# COUNCIL BLUFFS DEPARTMENT

#### MINOR MENTION.

Photo supplies and cameras, 541 B'dway Mr. and Mrs. H. P. Baker of Boston are guests at the Grand.

to bes Moines yesterday. The High school foot ball team will play the Woodbine team Saturday afternoon

Walter J. Lamb, an attorney from Lincoln, Neb., was in the city yesterday. Mrs. J. C. Norton is suffering from a fractured arm, caused by a fall down a

W. Wiley, in custody for tapping a till, been held to await the action of the grand jury.

The funeral of Mrs. Goss took place yes terlay afternoon from the Trinity Meth-

C. Harrison of the Harrison Implement company of Hastings, Neb., was in the city yesterday.

Mr. and Mrs. E. C. Dungan left Tues-day evening for Fort Worth, Tex., where they will make their home.

An alarm of fire yesterday morning at 10 o'clock was caused by a chimney blaze at Eighth street and Avenue F. Naturalization papers were issued yes-orday to Jens Soer Screason, Nels O. Screa-Martin Martenson and Kund Jensen.

"Well," she said, as the clears were being passed around, "I don't smoke, but if it's a 'Sultana' I'll take one anyway, as that is the cigar that papa smokes." D. R. Witter has received a consignment of government headstones for the Grand Army of the Republic, to be placed at graves in the soldiers' cometery, Fairview.

The township supervisors have changed their time of meeting from the first Monday in October to the first Monday in Novem-ber, in accordance with the acts of the last general assembly. Miss Maria Pflugshaupt lost her name yes terday and became Mrs. Gustave Law.

couple came up from Plattsmonth, Neb., for the purpose of being married. Justice Cook performed the ceremony There is no such evidence of popular satisfaction as the evidence of successful perience. The "Corner" 5-cent clear

won this enviable reputation—the best cigar ever produced and sold for 5 cents. County Physician Relier reports a large number of cases of malarial and typhoid ferers among the poorer classes of people The county charges are more numerous at

the present time than ever before. The sewer on First street has been completed with the exception of about 100 feet, and the centractor is waiting for the opinion of the city atterney on the right of the coun-cil to cut out the Madison avenue sewer be-

fore going on with that work. The body of the late Charles Keith will be taken from St. Louis to Lincoln, Neb., for burial. The funeral will occur at 10:30 Saturday morning. Mr. Keith's home was at Lincoln for a number of years. Many friends and acquaintances from Council

Bluffs will attend the funeral. Officer Murphy returned from Lincoln yesterday, where he had gone to get John Heldilk, who is wanted here for robbing Dan Carrig. He is contesting the requisi-tion that was made by Governor Drake or Governor Holcomb and the hearing of the

case has been set for Saturday. Dan Rhodes, a colored man residing on Upper Broadway, while assisting in moving a heavy stove into Chambers' academy yesterday afternoon, slipped and allowed the dove to fall. One hand was caught under the sharp edge of the stove and four fin-

gers were cut off as if done by an ax. The police received word yesterday from Marshal Bates of Dexter, Ia., that the store of J. H. Todd there had been burglarized and a quantity of clothing, jewelry and miscellaneous goods stolen. The plunder was carried away in a light wagon. A lib-eral reward is offered for the arrest of the

The police have been notified of a burglary committed Wednesday night at Avoca. A gold watch, clothing and some money, including a couple of Mexican silver dollars were among the valuable articles stolen. A bunch of keys with a tag attached bearing the name of C. H. Norton went along with

Council camp No. 14, Woodmen of the World, will work in the protection and morning degrees at its regular meeting this evening. The awarding of prizes in the membership contest, which was deferred from last session, will also occur this even-Members and initiates are requested to be on hand promptly at 7:30 o'clock. The concert at the Broadway Methodis

church last evening was a decided success and was well attended. All the numbers were encored. Among those who took par were the Tulleys orchestra, Miss Edith Blummer, Miss Grace Barr, Mr. Ned Mitchell, Mr. Jules Lumbard, Mr. Frank Badolett, Miss Cora X. Young, Mr. J. E.

Colonel Dailey gave the High school foo ball team a delightful dinner last evening at his home on Second avenue. Beside the boys present Profs. Hayden, Grass and Jacobson were present and enjoyed a most pleasant evening. The table was taste-fully decorated with ferns and bright colored vines. Misses Pullen, Lipe, Stoddard and Shepard served.

The police spent the day yesterday in rounding up all the tramps in the city. A large delegation came in as the advance guard of the Buffalo Bill show that is to be here today. They will be held until after the show and given hours to leave the Not a few crooks have been garnered in on the charge of vagrancy and the police will keep the work up during today.

Robert Halladay, a young man, was arrested a few days ago upon complaint of E. R. Randall on North First street, charging him with burning and destroying property belonging to another. The boy set fire to some brush and the flames got into a pile of wood belonging to Randall and destroyed He was to have had a hearing yesterday afternoon before Justice Vien, but the case was continued until Saturday.

