

ONLY ONE FACT FOR THE JURY

Supreme Court Limits the Scope of the Twelve Men in the Hill Case.

JUDGES WILL DECIDE THE MAIN POINTS

Discussion of the Legal Points Involved Concluded and Argument to the Jury Commenced—End Expected This Forenoon.

LINCOLN, Dec. 6.—(Special.)—Judge Winkley made the argument for the state this morning on the law points involved in the Hill case. He was preceded by Attorneys Cowin, Broady and Ames for the defense. Messrs. Broady and Ames devoted the major portion of their time to a discussion of the state depository law and its connection with the case at the time Hill turned his office over to Hartley. Mr. Ames, in his discussion of one of the legal propositions, said the accepting the plea of the state and the facts that counsel contended existed at the time Hill had gone out of office, the fact still remained that Hill had turned over all the money he had received from his predecessor, Willard. More than this, he had turned over the same kind of funds which he had received when he first took the office of treasurer of the state of Nebraska.

Just previous to the noon adjournment Judge Winkley asked that the court hear further argument on the law points involved. Chief Justice Norval announced that a decision on this question would be rendered at 2 p. m. On resuming at that hour the chief justice said that the court would hear no more argument on the law points, as they had been quite exhaustively discussed in the previous trial. Meanwhile the court would take an intermission for the purpose of considering the evidence in this case on either side of the case. At 3:45 court reconvened. Chief Justice Norval announced that the court had decided to permit counsel to address the jury on the amount of the money received by Hill during his second term of office and the amount turned over by him to Hartley. Counsel were enjoined to limit their argument to these points. Instructions to the jury, he said, were being prepared. The state was given ten minutes to the time to open and close to the jury. The rest of the court there was left but one question for the jury to pass upon.

AGREEMENT TO THE JURY. In his opening remarks Mr. Lamberton called attention to the fact that he had been judged from the tenor of the court's decision that all other questions would be material. He said he was not prepared to argue that it had been alleged in the pleadings that ex-Treasurer Hill had on hand at the time of the transfer of his office to Hartley \$144,666.42. Of this sum all but \$285,000 had been legally transferred to Hartley. Hill had received from his predecessor two certificates of deposit of \$50,000 each. The state was given ten minutes to the time to open and close to the jury. The rest of the court there was left but one question for the jury to pass upon.

Mr. Lamberton, in tracing the history of the \$285,000 in certificates of deposit turned over to Hill, said that he had been judged from the tenor of the court's decision that all other questions would be material. He said he was not prepared to argue that it had been alleged in the pleadings that ex-Treasurer Hill had on hand at the time of the transfer of his office to Hartley \$144,666.42. Of this sum all but \$285,000 had been legally transferred to Hartley.

Water Right Contest. ORD, Neb., Dec. 6.—(Special.)—Deputy Secretary of the State Board of Irrigation is here taking testimony from the contest proceedings between the Techach irrigation company and the Almeria Irrigation company over a priority of water right. Mr. Mortensen gave an afternoon tea to a select company of his friends and Mrs. Everett Babcock of Lincoln.

Nebraska's Annual Convention. Lincoln, Dec. 6.—(Special.)—The eleventh annual meeting of the Nebraska Dairymen's association will be held in the chapel of the State university on December 17, 18 and 19, 1895. The opening session will be on the evening of December 17, at which there will be an address of welcome by Chancellor McLean, responses by prominent members of the association and others, and the annual address of the president and the report of the secretary.

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Methods in the Private Dairy. W. A. Poyner. Abdon. Messrs. Johnson and Poyner are both eminently practical, up to date, private dairymen, and their papers and the discussions of the same should be of great interest and value to all dairymen.

HOG THEIF MAKES A CONFESSION. Member of the Wheeler Gang Testifies. Fremont, Dec. 6.—(Special.)—Peter Millidge had his preliminary examination today on the charge of stealing hogs from Hans Tank. The hogs were traced from the Millidge place back to Tank's place, where they came from, after the arrest was made, and were identified by Tank as his hogs.

