WILL BE HEARD AT LINCOLN

Buit Against Ex-Treasurer John E. Hill to Recever State Funds.

SUPREME COURT SETTLES ONE POINT

Question of Jurisdiction Decided Along the Lines Raised by the Defense Before Judge Davis in Douglas County -Maxwell Dissents.

LINCOLN, Neb., Jan. 3 .- [Special to THE BER. |-The supreme court today handed down its opinion in the case brought in the name of the state against ex-State Treasurer J. E. Hill and his bondsmen to recover the sum of \$296,381.30, this being the amount lost to the state by the collapse of the Capital National bank in this city last January. The action was originally brought in Douglas county and came up before Judge Davis. In the district court the attorneys for the bondsmen, who were not residents of Douglas county, objected to the jurisdiction of the court and Judge Davis sustained the objection. Judge Wakeley, who had been employed as special counsel for the state then brought the matter to the attention of the supreme court. The decision of the court today sustains the decision of Judge Davis, the opinion being written by Commissioner Irvine and actived by the supreme court by a vote of two to one, Justices Norval and Post voting In the affirmative and Chief Justice Maxwell

Just Bulling ex-Treasurer Hill, the following bondsmen of that official were represented in the defense: Victor B. Caldwell, Samue E. Rogers, John F. Coad, John H. McClay, John B. Wright, C. W. Mosher, D. E. Thompson, J. D. Macfarland, R. C. Outcalt, John Fitzgeraid, J. E. Smith, S. E. Smith, John Ellis, C. T. Boggs, N. S. Harwood and Frank Corpetzer, Ex-Treasurer Hill is too much pleased

over the result of the case in the supreme court to conceal his satisfaction. His pleasure only suggests the fact that he considers his case more than half won when the court decides that the state must attack him in

the courts of Lancaster county.

But there is at least one fly in the extreasurer's pot of ciatment. Judge Wakeley, in behalf of the state, alleges that when the ex-treasurer during his term of office de-posited the state funds in the Capital and other national banks he thereby converted the funds to his own use, contrary to the statutes. The supreme court common view. The language of the court is explicit.

When Hill removed the money from the treasurer's office with the intent of depositing it contrary to law he was guilty of a conversion and a cause of action accrued. Suppose, instead of depositing the money in Omaha. Le had deposited it in New York or Chic ago. Could it be said that it was only upon the deposit of the money that a cause of action accrued and that no suit would lie in this state? The wrong was done and completed so far as the state was cone-rand when the money was removed from its treasury at Lincoln.

removed from its treasury at Lincoln. The language of the court is significant. and as far as the court itself is concerned when the case again comes up on its merits the burden of proof will rest upon ex-Treasurer Hill to establish whether or not the state funds were illegally deposited in the Capital National bank.

Judge Maxwell's Opinion.

In his dissenting opinion Chief Justice Maxwell brushes aside the cloud of technicalities raised by the defense, and strikes directly at the one all-important point involved. He says:

The sole question presented is the right to bring the action in Douglas county. * If the allegations of the petition are true, the defendant, Hill, took the money of the state, and in the face of a direct prohibition of the statute converted the same own use by depositing it in two banks at Section 124 of the criminal code 'If any officer or other person charged with the collection, receipt, safe eeping, transfer or disbursement of the public money belonging to the state or any county shall convert to his own use or to the use of any other person in any way whatever, or shall use by way of investment in any kind of security, stock, loan, property land or merchandise, or in any other man ner or form whatever, or shall loan, with or tion, association or individual any portion of the public funds * * * every such act be deemed and held in law to be au embezzlement of so much of the said moneys. which is hereby declared to be a high crime, and such officer shall be imprisoned in the periteu inry not less than one year nor more than twenty-one years, according to the magnitude of the embezzlement, and also pay a fine equal to double the amount of money so embezzled.'

"This act was passed for the express purpose of prohibiting the loaning of the public funds. The experience of other states has been that the loaning of such funds tends to foster corruption in its worst forms by plac-ing the surplus funds of the state in the hands of a few persons to be used for their personal benefit. These persons stand in with the public official, whoever he may be, and manage to keep on hand a much larger surplus than necessary. Prior to 1835 the surplus funds of the United States were cept in banks. The effect was found to be favoritism and corruption, which had a demoralizing effect, not only upon party organization, but upon free government itself . The statute of Nebrasica place an absolute prohibition upon the loaning of public funds or depositing the same in a bank. Stronger language could not be used. The offense is declared to be embezzlement and the punishment is fixed. But it is said that the treasurer is guilty of conversion by carrying the funds out of Lancaster county, and therefore that county is the only one where the action can be brought. The answer is, the pronibition of the statute is not against carrying the funds into another but in loaning the same to one or county. more banks. The overtact—the loaning—took place in Douglas county, and there alone can a prosecution be had, and no prose cution for that offense could be instituted and maintained in Lancaster county."