The Carter Hardware company of Omaha fought a civil suit through Justice Cook's court yesterday by which it sought to re-cover \$78 from Jackson & Grady for hardware furnished the firm when it started to manufacture gas engines a year or more ago. During the course of the trial Attorney Detweller of Omaha had several heated dis-cussions with Council Bluffs' pugnacious at torney Scott. Jackson is an engineer on th in the manufacturing schemes, but claim not to have been in partnership with him. Grady is insolvent and the plaintiff sought to hold Jackson for the debt. The case was taken under advisement, and no blood was

N. Y. Plumbing company. Tel. 250.

C. B. Viavi Co., female remedy. Medical consultation free Wednesdays. Health book furnished. 309 Merriam block.

It is getting so nowadays that you can't go to a party, reception or meeting of any kind without having the "Sultana" cigars passed around. They are popular because they are good.

An ideal smoke, the famous "Sultana. Broke His Companion's Arm.

An S-year-old son of J. L. Brown, living on Upper Harrison street, was the victim of a severe accident last evening while returning from school. A young companion, who has the reputation of being the terror of his neighborhood, pushed the Brown boy from the sidewalk at a point where it is elevated a considerable distance above the street. The fall broke the child's right arm above the elbow. The injury is a compound facture, involving the elbow joint and the attending physician, Dr. Relier fears that it may cause a permanent in

Grand Fall Opening At Purity Candy Kitchen Saturday. All candies at one-half the usual price. Angel food taffy 15 cents.

Marriage Licenses. The following marriage licenses were issued yesterday: Age. Name and address. Gustave Lane, Plattsmouth ..... 44 Maria Pflugshaupt, Plattamouth ........ 38

## WILL ALL WORK TOGETHER

Victor Bender made a flying business trip | Sleuths of the Two Cities to Take Up the Trail in the Axe Case.

CORONER JENNINGS ON HIS OWN POWERS

Talks Some for the Benefit of the Pe-Hee, Who Think He Should Have Held a Longer

Inquest.

Nothing was done by the police in the Axe murder case yesterday. But last night a consultation was held between the detectives of the two cities and the work divided up. All the clews and theories will be sifted in common, and if there is anything that can be done to eatch the murderer it will be done. There is just now some disposition on the part of the police to criticise the coroner for not making more of a show of the inquest. Coroner Jennings feels that his office should not be regarded as a detective bureau in any sense of the word, and after he has announced to the public that a murder has been committed and by parties unknown his responsibility ceases, and the duty devolves upon the police department to kunt down the unknown criminals. The coroner has a theory that the police have always cherished as pe-culiarly their own, that the best way to hunt a criminal is not to let the criminal know you are after him, and to keep every thing away from the reporters that could throw the least possible light upon the identity of the criminal or in any way satisfy longings of the public for the latest developments.

"I might have held an inquest that would lasted all the remainder of the week," said the corener, "and examined every witness that knew the least little bit about the murder, but no good could have come of it, and only additional expense would have been added to the cost of the inquest. The police can get all the facts that might have been submitted to the inquest jury and can use them in the way that best suits their purposes and the most likely to be productive of results. When there was so much uncertainty I did not propose to try to fix the crime upon any one. A coro-ner's warrant is not any more desirable than a simple state warrant, and the police can hold anybody whom they suspect as easily without the assistance of the coroner as with it. I feel that my duty has ended when the jury that I empaneled under the law heard sufficient evidence to convince them that a murder had been com-

mitted and by parties unknown."

The detective department of the police force feels a little disappointment because the officers were not called upon to testify at the inquest or furnish the names of witlesses whom they had found whose storic were thought to throw light upon the crime. "We have done nothing at all upon the case today," remarked Detective Mur-phy, "but we are going to begin work again tonight. We will have a consultation with Omaha officers this evening and map out the work."

The police believe that something may

be discovered from the testimony of Con-ductor Crockwell of the motor line, who says he carried the murdered woman from the car barns on Breadway to Main street and Twelfth ave me between 8 and 9 o'clock on the night of the murder. He was at first inclined to believe that it was shortly after the car barns, which are located on Twenty-ninth street, half way to Omaha. The fact that she did not leave her home in Omaha until after 7:30 made it impossible for her to have reached the car barns in half an hour. Crockwell is satisfied now. however, that it was nearer 8:30 when she boarded his train. He is positive that he

could not have been mistaken in the idenity of the woman The woman's son, T. D. Harnett, was in the city yesterday afternoon, and announced that he had sold off a lot of her household furniture to raise money for the funeral expenses. He purchased a coffin and concluded arrangements to have the moved to Harlan for burial. The body will be placed in a casket at Estep's undertaking rooms, and from 12 until 4 o'clock today the friends and the public will have an opportunity to view the remains. The casket will be sent to Harlan on the evening

Rock Island train. Reasonable Solution.

