Address Delivered Before Omaha Real Estate Exchange BY CHARLES S. LOBINGIER, OF THE OMAHA BAR.

me to address you is a peculiarly fitting one for the consideration of a real estate exchange. Next to the deed the mortgage figures most prominently of all instruments | debt from the proceeds. If, however, a dein transactions concerning real estate. A | fense is presented, (and this is subject to the large percentage of conveyances is made same defense as any other action on a mort-either subject to mortgages or for a connideration secured by a mortgage to the grantor. And what is more pertinent to the present subject, the value of real estate speediest yet devised. as a security is largely determined by the efficiency of methods which may be employed to collect the mortgage debt.

No less than eight distinct methods of foreclosing mortgages are now employed in the different states and territories of the American union. For convenience and for a mortgagor a certain period within which to hetter understanding of the subject at the prevent such a result by paying the debt. outset these may be classified as follows: I—Judicial Foreclosure: First—Strict fore-closure; second—Equitable foreclosure; third—Scire Facias; fourth—Rule to show cause; fifth—Writ of entry; sixth—Eject-

II-Summary Foreclosure: First-Adverment and sale without suit; second-Entry and possession.

Let us examine briefly the details of these various methods in order to determine something of their relative merits and dis-

STRICT FORECLOSURE IN CHANCERY This is the oldest method and the only one to which the term "foreclosure" is tech-nically applicable. It originated at a time when the mortgage was practically a con-veyance, differing from the estate conveyed by the modern deed chiefly in this: That the granter, after default in payment of his debt, might still redeem the land from the mortgagee, who usually took possession. The purpose of the suit by the mortgagee was to cu. off or "foreclose" this right of the morgagor to redeem. There was no sale of the premises and the decree of the court merely provided that the morgagor should be forever barred of all interest

Proceedings not widely differing from this ancient English method are still permitted in about a dozen states, though in nearly all of them this strict foreclosure, as it is now called, is employed only in exceptiona case and is merely cumulative to the method which requires a sale of the prop-erty. Even in England, the mortgages may now demand a sale instead of a strict fore-closure, and in Vermont alone of all the American states the latter remains the sole method of foreclosing mortgages. In our own state strict foreclosure was once sanctioned by the supreme court, but later de-cisions have resulted in confining it within very narrow limits, though it is still permitted in the foreclosure of land contracts or title bonds.

ITS ADVANTAGES AND DRAWBACKS. In behalf of this method may be urged the merit of expedition. The parties to a suit for strict foreclosure are saved the long process which includes the order of sale appraisement, sale, report and confirmation, and the thousand tedious instances of the law's delay. The decree of foreclosure is final so far as the lower court is concerned and neither party is required to wait in-definitely to know how the suit will affect On the other hand the chief reason given for departing from this method was that the property was usually worth more than the mortgage debt and that the mort gagor should have the surplus which could only be secured to him by a sale. But I ap prehend that this reason is no longer appli cable in Nebraska, where scarcely a fore closure takes place without a heavy de-ficiency judgment and where if the value of the property greatly exceeds the debt both parties are usually willing to avoid a suit In seeking better methods it will be well not to overlook entirely the time-honored, though nearly obsolete strict foreclosure. EQUITABLE FORECLOSURE AND SALE. This is the method with which we are most familiar and which prevails in the greater number of states and territories. Its introduction is one of the results of the change in the legal theory of the mortgage from that of a conveyance, as it formerly was, to that of a mere lien, as it is now re-garded. By this method the mortgagee, after a trial, may obtain a judgment fixing the amount of his debt and directing a sale of the property to satisfy it. The premises musthen be appraised, the sale effected, the de ficiency or surplus reported, the sale con firmed and judgment rendered for such d lciency. After this the mortgagor may take a stay of proceedings or appeal, or some times both. All these details are familia enough, and I need not dwell upon them longer than to emphasize the great defecof this method, which is the delay it occasions in the collection of even the most mer

DEFICIENCY JUDGMENTS. Deficiency judgments have become an almost necessary incident to the equitable foreclosure suit, and, in view of the fact that there are now pending in our present legislature no less than four bills to abolish them, they appear to deserve some attention. In the early foreclosurproceeding there seems to have been no de ficiency judgment. The mortgagee having extended gredit on the strength of the prop-erty alone, obtained full title through the decree of foreclosure and there the matter ended. But when the change was made which required a sale for the benefit of the mortgagor in case a surplus abould result on came to be seen that should be some corresponding on for the mortgagee in case provision for the mortgagee in case of a deficiency. And so, in order to balance the equities, the mortgagee was allowed to recover from the mortgagor difference between the amount of the debt and that realized from the sale. At first this could only be accomplished in a separate action by the mortgagee distinct from the foreclosure suit. Statutes have now been passed, however, in nearly all the states this method is in vogue authorizing the rendition of a deficiency judgment in the foreclosure suit itself. Thus the rights of mortgagor and mortgagee were equalized in all cases of gross disparity between the debt and the security. But it is obvious that if deficiency judgments are to be abolished this equality will be destroyed, because then the mortgagor alone will be protected in case of such disparity. The same reasons which are urged for the abolition of deficiency judgments would seem to require also the abolition of the sale, and this would lead us back once more to the ancient strict