Settled an Important Point. Another opinion handed down today holds

that the county and state depository act, passed by the legislature of 1891, is constitutional. The constitutionality of this law has been frequently challenged, but no actual tegal attack was directed against it until the case of John H. Hopkins against Barrett Scott reached the supreme court from Holt March 1, 1892, Hopkins filed a com-

plaint before the Board of Supervisors of Holt county, charging that Barrett Scott, treasurer of that county, had been guilty of official misdemeaners, especially in that h had deposited and loaned in certain banks the money belonging to the county and con verted the interest on the same to his own use contrary to the provisions of the depos-itory law. Scott's attorneys attacked the constitutionality of the depository law. The supreme court decides the matter in the following language:
"It is urged that the act of 1891 is unconsti

tutional, as containing more than one sub-ject. The act provided both for the depositing of state funds and for the depositing of county funds, and it is contended that each of these forms is a separate subject of legis-The general object of the act is to provide for the safe custody of public fuand it seems to us that this is a single subject of legislation, whether the funds are state or county. The object of the act is plainly expressed in its title, and the combination of provisions in regard to both state and county funds presents none of these ob-jections which influenced the adoption of the constitutional inhibition against uniting two or more subjects in a single act."

Syllabi of Decisions.

Following will be found the syllabi of the several decisions handed down by the court

Dunn against Dietz. Error from Lancaster county. Affirmed, Opinion by Ragan, C. The only assignment of error in this case being that the trial judge was wrong in a certain conclusion of fact, the evidence examined and held to support the court's finding and its decree affirmed. Farquhar against Hibben. Error from

Douglas county, Affirmed, Mr. Chief Justice Maxwell. Affirmed. Opinion by The testimony sustains the claim of the debtor that the property levied upon was

exempt and not subject to sale upon execution 2. An inventory of all the property of a debtor, who described his property in general terms as "three barrels of liquor," saloon and fatures and cigars, and stock, consisting of bar, liquors, glassware and mirror, at No. 220 bar, liquors, the court will look at the substance and hold it sufficient when it appears that all the property described was found at the place designated.

Karil against Kuhn. Error from Douglas county. Reversed and remanded. Opin-

county. Reversed and remanded. Opin-ion by Mr. Chief Justice Maxwell. In an action which involved the good faith of the purchaser of an entire stock of goods of the value of \$1,500, which were paid for by the transfer of eight lots in an addition to Soux City, of the alleged value of \$2,400 to the seller's wife and the remainder in notes of third parties, having some time to run. Held, that the proof and instructions were too much restricted to submit the matter in full to the consideration of the jury.

Svanson against City of Omaha. Error from Douglas county. Reversed and remanded. Opinion by Mr. Chief Justice Maxwell. After the grade of a street had been established a lot owner adapted his building on his lot to conform to the grade. Afterward a new grade was established, by reason of which the front of his building was left more than diffeen feet above the street. Held, that a clear preponderance of the evidence showed that he damages to the property greatly exceeded the special benefits.

Stanwood against City of Omaha, Error from Douglas county, Reversed and re-manded, Opinion by Mr. Chief Justice

On an appeal from an award of damages for Rittenhouse against Bigelow. Original.

Dismissed. Opinion by Mr. Chief Justice Maxwell. In cities which contain 10,000 inhabitants the taxes must be equalized by the town board, and the appointment of a clerk of such board is not illegal and unauthorized.

Governing Subscriptions. Egan against Bonacum. Error from Lancas-ter county. Affirmed. Opinion by Com-missioner Ryan.

A subscription contract having provided that each subscriber thereto became bound to pay such sum as should be placed opposite his name, to enable a designated committee to name, to emble a designated committee to crect one building and repair another, both buildings being sufficiently designated. Held, that suit was operly brought for the collection of such subscription in the name of the official or dignitary in whom was vested the title of the real property proposed to be improved, as plaintiff, the title being held and the suit being brought for the use of an unincorporated association and its individual members, too numerous to be named, as beneficiaries.

Harte against Castetter, Appeal from Washington county, Appeal dismissed Opinion by Mr. Justice Norval.

Opinion by Mr. Justice Norval:
A motion filed in this court to dismiss an appeal on the ground that the appellant has drawn from the clerk of the district court the money awarded him by the decree sought to be reviewed, will be heard, notwithstanding notice of said motion was not served on the opposite party until after the expiration of the time prescribed by the rules of this court for serving briefs in the case, when it appears appellee had no notice or knowledge of the facts upon which the motion was based before the briefs were due. 2. Rule vili held not to apply to such a mo-

3. A party who, after appealing from a decree in his favor, voluntarily accepts the bene-fits or receives the advantage of the decree, is thereby precluded from afterwards prose-

uting his appeal. McBrien against Riley. Error from Douglas county. Reversed. Opinion by Mr.

Justice Norval.

A district court is without power to va-ate or modify its own judgments subsequent to the term at which they are entered, ex-ept for the grounds enumerated in section \$22 of the code. There an appeal is taken to the district court from a judgment of a justice of the peace the appellant is not required to give notice of the appeal to his adversary. 3. When a defendant moves to vacate a judgment rendered against him by default, he oust accompany his application with an inswer setting up a meritorious defense to

he action. Damen against Omaha. Appeal from Doug-las county. Affirmed. Opinion rendered by Irvine, C.

No briefs having been filed by either party and the judgment confirming to the pleadings and evidence, it is therefore affirmed. Phenix Ins. Co. vs. Reams, 53 N. W. Rep., 1074, Howell Lumber Company against Camp-

bell. Error from Sarpy county. Affirmed. Opinion by Mr. Justice Norval. It is the province of the jury to determine the credibility of witnesses and the weight which should be given their testimony.

2. A jury is not required to decide a disputed proposition of fact merely by a count of witnesses, but should determine which are the most worthy of credit, and, where the evidence is conflicting, a verdict based upon the testimony of the minority of the witnesses will not be disturbed by this court on error or annual values it is manifestly wrong. appeal, unless it is manifestly wrong.