We do not sell cheaper because we cut down on quality of goods, but it is because we buy for cash and make a margin of from 2 to 10 per cent on all wholesale pur-chases. The margin is therefore not made off the consumers, but is made off the wholesale man. By buying for cash and selling for each our money is constantly at work, and our customers get the benefit of from 2 to 10 per cent on all purchases. J. ZOLLER & CO., 100 and 102 Broadway.

Flowers, Music and Candy At the grand opening of the Purity Candy Kitchen Saturday. Chocolate creams, asonly 20 cents a pound, Boston

chips 20 cents a pound. No Discount On water bills later than Saturday, Office

open Saturday evening. A trial will convince you of the superior excellence of a "Corner" 5-cent cigar.

DAY IN THE DISTRICT COURT. Another Little Judgment Entered

Against John W. Paul. Another judgment was entered up against John W. Paul in the district court yesterday. Drexel & Co. attached some of the property owned by him in the northwestern part of the city, and their claim

The demurrer to strike out the answer of the defendant Richards, in the case of Ann Vickery against Joseph Lewis and others, Richards' application to was overruled. make the administrator a party to the ac-tion was also denied and the case ordered tried as a suit in partition. In the suit of Thomas H. Cieland against

Bert Casady the demurrer to the plaintiff's petition was overruled. A motion for a more specific statement was confessed by the plaintiff in the case of L. Maloney against Ed Ainscow. The plaintiff was given until the first day of the next term. In another suit between the same parties the defendant's motion for

the plaintiff to announce what cause of action he wishes to have the case tried on was sustained. In the suit of the State Savings bank against W. H. Ware the motion for a more specific statement was sustained and the case continued until next term. The case of Miller, Vastine & Co. against

Clark Bros. was continued by agreement until next term. The case of James Weston against William Weston was dismissed by the plaintiff with-

The motion to strike the amendment to the answer of the defendant was overruled In the cases arising out of the failure of Hucksdonk & Alberts, judgment for the possession of the goods sued for by D. M. Os-born & Co. and the Stoughton Wagon company, judgments were entered for the goods and costs against Hans Rief, the assignee.

Will Be a Day of Sights. The coming of Buffalo Bill today will be the means of attracting a big crowd to the city and the merchants will reap more or less of a harvest. Hughes, the men's outfitter at 415 Broadway, has made prepara-tions to take care of his share of the crowd and expects to have every visitor to call at his store and get one of those swell ties he is showing. It has gotten to be that you're "not in it" unless you have a tie from

No Discount 

Relations Between Silver and Gold

and the Business of the Country. Secretary of State McFarland delivered a know his name. rong speech at the McKinley headquarters last evening to an audience that filled the dangers of the present situation lay in the obscuration of the true issues of the campaign. McKinley, protection and prosperity were the real issues and should have the watchwords of the campaign, but the populists had from the start beforged the public mind by pushing forward financial heresies and vagaries. Money was always a fasci-nating subject, and the populists had played desperately upon human weaknesses and passions. He reviewed the silver legislation from the foundation of the government, and made it clear that the ratio between gold and silver was a commercial and not a legal problem. Every ratio that has ever been fixed has been a commercial one, fixed upon the average market value of silver in the markets of the world. He quoted Thomas Jefferson's declaration that he ratio between the two metals was a nercantile problem entirely, and that "just rinciples will lead us to disregard legal roportions altogether." The populists and be democrats who have wandered from the outrines of the great father of democracy emand that we shall disregard the mercantile proportions and follow only the pro-portions fixed arbitrarily by a legislative enactment. He declared that there had not been a period in the whole history of the republic of even twenty-four hours' duration

when gold and silver circulated together upon an exact parity until after 1873. It

has never been done, and never can be done except as we have done it-by pledging the

faith and integrity of this nation.

