# NO SHOW FOR THE FARMER

Agriculturists Not to Have Hearings Before the Senate Committee.

EX-SENATOR VAN WYCK'S COMPLAINT

He Says the Producers Have Been Stripped of All Protection, with No Chance of Being Heard in Their Own Behalf.

WASHINGTON BUREAU OF THE BEE. WASHINGTON, Feb. 7.

Ex-Senator Charles H. Van Wyck of Ne braska, in commenting upon the remarkable action of the senate finance committee in refusing to give any hearings on the tariff bill, today said:

"It is a great mistake, and the effects of it will be visited upon the democratic party. The farmers especially have been given no opportunity by either branch of congress to be heard upon tariff revision, and yet the Wilson bill strikes harder blows against the farmers and gives them less than any other class. So far as I have been able to ascertain, not a single farmer was invited to appear before the house committee on ways and means, and not a word was heard from the farming class, yet the Wilson bill places wool and nearly everything else the farmer produces upon the free list and reduces to a fraction the duties upon all duty-paying products of the farm. The protection afforded by the measure goes to the manufacturers of the east. How easy it would have been for the senate finance committee to have invited representative farmers in the rarious states to express their views upon the Wilson bill and suggest amendments in the interest of agriculture. A number of them could have met here and selected their spokesman, and it would have taken but two or three days to have given the farmers of the country a satisfactory hearing. But

them some protection, and this they did no want to do." DEMOCRATS ARE UNITED.

I presume the democratic members of the finance committee were afraid if they heard

from the farmers they would have to give

Chairman Voorhees says the tariff bill which the finance committee has about com pleted, will meet with the solid and un qualified support of every democratic sen ator; that the sugar, coal, iron and other conflicting interests have been satisfied with duties, and that the bill will not be at tacked on the democratic side by any one unless it is by those who object to income The Louisiana senators are satisfied with a duty of 1 cent per pound on sugars of all grades. Chairman Voorhees in-timates that the bill will be reported to the senate next week and taken up the week following for discussion, and that it will be passed into law before May. The democrats will stand solid against the Quay amend ments for free silver, etc., intended to de feat the measure on final passage, and will oppose the resolution for hearings. The only hitch in the program appears to be in the desire to railroad the bill through the The republicans will fight this and as there is no limit to debate in the senate, they may be in a measure successful. But it looks as though the democrats were pretty close together now, and were etermined to pass the bill into law at an early day.

IN A GENERAL WAY.

Fourth class postmasters were appointed for Iowa today as follows: Avery, Monroe county, A. V. Campbell, vice Thomas Scovinger, resigned; Fertile, Worth county, Halvor Onverson, vice N. W. Phillips, removed; Goose Lake, Clinton county, Charles Busch, jr., vice O. H. Busch, resigned. Page, Page county, J. W. Strickler, vice A. J. Hollenback, resigned; Shambaugh, Page county, D. L. Clayton, vice W. I. Calvin removed: Yorkshire, Harrison county, I. B. Atkins, vice Eli Vickery, removed.

Representative Meiklejohn's bill granting a charter to the Iowa & Nebraska Pentoen Bridge company to erect a bridge across the Missouri at Sioux City, was favorably recommended today by the committee on Also his bill for a site for the erection of a school on the Omaha reservaion by the Presbyterian Board of Home Missions, from the committee on public lands. This bill has passed the senate, and will be speedily passed through the house. Webb Eaton of Lincoln is in the city for

few days, looking after real estate Jacob Markel and W. B. Millard of Omaha passed through Washington this afternoon enroute to Boston for a short

S. L. Baker of Bellevue, Ia., and R. S. Spencer of Paris, Idaho, are at the Cochran, and George W. Snow of Salt Lake City and Joseph Barton and C. C. Richards of Ogden, U. T., are at the Ebbitt.

Ex-Senator Warren of Wyoming was on the floor of the senate today. Paul Herst, a \$1,200 clerk in the pension office, was given his "walking papers" PERRY S. HEATH.

HARD AT WORK ON THE TARIFF.

#### Democrats of the Senate Finance Committee Trying to Fix Up a Bill.

WASHINGTON, Feb. 7 .- The democratic subcommittee of the senate committee on finance, charged with preparing the tariff bill for the committee, met again in Senator Vest's room at the capitol today and con-

tinued work upon the tariff bill.

The republican members of the finance committee have not yet absolutely decided what course they will pursue in view of the decision not to grant hearings on the Wilson bill before reporting it to the senate, but they are very much inclined to take no action until the bill shall be reported to the senate, when, if no opportunity shall have been granted for interested parties to appear before the committee, they will, in all proba bility, move to recommit the bill for the purpose of taking their testimony on the merits

is understood that a draft of the tariff bill, as revised by the subcommittee of the democratic members of the senate finance committee, will be printed. Among the manges which are said to have been made is 1 cent per pound on all kinds of sugar 2 cents per pound on coffee, 30 cents per tor on coal and a duty on iron ore: also, the landed period for whisky is made five years. It is also understood that the intention is to report the bill next week. The income tax remains in the bill.