FORECLOSURE BY SCIRE FACIAS. the states of Pennsylvania, Delaware, Illinois (and formerly in Ohio) a method of foreclosure obtains by which the mortgagee after default in payment may upon application to a court or some officer representing it (in Pennsylvania the common pleas c'erk) obtain an order directing the mortgagor show cause why judgment should not rendered against him on the mortgage. If usually specify certain meritorious defenses may present it by a proper pleading and the question is then tried like an ordinary legal action. But if the mortgagor presents no sufficient defense judgment is rendered and the property sold as upon execution. statutes prescribing this method

usually specify certain meritorius defenses which may set up by the mortgagor, such as payment of the debt, forgery of the instrument, etc., and in some cases it is the practice to consider no defense which is not set forth in a sufficient affidavit. It would seem, therefore, to be more difficult under this system than others to delay the judg ment by merely technical and frivolous de

Scire facias is the regular method of fore closure in Pennsylvania and Delaware. In Himols the mortgagee has his choice as between this and either the strict or equit

FORECLOSURE BY RULE NISL Not unlike the foregoing in many of its features is the method of foreclosure usually followed in Georgia. There the credito whose mortgage debt is due may obtai the superior court an order, technically termed a rule nisi, to be served upon the mortgagor and directing payment of the sum due before the beginning of the next

The subject upon which you have asked me to address you is a peculiarly fitting one for the consideration of a real estate exchange. Next to the deed the mortgage of the premises and the satisfaction of the premises and the premises and the satisfaction of the premises judgment rendered accordingly. Barring this feature of a jury trial the Georgia method appears on its face to be one of the

FORECLOSURE BY WRIT OF ENTRY. In Massachusetts, Maine and New Hampa conditional judgment for the possession of the premises with a provision allowing the this is only one of several available methods, EJECTMENT.

In Rhode Island the mortgagee's usual remedy seems to be the action of ejectment and this is employed also in Vermont. While not strictly a method of fereclesure the pro-ceedings are similar to the writ of entry and the result of the suit, if successful, is the same, title being thereby vested in the mortgagee

FORECLOSURE BY ADVERTISEMENT AND SALE. The methods thus far noticed all require some proceeding in court, and, hence are classed together as judicial foreclosure. Two other methods remain to be considered by which foreclosure is effected without judicial ald and may therefore be termed summary. There is first, foreclosure by advertisement and sale. By virtue of a power contained in the mortgage or deed of trust, the mort-gagee may, upon default in payment, adver-tise and sell the premises and satisfy his authorized as an alternative to the statutory foreclosure and sale. In about ten states it is expressly prohibited, and in an equal umber of others it is ignored, being neither authorized nor forbidden.

MERITS AND DISADVANTAGES. On its face this method seems the most advantageous of any to the creditor. It appears both speedy and inexpensive. There s nothing to indicate even that the mortgagee would need the services of an attorney is perfecting the foreclosure. But the very facility with which the debt may thus be collected has led the courts to view this method with distrust and exact from the mortgagor the strictest compliance with statutory provisions. The slightest mistake in the notice or advertisement; the least departure from the prescribed mode of pubication; some trifling irregularity in conduct of the sale-each of these may vitiate the entire proceedings and invite litigation far more troublesome than any which this method is designed to prevent. If the par-ties are to go into court it is better that they do so before effecting the foreclosure than after.

BY ENTRY AND POSSESSION. Another form of summary foreclosure pre-vails in three of the New England states viz: Maine, Massachusetts and New Hampshire), by which the mortgagee may upon de fault and after the publication of a notice enter and take peaceable possession of the mortgaged premises, and after the expira-tion of a certain period allowed the mortgagee in which to redeem, acquire absolute title thereto. This is an intensified form of strict foreclosure and its apparent hardness would probably make it illy adapted to a community where foreclosures are frequent. This completes a brief survey of the varlous methods of mortgage foreclosure in the United States and England. An examina-tion of them, while it will not furnish us with an ideal system, will at least suggest some defects to be avoided in devising a new And perhaps no better standard or such an undertaking can be adopted than The best method of forcelosure is that which most nearly makes the mortgage what it purports to be-a security and not a snare. It is important, of course, that the enforcement of collection of a mortgage debt should not be used as a means of op pressing the borrower, but it is equally im portant that it should not become an artice for deluding the lender. No community can afford to authorize a method of mortgage foreclosure which makes it possible to har ass, hinder and indefinitely delay one who merely seeking to enforce a rightful obli-ation. The ideal system is one which would require from both parties a substantial compliance with all material terms of the ontract, which would insure a repayment of the debt-nothing more and nothing and that too, within a reasonably brief time after its maturity. Some of the methods already reviewed will aid an attempt to such a system by teaching us "hor