The speaker created a good deat of amuse-ment by exhibiting a dollar coin containing sufficient amount of silver to bring it t present commercial parity with gold. was the size of a supper plate. He declared that money was the product of evolution and that civilization had carried us beyond the period when silver can be used as money. Holding up the tea plate dollar, he declared that no government had a right to make people accept such a dollar. He re lated his experience in California in 1874, when he taught a high school and was paid \$1,800 in silver at one time. It made a pile weighing 100 pounds, and caused him almost as much trouble to find a safe place for it as it did to earn it. He showed that the de preciation in the value of silver was due t verproduction and decrease of demand. In 873 it cost \$24 a ton to transport silver ore rom Montana to the Omaha smelter; now it osts less than \$10. Then it cost \$17 a ton o treat the ores; now it costs \$8. Improved nachinery and methods of mining account for the overproduction. In 1868 mine owners could not afford to treat gold ores running less than \$20 a ton; now \$3 ores ire profitably handled. In the early history the country the production of the two metals showed a ratio of five ounces of silver to one of gold, and silver was then worth \$1.35 an ounce. In 1870 eleven ounces of silver to one of gold was produced, and the price of silver declined 3 cents an ounce. in 1880 sixteen ounces of silver to one of gold was turned out of the mines of the world, and the price of silver in the markets | Red Oak; "Local Support," Captain H. O. of the world was \$1.13 an ounce. From 1880 | Fenick, company H. Second regiment, Chara half ounces of silver to one of gold, and silver went down to 90 cents. From 1890 to 1894 the production was 167,000,000 as against 31,000,000 in 1869. We have coined more silver in the present year than was coined in the whole period of the nation's life prior to 1873. Increased coinage does not increase the per capita circulation. The way to get money into circulation is to create conditions among the people that demand o 1890 the average was twenty-two and | iton; to get money into circulation is to create Matthews, surgeon into legiment, descenditions among the people that demand the use of money, and the money will come. Mexico's per capita circulation is less than Dows, First regiment, Cedar Rapids; "Field Mexico's per capita circulation is less than Dows, First regiment, Cedar Rapids; less than Dows, First regiment, C ume of coinage. Canada has more than four Military Code," Major Ralph P. Howell, times the per capita circulation of Mexico, judge advocate First brigade, Iowa City. yet she has no coinage except subsidiary

"Resore the conditions of 1892." said the speaker, "Put to work the 2,500,000 idle men who have lost their employment since the advent of democracy into power and you will bring into circulation millions more of sink it in the sea. It would only increase the output of the oat product. The whole refield. The debt-paying quality of money is the only quality that government can give In concluding his speech he declared that it had been his duty for years to make the pre-election estimates of majorities in Iowa, and he said he had never missed the result by more than a few hundred votes. He wanted to make a prediction then that Mc-Kinley's plurality in lowa will not be less than 75,000, and he would not be much surprised if it should reach 150,000.

Atkin & Lottridge's String.

Considerable interest was taken by racing men yesterday in a string of fast horses that were quartered at Minnick's barn for a short rest in their trip from New York to San Francisco. The runners were in charge of Atkin & Lottridge, prominent racing men of the Pacific coast, and are a high class variety, a number of them being sired by the great stallion El Rio Rey. The horses were taken east in June and have been in New York, Detroit and Windsor all season. They are to take part in the rac-ing at Oakland and Ingleside during the winter and will leave for the coast this afternoon at 3:15. Messrs. Atkin & Lottridge have fourteen men and boys with them to take care of the horses and dogs, as they ern part of the city, and their claim have a regular menageric in this line with been established to the extent of them, including a monkey and goat. One of the trainers with about a dozen of the pets stringing after him attracted much at tention.

Among the string is Mullberry, a 5-yeara mile until last year, in 1:40. Ablanzer, a 3-year-old, by Bramble, has become well known in the east for his resemblance to

SECRETARY METARLAND ON MONEY, of flour and spilled it in the street. He wanted the police to help him make the man pay for it. They advised him to sue the owner of the horse, but the boy doesn't

For the State Teachers. The annual meeting of the State Teachbuilding. In the absence of President Harl ers' association will be held in Des Moines, of the M-Kinley club Mr. McFarland was beginning December 29. It is the fortyintroduced by Ohio Knox. He jumped at once into the heart of his subject, and pointed our the fact that one of the grave dangers of the present situation lay in the Some of the mosts prominent educators the United States will be present and take part in the proceedings. Many Council Bluffs teachers are arranging to attend the Bluffa teachers are arranging to attend the meeting. One of the features of the program will be a paper and discussion on "Fifty Years of Education in Iowa," the paper by Thomas Nicholson of Cornell college and the discussion by ex-President J. L. Pickard of the State university, Prof. L. P. Parker of Iowa college, M. K. Cross, H. W. Eden, J. Diene, W. S. Parkin, W. H. K. Edson, J. Piper, T. S. Parvin, W. H. Brooks and others.

Three prizes, based on the amount of rail-way mileage paid by teachers in coming to the association, are offered to countles as follows: First prize—An educational library (value \$25); second prize, an educational library (value \$15); third prize, an educational library (value \$10). Teachers upon enrolling will report to the clerk of the county from which they come and the fare paid. In case they have traveled on other than a full fare ticket they will renort the number of miles by the nearest railway route from their home to Des

12,000 "Corner" retailed every month. They must be better than any other cigar or they wouldn't sell better. Moore & Ellis owners of the brand.

When your bundle comes home from the Eagle laundry you know it will be right. You get what you want at the "Eagle," 724 Broadway. Telephone 157.

Sewer Pipe, Fire Brick, Belting. Wholesale and retail, J. C. Bixby, 202

No Discount On water bills later than Saturday. Office open Saturday evening.

The quality of the "Corner" eigar could not be improved and still sell for 5 cents. They are the best that skill can produce.

Hoffmayer's fancy patent flour makes the st and most bread. Ask your grocer for it.