Reported Favorably.

WASHINGTON, Feb. 7 .- The house com mittee on public lands made a favorable report today on the Baldwin bill to withdray from sale or settlement the gold and silver them subject to disposal under the United States mineral laws. Favorable report was also made on th

Rawlins bill extending to five years the law allowing those who have filed declarations of intention to settle desert lands years time to make final proofs. The bil also suspends during 1894 the requirement that \$1 an acre shall be expended toward reclaiming desert land.

Western Pensions

WASHINGTON, Feb. 7 .- (Special to Th Bee.)-Pensions granted, Issue of Jan. 26 were: Iowa: Increase-John W. Johnson, Des Moines, Polk; James Conway, Ot tumws, Wapello. Original widows, etc.— Anna M. Cakerice, Marshalltown, Marshall; Susan A. Davis, Ute, Monona; Mary Yegge Carroll, Carroll. Mexican war survivors Carroll, Carroll. Mexican war survivors Increase—Samuel A. Davis, of Manchester

South Dakota: Original widows, etc.-Jennie Van Nocker, Sturgis, Meade, Colorado: Original—Julius M. Parker, Coaldale, Fremont.

Hatch's Anti-Option Bill.

WASHINGTON, Feb. 7 .- At the first on portunity today or tomorrow, Mr. Hatch will introduce his anti-option bill. The opponents of the bill want it to go to the ways and means committee, and Mr. Hatch desires it to go to the committee on agriculture.

Mr. Hatch is sure he will win. The committee on agriculture discussed the bill at its meeting this morning.

COLLECTED AT THE CAPITAL. Miscellaneous News Items and Gossip from

Washington. WASHINGTON, Feb. 7 .- All the members were present at yesterday's cabinet meeting. The Brazilian situation is said to have formed the subject of their discussion. The meeting was regarded as one of sufficient importance to prevent the president and Secretary Gresham from attending the funeral

of Mr. Childs. Senator Allen has introduced a bill repealing all laws which have been enacted relating to the coinage or use of silver since January 1, 1873, and to re-enact all laws relating to silver and in force previous to that ime, authorizing the issue of United States legal tender notes, and to prohibit the further use of United States interest bearing

Senator Pettigrew has introduced an amendment intended to be offered by him to the Wilson tariff bill providing for the to be known as the customs commission It is to be the duty of the proposed commis sion to gather data concerning tariff rates and their effect on industries in this and other countries and report their findings to

The bill for the reinstatement of rallway mail employes discharged during Presiden Harrison's term has been agreed to by the house judiciary committee. Some party discussion was aroused and Mr. Broderick of Kansas and some others gave notice that inority report would be submitted.

Petitions continue to be presented to the house against the passage of the Wilson bill, although the measure has emerged from that body. The peculiarities of the potition system was shown recently when Rep resentative Payne, republican, of New York presented several petitions urging the re peal of the purchase clause of the Sherman silver act. Petitions for and against the repeal of the federal elections law continue although the elections law passed in the last

Third Assistant Postmaster General Kerr Craige returned this morning from his home in North Carolina. Dr. Hailman, the new superintendent of

the Indian schools, has completed and sub-mitted to the secretary of the interior who approved them yesterday, a new set of rules to govern all reservation schools. The most important feature is the provision for the discontinuance of corporal punishment Twenty-four high grade clerks in the pen

sion office with salaries ranging from \$1,200 to \$1,800 a year were dismissed today. The notices of the deposits of gold in pay-ments of bonds are usually a day or so late in reaching the treasury here, consequently the books of the department represent but \$16,171,000 as having been deposited on that

The free gold in the treasury today is re ported to be \$64,456,292, a loss of \$2,000,000 since yesterday. The currency balance is, however, \$1,542,000 higher. The deficiency in the revenues thus far this month has been \$1,771,000, the receipts having been \$4,475,-000, and the expenditures \$6,536,000,

An important case bearing on the position taken by the Postoffice department against bond investment companies will be heard before Judge Bradley of the district supreme court, probably next Saturlay. It is the case of the Old Colony Security company of Chi-cago against Postmaster Sherwood of this city, in which mandamus proceedings have been instituted to compel the postmaster to receive and transmit the company's mail. Attorney General Thomas of the Postoffice department will act as council for the post-It is understood that the testimony taken

before the committee on foreign relations on Hawaiian affairs will all be printed in a few the committee makes its report to the sen ate. There is some speculation as to what the nature of the report will be. Senator Morgan is said to be drafting a report which will be added to the majority report, whether it is agreed to by the democrats or not There is also said to be a possibility of two or three reports, neither severely criticising the present administration nor criticising the former, as in the house resolution. The com mittee rooms have been closely guarded during the investigation.