3. Held that the instructions fairly sub-mitted to the jury the disputed question of fact in the case.

Mills against Leavitt. Error from Lancounty. Affirmed. Opinion by Ryan, C.

In an action by a real estate agent to re-cover a commission alleged to have been earned by himself in procuring a satisfactory purchasor of the real property of the defendant, the sole matter in controversy having been whether payment was essentially conditioned whether payment was essentially conditioned upon the happening of a subsequent event, the verdict of a jury upon that point being sup-ported by competent evidence under proper instructions of the court in respect to the mat-ters in controversy will not be disturbed. Levi against Fred. Error from Douglas county. Affirmed. Opinion by Mr. Justice Norval.

It is a well settled rule in this state that ar

It is a well settled rule in this state that an appeal to the district court must be tried on the same issues as in the court from which the appeal was taken.

2. An objection that a petition filed in the district court introduced a new cause of action will not be considered by this court where it appears that no objection was made or exception taken on that ground until after trial in the lower court.

3. While on appeal to the district court the the lower cours.

3. While on appeal to the district court the plaintiff must prosecute the same cause of action as in the court of original jurisdiction, yet, in drafting his petition he is not confined to the allegations contained in his pleading in the court below, so long as the identity of the original cause of action is preserved.

4. Instructions will not be reviewed by this court where no excentions were taken by the

court where no exceptions were taken by the party complaining at the time the charge was east to the jury. Dodge county against Kemnitz. Error from Dodge county. Affirmed. Opinion by Mr. Chief Justice Maxwell.

Chief Justice Maxweil.

When for the deceased mother of a bastard child the proper county has been substituted as complainant in proceedings, under chapter xxxvii. Compiled statutes, the Judgment and order of the court upon a verdict of guilty should require defendant to give security to save the county harmless from any expense which may be incurred in the support of said child

How Hill Won a Point. State against Hill. Error from Douglas

county. After ed. Opinion by Irvine, C., Maxwell, chief justice, dissenting. Maxwell, chief justice, dissenting.

Sult was brought in the district court of Douglas county upon the bond of a former state treasurer. Some of the surcties upon the bond resided in Douglas county and were there served with summons, and summonses were issued and served upon the other parties elsewhere. The petition alleged, first, the failure and refusal of the treasurer to account for and pay over to his successor a certain sum of mency. Second, the loaning to and deposit in the U bank in Langaster county of a similar sum. Third, the loaning to and deposit in the W bank in Douglas county of a certain sum. Fourth, the loaning to and deposit in the W bank in Douglas county of a still further sum. Judgment was asked for the amount averred not to have been paid over and averred to have been deposited in the C bank. Held.

1. That section cixxiv of the revenue law applies only to proceedings for the purpose of distributing revenues upon their collection to the proper funds and not to such suits as that at bac.

2. That the proceeding was one upon an

at bar.

2. That the proceeding was one upon an official bond or undertaking of a public officer, and must be brought in the county where the cause, or some part thereof, arose.

3. That it was the duty of the treasurer to count for and pay over moneys in his hands 3. That it was the duty of the treasurer to account for and pay over moneys in his hands at the close of his term of office to his successor in the county where the seat of government is located and that no action for falling to do so must be brought in that county.

4. That it was the duty of the treasurer to keep the moneys of the state in the treasurer at the seat of government except as he should disburse these or otherwise dispose of them as provided by law, that a conversion took place upon his removal of moneys from the treasury with the intention of making an unlawful use of them by depositing them in the bank, and that the cause of action for such conversion arose upon his removal of the moneys from the treasury and not upon their deposit.

Dep strory Law Held Good. Hopkins against Scott. Error from Holt county. Judgment of the district courtreversed and that of the Board of Super-visors affirmed. Opinion by Irvine, C. Chapter L. Session Laws, 1801, relating to the keeping of state and county funds, is not in conflict with the constitution, either as containing more than one subject or because

of its providing that it shaft not apply until
the expiration of the terms of office of the
state treasurer and of the several county
treasurers in office at the time of its passage.

2. That act did not operate to repeal article
it, chapter xviii, compiled Statutes, relating
to the removal of county officers.

3. Nor was article it, chapter xviii. Compiled Statutes repealed by the act of 1879,
specifying powers of county boards.

4. Where in proceedings to remove a county
officer the officer complained against makes
an appearance, obtains a continuance and at
the time to which the continuance was had
proceeds to trial without further objection
because of the time of hearing, he cannot,
upon proceedings in error, by heard to urge
that sufficient time was not allowed to prepare his defense. pare his defense.

5. In such proceedings the fact that some of

5. In such proceedings the fact that some of the supervisors who tried the case were also witnesses does not invalidate the judgment.
6. Nor is it necessary that all members of the Board of Supervisors be present at the hearing. A querum is sufficient.
7. There is no authority of law for the settle-ment of a bill of exceptions embodying the ev-idence taken on such hearing.
Maxwell, C. J., dissents to seventh point.

ASHWAY'S REMAINS IDENTIFIED.

Indications that He Committed Suicide

While Under the Influence of Liquor, LINCOLN, Jan. 3 .- [Special Telegram to Fus Brs. |- The investigation of the coroner's jury this afternoon settled beyond all question that the man who was found

dead in a cornfield near this city New Year's day was W. H. Ashway of Omana. The remains were fully identified by Mrs. E. F. Collins, a boarding house keeper at 1040 welfth street, Omaha, with whom Ashway coarded for more than a year.

