also on the ground that the ground that the court had- no jurisdicthe ground that the court had no jurisdiction. The demurrer was overruled.

An honest pill is the noblest work of the apothecary. DeWitt's Little Early Risers cure constipation, billiousness and sick head

Marriage Licenses.

The following marriage licenses were issued by County Judge Eller yesterday: Henry Kerr, Beatrice, Neb. Emma Schnellback, Omaha Frank Berry, Omaha Maggle Berry, Beulah, Colo Chris Jensen, South Omaha.... Anna D. Nelson, Fairwell, Neb..... Thomas B. Helean, DeWitt, Ia Johanna Roderick, South Omaha 

Transcontinental Rate Meeting. What promises to be the most important rate meeting that has ever been held by the transcontinental lines, not excepting the meeting held last year, when the association was dissolved, will take place in St. Paul January 9. All the transcontinental lines have expressed a willingness to send delegates, and a new association with vaster powers than had the old, may be the outcome of this attempt to get together. Of course World's fair rates will be among the topics discussed.

topics discussed. Constipation cured by DeWitt's Early

some time. The "plant" was in a barber shop at 3204 Ames avenue, and was run by Charles, alias "Cad" McGuire.

Recent burglaries in the north end of the ity have caused considerable uneasiness, and a close watch has been kept by proprietors of stores on their goods. Last Saturday night the butcher shop of James McFadden, Forty-third and Brighton treets, was broken into and a couple of indred dollars' worth of plunder stolen. McFadden suspected the McGuire outfit and swore out a search warrant for the place. Early yesterday morning the officers served the warrant and the result was more than surprising. One of the largest "plants" of stolen property ever discovered in Omaha was found. Everything from a cigarette up to a ton of coal was found, and three wagonloads of stuff were carted down to the jail and turned over to the property clerk.

McGuire was arrested and locked up on a warrant charging him with grand larceny and with concealing stolen property. A young man who gave his name as Harry Holt was also locked up with McGuire on the

#### McGuire is an Old Timer,

The police say that McGuire learned to be He is a barber while at the Lincoln penitentiary. He is a brother of the well known thief, "Dug" McGuire, who has just been released after serving a seven-year term. Holt is a hard up young man who lives in the neigh-borhood and who thinks he is too strong to

work.

The McGuires were members of the Modern Woodmen camp that met over the shop, and Mrs. McGuire was quite prominent in the camp. The people in the neighborhood were much surprised when they saw the family ride away in the patrol wagen, and about that time Mrs. Petty, of whom McGuire rented the shop, came around to collect her rent. She was just in time to see the prisoners taken away, and is still waiting for her oners taken away, and is still waiting for her

oners taken away, and is still waiting for her rent.

McGuire's story as related after his arrest shows him to be nobody's fool. He accounted for the presence of the goods in his house by saying that he had been trading all the fall with every one who had anything to trade. He had obtained a number of horses at from \$2.50 to \$15 apiece and had got rid of most of them at a good profit. He declared that all the groceries and other stuff found on his promises were staple articles, and no one could swear that they were the same articles that had been stolen unless they had a could swear that they were the same articles that had been stolen unless they had a private mark. From this he argued that it was an impossibility for the police to convict him of anything more than receiving stolen property, and they could not even make that stick unless some one was willing to swear that some of the articles believed. to swear that some of the articles belonged

The prisoner emphatically denied that he had ever served time and said that he had never been arrested before except once as a descriter from the United States army.

The police recovered in all about \$1,000 worth of goods, and some of the property was identified by the owners yesterday afternoon.

One complaint has been filed charging One complaint has been filed charging McGuire with grand larceny, and as fast as people come in and identify their stuff they will be asked to file additional complaints.

In consequence of the raid the police are happy, as they believe that they have now harden up the grand condensate her beginning the state. broken up the gang of sneaks and burglars who have been operating in the north end for the last three months.

### SUPREME COURT OPINIONS.

Syllabl of Decisions Recently Handed Down by the Judges.

Lincoln, Neb., Jan. 4.—[Special to The BEE. ]-Following will be found the syllabi

of decisions announced today: Davis vs Sullivan. Appeal from Pouglas county. Affirmed. Opinion by Mr. Chief county. Affirmed. Justice Maxwell.

Justice Maxwell.