### EVERY STATEMENT UNTRUE.

Strong Criticism of Chairman Wilson by Representative Walker.

WASHINGTON, Feb. 7 .- Representative J. H. Walker of Massachusetts has addressed the following letter to Chairman Wilson of the ways and means committee:

"The remarks made by you on January 9 being held out of the record until January 23 deprived me of the opportunity to call your attention and that of the house to them. as also your absence from the house because of ill health since they appeared. I learn that your ill health will detain you from the house for some time, and so I take this, the only opportunity I have to call your attention to some remarks made by you on Janary 9.

" 'Mr. Chairman, there is nothing differ ent in the methods of the protected industries from what they always have been in the past except that with greater power, with the command of greater wealth and the assistance of commercial Croesuses they are exercising over their employes a coercive power that fills the petition boxes of this house with their petitions. (Applause.) It locking out is not coercion in the estimation of the gentlemen, I would like to know what does constitute it. (Laughter and applause on the democratic side.) It is system of bulldozing that is resorted to on uch occasions. The manufacturers lock out their employes, and they can afford to do it because they have accumulated a surplus that needs a market, and are falsely and brutally attempting to make men believe that it is done by reason of the pendency of a new tariff bill. (Applause on the demo

"As a representative in part of the Massachusetts manufacturers and employers who are criticized in your remarks above quoted, and in their behalf and in behalf of all the manufacturers in the north who are members with me in various business organ-izations, and more especially the wageworkers who petitioned you, I deny in whole and in part your statements made in the extracts from the address above quoted. I pronounce each and all of them, aside from your statement that letters have been received by you purporting to sustain such statements, as unqualifiedly untrue.

"With all deference to your truthfulness

and accuracy I ask for the proof to be made public that purports to sustain any such wholesale statement and charge of buildoz-ing upon the part of manufacturers and of submission to such buildozing the part of the employes of manufacturers in any northern state. the purpose of this contention and to de proof of your statements above I not only pronounce every intrue, but assert that they were ately made up by you to discredit, to break the force of and destroy the rightful and egitimate influence of the petitions of the age workers employed in manufacturing ndustries then being presented to the house of representatives. As a representative of the thousands of workingmen you thus as-

I demand of you that you prove the charges you have made against the wage workers and manufacturers to which I hereby call your attention, or withdraw them "Your assumption that it is your duty to protect the writers of letters to you, upon the contents of which you make any such statements, is wholly unwarranted, being based, as are the statements complained of pon wholly untrue assumptions. Respectilly, JOHN H. WALKER.

fully.

saulted and attempted to deprive of all the value of their right to appeal to this house,

For the Enforcement of the Exclusion Act WASHINGTON, Feb. 7 .- The urgent deficiency appropriation bill was reported by the appropriations committee today making among other appropriations \$50,000 for the enforcement of the Chinese exclusion act.

Will Fill His Own Position. WASHINGTON, Feb. 7 .- Justice Brewer has designated David B. Miller to continue to act as United States marshal for the southern district of Iowa.

Little pills for great ills: Dewitt's Little

## PERKINS COUNTY DISTURBED

Several Ex-Officials Declared to Be Delinquent in Large Amounts.

MANY PROMINENT NEBRASKA MEN SUED

They Insist that the Litigation is Inspired by Irresponsible Persons-History of the Case-Considerably Mixed with Polities.

MADRID, Neb., Feb. 7 .- (Special Telegram to The Bee.)-Perkins county is now in the throes of a genuine sensation, involving in a greater or less degree a large proportion of the ex-county officials and the leading business men of the county. In order to give a connected statement of the matter it is necessary to go back to the organization of the county, it being formed out of Keith county, November 8, 1887. From that time until about two years ago the county was largely republican. Then the pops gained the supremacy. This was accomplished largely through repeated charges by the pop-ulist orators and papers against the repub-lican officials of shamelessly tooling the county ever since its organization. This was carried to such an extent that the county commissioners felt justified in having a thor-ough investigation made of the books and records of the county, which they proceeded to do, as alleged by the parties charged, in

the following manner:

Last July one Phillips was employed by
the commissioners, at a salary of \$1.50 per
day, to examine the books and accounts of the county. In addition to this daily sti-pend which Phillips was to receive it is said he was offered, as an incentive to his patriotic endeavors, 10 per cent upon all amounts he could discover and which his statement would show was due to the county from the delinquent officials.

Having no cares, public or private, Philips accepted the responsibility and each night since has set down his \$1.50 against the county.