Ashway came to Lincoln about two weeks ago and stayed at the Capital hotel. He was drinking heavily all the time he was there, but paid his bills regularly until Christmas. Then he told the clerk he was broke, but that he expected money from Omaha. The next day he told the clerk that he had telegraphed to Omaha for oney and asked if a telegram had not come for him; upon receiving a negative response Ashway went away and was not seen again at the hotel. Half an hour later a telegram came for him, but he never called for it. It was opened last night for the first time and it contained a notice that a sum of money was awaiting him at the telegraph office in this city. Night Clerk A. S. White of the Capital hotel fully identified the re-

sition of the remains. Mrs. John Tibbets Injured.

mains. The coroner's jury returned a verdict of suicide. It was developed at the inquest

that Ashway's mother lived at Mount Car-

roll, Ill., and an undertaker telegraphed her tonight for instructions regarding the dispo-

HASTINGS, Jan. 3 .- [Special to THE BEE.]-Mrs. John P. Tibbets, the wife of a farmer living on the outskirts of the city, met with what may be a fatal accident the other day. The family were moving their household furniture, and Mrs. Tibbets was pushing a large, old-fashioned safe into the wagon, her husband pulling on the safe from above on Mrs. Tibbets, striking her on the chest and shoulders. She was badly injured in-

The Adams County Sunday School Superintendents association met in the Christian church Monday night, a fair sized audience being present. Prof. E. N. Brown read a paper on "Grading the Sunday School," fol-lowed by Griff Evans. "Essential Points in the Selection of Teachers' was taken up by Mrs. J. R. Van Houghton and W. S. French, and the usual "Question Box" was conducted by J. A. Ferguson.
C. B. West, a commercial man, was suddenly taken ill with pneumonia while in the city and is now at the Lepin in a precarious ondition. His home is in Springfield, O. The County Board of Supervisors aet here this morning in special session, the purpose of the meeting being the approval of the official bonds of the county officers-elect,

who will be sworn in tomorrow. To Help the Poor. GHAND ISLAND, Jan. 3.—[Special to THE BEE.]—Committees from the various churches and charitable societies met in the city hall last night to organize a board of Associated Charities. A constitution was adopted providing for the election of twelve men as a board of managers. The board consists of: C. F. Beutley, George Andrew, W. H. Harrison, R. J. Barr, W. F. Mc-Laughlin, W. F. Mecum, W. R. McAllister, James Cleary, H. J. Palmer, J. S. Morrill, M. V. Powers and Henry Roseneck. The board of managers will meet tonight and elect officers. A house-to-house collection will be made on Saturday for securing provisions and clothing. They will be stored in the city hall, an officer will be placed in charge and the stock drawn from as the applications come in. The work is to be pushed

with vigor from now on. The stock and fixtures of the Grand Island Cigar Manufacturing company, which failed some time ago, were sold yesterday to Otto Kilian for \$2.275. A stock company has been organized, under the name of the Grand Island Cigar company, with a capital stock of \$10,000, and business will be resumed at once.

Lawrence Personal Mention. LAWRENCE, Neb., Jan. 3 .- [Special to THE BEE. |-Archie Hawthorne has returned from an extended ramble over the Cherokee Mrs. E. Wilkins of Norton, Kan., is visiting

here. The Locomotive was not issued last week owing to illness of the editor. There was a grand ball last night in Twenty-five persons "made a start" New Year's evening in the Methodist revival

J. K. Dooley has been seriously ill. Jessie Evans of Normal spent vacation here.

Lyons Thiel Arrested. BLAIR, Jan. 3 .- [Special to The Beg. |-Sheriff Menke went to Kennard yesterday and arrested a man that suited the description of a thief who robbed a Lyons barber shop last week. He gave his name as Fred Barlen. Sheriff McGrew of Burt county came down last night, identified him and took him to Tekamah

Guy Mead, clerk for W. D. Huller, the druggist, was badly burned yesterday while working on a gasoline stove.

Blew a Safe for Sixty Dollars. JUNIATA, Neb., Jan. 3 .- [Special Telegram to THE BEE. |- Thieves tried to force the goors of Stack's store last night without avail and finally secured entrance through a rear window. They then piled sacks of flour around the safe and put a heavy charge of powder into the safe door, blowing it en-tirely off and breaking it into pieces. The burglars secured about \$60, and escaped without leaving any clew to their identity.

Killed by a Victors Horse. STROMSBURG, Neb., Jan. 3.- [Special Telegram to THE BEE. |-Alfred Bjurk, 30 years of age, in the employ of Mrs. Bergman, was kleked by a victous horse yesterday evening. He lived but a few minutes after the acc The victim was a man of good habits and well respected by his associates. The remains will be buried tomorrow under the suspices of the Stromsburg fire department of which he was a member.

Auxious to Secure Lodging. DAKOTA CITY, Neb., Jan. 3 .- | Special Telegram to Tuz Baz.]-Sheriff Ryan today lodged in jail U. A. Blalock, whom he arrested in Ponca, for stealing an overcoat from Eugene Keefe out of the Merchants hotel in Juckson on New Year's night. He promises to plend guilty to get lodging and board for a while.

Suffered a Broken Leg. KEARNEY, Neb., Jan. 3 .- Special Telegram to THE BEE. |-This afternoon while Joseph Josephson, who lives fourteen miles in the country, was coming to town his 10-year-old son fell from the wagon and the wheel passed over his leg, breaking the

Work of North Bend Burglars. NORTH BEND, Nab., Jan. 3. - Special Telegram to Tan BEE]-Burgiars effected an entrance by prying open the front door of A. Peller & Co.'s general merchandise store this morning and carried off clothing and underwear to the amount of \$75.