The plaintiff owned a lot in the city of Omaha, which she purchased in the spring of 1873 and took possession of the same in the fall of that year. The lot was enclosed. The defendant purchased the lot adjoining the plaintiff's lot on the south in 1872 and took possession thereof, and the division fence between the two lots was recognized as the true line for seventeen years. In an action to enjoin the defendant from permitting surface water to flow on the plaintiff's lot, held, that there was a failure of proof to entitle the plaintiff to recover, and there was no equity in the petition.

Upton vs Kennedy, Error from Douglas county. Reversed and remanded. Opinion by Mr. Chief Justice Maxwell.

oy Mr. Chief Justice Maxwell.

1. Where the answer to a petition is a general denial, and it appears from the pleadings themselves that it is false, it may be stricken from the files as sham.

2. Where a general denial is sufficient in form and there is nothing on the face of the pleadings to show that it is false the court will not enter into an examination of the merits of the defense upon affidavits.

Majors vs. Edwards et al. E.

Majors vs Edwards et al. Error from Douglas county. Affirmed. Opinion by Mr. Chief Justice Maxwell.

Chief Justice Maxweil.

An affidavit for service by publication was in the following form: "Isaac Edwards, being duly sworn, deposeth and saith that he is the attorney for said plaintiff; that said John Edwards is not in the state of Nebraska, and that said Mary Majors is a non-resident of said state of Nebaska, and is now absent from said state; that service of summons cannot be made within the state of Nebraska on the said defendant to be served by publication, and that the case is one of those mentioned in the seventy-seventh section of the code of civil proceedure and further saith not." Held, That as the object of the action was specified in section 77 of the code that there was not an entire object of the action was specified in section and target to make service by publication and therefore it was not void, and that a decree of foreclosure rendered upon constructive service based on such affidavit would be sustained. A mistake in the title of an affidavit is immaterial after judgment.

State ex rel State Journal company vs State ex rel State Journal company vs Boyd. Mandamus. Writ denied. Opinion

by the court. The governor is vested with a discretion in the use of the contingent fund appropriated by the legislature. He may m his discretion use said fund for the purchase of stationary needed by the state, but will not be required by mandamus to approve a warrant against it on account of books and stationary ordered by him.

Burlingim vs Cooper, et al. Error from Douglas county. Affirmed. Opinion by Mr. Chief Justice Maxwell. An action is begun in this state by filing a petition in the district court, upon which summons is issued which is served on the defendant. defendant.

2. A mechanic's lien continues in force for two years after the date of filing the lien and in case an action is brought to forcel se the same until judgment is recovered and satisfied. If a summons is issued before the expiration of the two years from the filing of the lien, it may be served afterwards within the statutory time, but if not issued until after the expiration of two years an action to enforce the lien will be barred.

3. Held. That the proof failed to show a new promise of the purchaser of the property to pay the debt.

Costello vs Chamberlain.

Costello vs Chamberlain. Error from Hall Affirmed. Opinion by Mr. Jus-

CAPTURED STOLEN PROPERTY

Folice Unearth the Most Prosperous "Fence"
Found in a Long Time.

HOW BARBER M GUIRE MANAGED TO LIVE

He Had About Everything Movable in the North End of Town Stowed Away in His Shop—Downfall of a Society Man.

Yesterday the police discovered the biggest "fence" that has been unearthed for some time. The "plant" was in a barber to the part of the benefit of the property of the trial court.

Fully prefer outcor more of his creditors and secure such creditors by mortgage or conveyance absolute paraded the transaction is in secure as a mortgage or conveyance absolute sale the form of a mortgage or conveyance absolute sale the transaction is in secure as mortgage or conveyance absolute sale the transaction is in secure as mortgage or conveyance absolute sale the transaction is in secure as mortgage or conveyance absolute sale the transaction is in secure as mortgage or conveyance absolute sale the transaction is in secure as mortgage or conveyance absolute sale the transaction is in secure as mortgage or conveyance absolute sale the transaction is in secure as mortgage or conveyance absolute sale the transaction is in secure as a mortgage or conveyance absolute sale the transaction is in secure as a mortgage or conveyance absolute sale the transaction is in secure as a mortgage or conveyance absolute sale the transaction is in secure as a mortgage or conveyance absolute sale the transaction is in secure as a mortgage or conveyance absolute sale the transaction is in secure absolute sale the transaction is in secure as a mortgage or conveyance absolute sale the transaction to defaut other creditors.