A day or two since the disinterested serv-

ices of this expert resulted in the bringing of civil actions against the following exofficials and their bondsmen for the sums named: H. C. Edwards, ex-county clerk, \$2,600; J. E. Miller, ex-county clerk for two terms, \$20,400; J. N. Dempsey, ex-county treasurer, \$500; N. T. Potter, ex-county clerk (pop.), one term. \$15,365.87; E. M. Harrison, ex-county treasurer (pop.), two terms, \$3,000; later discoveries, about \$3,000; total alleged deficiencies, \$44,865,87. Bonusmen for the officials involved include

the bankers, merchants and many responsi-ble parties at and in the vicinity of Madrid, Elsie and Grant. To them as well as their principals, these suits are of serious import as while pending their credit is affected and all transfers of realty prevented. The Bee correspondent has talked with several of the defendants, each of whom emphatically denies that any shortage can be shown. They say farther that they have frequently de-manded settlements with the county, stating that if it could be shown that they owed anything they were prepared to pay it, and if the county was indebted to them they wanted it. This, however, did not seem the proper method to the commis-

Several of the parties involved insist that they are charged with shortages which far exceed the aggregate receipts of their offices for their entire term. The county commissioners are unstintedly censured by the citizens as having acted hastily and with the exercise of but little good business judg-

#### BANK CASE SETTLED.

Important Cass County Litigation Will Not

PLATTSMOUTH, Neb., Feb. 7 .- (Special relegram to The Bee.)-Monday last was the appointed day for the Lincoln law firm of Marquette, Deweese & Hall to appear before the supreme court at Lincoln and ask for a writ of mandamus to compel County Treasurer Eickhoff to readvertise and let the Cass county funds. The application was to be made on behalf of certain taxpayers of the county. The move, however, failed to materialize, and it is now stated by the attorneys interested in the matter that the proceedings have been dropped. The cessation of hostilities in the matter thus insures the depositing of the county funds in the Bank of Commerce of Louisville for the coming two years and brings to an end one of the warmest legal contests ever waged in

the county. The annual grand lodge of the United Order of Treubund for Nebraska and Iowa was concluded in this city last evening a grand masquerade ball, given by the local society at the Turnverein hall to the visiting delegates, and a royal good time was enjoyed by the large throng in attendance. morning the visiting delegates returned to their homes, but before departing they were not slow in complimenting the members of the local society for the excellent manner in which they had been entertained. The election of officers for the grand lodge was held late yesterday afternoon and resulted as follows: Grand T. M., Julius Hoffman Omaha; grand marshal, Fred Berger, Pilger grand secretary. August Schirbach. Arion Ia.; grand treasurer. Rudolph Hartse South Omaha; grand marshall, Fred Berger, Pilger; I. G., F. Rolf, Madison; O. G., P. Kraut, Dennison, Ia.; representatives to sovereign grand lodge to be held next April at St. Louis, P. O. Evans, Dennison, Ia.; Peter Kiser, Omaha; August Schirbach, Arion, Ia.;

W. Macham, Council Bluffs.
The next grand lodge session for the tw states was fixed to occur at Norfolk. Neb.

luring February, 1895. The man who stole Conductor Barren's overcoat from a B. & M. train yesterday afternoon was released by the police this morning, for the reason that the conductor elegraphed that he would not lose the tim to appear and prosecute, and inasmuch as he had recovered his property he had no longer an interest in the case. The police had a clear case against the man and are not exactly pleased with the idea of letting him escape punishment.

Paving Bonds Sold.

HASTINGS, Feb. 7 .- (Special Telegram to The Bce.) - About a year ago Spitzer & Co. bought \$30,000 of Hastings district No. 2 paving bonds and posted a \$750 forfeit, conditioned upon their fulfillment of the contract on their part. Owing to the financial panic the firm was unable to pay the price agreed upon for the bonds, and so the money posted was declared forfeited to the city. Rather than lose the money the firm toda; made the council a proposition to take th bonds at par, somewhat less than the origi cil the proposition was accepted. as the snarl caused by the death of the paving contractor is unraveled there will now be no obstacles to prevent a speedy re sumption of paving in district No. 2, Nos. and 3 being completed.

Steele City's Damaging Blaze. STEELE CITY, Neb., Feb. 7 .- (Special Telegram to The Bee.)-Fire broke out about 2 o'clock this morning in the saloon of W. H. Carpenter, and, spreading, burned the furniture store of M. G. Evans, Peterson's grocery store and George Bartlett's carpenter shop. The fire is supposed to have started from a defective flue. Loss: B. E. Pickering, saloon building, \$500, msur ance \$300 in Phoenix of Brooklyn;

Carpenter, saloon, stock and fixtures, \$1,500

insurance \$250 in Oakland Home; M. G. Evans, stock and building, \$1,500, insurance \$600 in Manchester; N. Peterson, stock and building, \$400. no insurance; George Bartlett, building, \$150, no insurance Alleged Embezzler Arrested. GRAND ISLAND, Feb. 7 .- (Special Telegram to The Bee.)-E. C. Hockenberger. whose additional shortage as secretary of the school board was reported yesterday, was arschool this evening charged with embezzling \$1,000 of school money. Up to 8 o'cleck to-night he had secured no bond, though it is

belived he will be able to do so. Compelled to Pay Damages NORTH PLATTE, Neb., Feb. 7. - (Special Telegram to The Bee.)-The case of James Whorland against Henry Schuff was today submitted to a jury and a verdict for \$75 rendered in favor of the plaintiff. This is

the first case tried in the district court nere under the garnishes law, being a suit to recover damages by reasons of the sale of an account by the defendant in parties in lowa, who garnisheed the wages of the plaintiff, an employe of the Union Pacific.