Beatrice Minor Mention. HENDLEY, Neb., Dec. 6.—(Special.)—Mr. Albert of Beaver City addressed a large audience in the interests of the Ancient Order of United Workmen last night. Col. Keeler, editor of the Hendley Huster, transacted business in Alma and Republican City the first of the week.

Business Men Talk Boycott. PLATTSMOUTH, Neb., Dec. 6.—(Special.)—The grain men of Murray and the bank where they have heretofore been regularly accommodated have disagreed, and business men are talking boycott.

Beatrice Industrial League. BEATRICE, Dec. 6.—(Special Telegram.)—A meeting of the Beatrice Industrial league was held at the city hall tonight to discuss the matter of raising the necessary funds to secure the location in this city of the King Press Drill company, now operating extensively in the States. A committee of three from each ward is to be appointed by the president of the league to make a final canvass tomorrow and report to the league Monday evening. The outlook is encouraging.

Progress of the Jones Murder Trial. LINCOLN, Dec. 6.—(Special Telegram.)—The defense in the Jones murder trial today introduced some strong testimony. Mrs. Mary Smoot swore that while in attendance at a school meeting she heard Peck say: "It is a good thing Jones did not come here for if he had he would have put a hole or two in him before he could get out of the building." Other witnesses testified to the general reputation of Peck at the time of the killing as a turbulent and quarrelsome man.

Discussed Cuban Cause. NORTH PLATTE, Neb., Dec. 6.—(Special Telegram.)—A mass meeting was held at the court house here tonight under the auspices of the Lyceum League of America to discuss the Cuban cause. Resolutions were passed calling upon Nebraska representatives in congress to do everything in their power to cause congress to recognize the Cuban insurgents as belligerents.

Made Inspector Conlin Chief. NEW YORK, Dec. 6.—(Special Telegram.)—Inspector Conlin, formerly inspector and during the past few months acting chief of police, was tonight appointed chief of police, having passed his examination satisfactorily, gaining a majority of 63-130 of a possible 100. He gained 90 per cent on the score of record and seniority.

PERSONAL PARAGRAPHS. Henry Jacobs, St. Louis, is a Barker guest. Mr. and Mrs. J. M. Park of Waterloo are in the city.

Nebraskans at the Hotels. At the Mercer—S. K. Wambald, Gottenburg. At the Dellans—J. B. Lucas, Bloomfield; W. Bullock, Fremont.

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VEGETATION OF NEBRASKA

First of a Series of Three Lectures by Prof. Bessey.

DEALS WITH ORIGIN OF PLANT LIFE

Botanical Characteristics of the Successive Ages of Geological History Described with Stereoscopic Illustrations.

The first of a series of three botanical lectures on the vegetation of Nebraska by Charles E. Bessey, professor of botany in the State university, was heard by a small but interested audience at Young Men's Christian association hall last evening. The topic of the lecture was the origin of the present vegetation of the state. The speaker detailed the development of the modern species from the germs of the first manifestations of development proved to be a most interesting subject. The lecture was illustrated by a series of stereoscopic views, which naturally aided the audience in the comprehension of the changes which marked the earlier development of the vegetable species.

Prof. Bessey traced the first vegetation back to the Achaean period, the types of which were traced by means of the graphite beds which were formed from the carbon inherited from the first plant species. He held that this first germ of vegetation was the green slime. They were not flowering plants, for these did not appear until ages afterward, and it could have been none other than this water sludge which formed the green slimy deposits that the housewife occasionally discovers in her refrigerator that first gave birth to the vegetation of this section.

The lowest of plants is the green slime. This was followed by the Silurian period, in which appeared the green pond scum and some indications of red seaweed. Then the Devonian age, in which the early types of ferns were added to the vegetable world. Then came calanites, which were similar to the joint rushes which may be found in many prairie water holes and the lycopsids, which are identical with the small evergreens which spring at the roots of pine trees, and are commonly known as ground pines. But in this age they were immeasurably larger. The joint rushes were immense trees, often feet in diameter, and the lycopsids, instead of being small evergreen shrubs, were now often very large decorative purposes, were trees of tremendous size and luxuriance.