Lundgard, the Tailor, 130 S. Main street. PROMOTING MILITIA INTERESTS

National Guard Officers' Association to Meet This Winter.

CEDAR RAPIDS, Ia., Oct. 8 .- (Special.)-The National Guard Officers' association of Iowa will hold the annual meeting at Fort Dodge the coming winter, and already arrangements are being made for a big convention. An effort will be made to have very officer in the guard in attendance. A banquet and ball will be part of the enter tainment and the officers are looking for ward to a very pleasant time. The fol-lowing is a list of the papers to be read:

'The Captain's Annual Routine," Captain W. Clark, company M. Third regiment "Reciprocal Duties of Headquarters

STUDENTS ASSAULT THE TEACHER. Trouble in the Public School at Dun

Inp Lends to Arrests. DUNLAP, Ia., Oct. 8 .- (Special Telegram.) Quite a commotion was caused here today American gold and silver." The demand at the main public school building, in which for increased coinage to increase the money three young men of the town were impliof the country is as futile as a law would be that would direct the secretary of the treasury to purchase annually 4,000,000 bushels of cats at 50 cents a bushel and the transfer of the trouncing administered to a brother of one of the trib by Teacher McNally. The young men went to the school building oday noon, ostensibly for the purpose of disiting the room taught by McNally, when the teacher asked if they were going to attend school. Their answers disagreed and an altercation ensued. They were invited o leave the room, whereupon one of them truck McNally in the head, dazing him. They then made a hasty retreat to an old building, where they went into hiding. A warrant was sworn out for their arrest and they were soon located and taken before Justice Baird, who fined the one that com-mitted the assault \$5 and costs. It is reported that McNally will be arrested in the orning on a charge of assaulting one of the boys.

Proposed Epworth League Convention CEDAR RAPIDS, la., Oct. 8 .- (Special.)-The program for the seventh annual convention of the Iowa State Epworth league which will be held in St. Paul's Methodist Episcopal church in this city November 12. 13, 14 and 15, has just been prepared. umber of new features have been added his year, among them especially the important department of junior work, which will be given a most prominent part of Saturday's program, and also the department confernces, making the directors the respective of-leers of the state cabinet. A number of noted men are to be present, among them being Rev. Frank M. Bristol, D. D., Evanston, Ill.; Rev. Joseph F. Berry, D. D., Chicago, editor of the Epworth Herald, the ficial organ of the league; Rev. W. H. W. Rees, D. D., Cincinnati, of the Freedmen's Aid society; Rev. W. F. Spencer, D.D., Philalelphia, of the Church Extension society and many others.

REVOLT AGAINST BRYANISM

Ex-Governor T. M. Waller of Connecticut Presents the Issues.

GOLD DEMOCRATS IN THE NUTMEG STATE

Five Hundred Delegates Meet at Bartford to Protest Against the Declaration of the Chiengo Platform,

HARTFORD, Conn., Oct. 8 .- There were 00 delegates to the national gold standard democratic convention today when the call to order was sounded by William J. Mills of New Haven, a former member of the state central committee, but who resigned at the New Haven convention. Mr. Mills introduced ex-Governor Thomas M. Waller as temporary chairman. The appearance of Mr. Waller was the signal for long continued applause. His remarks elicited numerous cheers. In the course of his speech Mr. Waller, alluding to the demoeratic convention of last July, said;

"I take pleasure in reporting that all the members of the delegation of which I was the chairman were as earnestly opposed as I was to the socialism, the populism, the trampism, the Tillmanism, and the 16-to-1ism of the Chicago platform, although one or two of them who have since their return been 'lost, strayed or stolen,' were not quite I am." Mr. Waller added, "for the defeat

of the Chicago usurpers and their populist tilles, first of all, by national democrats under the blue and the gray and the leadership of Palmer and Buckner, men we revere and honor, if it can be done; if not, by national patriots from whatever party they ome, or whatever banner they bear—if it s not red, and has not upon it the 16 to 1 deroglyphics, or the faces of either Altgeld

r Tillman.
"This is not an ordinary political contest which we are enlisted, and in which the aws of party discipline prevail. It is a sectional, socialistic warfare in which every man must do what his conscience dictates is best for the good of his country and his party, too, with respect but without regard what others do.

Mr. Waller devoted a portion of his speech o state questions. He said: "Connecticut s. I think, today, the only state in the inion where a candidate who gets the least otes may get the office. This seems paraloxical, but it is not; it is only republican." He advocated reform of the ballot, saying "the improper use of money in our lections is a scandal that cannot be denied and that ought to be stopped, for it is the poisoning of the mountain streams of ur government from which wherever we re we all have to drink." At the conclusion of Mr. Waller's address

the report of the committee on platform was submitted and adopted. The platform reaffirms the declaration of the convention held on June 10 of this year,

and on the currency question says:
"While we favor the most liberal use of silver consistent with the enforcement of a gold standard, we are unalterably opposed to the free coinage of silver, deeming it a evice for the debasement of our currency, and to the compulsory purchase of silver by the government. Under existing cirby the government. cumstances to pay public debts in silver oin is repudiation; to pay private debts in the same coin is to rob the wage earner. and to provide for the free coinage of silver means the destruction of legitimate busiess and great suffering among the laboring lasses. We believe the safety of our naional finances requires a system of sound banking, by which a bank note currency ample to supply the needs of the whole ountry shall be created, safely secured and dways and everywhere redeemable in gold.

