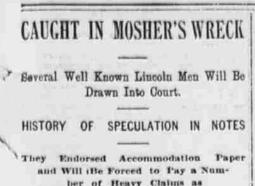
THE OMAHA DAILY BEE: TUESDAY, FEBRUARY 27, 1894.



ber of Heavy Claims as a Result.

LINCOLN, Feb. 26 .- (Special to The Bee.) - The enormous amount of litigation that has followed the suspension of the Capital National bank is to be further increased, and it is now more than likely that a number of well known business men and capitalists of Lincoln will be drawn into court who have not hitherto figured in the case. One of these suits will illustrate the somewhat peculiar transactions in vogue in Lincoln's financial circles in the days immediately preceding the collapse of the Capital National swindle. The facts in the case may be

stated thus: On January 2, 1892, three weeks prior to the failure of the bank, Mosher sold to Lang Bros. of Des Moines a note for \$5,000 due in six months and signed by W. W. Marsh. The man Marsh stood in about the same relation to Mosher as did the man Hurlbut, who signed so many of the bogus Western Manufacturing company notes. The note was payable to Mosher, and when sold to Lang Bros. was endorsed by C. W. Mosher, Louie Meyer and J. D. Macfarland, notice protest and non-payment being waived and payment guaranteed.

On December 16, 1892, a month and two Jays prior to the bank's failure Lang Bros. purchased a similar note for \$5,000 as above. On January 5, 1893, Yonker Bros. of Des Moines purchased a note for \$12,000 signed by Mosher and Outcalt and endorsed by L. Meyer and J. D. Macfarland.

It seems to be pretty well settled that Mosher and Outcalt, and espesially the lat-ter, will never be able to pay the enormous claims against them. Accordingly L. Meyer and J. D. Macfarland will be called into court and made joint defendants with Mosher. It is not asserted that Meyer and Macfarland had any interest in the bogus notes, for they may be classed as the same kind of paper as that which flooded the mar-ket from the Western Manufacturing company. Meyer and Macfarland signed the notes, or endorsed them, rather, as a mere matter of speculation. The notes drew 7 per cent interest and the Capital National paid 10 per cent for the use of the money. Meyer and Macfarland simply pocketed the 3 per cent

END OF A SALACIOUS CASE.

Attorney F. J. Kelley of this city has re-turned from Chicago, where he went to defend A. W. Stuart in a suit for bastardy brought by Miss Grace Smith. This is the case which created so great a general sensation in Lincoln last summer, the partic-ulars of which were duly chronicled in The Bee at the time. Briefly recited the particulars of the case are that two years ago a child was born to a young woman at Tabitha home in this city and afterwards placed in the care of Mrs. J. R. Gorton, living at 1626 Q street. Mrs. Gorton held the child until there was a board bill due her and her sister of several hundred dollars. Then she un-earthed a few facts which led her to believe that one Dalsey Smith was the mother it the child and one "William A." for the care of the child. Her attorney was F. J. Kelly and so well did he plead this case that the court gave judgment against M'ss Smith and her friend Stuart. On the trial Miss Smith swore that Stuart's relations toward her had been perfectly proper and while she acknowledged that she was the mother of the child she denied that stuart was its father. The matter rested until some weeks ago Miss Smith went to Chicago where she sued Stuart for damages, claiming that he was the father of the child. Stuart telegraphed to Kelley and employed him to defend. The case was dismissed on a technicality and as the Illinois statutes prevent the institution of a basterdy case after the child is 2 years old, it is likely that the infant who has created so much dis-turbance, will go through life with but one parent. The child is 2 years old today.

ficer Farley told them he wanted the coat, which one of the tramps was wearing, and was given the laugh. The officer then drew his revolver and the tramps dared him to shoot, maying they were on Iowa soil and The officer responded by striking the tramp who wore the coat alongside the head with his gun, knocking him cold. The other eight sprang to their comrade's rescue, but stopped before the muzzle of the officer's revolver. The coat was recovered.

A. Gerhardt and his son, living near Per-cival. Ia., started to cross the river opposite this city this morning with two loads of wood. Mr. Gerhardt had advanced several hundred feet on the ice when criss for hundred feet on the ice when criss for help from his son attracted his attention. The rear wheels of his son's wagon had broken through the ice, and the horses were struggling desperately to extricate the vehicle. By the time he reached his son's wagon the horses had broken through the ice, and were struggling in the water. He crassed one by the hirdle and was himself

grasped one by the bridle and was himself drawn down. In raising, however, he man-aged to clutch the edge of the ice and crawl out. The team and wagon, valued at \$350, were lost. The son escaped by jumping. It is now said that Duncan MacCuaig, son of the late postmaster, who is at present Secretary Morton's chief clerk, is a can-

didate for postmaster. Object to the Occupation Tax.