It was with the close of this epoch that modern vegetation could be properly thus designated. Here some of the highest order plants appeared, some few primitive angiosperms were the progenitors of the luxuriant types which are now so abundant in Nebraska. Finally came a period in which the first great forest of trees, in the present day, and then the Glacial period, during which vegetation slowly migrated to the south and then as slowly returned. During this period higher plants gained decision and perfection and found themselves as they may be seen today.

Prof. Bessey's next lecture will be devoted to a discussion of the characteristics of the present day plants, and will deal with the many interesting and curious features of the trees and grasses of Nebraska.

Pythian Grand Lodge Sustained. German Lodges Must Quit Using Other Than German Rituals. CHICAGO, Dec. 6.—The appellate court has handed down an important decision in the case of Waldeck lodge, Knights of Pythias, against the grand lodge of Illinois. This was a case where the lodge was suspended because of its using a German translation of the ritual of the order and refusing to discontinue its use. They asked for a writ of mandamus to compel the restoration of all its rights and the communication of the password. Upon a hearing before the lower court Judge Brennan gave decision favorable to the Waldeck lodge on every point. From this the appeal was taken, resulting in the appellate court handing down a decision reversing Judge Brennan's ruling and remanding the case with instructions to this writ.

Statement of Andrews' Affairs. COMPANY HAS \$50,000 OF ASSETS ABOVE ALL LIABILITIES. CHICAGO, Dec. 6.—Alfred H. Andrews, president of the A. H. Andrews company, which failed Thursday, F. A. Carey, the treasurer, and F. A. Holbrook, the assignee, appeared in the county court today on the petition of the creditors who examined the condition of the company financially. They gave a clear account of the condition of affairs and the causes which led to the failure. Holbrook made a statement showing that the A. H. Andrews company had an inventory of \$225,000, according to an inventory made last July. He said the building in which the manufacturing is done is worth, with the ground, \$225,000. The machinery is worth about \$50,000. Altogether there are assets of encumbrances amounting to \$175,000 and the unsecured liabilities are \$125,000.

Local Record. OFFICE OF THE WEATHER BUREAU, OMAHA, Dec. 6.—(Special Telegram.)—The temperature and rainfall, compared with the corresponding day of past four years, is as follows: Maximum temperature... 47 52 29 1892. Minimum temperature... 24 30 10 1892. Average temperature... 34 44 22 1892. Precipitation... .94 .81 .87 1892.

STATIONS AND STATE OF WEATHER. Omaha, clear... 43 47 40. St. Paul, clear... 45 49 42. Chicago, part cloudy... 42 46 39. Kansas City, clear... 41 45 38. Des Moines, cloudy... 40 44 37. Omaha, Neb., clear... 43 47 40.

DEVISING PLANS OF ARBITRATION

National Live Stock Exchange Finds Many Difficulties in the Way.

CHICAGO, Dec. 6.—At the opening session of the National Live Stock Exchange the question of arbitration conferences between members of different exchanges occupied the greater part of the time. The plan to have all disputes arising out of an arbitration committee has been agitated for several years, but nothing has been accomplished. It was proposed to adopt a rule ordering all local exchanges to arbitrate, but as the National Live Stock Exchange has no authority over the local exchanges, this was abandoned. Finally the matter was referred to a special committee to formulate some plan of action to report before adjournment.

ONLY BUILDING A SMALL CHURCH. Story of a Great Greek Cathedral in Chicago Pronounced a Myth. SAN FRANCISCO, Dec. 6.—The bishop of the Greek church says the announcement that he had been instructed by the holy synod at St. Petersburg to build in Chicago a great cathedral, costing not less than \$500,000, is a mistake. Through an interpreter he said: "I have received no such instructions from the holy synod of St. Petersburg. The bishop of that city has instructed me to build a church in the suburbs of Chicago, instead of costing \$500,000 it will cost \$5,000. That sum will include the cost of the lot and the church. No member of the royal family will become the patron of the church. The cathedral would be out of proportion to the needs of the church in this country."