OPENING OF THE FEBRUARY TERM Dockets Presided Over by Judges

District Court. The February term of the district court will open Monday morning. There has been something of a shifting around of the judges since the last term of court and some of them will be found in rooms other than those occupied by them last year.

Judge Baker will preside over the criminal docket, as before, and will sit in the large court room. Judge Fawcett will occupy the same room as before, being No. 2, on the upper floor of the court house. Room No. 3

will be occupied by Judge Powell, who has removed his belongings from the equity court and will preside over a jury docket. On the lower floor of the court house Judge Dickin-son will occupy the small court room for-merly occupied by Judge Scott and Judge Slabaugh will occupy the same room as last year. The equity courts in The Bee building will be presided over by Judges Keyso Scott, the latter being in the the third floor, formerly occupied by Judge This room has been handsomely making the room the most attractive of any of the court rooms.

MEETING OF CEMETERY TRUSTEES Reward for Arrest of Parties Wh.

Secured Hertz' Body. The executive committee of the Board of Trustees of the Springwell Cemetery association held a meeting yesterday to consider what steps should be taken to bring to justice the parties who robbed the grave of Hertz. The committee is composed of A. P. Gram, Charles Anderson and Chris Nelson. The committee determined to work upon a clew which has been obtained, but which it is deemed advisable not to make The committee will also recommend to the cemetery company, which meets next Wednesday night, to offer a reward for the recovery of the body and apprehension of the grave robbers.

afternoon the grave of Alma Smith, a 13-year-old girl who was buried shift, a 13-year-old girl who was buried about a week before Hertz' grave was opened was uncovered. It was found that the body had not been disturbed. It is not believed that any other graves in the cemetery have been molested, and therefore no more will be opened.

John Bower, a married man who lives somewhere in the country, and who refuses to give the place of his residence for fear of publicity, was robbed of \$19 last night by a colored woman. He alleges that the theft was committed in a room at Fifteenth and Cass streets, to which the woman had taken him. Irene Johnson was arrested on suspicion of being the guilty woman.

A Fugitive from Justice. "Reddy" Harris, who says his right name is Thomas S. Smith, was arrested yesterday on a charge of being a fugitive from justice. Smith is said to be wanted in Den-ver for a felonious assault.

of the Earth.

The Heart of Asia Penetrated, the Course of the Niger Determined and Other Important Explora-

MUCH OF THE PLANET UNCONQUERED

tions Completed.

In briefly surveying the work that has been accomplished by travelers during the twelve or eighteen months, and the by these labors, it is made manifest that the planet which we inhabit is not yet fully shire a proceeding is in vogue which re-sembles the ancient strict foreclosure. The the Nile no longer have to be searched mortgageo if successful in his action obtains after, and that the northwest and northeast after, and that the northwest and northeast est proturberance of the earth's surface, and passages, even if their discovery has not its physiographic features are among the led to that commercial success which the ventures of a hundred years ago possibly The usual defense may be urged by the mortgagor against such an action and the ment in past history; but enough remains SUCCESSFULLY CROSSING NEW GUINEA issues are tried as in the ordinary pro-ceedings at law. In all states named above which need not be dimmed by the recollection of the triumphs of a Ross, Kane, traila and South America theirs, and if these "unknown lands" are rapidly reced-ing from the gaze of the pure geographer, they yet hold up service to the scientist who follows in the path of the geographer, and to whom the world is today looking for the highest class of information that is highest class of information that is to be obtained. WHAT EXPLORERS ARE SEEKING.