SCHUYLER, Feb. 26 .- (Special to The Bee.)-City Treasurer Kolm, armed with a policeman and a copy of the occupation tax ordinance, has been out collecting occupation tax of some who were delinquent. At the Chinese laundry, Sam Wah refused payment of the \$7 assessed against him and threatened to annihilate his two persecutors with a hatchet wielded threateningly, insisting that he had no money. A watch hang-ing upon the wall was spled and captured, which was redeemed later by the Celestial, whose imprecations against Schuyler and its officials were both loud and deep. J. C. Grasborg, the jeweler, refused to pay, and a J. C. watch valued at \$35 was taken from his tock. He has begun suit for its recovery. E. L. True, who had been in the mercantile business in Schuyler for seventeen years, will close out his present large stock of dry goods, notions and clothing preparatory to

removing to Omaha. A German club has been organized here. the following being the officers: Instructor, W. A. Rathsack; president, Henry Kolm; vice president, John F. Nelman; treasurer, B. Mick; secretary, William J. Shuldt; libra-rian, Fritz Schroeder. At present there are about twenty members. Rev. W. D. Elwell of Platte Center con

ducted Baptist services at the St. John's Lutheran church yesterday, Fred Kenny, president of the Nebraska

State bank, accompanied by James A. Grimi-son, starts to England Wednesday. The Rank block was sold under foreclos-ure this week, the Schuyler Building and Loan association having a first mortgage.

It was bid in by Fred Krug of Omaha for \$9,200 The insurance companies, after a long season of holding off in instituation of not paying the \$5,000 insurance upon the Schuyler High school building, have at last begun

to pay the loss in full.

Interested in a New Road. SARGENT, Neb., Feb. 26 .- (Special to The Bee.)-A large meeting was held here Saturday to discuss the question of voting bonds to aid in the construction of a railroad from Albion, Neb., to Taylor, by way of North Loup, Wescott and Sargent. Representa-tives of the parties desiring to build this line were present and gave an outline of what they intended to do. Taylor, Sargent and the other places through which the line state's

is projected will be asked to vote bonds and furnish other aid. At the meeting held at Sargent and Taylor it was decided without a dissenting vote to grant all the aid for the construction of the road that the law would permit. Prominent railroad men at Chicago are known to be interested in this movement and the new road is expected to onnect at Albion with a road for the east. The new road, as outlined, will run through a rich farming country its entire length, which will furnish a large traffic for the road. Around Sargent is a rich, well de-veloped country in which the farmers have been obliged to haul their products from coupons. twenty to forty miles to a railroad, and of late years, since the products have become

parents, Mr. and Mrs. J. T. Hedrick, this city, at the age of 19 years, Thursday, were held in the Methodist Episcopal church yes-terday at 11 o'clock, and was attended by about 800 people. Rev. W. B. Alexander delivered the sermon, which was an eloquent one. The deceased was taken sick with-peritonities about three wonths are white peritonitis about three months ago while visiting friends in Lincoln, the effects of which caused her death.

Nance County Will Have a Court House. FULLERTON, Neb., Feb. 26 .- (Special to The Bee.)-On the morning of March 5 last the court house in this city was consumed by fire. The county officers have since that time been scattered over the city wherever they could find quarters, much to the annoy ance and inconvenience of the public gen erally. The Board of Supervisors of Nance county submitted a proposition to issue bonds in the sum of \$25,000 to rebuild the court house and jall, which was voted upon at an election held June 3, 1893. The bonds were defeated by fifty votes. At the January meeting of the Board of Supervisors an

to issue bonds to the amount of \$17,000 and the election was ordered to be held Feb-ruary 24, 1894. This proposition was adopted by a majority of over 300. These bonds are to bear interest at the rate of 5 per cent and are to be paid at any time after ten years shall have elapsed.