The convention placed in nomination residential electors and a full state ticket and also endorsed the nominees for congress, state senators and judge of probate selected by the special caucuses. The state ticket

following were nominated for congress: First district, E. Henry Hyde; Second district, H. Holton Wood; Third district, Henry W. Hammond; Fourth district, Morris

SUPREME COURT SYLLABL.

Beckett against State. Error from Dougas county. Reversed. Opinion by Chief

Justice Post. Proceedings for contempt of court are in this state in their nature criminal and governed by the strict rules applicable to prosecutions by indictment, hence presumption and intendments will not in such ases be indulged in order to sustain judgent of conviction. Hawes against State,

46 Neb., 149.

2. Where although the alleged contempestuous acts are committed in facie curiae and therefore punishable summarily without the formality of a trial or hearing witnesses are by the court called and examined touching the transaction involved, the prosecution will for the purpose of review by means of proceedings in error, particularly where the record is ambiguous, be construed as one for a constructive contempt in which the accused is entitled to be heard in his own defense.

Lorins against Abbott. Error from Loup county. Affirmed. Opinion by Chief Justice Post.

county. Affirmed. Opinion by Chief Jus-tice Post.

The obvious purpose of the constitutional The obvious purpose of the constitutional and statutory limitations upon the powers of justlees of the pence concerning actions on contracts for real estate is to exclude from the cognizance of such officers proceedings involving a determination of the title or boundaries of land and not to render inadmissible in actions within their jurisdiction deeds, contracts and other evidences of title.

2. A county judge in the exercise of the authority conferred upon him as a justice of the peace has jurisdiction of actions to recover liquidated damages upon the failure of the defendant to convey real estate in accordance with the terms of the agreement which is the bosis of such pro-

igreement which is the basis of such pro-3. Agreement alleged as the cause of

3. Agreement alleged as the cause of action examined and held not a mere penalty, but a provision for liquidated damages upon the default of the promisor.

Omaha Consolidated Vinegar company against Burns, Appeal from Douglas county, Opinion by Judge Harrison.

The contract upon which the cross petition in this action declared construed and held to be an agreement under which the defendant was to sink a tubular well of delphia, of the Church Extension society, and any other part of the Church Extension society. The special many other part of the special part of t

against the party whose pleading was first defective in substance, and that a demurra-searches the entire record and must so

defective in substance, and that it is carcies the entire record and must go against the first error." Hower against Aultman, 27 Neb. 251; Oakley against Valley county, 40 Neb. 200.

2. The logislature of the year 18% passed a law entitled "An act to probibit the catching of game fish in certain cases." (See session laws, 1875, page 25.) The soft referred to was the subject of amendment and repeal by the legislative body which convened in 1875, the title of the amendatory act being as follows: "An act to amend sections 1, 2 and 3 of an act entitled, "An act to probabil the catching of game fish in certain cases." (Seesion laws, 1879 page 21.) During a session of the legislature convening in 1887 an act was passed under the following title: "An act to amend sections I, 2 and 3 of an act entitled." An act to amend section if of an act to amend sections I, 2 and 3 of an act entitled." An act to probabilithe catening of game fish in certain cases." " (Seesion laws, 187) page 82, chapter 167.) Among other things fish latter act made it obligatory upon persons of corporations owning. tempted to legislate therein upon such subject, was within the constitutional inhibition that "No bill shall contain more than one subject and the same shall be clearly expressed in its title. This is equally true whether the act be viewed as an amendatory one as it is supported or as an independent act complete within itself.

State Bank of Lushion against Kelly Company, Error from York county Motion for rehearing denied. Opinion by Judge Norval.

Company. Error from York county Motion for rehearing denied. Opinion by Judge Norval.

Under section 14, chapter 32, compiled statutes, a mortgagee in good faith is one who takes a chattel mortgage to secure a debt actually and justly owing to him, whether pre-existing or not, without actual or constructive notice of prior equities against the mortgaged property.

2. Tootle against First National bank, Chadron, 34 Neb., 823, distinguished. Thames against Sharp. Appeal from Knox county. Affirmed. Opinion by Judge Norval.

A certified transcript of the record of a deed duly recorded may be read in evidence with like force and effect of the original deed, whenever the original is shown to be lest, or not belonging to the party seeking to use it, nor within his control. Section 13, chapter 73, compiled statutes.

2. Evidence in the case considered and held sufficient to sustain the finding of the trial court, that the deed purporting to have been made by P. T. to J. R. A. was genuine and not a forcery.