FARMERS AT NEHAWKA.

Subjects of Particular Interest to Agriculturists of Nebraska.

NEHAWKA, Neb., Feb. 7 .- (Special Tele-

tram to The Bee.) The Tarmers institute held in Newhawka yesterday and today was a great success. The men that were sent by the Nebraska State university gave the farmers a great deal of practical information. The meetings were well attended and a great deal of interest shown. Prof. Card gave some very profitable information about grafting and planting trees. Hon. S. C. Basset of Gibbon discussed "Dairying" in a business way that aroused an interest which brought forth a number of questions. Prof. Bruner of the State university talked to the school children about the different bugs and their habits of life and generation. He gave the farmers some remedies for destroying the cutworm, chinch bug and potato bug.

Hon. Charles Steele of Norfolk talked on
the "Sugar Beet Industry." He showed the manner in which beets are raised, how to care for them and the financial gain to be derived. It was clearly brought out that it will be impossible to continue the beet industry if the tariff and bounty are both removed from sugar. Professor Ingersol came to fill the place made vacant by the inability of Governor Furnas to be present. The pro-fessor spoke upon the general theme of the university. He showed the relation it bears to the people of the state. The State uni-versity is a child of the state, he thought, and all its citizens ought to feel free to ap-ply to the university upon any subject. The benefits to be derived from an education and the need particularly of books on agriculture for every young man and woman was set orth very clearly.

Nehawka possesses some local talent that added much to the interest of things. Among the different papers read were: "The Trimming of Fruit Trees," Isaac C. Pollard; "Selecting Seed," Rev. Mr. Fulcomore; "Moral Culture for Boys," E. A. Kirkpatrick; "How to Make Farming Popular," D. W. Foster; "Farmers Institutes," G. F. Switzer; "Stock Raising," L. C. Todd. Some choice music interspersed here and there added much to the enjoyment. This is Nehawka's first institute, but judging from present indications it will not be her last. Every one was well pleased with the meeting and departed with kinder feeling for the head of Nebraska's great school system.

#### DODGE COUNTY PEOPLE COMPLAIN.

Board of Supervisors Said to Be Doing Business Very Slowly. FREMONT, Feb. 7.—(Special to The Bee.)

The committee of the Board of Supervisors on bonds and settlement has been in session the past five weeks, with the prospect of continuing for one to two weeks longer. The people who are posted on the matter are finding very much fault that so much ex-pense is being incurred in a mere formal matter, as neither member of the committee claims to be an expert accountant and neither has had any experience in keeping While the members were settling with the treasurer the latter was their constant attendant, and he had to post them in every detail of the work. And it was thus with the clerk, the judge and other county officers, each superintending his own case, and hence it should be well done, regardless of the in efficiency of the committee.

An irregularity in the proceedings of the ex-clerk of the county has been discovered. It seems that he had employed Billy Thomas as a clerk in his office at a satary of \$58 per month and had regularly drawn that much from the county, but had retained \$11.35 of it for himself.

The failure of Nesbitt & Rogers, hardware merchants, will show liabilities of about \$10,000 with about the same amount of The amount of grain now coming in here

at present is unprecedented in the last de Some of the merchants of the city declare that trade is greatly reviving and that col-lections are better than before for a year and that the general financial condition of the people is improving.

Extended the City Limits. BLAIR, Neb., Feb. 7 .- (Special to The Bee.)-Tuesday evening the city council by ordinance extended the city limits and took in all adjoining residences. Several fine residences, such as C. C. Mull's, A. P. Hours' and C. McMennemy's, and others were brought in. The mayor and city attorney have been working on this for some time and succeeded in getting a majority of the property owners to sign a petition. This will give quite an additional revenue to the city, as some of the residences are quite costly, and adds about 200 to the city's popu-

Last night the Knights Templar, Jordan commandery, gave a dauce and banquet to several invited guests. At the last meeting the contract for putting in a set of fire alarms was let. An alarm box will be placed in each ward of the

city. Bank Stockholders Sued.