As to Draining the Platte Bottoms. FREMONT, Feb. 26 .- (Special to The Bee.) The question of drainage of the Platte

oottom has been appealed directly to the people of the Platte bottom regardless of location and petitions to the board of supervisors are being extensively circulated. It is now proposed to push the matter as of general interest. People interested in manufacturing are feeling pretty sanguine that the project for a ditch for power purposes will be built as soon as the engineer's report places it within the ability of the city to construct. With this in view several other manufacturers are With looking over the city for location. The Grand Army of the Republic of Fremont is figuring on purchasing the old opera house property on Fifth street with the view of fitting it up for the use of the post and

kindred organizations. Committees are now

considering the proposition. **Bootleggers Favor Prohibition.** DECATUR, Neb., Feb. 26 .- (Special to The Bee.)-The business of "bootlegging" whisky seems to be conducted to quite an extent of late, at least more than many a temperance town would expect. On Wednesday no less than twelve Indians were drunk on the streets here. Some of them were loaded to their fullest capacity with firewater. It will be a choice of two evils at the coming village election, and

no doubt a license board will be elected. Whether the temperance people know it or not, they certainly have the heartlest support of the bootlegging element in suppressing the saloon.

Had Trouble in Securing a Jury. NEBRASKA CITY, Feb. 26.-(Special

Telegram to The Bee.)-The libel case against Z. T. White and H. W. Hoerath for hanging Hon. J. Sterling Morton and son Carl in effigy was called for trial in the district court this afternoon. Hon, John C. Watson and D. T. Hayden appeared for the prosecution and W. C. Sloan and W. F. Moran for the defense. The entire afterthan fifty men having expressed an opinion.

In a short address Watson presented the case to the jury, when court adjourned until 9 o'clock tomorrow morning. Howard County Teachers Meet.

ST. PAUL, Neb., Feb. 26 .- (Special to The Bee.)-A large gathering of the teachers of Howard county and citizens of St. Paul assembled Friday evening at the Methodist church in response to invitation of County Superintendent Parker. The church was filled to its full capacity, and a good time was had. Speeches were made by Mr. Parker, Superintendent Gondy, Prof. W. F. Clemmens of the Fremont Normal school and others.

The first number of the American Encyclopaedic Dictionary can now be obtained at The Bee office for 15 cents without any This is done to enable all readers to judge for themselves the good points claimed for this great work. large, the absolute necessity of a railroad is manifest. Hitherto, the B & M, has had

BULLETS OVER A CARD TABLE

Italian Accuses Another, of Cheating and Shoots Him Three Times.

WOUNDS ARE PROBABLY FATAL ONES

Murderous Assailant Runs from an Angry Crowd and Escapes - Flying Ball Narrowly Misses the Head of a Sleeping Babe The Details.

Carmino Felice was shot and probably

fatally injured vesterday afternoon at 5:30 'clock by Pepinio Gigliotti. Both the parties reside in an old tumble

own house, 2036 Poppleton avenue. Four or five men had been playing cards iere all day and there were frequent disputes as to who won. They were not playing for anything but beer. Late in the afternoon Felice and Gigliotti took part in a game and were on opposite sides. Several

times Felice claimed that he was being cheated and that some of those playing against him, and he pointed to Gigliotti, After several games had been played and Felice lost the most of them he became very angry, and when he lost another game he got up and accused Gigliotti of cheating him and then struck him in the face. Gigliotti at once drew a revolver and shot Felice three imes, once through the right lung, onche left side of the breast and near the ung, and one ball entered under the left arm and came out through the shoulder. This was the only ball recovered. The one that entered the right lung it is thought cannot be recovered. Dr. Saville attended the man and said that while he might live, the chances are greatly against it, and the fac that he is bleeding inwardly is much against him.

GIGLIOTTI GETS AWAY.

Felice is a laborer and a single man. Italians at the house where he lived say he was a good fellow and that they liked him. A fellow called Petrio was present at the shooting. He said in rather poor English that he heard the men quarreling often during the day and had seen Fellee get up from his chair and strike Gigliotti He then said that Gigliotti left the room for a moment, but returned, and standing in the doorway he shot Felice three times, but that in all he shot five times and shower where two of the bullets entered the wall right back of where Felice was sitting. After he had shot all the cartridges in the After he had shot all the cartridges in the revolver he left the room and ran as fast as he could up Poppleton avenue. He turned several times to see if he was being pursued and as he saw the mob that was iot on his trail he stood still and threatenes to shoot them if they dared to molest him. He got away and Felice, bleeding from three wounds, ran as rapidly as he could from the house and called for the police. He He was almost ready to fall when Officer Fisk caught him and took him into Wilke Sauter's drug store, corner of Twentieth and Pierce streets. The patrol wagon was then called and Officer Dibbern dressed the wounds.