Insurance Rates Raised. NEBRASKA CTTY, Jan. 8.-[Special Telegram to THE BEE |- Inurance rates have been advanced in this city by all companies from 20 to 50 per cent. Local agents have protested, but without effect.

MURDERED AT DAKOTA CITY

Ambarry Bates Killed in a Saloon by James T. Willis.

SLAYER PROUD OF HIS BLOODY WORK

He Claims Seif-Defense, but the Coroner's Jury Returns a Vershet of Felonions Shooting-Story of the Crime.

DAKOTA CITY, Neb., Jan. 3.—[Special Telegram to Tan Ban.]—The first murder ever committed in Dikota City occurred last evening at 5:30, when James T. Willis shot and instantly killed Amberry Bates. The shooting occurred in the saloon run by Willis, which he was operating under a icense issued to George F. Hammar. Bates came up from his home in Biyourg, about ten miles south of here, in the afternoon and, as was his usual custom, proceeded to the saloon to get full. He and Willis drank freely together. About 5:20 the bartender went to supper, leaving Willis and Bates. and Wycoff and Bert Kinear in the saloon. the two latter named being exceedingly intoxicated, while Willis and Bates were merely slightly under the influence of

At 5:30 a shot was heard, and a few minates thereafter Willis rushed into the Eureka hotel, which is next door to the hotel, and summoned some one to go after the sheriff, saying he had shot Bates. When witnesses reached the saloon Bates was lying on his back, his feet on the bay rail and his body stretched at full length. On asking Willis who shot him he replied: Prond of His Work.

"I did, by —, just like a little man. Bates was in front of the par and reached over and slapped me. Then, reaching toward his hip pocket, he said. Come out from behind the bar, you — . I pulled my gun and shot him, the weapon snapping four imes before it exploded."

On the arrival of Deputy Sheriff Carney, Willis immediately gave himself up. There has been a grudge of long standing between Bates and Willis, and the tragedy of last night was not unexpected. Willis is an old resident of this county, his parents being among the pioneers of the ounty, but now residing in Kansas. He left about twenty-five years ago with a criminal charge hanging over his head, returning about twelve years ago. His wife died two years ago, leaving him three small

children. The murdered man, Amberry Bates, is an old river man of this section, and is known among that class of people as far down the river as St. Louis, and in an early day was considered one of the toughest characters abroad. He has killed several men in his ime, and was of a quarrelsome nature when intoxicated. He was about 52 years old and eaves a large family.

Verdicf of the Coroner's Jury. The coroner's jury this afternoon returned a verdict finding Willis guilty of feloniously shooting Bates. Two shots were fired by Willis, one making a scalp wound, the other, which was fatal, entering the body about three inches below the top of the breast bone and striking the spinal column. A warrant has been issued by Charles Bates', deceased, son for Willis' arcest. Willis is confined in [AML No weapon of any

kind was found on Bates. An important witness was found today who happened to be in the saloon when the quarrel started, but was not seen by the principals. He gives his name as D. P. Brown of Sioux Falls and his testimony before the coroner's jury was straightforward and is believed, while the others were so drunk at the time the killing occurred that ney remembered nothing.

Willis' preliminary hearing will be held Friday before the incoming judge, D. C. Heffernan, Willis has retained attorneys. He has few sympathizers, as his actions were thought to have been uncalled for. The town board will meet tomorrow and revoke Hammar's salcon license, under which Willis was running the piace.

FREMONT FIRMS REORGANIZE.

List of Officers Elected for the Ensuing Year in Several Companies FREMONT, Jan. 3.-[Special to THE BEE.]-Quite a number of the manufacturing companies of the city elected officers and directors on the first of the month. The Nebraska Creamery company officers are: C. H. Barnard, president; John Dern, vice president: Otto Huette, secretary; E. W. Morse, treasurer, and M. H. Hinman, manager. G. W. E. Dorsey and C. W. Stephenson were added as directors.

Fremont Brewing company: John Dern, president; J. M. Diels, vice president; E. W. Morse, secretary; L. P. Larson, general manager and treasurer. Fremont Foundry and Machine company: Directors, J. S. Seeley, W. R. Wilson, E. H.

Barnard and L. D. Richards, Fremont Saddlery company: Directors, D. M Welty John Thielen, E. H. Barnard, J. T. May, E. N. Morse, John Dorn and A. D. Sears.

Nebraska Binder Twine company: Directors, Wilson Reynolds, Fred Meyer, E. N. Morse, James H. Hansen, W. E. Smails, B. W. Reynolds and O. H. P. Shively. An invention has been perfected in this city converting coarse material, including stalks, weeds, straw, etc., into fuel by a mixture of chemicals and other cheap in gredients. The claim is made that it will e as good as coal and at a cost of not more \$2.50 per ton. A patent has been ap-

The old German, Godfreid Disba, who was brought to this city from Omaha as a wit-ness in the Carleton murder case, and who since then has been kept by the county, has een sent to his native country by action of the supervisors.

There is vigorous objection against the raising of insurance rates in this city, and threats are made that many will carry their own risks rather than submit. Will Loucks, operator for the Union Pacific road at this point, has been transferred

to Gibbon, Neb. The petit jury for the February term of he district court for Dodge county has been drawn.