GRAND ISLAND, Neb., Neb. 7 .- (Specia to The Bee.)-Receiver Westervelt of the Citizens National bank filed suits in the dis trict court vesterday against the following parties in the sums named, to recover or notes. All the parties named except William G. Geddes were stockholders of the bank: William A. Hagge, A. H. Baker and H. A. Koenig, \$1,059.70; A. H. Baker and Mary J. Baker, \$8,157.73; William A. Hagge, \$4,581.17; G. A. Mohrenstecher, \$966; G. A. Mohrenstecher and A. H. Baker, \$6,000; Mary Mohrenstecher and G. A. Mohrenstecher, \$5,990; G. A. Mohrenstecher, A. H. Baker and Mary J. Baker, \$4,365.86; G. A. Mohrenstecher, A. H. Baker and William H. Geddes, \$200; Mary J. Baker, \$183.35; total, \$31 453.81.

Valuable Horse Stolen. TECUMSEH, Feb. 6 .- (Special to The Bee.)-A thief entered the barn of Jacob Peters, a farmer residing near this city, last night and made away with a valuable driv-

ing horse. A reward of \$50 has been offered for the apprehension of the thief. The Knights of Pythias of this city held their anniversary ball and banquet at the opera house last night. It was a grand soiai success and well attended, many guests from neighboring towns being present. l'ecumseh orchestra furnished the music.

Lawrence Brevitles. LAWRENCE, Neb., Feb. 7 .- (Special to The Bee.)—High mass was observed Thurs-

day in the Catholic church. Walter, the 2-year-old son of Mr. and Mrs. W. M. Sheppard, died Friday of lung fever. The youngest son of Mr. and Mrs. Joseph Redinger died of croup the same day. A dry goods peddler has been salting the reen farmers bereabout with \$45 packages which, when delivered, prove to be worth

less than half that value

Improving Picnic Grounds. M'COOL JUNCTION, Neb., Feb. 6.—(Spe cial to The Bec.)-At the annual meet ing of the Blue River Park association of this place the following officers were elected: M. Howell, president; F. H. Knights treasurer, and W. W. Sing secre-

tary. The association owns the McCool pic nic grounds. It has already made a number of improvements and this summer it pro-poses to have grounds in condition for hold-Johnson County's Oldest Citizen Dead. TECUMSEH, Neb., Feb. 7 .- (Special to The Bee.)-Ritey Parker, the oldest man in Johnson county, died at the home of his son,

L. S. Parker, in this city tast night. He was

89 years of age, having been born in Ontario county, New York, in the year 1805. A wife and a large family of children survive him. Mr. Parker had been married four times, Marriage Licenses. The following marriage licenses were is sued yesterday

Name and Address.

Elmer Agae, Fort Omaha.

Lizzie Berchard, Omaha.

Gustave Bergquist, Omaha.

Clara Peterson, Omaha.

F F Mingers, Irvington, Neb.

Phoebe Timberly, Irvington, Neb. The careful mother always keeps Salva-

tion Oil handy, for cuts and bruises.

SUPREME COURT DECISIONS.

Syllabi of the Opinions Handed Down by the Judges at Lincoln. LINCOLN, Feb. 7.—(Special to The Bee.) -Following are the syllabi of the opinions of the supreme court in cases adjudicated: Biodgett against McMyrtry. Appeal from Lineaster county. Affirmed. Opinion by Mr. Commissioner Irvine.

In an action having for its object the declar-tion of a trust in land in favor of the plain-in and the quieting of title in him it is incum-sent upon the plaintiff to affirmatively estab-ish an equitable title in himself, and if he falls o do so the nature of defendant's title or the xistence of any title in defendant is imma-erial.

. Under the code two or more defenses can be interposed to the same cause of action pro-vided they are not inconsistent with one an-other, and they are not inconsistent unless the proof of one necessarily disproves the

other.

3. A pica of estoppel may be joined with a general denial when the averments by way of estoppel are not inconsistent with such denial.

4. The conclusion of the court in the former opinion in this case, 34 Nebraska, 782, as to the sufficiency of the evidence readlemed.

Byrd against Cochran, Au eal from Douglas

county. Decree of district court set aside, decision reversed and judgment ordered for the principal defendants as to both claims. Opinion by Mr. Justice Harrison Where an affidavit attached to a mechanic's lien purports to have been sworn to before a notary public and shows upon its face that it was taken or made without the jurisdiction of the notary public it is invalid, insufficient to perfect the lien and renders it incompetent as evidence.

2. When a subcontractor paints two separate 2. When a subcontractor paints two separate houses and furnished the paint and other materials necessary for use in the painting contracting for such work and materials with the original contractor, the consideration for such agreement being in one sum for both jobs, in order to recover upon a mechanic's lien filed against one of the houses and the lot upon which it stands, it must be shown that the amount charged against the one house and lot is the value of the labor performed upon and materials furnished for such house or an estimate made by some method or plan which will mate made by some method or plan which wil produce a -certain definite -result, and a mere approximation or guess work will not suffice to

establish the lien.