DESCRIBED BY WITNESSES. He said he did not strike Gigliotti, and that the only thing he did was to tell him he was cheating him. He then told how he had been shot.

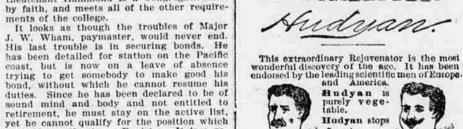
A visit was made to the locality where the shooting occurred. There are six fam-illes living in the same house, and nearly all of them are unable to speak English. Mrs. Gigliotti, the wife of the probable murderer, was seen. She could not relate anything of importance beyond saying she was upstairs, and that when she heard the shooting she ran out the door in time to see by faith, and meets all of the other require her husband running up the street. She attempted to follow, but he motioned her to stay back. Phillip Konstans, uncle of Gigliotti, said he heard the shooting and went to the basement; where the men were playing, to separate them. He was too late, and Felice was already shot and Gigliotti

had got away. Gigliotti has a sister living at Nineteenth and the Union Pacific railroad track. The shanty she lives in is a peculiar one. It has a couple of doors on each side, and it yet he cannot qualify for the position which was said that Gigliottl[†] was hidden here. The place was thoroughly searched, but the



prompt and efficient action is taken the tion of a valuable oil painting which we are certain to increase, until finally they end in death. It is the part of wisdom for were permitted to copy from a collection in a gentleman's private gallery. It tells all such people to stop, think and heed the ringing alarm, which is given them in seaa weird and powerful story. The vessel son. There is but one thing for all such persons to do when this realization comes is going upon the rocks! The wind and the waves are so deafening that the sound of to them , and that is to act promptly and the bell on the buoy cannot be heard! In secure the best possible aid which world now knows for these troubles. her agony the mermaid seizes the standard from which the bell is suspended and seeks aid has been tested and tried. It has been proven to be efficient in the cases of thouto ring the alarm to those in deadly peril. sands of men and women who were in the There are millions of people in America reatest danger, and it stands alone today. It is Warner's Safe Cure. What it has today that are drifting toward the rocks of destruction and do not know it! They have strange, unaccountable feelings and pain in various parts of the body. They are often restless, feverish, and far too often afflicted with headaches, indigestion and general despondency. They know

THE GREAT Schofield's successor upon retirement next year, and that General John R. Brooke is to be detailed to the Chicago command when General Miles goes to New York next sum-Lieutenant Hammond, now at Fort Meade, will likely be detailed to teach mili-tary tactics at the Doane college of Crete. Lieutenant Hammond is a Congregationalist



BIBLE, SHAKESPEARE DICTIONARY.

> The Bible and Shakespeare every one possesses. These change not as the years go by

5

BUT A DICTIONARY TO BE WORTH HAVING MUST BE UP TO DATE.

Such a work is offered by BEE HE IN THE

that the above picture is reproduced and the above words written. It is only with the hope that those who read may stop, re-American Encyclopedic

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That

Dictionary

Founded on and in certain respects an enlargement upon the Endyclopedic Dictionary published in England and sold in this country at prices ranging from \$42 to \$70. Of the latter work the highest words of praise have been snoken

done for others it can do again. It is a true "friend in need" and never fails when called upon. It is with no desire to be an alarmis that something is wrong, but think, per-haps, it is only temporary and will soon pass away. They do not realize that these feelings are the first symptoms of Bright's relinquish his command and take a leave of absence on June 1. General Nelson A. Miles, Chicago, com-manding the Department of the Missouri, is expected to take General Howard's present command when the latter leaves it in June. It is said that General Miles will be General

mer.

BURGLARIZED A SALOON.

Some time during last night thieves forced a transom over the front door of the old Two Charlies saloon on N street, between Tenth and Eleventh streets. Once inside they carried away the cash box and broke oper a nickle-in-the-slot machine and secured a small amount of change. The cash box contained \$12.60 and was found early this morn ing by Detective Malone on Eighth street, between M and L. It had been smashed to pieces in order to get the money. No ar-rests have been made as yet, but the police are watching one or two suspects.

HEARD IN THE DISTRICT COURT ROOMS. Attorney R. J. Green today secured a judgment against Alex Halter for \$7,230 for egal services. Halter made no appearance and the judgment was given in default.