Auburn Business Changes Auburn, Neb., Jan. 3.- | Special Telegram to THE BEE. |-Thomas S. Horn, for over eight years one of the principal business men of Auburn, today sold out to J. W. Dar-

rah and W. B. Fisher, who will continue the business. Darrab and Fisher are both old residents of this place. C. D. Lloyd retires from the firm of Thompson, Peery & Lloyd. from the firm of Thompson, Peery & Poor health is assigned as the reason.

Pythien Installations. TABLE ROCK, Neb., Jan. 3 .- Special to THE BEE. !- Cypress lodge No. 44, Knights of Pythias, gave a public installation

Monday evening. After a song by the male quartet, Ola Griffing, G. C. C., installed the following officers: S. H. Dopp, P. C. C.; R. Judkins, C. C.; W. S. Lindsley, V. C. C.; George Scott, P.; C. I. Norris, K. of R. and S.; G. R. Martin, M. of F.; W. H. Wilson, M. D., M. of E.; Mr. Standifer, M. at A.; A. G. Wheeler, I. G.; Frank Nall, O. G. An address was made by Rev. P. Van Fleet of Peru. The lodge and its friends were then invited to a sumptious repast at the mansion of Ola Grifflog.

Tomas, Nen. Jao. 3.—[Special to The Brs.]—Easel lodge No. 137. Knights of Pythias, held a public installation of officers at their hall this evening. The following officers were installed: W. H. Taylor, P. C. S. Lindson, M. H. B. Shell V. C. M. S. Lindson E. L. H. B. Shell V. C. M. Frantz, P. C. S. Finzelo, M. at A.; C.; M. B. Shull, V. C.; M. B. Shull, V. C.; M. Frantz, P.; C. S. Finzelo, M. at A.; C.; Clark, K. of R. and S.; A. McKillop, M. of S.; S. F. Nunemaker, M. of E.; S. Friend

M. of W. After the ceremonies the Knights nd their friends adjourned to McCurdy hall where a grand supper was served. eral short speeches were made by leading members. The address of the evening, by Will L Scism, past grand chancellor of the Knights of Pythias of Nebraska, was a brilliant and masterly effort. One of the nost pleasing features of the occasion was he performance of little Edith Cogswell of Geneva on the mandolin and her delivery of a recitation, "Deacon's Confession." efforts provoked storms of applause.

Lyons, Neb., Jan. 3 .- [Special to Turk Bug. |-The Winnebago and Omaha Indians

concluded their Christmas festivites yester-These Indians raised good crops last year and have not felt the effect of hard times. The winter so far has been the best for

Indians in Clover.

them in many years. WOES OF A LAND COMPANY.

Bad Condition of the Southern Land and Improvement Company.

Louisville, Jan. 3 .- In the United States court at Frankfort today Judge Barr appointed J. W. Buchanan receiver for the Southern Land and Improvement company. The receiver was appointed on a suit filed by W. G. and Martha Merriwether, who are large stockholders in the concern.

The failure of the Southern Land and Im-

provement company seems to be an un smally bad one, and as investigations continue it grows worse and worse.

The Fidelity Trust company, assignee for the company, has been investigating the funds of the company and it finds there is not sufficient realizable funds to pay the on the \$500,000 worth of bonds has been de faulted twice. There is also \$480,000 worth of stock of the company said to be valueless. The original organizers of the company took 1.875 shares of stock each, for which they gave paper. Afterwards, when Mr. J. D. Black took charge of the company, the stock was returned to him after some litigation, as the paper given in payment for it was

Want to Sell the Securities. DENVER, Jan. 3 .- Judge Allen today passed on the petition of G. W. E. Griffith, re-ceiver of the Western Farm Mortgage Trust ompany for permission to sell about \$1,000. 000 worth of the company's securities. This is their face value, but many of them were issued by companies long since defunct.

Among the securities were ex-trust deeds

on lands in the San Luis valley for which \$10 per acre were offered. The first mortgage on these lands had been foreclosed, and the price offered was all the deeds were worth It was finally ordered that the sale be advertised for ten days and that counsel the creditors be allowed to confer with Mr. Griffith on any securities of value which are to be reserved, and sold for the highest

TO BE INVESTIGATED.

Suit Will Be Ventlinted. Ever since the result of the voting last November has been known rumors have been cropping out of a presecution to be ommenced by ex-Sheriff Bennett against the editor of THE BEE, charging criminal libel. So far as is known to THE BRE, there is no foundation for these rumors.

In order, however, to forever set at rest any doubts that might exist in this connection, Mr. E. Rosewater went to the county attorney yesterday and asked that he take the matter up. Mr. Rosewater suggested that if there was anything apparently warranting criminal prosecution the county attorney at once begin action in the police

Mr. Kaley will investigate the charges and his course will determine if the rur ors and whispered charges have any force.

NORTH DESTRUS MILLS.

Those of Duluth and Superior Ground Much Flour Last Week.

MINNEAPOLIS, Jan. 3.—The Northwestern Miller says: The mills of Superior and Duluth last week made 46,624 barrels, against 46,600 barrels the week before, and 10,000 barrels for the corresponding time in 1892. The mills were pushed pretty hard in order to turn out a large output for ship-ment before rates were advanced. Millers report no improvement in the flour market, except that the demand for feed is strong Export shipments last week were 12.021 barrels, against 7,300 barrels the year before. The flour output for the year was 2,108,119 barrels, against 1,094,493 in 1892.