Stomeh against Ogden. Error from Dixon

and made or and not a forkery. Stough against Ogden. Error from Dixor Stough against Ogden. Error from Dixor ounty. Affirmed. Opinion by Chief Justic Whether an alteration apparent from the

Post.
Whether an alteration apparent from the face of a note was made at, or subsequent to, the time of its execution, is a question of fact for the jury, and it is not in such case error to receive in evidence the note sued on, upon proof by the payee that the alleged alteration was made previous to its receipt by him, on the day of its date, from one of the joint makers thereof.

2. The law has conferred upon the trial court some discretion in determining the limits within which the cross-examination of witnesses may be allowed and its action in that respect will not in the absence of an abuse of discretion be the subject of review by this court.

3. Where several instructions are grouped in one assignment of the notion for a new trial or petition in error they will be examined no further than to determine that a single one thereof was rightly given or wightly refused.

a single one thereof was rightly given o

a single one thereof was rightly given or rightly refused.

The Chicago, Burlington & Quincy Railroad Company against Headrick, Error from Lancaster county, Affirmed, Opinion by Chief Justice Post.

Sections \$85 and 1017, Code Civil Procedure, denying appeals from judgments of justices of the peace where the amount claimed does not exceed \$20, are not repugnant to sections 6 and 24 of the bill of rights. (Morse against Powell, 10 Neb, 571.)

2. Nor is the denial of the right of appeal in such case violative of section 2 of the bill of rights prohibiting the taking of private property without due process of law. First National Bank, Plattsmouth, against Tighe, Appeal from Cass county Affirmed. Opinion by Judge Harrison.

The legal title to real estate is vested in the grantee by a deed thereof absolute in form and import of its terms executed by a competent grantor although such instrument may be in fact a mortgage, or given as security for the payment of the delt of the grantor to the grantee. Thereremains in the maker of the conveyance but the right to demand, on payment of the indebtedness so secured, and receive a reconveyance of the title, and in order that he may be again invested with the title to the property a reconveyance is necessary.

2. A judgment in the district court is not

2. A judgment in the district court is not lien upon the judgment debtor's equitable interest in real estate (Nessler against Neher, 16 Neb., 649.) 2. The equitable interest of a judgment debtor, if not coupled with possession, can-ter by subjected to the respect to debtor, if not coupled with possession, cannot be subjected to the payment of the debt by levying of execution thereon, and sale under such levy. To make it available for such purposes, the aid of the courts must be invoked by proper proceedings. (Shoemaker against Harvey, 43 Neb., 75.)

State ex rel Brown company against Boyd. Mandamus from Brown county. Application for writ denied and action dismissed. Opinion by Judge Harrison.

A mandamus will issue even after the expiration of the term of office of a county clerk to compel him to perform the duty

expiration of the term of office of a county clerk to compel him to perform the duty of reporting all the fees of his office, also to pay into the treasury of the county any excess above the amount he was entitled by law to retain.

2. "A proceeding by mandamus is barred by the statute of limitations at the expira-tion of four years from the time the right to the writ accrued." State against King.

34 Neb., 196.

3. The requirements of the law in regard

to the writ accrued." State against King, 34 Neb., 196.

3. The requirements of the law in regard to a fee book to be kept by the county clerk, and the reports of his fees to be regularly made to the county boards, combined with the provisions of the statute in respect to the amount to be charged in each instance as a fee, and the fact that what has been done by him for which a fee should be charged and collected, appeared of record, are sufficient to charge the board with notice of any discrepancy between the amounts; from which it follows that the right of action to enforce the duty of making a true report for any current year, and to pay any excess of fees into the county treasury, would accrue at the time the report was due, or made in an incomplete or defective form, and this would be the rule if the rendering of an incomplete or false report be considered in the nature of a fraud on the board to which it must be presented.

4. "An action for relief on the ground of

a fraud on the board to which it must be presented.

4. "An action for relief on the ground of fraud must be commenced at any time within four years after the discovery of the facts constituting the fraud or of facts sufficient to put a person of ordinary intelligence and prudence on an inquiry, which, if pursued, would lead to such discovery. Gillesple against Cooper, 36 Neb, 75.

Dempster Mill Manufacturing company against First National Bank, Holdrege. Error from Phelps. Reversed and remanded. Opinion by Judge Norval.

An insolvent debtor has the right to pay or secure a creditor to the exclusion of

An insolvent declor has the right to pay or secure a creditor to the exclusion of others, and the intention to defraud can-not be inferred from the mere fact that such preference was given. 2. An allegation of error as to the giv-ing of a group of instructions is insufficient, unless all the instructions included in such group are erroneous.

such group are erroneous.