Issaac Riley is suing his wife Elma for a free and unconditional divorce. He claims to the court that she deserted him two years ago, taking their children with her, and that since that time she has refused to permit him to see them. Medora Rundle has been united in matri-

mony to William Rundle for twenty-three years, eighteen of which she has supported the family by taking in washing. During she managed to save up \$990 this time worth of property, which she now claims William has wrongfully taken for his own use. She wants the property back and a divorce.

Architect G. W. McDonald of Geneva took out a license today which permits him to wed Miss Alamena Parker of this city. The wedding took place this evening.

Othello Allen is on trial for attempting to shoot the mortal existence out of one Ward. He is pleading self-defense and he seems to be mathematical effective and the seems to be making out a pretty good case.

CONVICTS TO BE RELEASED IN MARCH. The following persons will be discharged from the state penitentiary during March: 2044. Halfacre, 1st; 2170. Lively, 1st; 2310. Hudson, 1st; 2308. Collins, 1st; 2354. Buckmaster, 1st; 2005, Douglas, 2d; 2255, Hoppee, 11th; 2221, Warren, 15th; 2229, Colon, 19th; 2272, Creole, 26th; 2336, Trumbull, 29th.

LINCOLN IN BRIEF.

The first gun of the rapidly approaching municipal campaign has been fired. city prohibition central committee has been called to meet this evening for the purpose The

of calling a nominating convention. The directors of the city public library are not a little annoyed over the fact that four overcoats were stolen from the reading rooms during the past week. The infant child of J. W. Jordan, man-

ager of the Lincoln Printing company, was buried this afternoon, death having resulted from acute bronchitas after an illness of but twenty-four hours. The plans for the new High school build-

ing have been trimmed again and the cost has been reduced to \$57,000. They were adopted at a meeting of the board held last evening. The work of repairing the Funke opera

house, which was so extensively damaged by fire last Wednesday evening, commenced this morning. Charles Bayse, the Saunders county mur-

derer, was brought to the state penitentiary to commence a twenty year sentence. Bank of Lushton has gone into (nday to Voluntary liquidation, the bank paying all its depositors in full. A concert was given by local talent at the

Lansing last evening, the entire proceeds being donated to the Nebraska Wesleyan university for the purpose of rebuilding the Haish manuel training school.

Stood Off a Gang of Tramps. NEBRASKA CITY, Feb. 26.-(Special to

The Bee.)-M. R. Thorp, a letter carrier at Nebraska City, was asked for assistance by two tramps yesterday and took them to the hotel and gave them food. They repaid his kindness by stealing his overcoat, valued at \$45. As soon as the loss was discovered Thorp and Officer Jack Farley started in a chase of the thieves. It was learned from the watchman of the Burlington bridge that nine tramps had crossed to the lowa side about an hour before. They crossed the bridge and soon overhauled the tramps. Of-

this rich territory hedged in on the east and south by its branch lines, so it has secured all the traffic. By grading a line through the northeastern part of Custer county, which it has never completed, it has kept other com-panies from looking this way. Now there is much rejoicing in these parts at the pros pect of securing a different and more direct

outlet to the east. The surveying for the construction of the ditch of the Middle Loup Irrigation com-pany is progressing rapidly and probably the preliminaries for construction of the ditch will be arranged in time to commence grading early in the spring.

Want the Remedy Applied.

M'COOL JUNCTION, Neb., Feb. 26 .-Special to The Bee.)-The business men of

McCool Junction appreciate The Bee's assistance in their efforts to get the same grain rates east by the Kansas City & Omaha railroad that the town of Fairmont (eight miles south) has. A farmer living south of here, who got more for his grain, asked the Fairmont grain buyer the reason. His reply was, "They had a better rate." Last week's Fairmont Signal said that the reason for the large amount of grain marketed there lately must be due to cut rates, as The elevator on the Kansas City reported. & Omaha railroad at Fairmont for several years shipped scarcely any grain. The B. & M. elevator at that place, owing to its convenient location in the town, bought and shipped nearly all the grain. The manage-ment of the Kansas City & Omaha railroad learned of this and it is believed that they made a cut of 5 cents per hundredweight. Mc-CoolJunction has been, and locally is known to one of the best and largest grain ship

ping stations on the Kansas City & Omaha, but owing to the cut rate at Fairmont a large number of farmers who heretofore sold grain here marketed some this winter at Fairmont.

Killed the Canal Scheme.