2. An Instrumental the form of eventor as a mortgage or conveyance absolute sale the transaction is in secure as a mortgage or conveyance absolute sale the transaction to defaut other creditors.

2. An Instrumental the form of held to be an assignment for the benefit of creditors exceuted to the colline in the transaction to the transaction the transaction to the transaction to the transaction

Bloomer vs Nolan, Appeal from York county, Reversed and action dismissed. Opinioh by Mr. Justice Post,

Opinioh by Mr. Justice Post,
One who seeks to disaffirm a contract on the ground that he was an infant at the time of its execution is required to return so much of the consideration received by him as remains in his possession at the time of such election, but is not required to return an equivalent for such part thereof as may have been disposed of by him during his minority.

2. The property of an infant is not subject to a mechanic's lien for material purchased by him during his infancy nor will he be held to have ratified the contract so as to entitle the material man to a lien thereon by retaining the property after he attains his unifority.

3. Evidence examined and held not sufficient to sustain the decree of the district court allowing a mechanic's lien in favor of the plaintiff.

Wyeth Hardware and Manufacturing com-

Wyeth Hardware and Manufacturing company vs Shearer. Error from Furnas county. Affirmed. Opinion by Mr. Chief Justice Maxwell.

The testimony being conflicting and the ver-dict not being against the clear weight of the evidence the judgment is affirmed. Richards vs State. Error from York county, Reversed and remanded. Opinion by Mr. Chief Justice Maxwell. In a charge of rape where no complaint was

In a charge of rape where no complaint was made for about seven months after the com-nission of the alleged offense and not until concealment by reason of pregnancy was no longer possible. Held. That the statements of the prosecutrix were not admissable in evi-dence, but independent facts, such as the con-dition of her clothing at the time are admissa-ble.

ble.

2. Proof of deformity of prosecutrix—as by the want of a hand is proper as tending to show diminished power of resistance.

3. A charge of rape made months after the alleged commission of the same where there were no marks of violence on the person or clothing of the prosecutrix, or evidence of excitement or change in her demeanor, cannot be sustained unless there is very strong corroborating proof of the commission of the offense.

Where the accused testifies in his own be-4. Where the accused testines in his own behalf and admits the sexual intercourse, but denies the use of force, it is for the jury to determine the facts from the testimony.

5. Instructions taken together, held to state 5. Instructions taken together, held to state the law correctly.
6. A juror will not be permitted to state to his fellow jurors while they are considering their verdict, facts in the case within his own personal knowledge. He should make the same known during the trial and testify as witness in the case.

The Anheuser-Busch Browing association vs The assigned estate of the Farmers and Merchants bank of Humboldt, Appeal from Richardson county. Affirmed, Opin-ion by Mr. Justice Norval.

Where a bank collects money for another it holds the same as trustee of the owner, and on the making of an assignment by the bank for the benefit of its creditors, the trust character still adheres to the fund in the hands of the assignee, and the owner is entitled to have his claim allowed by the county court as a preferred claim.

his claim allowed by the county court as a preferred claim.

2. In such case where the owner filed his claim with the county indge in the regular way, which is allowed like that of an ordinary creditor, no preference being given, from which allowance no appeal is taken, and he afterwards accepts from the assignee two dividends declared, he waives his right to differwards insist upon the payment of his claim in full.

3. It is the duty of the county judge at the same time he audits and allows a claim against an assigned estate to determine whether or not it is entitled to preference, and if he finds that it is, to order the same paid as a preferred claim. His decision is in effect a judgment which is conclusive unless appealed from.

Stuart vs Hervy, et al. Appeal from Douglas county. Affirmed. Opinion by Mr. Chief Justice Maxwell. 1. Held that the proof fails to show a de-livery of the deed or any equitable right to charge the defendant Hays with the payment of the notes in question.

2. Where by the terms of a deed a grantee assumes a debt secured by a mortgage on the land and the grantee denies the debt and the delivery of the deed, to bind such grantee the proof must show an actual delivery from which, if he retains the deed an acceptance may be presumed. Very clear proof will be required where the property conveyed is of much less value than the incumbrance which it is alleged the grantee assumed. of a deed a grante

Ashford vs The State. Error from Douglas county. Reversed and remanded. Opinion by Mr. Justice Norval.