3. The evidence examined and held insufficient to establish mechanic's liens or to support a decree for their enforcement. Crane Company against Specht. Error from Douglas county. Affirmed. Opinion by Mr. Justice Harrison.

Mr. Justice Harrison.

A contract of guaranty entered into with one person or corporation cannot be extended to another person or corporation.

2. A contract of guaranty will be strictly construct and the guarantor held bound only according to the terms of the instrument containing his contract, and the terms of his contract will not be extended by implication or otherwise, nor will evidence be received to vary its terms or meaning when it is not in any sense or portion ambiguous or uncertain.

3. Where S. guaranteed the account of L. with the Crane Bros. Manufacturing company, a corporation, for goods supplied and to be furnished by it to L. and the corporation afterward changed its name to Crane company and after the change furnished goods to L., held in an action by the Crane company on the guaranty to recover the value of said goods that S. was not bound.

USURY DEFINED.

USURY DEFINED. Doyle against Holland. Appeal from Saline county. Affirmed. Opinion by Mr. Chief

Justice Norval.

On September 17, 1887, plaintiff loaned the defendants \$500 for one year at 12 per cent interest, the defendants giving their note secured by mortgage for \$572, the same being the sum borrowed and one year's interest thereon, payable in one year from date thereof, with 8 per cent from maturity. In an action to foreclose the mortgage it was held that the contract was usurious.

2. It is a well settled rule that where the original loan is usurious every subsequent extension of the same, even at a lawful rate of interest, is likewise tainted with the vice of usury.

Fremont, Elkhorn & Missouri Valley Railroad company against Mattheis, Error from Douglas. Reversed, Opinion by Mr.

Justice Post.

A county judge, in a proceeding by a railroad company to acquire the right of way by condemnation, may require the petition presented to him to be amended so as to contain a more specific description of the property which it is sought to appropriate.

2. A condemnation proceeding will not be declared void in a subsequent action by a land owner who has notice thereof in the manner provided by law, on the sole ground that the property described in the petition is the tract through which the road is located and not the particular part thereof appropriated for right of way purposes.

3. Where a petition for appraisers to assess damage on account of the appropriation for right of way purposes of a strip 100 feet wide through a particular tract of land refers for a more specific description to an accompanying plat which shows the location of the road through such tract, but without letters or figures to indicate courses and distances, such description will be held sufficient when assailed in a collateral proceeding. sailed in a collateral proceeding.

4. The conclusion announced on a former hearing of this case, 35 Nebraska, 48, adhered

First National bank of Omaha against Krug. Error from Douglas county. Affirmed. Opinion by Mr. Commissioner Ragan. There being no question of law involved in the consideration of this case, the evidence examined and held to support the verdict. First National bank of Dorchester against

Smith, Error from Saline county. versed and remanded. Opinion by Mr. Chief Justice Norval.

Where on the review of a judgment of the district court, in an action at law, the uncontradicted evidence shows that the plainting in error should have recovered a larger sum, this court will reverse the cause. Haveriy against Elliott. Error from Doug-las county. Affirmed. Opinion by Mr. Commissioner Ragan. Plaintiff owned and conducted a confec-

lonery store; manufactured and sold ice ream and soda water; she also owned a stock f confections and a miscellaneous lot of cream and soda water; she also owned a stock of confections and a miscellaneous lot of furniture and fixtures, used in her business, such as tables, chairs, shelving, counters, ice cream freezers, tableware and soda fountain. One Haverly held a lien against this property for about \$250 and brought a suit in equity to foreclose it and obtained the appointment of a receiver, who took possession of plaintiff's property and place of business, and held them for some days and then sold the property to pay Haverly's lien. It having been finally decided that the order appointing the receiver ought not to have been granted, the plaintiff such Haverly and his sureties on the bond given by them to obtain the appointment of such receiver. Held, that the instructions of the district court that the plaintiff's measure of damages was: (1) The value of her interest in the property sold by the receiver at the time he took possession of the same, and (2) the actual loss she sustained by the suspension of her business during the time she was prevented from carrying it on by reason of the possession held by the receiver of her property and place of business were correct.

2. A motion for a new trial in the language of the statutes is sufficient, but no error will be considered in this court which is not specifically assigned as such in the petition in error.

3. Objections to the admission or exclusion

error.

3. Objections to the admission or exclusion of evidence, to be available, should be made at the time such evidence is offered, and a motion made after the trial closes to strike out certain evidence should be overruled. BANK IS NOT LIABLE.

 When the district court has not otherwise obtained jurisdiction of the person of a de-fendant, he does not submit himself to its jursdiction by appealing or prosecuting error to this court, and the case of Shawang against Love, 15 Nebraska, 142, holding the contrary doctrine is overruled as in contravention of the provisions of section 24, article i, of the constitution of this state. Nichols against Barnes. Error from Gage

county. Reversed and remanded. Opinion by Mr. Justice Harrison. on by Mr. Justice Harrison.