HASTINGS, Feb. 26 .- (Special Telegram to The Bee.)-The Platte river canal project received a rather severe blow at a mass meeting of the citizens held in the court house this afternoon. D. H. Ballard was made chairman and the claims of the canal make chairman and the claims of the canal company were presented by Isaac Ledieyt and V. S. Thickley. The St. Louis pro-moters not putting in an appearance a mo-tion was made that the council be requested to submit the proposition of the canal com-pany to a vote at the spring election, but by an overwhelming vote the motion was lost At the meeting of the city council this evening representatives of the canal com-

pany asked that no action be taken on the proposition and the request was granted. The ordinance granting a franchise to the Hastings Illuminating and Fuel Gas company was passed. The only change made was that fixing the minimum rate at \$1.60 $\,$ per thousand instead of \$1.50.

Accused of Robbing a Peddler. ST. PAUL, Neb., Feb. 26 .- (Special to The Bee.)-Newton Rogers was arrested here Friday night by the city marshal on complaint of Mike Lilyif, a peddler for stealing \$30 from him. Lityif stopped over night several days ago at a farm house three miles from here. and was given a place to sleep with the hired man, Newton Rogers. During the night it is claimed he stole the money. He

a now loged in jail awaiting his trial. Demise of a Pioneer.

MEAD, Neb., Feb. 26 .- (Special to The

Bee.)-Albert Nelson died here February 16 after a short inliness. Mr. Nelson was among the earliest settlers. He was one of the pioneer business men of Omaha and was prominent in Saunders county's early politics, and leaves hosts of friends.

Injured by a Bursting Gun.

ALMAGE, Neb., Feb. 26 .- Special Telegram to The Bee.)-This afternoon, while cleaning a target gun, Gussie Butz, the 13-year-old son of Henry Butz, received a severe wound in the face by being burned with powder. The gun bursted, but he sus-tained no other injuries.

Funeral of Miss Lulu Hedrick.

TECUMSEH, Feb. 26 .- (Special to The Bee.)-The funeral services of Miss Lula E. Hedrick, who died at the home of her of the plant.

QUESTION OF MALICE. Arguments Made Yesterday in the Bennett-

Rosewater Libel Ca e. Judge Berka listened to arguments in police court yesterday afternoon as to whether or not hearsay testimony was admissible in

showing the good faith and absence of malice on the part of the defendant in the Bennett-Rosewater libel case. The entire afternoon was thus taken up, the question being exhaustively argued, and numerous authorities were cited, especially by the defense, bearing upon the point in controversy. The defense raised the further point that the article

in question was a privileged communication, and called the attention of the court to the fact that it was addressed to the electors of Douglas county. It was argued that the article was fair, reasonable, without malice, and was printed with the best of motives and for justifiable ends. It referred to Bennett solely in his official capacity, and did not at-tack his private life. Much of the article was in the way of ordinary newspaper criti-cism, and there were but three things in it that would be at all libelous under any circumstances. The attack was not directed against Bennett personally, so far as the charges of immorality in the jail were con-cerned, but against his subordinates, for whom he was responsible. The trouble with Bennett was that he had kept too many of his relatives around him and they had given him the worst of it. The existing state of affairs had been brought to the attention of the voters of the county, who were directly interested in the case, and the communication had been one of privilege. As to what constituted privileged com-munications, the courts were all in harmony.

The rulings of the court had thrown upon the defense the burden of proof, and it was for it to show good motives, just; flable ends and the absence of malice. How was the conclusion of good faith to be arrived at? By evidence to show diligence in in-vestigating the reports that were received, and it was, therefore, competent to show whether or not the efforts of the defendant had been commensurate with an honest endeavor to ascertain and verify the facts. The defense had already shown the truth of the statements published beyond any reasonable doubt, and to disprove the presumption of malice in the publication it was sought to introduce the testimony of a witness who had been present and heard what was said when the defendant was investigating as to the truth of a report that had been ing as to the truth of a report that been brought to him, and which had already been testified to by the defendant himself. The verdict of the people in this case had already been received, and they had voiced the belief that the man was corrupt, incompetent and surrounded by a horde of individuals who had fallen very low in the moral scale. The people had deemed sufficient even less evidence than had been required by the defendant, and they would sustain the man who had fearlessly spoken of things as they existed and called things

by their right names. If general rumors had been such as to discredit the honor, integrity and virtue of the complaining wit-pesses, then the defendant had reason to believe those statements, and it was combelieve those statements, and it was com-petent to show what those general rumors were, not for the purpose of proving or tending to prove the truth of the rumors, but to rebut the presumption of malice on the part of the defendant. Malice was the gist of all crimes, and it should not be presumed in this case, as it was a privileged ommunication, and malice was for the state

o prove. The prosecution contended that the con munication was not privileged, and insisted that no hearsay testimony be admitted, even for the purpose and sole intent of disprov ing malice on the part of the defendant. The matter was taken under advisement by the court until Wednesday afternoon at 2 o'clock, when the hearing of the case

will be resumed. Chamberlain Register Sold.