HER TRIP WAS NEARLY ENDED.

British Ship Lost Off the Windward Isles-Chinese Laborers Drowned. PHILADELPHIA, Jan. 3.-The British ship Volga, with 640 Chinese laborers on board, from Calcutta to Demerara and Philadelphia, was lost off the Windward islands, December 10, says a report received here. It is believed several Chinaman were drowned, but just how many is unknown. The Volga had on board 500 tons of rice, besides a quantity of other stores, that probably were all lost.

DeWitt's Witch Hazer sarvo cures piles.

Clerks Eat



To live comfortably on the modest income of the clerk, often requires economy and the saving of unnecessary bills. Quaker Oats saves doctors bills and is the cheapest and the best

only in Quaker Oats, Packages.

GALUSHA GROW NOMINATED

He Has Again Been Called Upon to Lead His Party.

ONCE MORE A CANDIDATE FOR CONGRESS

Pennsylvania Republicans Honor the Old Speaker by Making His Nomination for Representative at Large by Acclamation-The Platform.

HARRISBURG, Pa., Jan. 3.-The republican state convention was called together at 12:20 ty ex-Senator Packer, chairman. The roll call showed a full attendance of delegates All the officers and the committees appointed at the last convention were retained. The speaker blamed the present depressed condition of the country on the national administration. He condemned its Hawaiian policy and declared the Wilson tariff bill was vicious.

The report of the committee on resolutions was adopted as follows:

Resolved, That the republican convention called to nominate a candidate for congressman-at-large needs not to be reminded of the fact that this is a representative office, that the situation in Washington makes it not only of state but intional importance, and that it invites the fullest possible expression of the public view on Tuesday, the 20th of February next, to the end that all our land may know the tenor of current thought upon the most immediate and vital issue presented in the Wilson bill.

Wilson bill.

The simple anticipation of this measure has closed thousands of workshops. It has reduced to idleness 2,000,000 of workers, and soup houses now displace former hives of industry. It has reduced values to an amount greater than the national debt. It will enlarge the free list only upon products which employ the greatest number of American workeren; it will strike with equal cruelty the farmer, the miner, the lumberman, the iron worker, the glass worker, and the textile worker. It will transfer work from our own mills, nilnes and workshops to those of foreign countries.

gign countries.
It is sectional in its authorship and all to: eign countries.

It is sectional in its authorship and all too plainly aimed at northern industries. It strikes southern industries only where the same blow reaches greater northern industries. It fosters the plantation system and destroys the farms. It is an attempt upon the free traders of the south to reduce the industries of the north to the level of those of the south. It is vicious in its change from specific to advalorem, the latter covering foreign undervaluations and leading to constant and cumulative frauds upon the revenues.

It is vicious in reducing instead of increasing revenues many millions of dollars, and the reduction will grow with time.

It is vicious in compelling the government to make up these deficiencies by means of increased internal and direct taxes.

It is doubly vicious in compelling its supporters to resort to the most ofious war taxes or borrow money.

It is wholly erroneous in the theory that the less work there is to do in this country the higher will be the wages of the workman. The prefection policy conveys the opposite thought and says that the policy which secures the largest amount of work at home is the one which secures the best wages to the home workman.

If the Wilson bill does all of these things

workman.
If the Wilson bill does all of these things in the threats which it conveys, what will it do in its fruition? The republicans of Pennsylvania and the people of our great commonwealth, as well, declare war upon it, unceasing war, in house and september of the contract of the co

war upon it, unceasing war, in house and seg-ate, and its senators and representatives in congress, including the congressman-at-large nominated today, are requested to make this warfare felt in every wise and patriotic way, to the end that by the defeat of the Wilson bill American working men, producers and manufacturers may resume that prosperity which the country had but a single year ago. The resolutions close by denouncing as unpatriotic the foreign policy of the de national administration in the Hawaiian matter.

The nomination of a caudidate for congressman-at-large was next in order. Hon. Galusha A. Grow and ex-Congressman James S. Bierer of Lehigh were put in nomination. S. Bierer of Lehigh were put in nomination. Mr. Bierer then stepped to the front of the platform and withdrew his name in favor of Grow. The nomination of Mr. Grow was then made by acclamation.

Mr. Grow denonneed the tariff policy of

the Cleveland administration and ridiculed its position on the Hawaiian matter. During his remarks a spectator cried out, "Down with Paramount Blount," The convention adjourned at 1:53. Prior to the assembling of the state convention, a meeting was held, at which it was decided to hold the next state convention for the nomination of governor at Harrisburg, Wednesday, May 23.

LOUIL B. EFITIES.

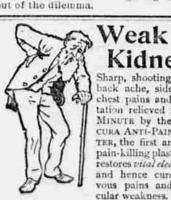
Mr. and Mrs. R. F. Hodgin are receiving congratulations. It is a girl and weighs eight pounds. Captain liams, who has been for the past en days confined to the house with an attack of la grippe, is slightly better, but not

Dorsey Houck, who fell upon an icy sidewalk a couple of weeks ago and broke his collar bone, is able to be out again and attend to his duties. Jessie C. Hitchcock has filed a petition in

the office of the probate court asking that Lorenzo B. Crounse be appointed administrator of the estate of William E. Griffiths. who died in this city December 2, leaving property valued at \$5,000.

Before the Chautauqua college at the First Methodist church tonight Mrs. Tucker Tucker will read a paper on "Rome Under the Kings." Mr. James Clement Ambrose, brother of Judge Ambrose, will lecture on 'The Sham Family.'