Where an agreement for the lease of a piece of real estate is reduced to writing and bears the signatures of the lessees, but not that of the lesser, and possession taken under such agreement by said lessees, and the payment of rent made by them and by said lessor accepted, and said lease, had it been properly executed would have been for the term of one year, though payments of rest finder such agreement are to be made monthly, held that greement are to be made monthly, held that ald lease is valid as an oral lease for one ear, and said lessees are thereby made ten-

nts for one year.

2. Former decision in this, reported 32 Nebraska, 195 overruled.

Phoenix Insurance company against Bachelder. Error from Sarpy county. Reversed.

Opinion by Mr. Justice Post.

A general dealal in the reply puts in Issue nly the truth of allegations of new matter in the answer, facts in the nature of a confesion and avoidance must be specially pleaded.

The conclusion approach. The conclusion announced on a former earing of this case. 32 Nebraska, 490, ad-Reynolds against Dietz et al. Appeal from Adams county. Affirmed, Opinion by Mr. Commissioner Ryau.

Mr. Commissioner Ryau.

Where several parties purchased real property, the title being taken in the name of one of them as trustee for all the purchasers and the deed of conveyance to him recited as part of the consideration for the conveyance that the grantee named as trustee, agreed and assumed to pay a mortgage in existence upon the premises conveyed, held that upon an averment of the above facts in the petition there should not be inferred of necessity the conclusion that the cestuls que trust for whom the trustee was acting were individually liable for a deficiency which might remain unsatisfied upon the forecionare saie of the mortgaged premises. (Following Reeves against Wilcox, 35 Nebraska, 779.)

2. An agreement to pay an existing mort-

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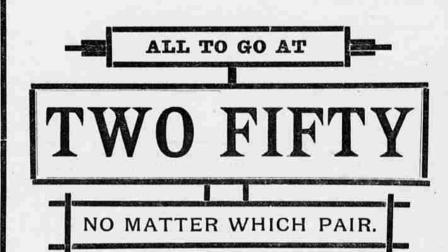
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gage as part of the consideration for a convey-ance of mortgaged premises, need not be in-serted in the doed, neither must it necessarily be in writing. Such an agreement is an inde-pendent undertaking of the party making it, the conveyance affording sufficient consider-ation to sustain it when its existence is esablished by a preponderance of evidence. Following Rockwell against Blair Savings

ation to sustain it when its existing to established by a preponderance of evidence. (Following Rockwell against Blair Savings bank, 31 Nebraska, 128.)

3. In the trial court there was evidence that the agreement of the trustee, in whom was vested the title, that he would assume and pay an existing mortgage, was made upon the authority of and to bind the cestuls que truxt, contradicted by other evidence upon that proposition, held that the finding of the trial court in favor of said costuls que trust should not be disturbed.

4. A clerk can settle a bill of exceptions upon agreement of parties only when the unanimous consent of all the parties interested is shown by a stipulation to that effect attached to the proposed bill of exceptions, signed either by the parties themselves or their attorney of record in the case wherein the bill is proposed, or by an attorney or their attorney of record in the case wherein the bill is proposed, or by an attorney or agent whose special authority to sign is affirmatively shown.

5. A bill of exceptions to be settled by the clerk upon agreement of parties must be acted upon by such clerk within the time fixed by statute, or within the time allowed by the court or judge for the settlement of such bill of exceptions.

Robb against Hewitt, Error from Otoe county. Affirmed. Opinion by Irvine, C. The complainant in a bastardy proceeding, where it charges the date of the birth of the child, need not set out the time or place when or where it was begotten.

2. An offer made by the defendant to the father of the presecutrix to contribute money for the purpose of "sending the presecutrix away" is not an offer to compromise and is admissible in evidence. dmissible in evidence.
3. In a bastardy proceeding only a prepon-erance of the evidence is necessary to a con-

4. Certain evidence in rebuttal of evidence f good reputation examined and its admis-ion held not to be error. SELLING ESTATES. Schroder against Wilcox, Appeal from Douglas county, Affirmed. Opinion by

derance of the evidence is necessary to a con-viction, and a verdict may be sustained upon the uncorroborated testimony of the prose-

When an administrator's petition for author-When an administrator's petition for author ity to sell read property of the decedent for the payment of his debts was duly filed it the district court of the proper county and due notice of such application was published as prescribed by the order made upon the presentation of such application, the district court obtained such jurisdiction of the subject outfor for the nurposes of the application of the subject. matter for the purposes of the application re-ferred to, as that its judgment or order is not abject to attack or question in a collateral

2. Where the order of the court required publication of notice of an application to sell real property to be made in a newspaper designated by name, it was proper, as against a collateral attack upon the order finally made, to show by competent evidence independently of the record that the publication was in fact made in strict accordance with the requirements of the said order of the court.

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