CHAMBERLAIN, S. D., Feb. 26 .- (Special Telegram to The Bee.)-George R. Owen has purchased the plant of the Chamberlain Register, which was sold by the sheriff, and will continue its publication as a republican newspaper. Owen was a former owner

only information that could be obtained was that Gigliotti had been there many times, but was not there then. They were indulging in a high carnival, drinking wine and smoking bad tobacco. All the shantles were searched, but no trace of the missing man could be found.

NEARLY KILLED A BABE. Tony Payne, who lives in the same house

with Gigliotti and in whose room the shoot ing occurred, had just got home when the house was being searched. His sister lives there too, and when he came in she told him of the occurrence and also showed him the place on the bed where the baby was asleep when the trouble began. If one of the bullets had gone half an inch lower down it would have struck the baby and this caused Payne to swear eternal vengcance against Gigliotti. He knelt down and taking off his hat he swore to Almighty God that he would capture the murderer today or die himself. He took a long, sharp knife and started out in the darkness to bring to justice the man who came so nearly robbing im of his child. The jabbering of his com panions was so general that it seemed as f a dozen demons had broken loose. There was a crowd of Italians in the house and they all swore to capture Gigliotti.

Gigliotti is a brother of the man who is uspected of killing old man Boccacio at his stand, Fifteenth and Davenport streets, last August.

The first number of the American Ency clopaedic Dictionary can now be obtained at The Bee office for 15 cents without any coupons. This is done to enable all readers to judge for themselves the good points claimed for this great work.

SUCCEEDS GENERAL DANDY.

Major Charles F. Humphrey Becomes Quar termaster General of This Department. The promotion of Major Charles F. Humphrey to the position of chief quartermaster of the Department of the Platte, made vacant by the retirement of General Dandy meets with the warmest approval of his many friends in this city. He has been connected with the quartermaster's department since 1879, and has a vast deal of experience in the handling of materials and supplies having been associated with the building and enlargement of some of the finest posts in the army. He came to Omaha to superintend the construction of the new post at Fort Crook, having been specially detailed for that work, and the amount and charac ter of the work already done there speaks for him all that is necessary as to his fit-

ness for the position. Major Humphrey is a New Yorker by birth, and went into the army during the war as a private. He passed through the various noncommissioned positions and was furloughed during the campaign of 1864 for "soldierly conduct" and recommended through the proper channels for examination for commission in the artillery. He was made a second liutenant in 1866, first lieutenant in 1868, captain and assistant quar termaster in 1879, and major and quarter master in 1892. In connection with Major Humphrey's promotion to a commission il may be stated that there were at that time so many applications for commissions that the War department appointed in the order of merit, and that Major Humphrey reelved the second order to appear for examnation. Major Humphrey was very strongly en

dorsed for promotion by Major General J. M. Schofield, Major General Nelson A. Miles Major General John Pope (retired), Brigadier General S. B. Holabird (retired), Brigadier General J. R. Brooke, Adjutant General J. C. Kelton, Colonel J. W. Formyth of the Sevenith cavalry and Major M. P. Miller of

the Fifth artillery. The Fifth artillery. The Fornotion means a large increase in work and responsibility, as Major Humphrey will continue in control of the work at Fort Crook.

News and Orders from Waskhington.

WASHINGTON, Feb. 26 .- (Special Tel gram to The Bee.)-General O. O. Howa commanding the Department of the Atlant who will be eligible to retirement on account of age on November 8 next, is expected to

markable condition and is puzzling the authorities at the War department. They would like to retire him and relieve him of his emharrassments, but there seems to be no ground for his retirement. Since his un-fortunate robbery of some years ago no one

wants to become his security. After conferring on the subject, Secre-taries Lamont and Herbert have decided there shall be no contests at foot ball be-tween the cadets at Annapolis and West Point. This action is taken because of a conviction that the interacademic matches are a detriment to discipline and to the

studies of the cadets. The retirement from active service of February 22, by operation of law, of Major John Brooke, surgeon, is announced. Second Lieutenant Edward R. Chrisman.