PACIFIC STEAMSHIPS OVERDUE. Agents of the Vessels Proceed to Have Honored for their Safety. SAN FRANCISCO, Dec. 6.—The marine insurance men have paid 30 per cent reimbursement on the steamer Evokoma, under November 8 for Hong Kong, Yokohama, under charter to the Occidental and Oriental Steamship company, in place of the steamer Belgic. Sixty per cent is offered on the overdue Strathneiv, long out from Tacoma for Hong Kong and Yokohama. The Evokoma made a slow trip from the Orient to San Francisco, and this is held out as a reason why the vessel should be expected to arrive today at Hong Kong. It is now five days overdue at that port, and it is seriously feared that she has gone down or been damaged by heavy weather. The agents of the Occidental and Oriental Steamship company received no advices concerning the Strathneiv, but are still hopeful. They are of the opinion that the vessel has been damaged. An Eureka steamship is expected to bring a very valuable cargo of merchandise, valued at over \$300,000.

Rating the Level of Lake Erie. CLEVELAND, O., Dec. 6.—Colonel Jared A. Smith, the United States engineer, stationed at Cleveland, said today concerning the proposition of Senator Rice that the level of Lake Erie be raised by means of a dam at Buffalo: "The scheme is entirely infeasible, a thing which would require some time that it ought to be carried into effect. I have not studied the matter, but there are several points in which the level of this country and Canada would have to reach an agreement in the matter. The expense would be very small as compared with the widespread results and the level could be raised three feet or fifteen feet, as desired. The amount of the dam would be small, the vessels running around at the head of the lake and to the necessarily decreased cargoes is very heavy."

Frightful Result of a Drunk. LAKE CITY, S. D., Dec. 6.—(Special Telegram.)—Joe Ashton, a young man about town, was drunk Sunday and laid out all night. It was 4 below zero and he froze both feet and hands. Doctors amputated both hands and feet, and both feet were above the ankles this morning. He will live.

Wearer of the Cape. A man who had been wearing a cape made of Astrakhan, trimmed with Thibet fur, was seen yesterday.

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Saturday's Specials
Great Bankrupt Sale
OF THE
S. P. MORSE DRY GOODS CO.

Reliable seasonable goods at remarkably low prices. Never before were high grade goods sold at such a sacrifice. Now is the time to secure bargains.

S. E. OLSON CO.
16th and Farnam Sts.

Ladies' Underwear, 35c. Ladies' Black Fleece-Lined Hose, 35c. Boys' Bicycle Hose, 17c. Ladies' Vests and Pants, 19c. Ladies' Ribbed Vests, 48c. Ladies' Combination Suits, 89c. Handkerchief Dept., 10c. Ladies' Colored Border Handkerchiefs, 10c. China Silk Handkerchiefs, 12c. Ladies' Fine Swiss Hk's, 19c. Ribbon Dept., 3c. Fancy Ribbons, 7c. Ladies' Dept., 8c. Muslin Gowns, 49c. Wool Fascinators, 19c. Ice Wool Shawls, 45c. Children's Bonnets, 39c. Lace Dept., 5c. Black Chantilla Laces, 5c. Cream and White Wash Laces, 9c. Fancy Collars, 1.98. BOYS' CLOTHING DEPARTMENT. BOYS' WAISTS, 39c. BOYS' HEAVY TWO-PIECE SUITS, 2.25. BOYS' OVERCOATS, 1.50. BOYS' HEAVY ULSTERS, 4.39.

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PICTURE BOOKS FROM 3C UPWARDS. Celluloid, Plush and Wooden Work Boxes, Sewing Boxes, Collar and Cuff Boxes, Manicure Sets, Odor Cases, Glove Boxes, etc., etc.

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Drexel Shoe Co., Mandelberg, Jeweler, N. E. Cor 16th & Farnam