The meeting of the unemployed called for ast night at Knights of Labor hall on Fourteenth street was not held, simply because the invited speakers neglected to put in an appearance. Next Sunday afternoon there will be an attempt made to hold a meeting at the same place, where the preachers will take hold and assist in figuring some way out of the dilemma.



Kidneys Sharp, shooting back ache, side ache, chest pains and palpin chest pains and palpin and back ache. Sharp, shooting pains, tation relieved in ONE MINUTE by the CUTI-CURA ANTI-PAIN PLAS-TER, the first and only pain-killing plaster. It restores vital electricity, and hence cures neryous pains and mus-

cular weakness. Price: 250.; five, \$1.00. At all druggists or by mail. POTTER DRUG AND CHEM, CORF., Boston.

PROTECT YOUR EYES

H. HIRSCHARRE'S SPEC TACLES Hirschberg's Nonchangeable The second Speciacles and Eyeglassas. MAX MEYER BRO EYE GLASSES O COMPANY.



BIRNEY'S All druggists. 50 cents.

PATENTS Thomas P. Simpson, Washington alued Write for inventor's Guid

IT IS SURELY COMING.

The Question is: "Are You Prepared?"

If Not, Some Very Vamable Advice Is

Volunteered, An epidemie of the grip is certain to be general throughout America in a very short time, Already many cases have been observed by physicians in New York City, as well as in other cities of the land. Dr. Cyrus Edson of the New York Board of Health, ways that the disease will manifest its presence generally in the very near future, and that it is already

the very near future, and that it is already here more than is generally realized. He said; "I think we will have a grip epidemic soon and there are indications that it will be a long slege. While I do not want to create a scare, I would warn people to beware of it and to use all the precautions possible. Experience has shown that carelessness in habits and irregular hours render the system too work to atout so violent a disease. Grip finds easy victims in old people and in debilitated persons.

There is but one thing for any man, woman or child to do when the similated persons.

There is but one thing for any man, woman or child to do when the similatest symptom of grip appears, and that is to counteract it at once. If you feel tired, have pains in the muscless and bones, have a duit headache, a bad taste in the month, are foversish, have no ambition or appetite, you must, if you desire to escape the grip at once take agood pure stimulant. This alone can counteract the coming on of grip, kill the microbes of the disease and restore you to health. While there are many so called stimulants, there is but one which it pure, scientific and recommended by physicians universally. This is Duffy's Pure Mail Wulskey. Do not be deceived by any druggist or grocer who may fry to induce you to take something clee. Remember that the reason usually is that he can make more money on cheaper and inferior articles.

DR. SCHENCK'S

Mandrake Pills have a value as a house hold remedy far beyond the power of ian guage to describe. The family can hardly be true to itself that does not keep thom on hand for use in emergen

MANDRAKE

Is the only vegetable substitute for that dangerous mineral, MERCURY, and while its action as a curative is fully equal, it possesses none of the perilous

In Constipation, Mandrake acts upon the bowels without disposing them to subsequent Costiveness,

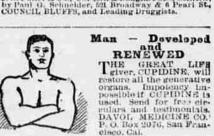
No remedy acts so directly on the liver, nothing so speedily cures Sick Headache, Sour Stom-nch, and Biliousness as PILIS these

For Sale by a 1 Druz late. Pribe 25 etc. use box: 3 boxes for 65 etc. or sent by mail, post-age free, on reselpt, of price, Dr. J. H. Schener & Son, Philadelphia



Impaired Digestion, Constipation, Liver Complaint, and Female Ailments. Covered with a Tasteless & Soluble Coating. Of all druggists. Price 25 cents a box. New York Depot, 16t Canal St.







LOST OR FAILING MANHOOD,

General and Nervous Debility, Weakness of Body and Mind, Effects of Errors or Excesses in Old or Young, Robust, Noble Manhoof fully Restored, How to Enlarge and Strengthen Weak, Undeveloped Organs and Farts of Body, Absolutely unfailing Home Treatment—Benefits in a day, Men testify from 50 States and Foreign Countries. Write them, Descriptive Book, explanation and proofs mailed (scaled) free.

ERIE MEDICAL CO., Buffalo, N.Y.

Stockholders Meeting. Stockholders Meeting.

OFFICE OF LEE-CLARKE-ANDREESEN HARDWARE CO., OMAHA, Neb. Dec. 8, 1893.—Notice
is hereby given to the stockholders of the LeeClarke-Andreesen Hardware commany that
he annual meeting of the stockholders of
the company will be held at the
offices of the said company, 1219,
1221 and 1223 Harney street, in the city
of Omaha, in the state of Nebraska, on Tuesday, January 9, A. D., 1394, at 3 o'clock p. m.,
for the purpose of electing a board of directors
for the company to serve during the ensuing
year and to transact such other business as
may be presented at such meeting.

H. J. LEE, President
Attest: W. M. Glass, Secretary. Attest: W. M. Glass, Secretary. D8d30tj8

Stockholders' Meeting. Union Land company: Notice is hereby given that the annual meeting of the stock-holders of the Union Land company for the election of five directors and such other busi-

ness as may preperly come before the meeting, will be held at the office of John M. Thurston, Union Pacific building, Onesia, Neb., upon Monday, the 8th day of January, 1894, at 14 o'clock a. m. Boaton, December 10, 1893.

ALEX MILLAR, Secretary, D190204