Second infantry, is detailed as professor of military science and tactics at the University

Prematurencess means impotency in the first stage. It is a symptom of seminal weakness and barrenness. It can be stopped in 20 days by the use of Hudyan. The new discovery was made by the Special-ists of the old famous Hudson Medical Insti-tute. It is the strongest vitalizer made. It is very powerful, but harmless. Sold for \$1.00 a package or 6 packages for \$5.00 (plain scaled boxes). Written guarantee given for a cure. If you buy six boxes and are not entirely cured, six more will be sent to you free of all charges, Bend for circulars and testimonials. Address of Idaho, Moscow, Idaho. The extension of leave granted First Lieu-tenant Thomas H. Wilson, Second infantry, s further extended ten days.

First Lieutenant Ashton B. Heyl, as-sistant surgeon, will be relieved from duty at Fort Niobrara, Neb., on the arrival there of First Lieutenant Thomas S. Bratton, assistant surgeon, and will report to the com-manding officer, Columbus Barracks, O., for

duty at that depot. Leave for one year, to take effect April 1, is granted First Lieutenant James L.

Drulen, Seventeenth infantry. Major Almon L. Varney, ordnance de-partment, will proceed from Indianapolis to the works of the Morgan Engineering com-pany, Alliance, O., on official business pertaining to the inspection of the ten-inch Gordon disappearing gun carriage, and upon the completion thereof will return to his station

First Lieutenant Sidney E. Stuart, ordnance department, will proceed from Wil-mington, Del., to the Sandy Hook proving ground, Sandy Hook, N. J., on official busi-ness pertaining to the inspection of gun powder.

General Ruger Intervenes.

SAN FRANCISCO, Feb. 26.-General Ruger has finally intervened in the bitter contention raging between Colonel Graham and Lieutenant Colonel Young. In accordance with General Ruger's order, Colonel Young, who has been a prisoner at his quarters for over two weeks, has been given his freedom. It is understood that General Ruger's action is practically a decision that Young's arrest by Graham was without war rant. A sensational court martial is quite likely to be the outcome.

Omaha Cricket Club.

All persons interested in the game of A graduated dentist of experience: place our teeth in his care and the will be consel-ntiously cared for. Office, 3rd floor Paxton lock. Telephone 1985 cricket are requested to be present at a general meeting of the club to be held at the Block. Barker hotel, corner of Thirteenth and Jones streets, on Saturday evening next, March 3, at 7:30 p. m. F. H. MARSHALL,

at 7:30 p. m. F. H. MARSHALL, Secretary Executive Comittee.



It Will Be Cloudy and Colder in Nebraska Today.

WASHINGTON, Feb. 26 .- For Nebraska-Increasing cloudiness; colder in western portion Tuesday evening; westerly winds. For Iowa and Missouri-Partly cloudy;

warmer: southerly winds. For South Dakota-Increasing cloudiness; older Tuesday evening; south to west

winds For Kansas-Increasing cloudiness; south

to west winds. Local Record.

Table Bacats Temple, Chinese Trial treatment or sample, Chinese Bold by drawn sample free OFFICE OF THE WEATHER BUREAU, OMAHA, Feb. 26.—Omaha record of temperature and rainfullcompared with corresponding day of

past four years:
 past four years:
 1894, 1893, 1892, 1891

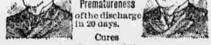
 Maximum temperature
 500
 350
 510
 180

 Minimum temperature
 275
 220
 265
 1

 Average temperature
 380
 280
 380
 86

 Precipitation
 .00
 .13
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Statement showing the cordition of pernture and precipitation at Omaha for the day and since March 1, 1893:

in	Minimum temperature, 270 220 260 10	Notice To Stockholders
rey	Average temperature. 380 280 380 80 Precipitation	The regular annual meeting of the stock- holders of The Bee Publishing Company
or e	Statement showing the cordition of tem- perature and precipitation at Omaha for the	will be held at their office, in the Bee build- ing, on Monday, March 5, 1894, at 4 o'clock
6	day and since March 1, 1893;	p. m., for the purpose of electing a board of directors and officers for the ensuing year.
ele-	Normal temperature	Also such other business as may come up
ard,	Excess for the day	for consideration. By order of the presi-
tie,	Deficiency since March 1 1199 Normal precipitation	dent. GEORGE B. TZSCHUCK, Secretary,
unt	Deficiency for the day	Omaha, February 21, 1894.
to	Deficiency since March 1	Film&eM3



Prematureness means impotency in the first

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