In a criminal prosecution the confession or admission of the accused is not alone sufficient to justify a conviction; that the crime charged has been committed, must be established by other testimony. A voluntary confession may be proven, for the purpose of connecting the accused with the offense.

2. On a trial for burglary under section 48 of the criminal code, an essential element of the crime is that the breaking and entering were committed in the night season, and unless this element is proven beyond a doubt the accused should be acquitted.

3. In such a case the intent with which the breaking and entering were done must be breaking and entering were done must be In a criminal prosecution the confession of

breaking and entering were done must be proved as laid in the information. 4. Evidence in the case held insufficient to sustain the verdict and judgment. Metropolitan Building and Loan association vs Van Pelt et al. Appeal from Douglas county, Affirmed. Opinion by Mr. Chief

1. Held, that the proof fails to show that the note in suit was executed by the corporation without authority.

2. The testimony upon the material questions of fact is conflicting, and the court is not justified in reversing the case.

Imhoff vs House, Error trom Douglas county, Reversed and remanded, Opinion by Mr. Justice Norval. A party is not allowed to allege in his petition one cause of action and prove another upon the trial. The allegata and probata

must agree.

2. The evidence in the case held insufficient to support the verdict. Hawkanson vs Brodke. Error from Douglas county. Aftirmed. Opinion by Mr. Justice Norval.

Norval.

The refusal of the trial court to direct a verdict in the case for the defendent, held proper.

2. Held that there is no error in the charge of the court, and that the verdict is sustained by the evidence.

3. Following the repeated decisions of this court, and that the verdict is sustained by the evidence.

3. Following the repeated decisions of this court it was held that where a sheriff levices a writ of attachment upon property found in the possession of one not a party to the suit in an action of replevin therefor by such person, the officer, to justify the taking, is required to show that the attachment writ was regularly issued. In other words, that the writ is regularly in the subject matter of the action. How It Became Popular.

When people find an article much superior to anything of the kind they have ever before used, they are almost sure to tell their friends about it, and especially if they know some friends needing such an article of some friends needing such an article. Dealers also soon learn the true value of their goods, and when they have an article of unusual merit they will almost invariably mention the fact to their customers. This accounts in a great measure for the large sale on Chamberlmin's Cough Remedy. Here is an instance: W.L. Needham, a prominent citizen and business man of Oresbury Mo citizen and business man of Orrsburg, Mo., has been selling Chamberlain's Cough Remedy for several years and recommends it to his customers because in his experience it has proven to be the best for colds, croup and whooping cough. He says it is the most popular medicine that he handles, and gives the best satisfaction. 50 cent bottles for sale by druggists.

See the celebrated Sohmer plane at A debtor in failing circumstances may law- Ford & Charlton Music Co., 1508 Dodge,

# DRPRICE'S Geall Baking Powder.

Used in Millians of Homes-40 Years the Standard.

### A New Waltz by Strauss



Will inaugurate, early in 1893, the notable series of original musical compositions, by the most eminent composers of Europe, in connection with prize compositions by American composers, which THE LADIES' HOME JOURNAL

will, during the year, undertake in addition to its literary features. There will also be in the series

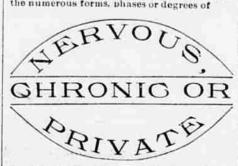
### A New Ballad by Sullivan

A song by Gounod, and the Journal's \$1000 prize compositions recently offered to resident American composers

Christmas Journal on News-stands

Send One Dollar for One Year to The Curtis Publishing Company, Philadelphia

of a cure, when you are afflicted with any of



DISEASES Is very poor economy. It is more to the point to count the cost of years of suffering, of despair, of incapacity for the enjoyment of the possibility of a corresponding profit. The man who tries to save a dollar by neglecting or refusing to take proper treatment for any of those distressing and dangerous sexual maladies, afflictions and weaknesses to which so many are subject, is saving one hundred cents and wasting thousands of dollars, besides shortening his 1 fe and adding to his misery while he remains upon earth. More than that he entails upon his descendants a

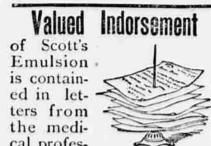
life of disease, and leaves his children only a peritage of woe. If you are a victim of any of these diseases. there is no time so good as now in which to begin to seek the means of a cure. We can

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cal profession speaking of its gratify. ing results in their practice.

Scott's Emulsion of cod-liver oil with Hypophosphites can be administered when plain oil is out of the question. It is almost

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