2. Patrol testimony is not admissible to prove the contents of a written document until its absence is accounted for.

### · 图· South Omaha News .

Charle of the state of the stat

The ordinance prohibiting the throwing of glass on the streets was passed by the council at the request of quite a number of citizens, but as yet not a single acrest has been made by reason of its violation. At the corner of Twenty-fourth and N streets. yesterday tay two piles of glass which had been dumped there the night before. An employe of a clothing store was seen to come out of the store and throw a haudful come out of the store and throw a handful of glass in the gutter, but the policeman standing across the street never saw the act, though he was looking that way. In front of the ligh school building on Twenty-fifth street lies a large pile of old bottles which had been placed there during the night by some unknown person. Store keepers still persist in dumping the sweepings from their places of business into the gutters, places of business into the gutters, instead of throwing them into an ash barrel, as an ordinance specifics shall be done. Or-dinances are passed at nearly every session of the council, but few are ever enforced,

City Street May Be Vacated. Yesterday afternoon Councilman Hyland and City Engineer Beal went down to Pourteenth and I streets to look up the matter of vacating the latter street at that point. A perition was filed with the council Monday by the agents of the preperty, asking that the city vacate. The strip of ground in the city varate. The strip of ground in question was only dedicated to the city last year. It is 200 feet long by 30 feet wide. It runs from the north line of I street to the city limits. It appears that since the property was dedicated to the city a deposit of sand has been found there and the owner would like to have his land back. It is not probable that the land will ever be used by the city for a street, as residents in that neighborhood are scarce. Hyland will make a report at the next meeting of the council.

Magie City Gossip. R. Oldland, a prominent Colorado cattle nan, is in the city.

J. A. Hill, a business man located at Tilford, S. D., is a visitor here,

A. J. Weeks of Merino, Wyo., was a visitor at the yards yesterday. J. C. Ryan brought six loads of cattle to this point yesterday from Merino, Wyo. Mrs. F. H. Clark has gone to Red Oak,

la., for a three weeks' visit with relatives,

The High School Literary society will give

an entertainment at the school this after-Perry Inwood of Shenandoah, Ia., purchased three cars of feeders at this market yesterday.

tha guest of Mrs. R. L. Wheeler, 1906 North Twenty-second street. The Woman's Mutual Improvement club vill meet with Mrs. Havens, Fifteenth and M streets, this afternoon.

Miss Carrie D. Shaffer of Altoona, Ia., is

Next Sunday afternoon Rev. Herbert P. Espy will address the Young Men's Chrisian association meeting on "An Upright Delegates to the live stock convention at Fort Worth will be chosen today. It is expected that a number of business men at the exchange will go down just for the trip.

Men's Institute hall, the initiation team of lodge No. 1925, Modern Woodmen of Amerea, will give its annual bail. The mem-bers are making great preparations for the vent, which promises to be a very pleasant The Kings' Daughters met at the home of Mrs. W. B. Cheek yesterday afternoon for the purpose of electing officers to serve for one year. The election resulted as follows: Mrs. A. L. Lott, president; Mrs. R. B. Mont-

Wednesday evening, October 28, at Young

gomery, first vice president; Mrs. Denna Allbery, second vice president; Mrs. L. C. Gibson, secretary; Mrs. W. B. Cheek, treas-Today suit will be commenced against the city by the attorneys for Mrs. Elizabeth Freeman, who seeks to recover \$1,000 damages on account of injuries alleged to have An offer was made to feetive sidewalk. the council Monday night to settle this claim for \$300, but no action was taken in the matter. Mrs. Freeman stepped on a loose plank in the sidewalk at Twentyfourth and W streets, and was quite badly

### TELEGRAPHIC BREVITIES.

Gold in the treasury is \$125,019,931; cash calance, \$241,379,046. President Cleveland on E. C. Benedlet's team yacht Onelda spent yesterday fishing und will arrive in New York some time to-iny, leaving for Washington at midnight. Cape Ann Savings bank at Gloucester, Mass, one of the oldest financial institu-tions in the state, has closed its doors, George J. Marsh, aged 62, the treasurer, shot himself dead.

shot himseif dead.
Ohlo bankers elected Robert McCurdy of Youngstown president; S. B. Rankin South Charleston, secretary. Governor Bushnell delivered an address on dependence of manufactures on banks.

ufactures on banks.

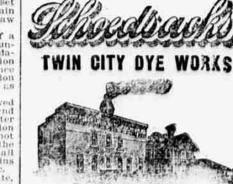
Third quarterly payment to Osage Indians is being made at Perry, Okl. Two gamblers, Jones and Evans, buncoed a gang of full bloods Tuesday night and were run out of town, and it is reported were beaten to death on Turkey creek.

Ohio Women's Christian Temperance union at Youngstown elected: Mrs. H. L. Monroe of Xenia, president; Mrs. A. W. Clark, Columbia, vice president; Miss Anna Pollock, Newark, recording secretary; Miss Emma L. Goodwill, Canton, treasurer; Mrs. A. H. Clevenger, Wilmington, vice president: at the next meeting will move to dispense with office of vice president-at-large.

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