It is not yet two years ago that the scientific world was electrified by the announcement of the discovery in the island of Java of the remains of an extinct organism, which was stated to be clearly intermediate in structure between man and the ape, and if this so-interpreted missing link is still a somewhat doubtful evolutionary factor in the minds of certain naturalists, it is yet of itself of sufficient importance to redirect the debt from the proceeds. The proceeding is debt from the proceeds. The proceeding is very similar to the foreclosure of chattel which has for all time made famous traveless like Humboldt, Darwin and Wallace. To the like Humboldt, Darwin and Wallace. To the like Humboldt is the like Humboldt is the like Humboldt in the like the heart of Africa we look for an unlocking of some of the mysterics which still surround many of the more profound problems of animal life; in it and Asia we search for the possible origination or ancestry of man, of that of the strange animals that today in-habit both continents, and of these records of past changes in the history of the earth which have shaped the destinics of the fauna of one-half of the globe. It is but and across what is commonly assumed by a few years ago that Australia revealed to geographers to be the highest line of heights the naturalists the most striking fact that had been gathered to the life history of animals for perhaps a century—the fact that two of its types of quadrupeds, the duck-bill and the spring-hedgehog, as a departure from all other mammals, developed their

young from laid eggs, in the manner of birds and reptiles. What other secrets the continent still holds is a matter for the future explorer to solve; and that it has many may be assumed without question. In the southern extremity of South America we search for that evidence which may ultimately lead to the recognition of a former continent of vast extent-battered and fragmented today as the Antartic "Atlantis," and even in North America we are still groping after those facts which will permit us to definitely answer the question Whence came the true American people and what was the nature of that civilization represented by the ancient temples and other edifices of Mexico and Central America, which so earnestly appeals to lands beyond the Pacific for a possible solution of the problems However strongly ethnologists may hold to individual or preconceived notions, the candid mind will recognize that these are question.

still open. NANSEN'S GREAT CONTRIBUTION. The most brilliant piece of recent exploration is unquestionably Nansen's heroic effort to reach the "farthest north;" if he has failed o reach the ultima thule of the explorer, to plant his flag upon the much-coveted nor pole, he has at least succeeded in arriving nearer to it by some 20 miles than any previ ous voyager of the Arctic seas. How he record of 86 degrees 14 seconds will stand cannot be foretold, but there is reason to hope and to believe, with the advances that have latterly been made in polar work and knowledge, and the activity which is being manifested in this field of inquiry, that it will be challenged and passed before many years. Nansen's greatest contribution to geographical knowledge is not the attaining f his high northern position, but the deter mination of the existence of a profoundly deep sea (of some 12,000 to 15,000 feet) in the far north, for it had been almost universally assumed by geographers that the Arctic basin was a comparatively shallow one. Of one side only of Mr. Peary's brillian explorations it is sufficient to quote from last presidential address to Royal Geographical society of London, words of Sir Clements Markham: "It e conceded that Lieutenant Peary's most remarkable journey over the Greenland lee piece of glacial work that has ever been From the same region of the far north we have, as the work of the past two years, the annihilation of the concepso strongly urged by the discovered of the landmass in question. Julius Payer, that Francis Joseph Land was a vast area, with undefined boundaries, stretching the direction of the pole. On the basis this conception the Jackson-Harmsworth expedition laid the course of their opera-tions across the fragmented part of a coninent, only to have it determined that Fran cis Joseph Land was an inconsiderable irchipelago, holding out no advantage to a course to the north, and with only

natural resources for exploration of any PROBLEM OF THE NIGER SOLVED. In the continent of Africa the hand of he explorer of its main features has been sketched out and the problem of the Niger solved.
It is just 100 years ago that Mungo Park one of the most intrepid of modern travelers, then in his 25th year, set out to explore the course of what at was assumed to be the second frica. Little or nothing was river of Africa. Little or nothing was then known of the Congo and scarcely more except in the immediate region or ts multitudinous months, of the Niger itself. Whether this river had a main course from the east, or one from the west, was still to be determined. After traversing various kingdoms, and underoing numerous hardships and torments ot the least of which was enforced can tivity with the native tribes, Park succeede n reaching a portion of the upper course f this great African river to which he was directing his explorations. Nine years later, in command of a second expedition, he penetrated to the important commercial town of Bammako, but the full measure of his researches was cut short by an un-timely death by drowning, which look place in the kingdom of Sokoto, in an effort to escape hostile pursuers.

From that time to this Niger geography has been one of the problems of African exploration, and if it has not, perhaps, atracted as much attention on the part o Vile-the discovery of its ultimate sourceit is because the region of exploration is west Africa is a much more difficult on Yet it is in connection with this work the the names of Lander, Clapperton, Laird Overwag and Barth have been rendered for mous. Every successive quarter of a cen-tury has added something to our knowledge of the general course of this river, but, singularly enough, up to the present yea as to make a continuous study, and sections of the "intermediate" course of the river

The announcement is now made that the full exploration of the river has been brough to a successful completion by the Frence traveler, Captain Hourst, who in boats ended the stream from Bammako and Timbuctoo to the actual mouth. The journey was begun in January, 1896, and terminated in the early days of October with the arrival at Okassa. Of the long section between Timbuctoo and Say hardly any true worthy Omaha, Nebraska

have remained as unknown as though

work had been conducted in the tegion be

Methods of Mortgage Foreclosure

Latest Conquests in the Unknown Quarters of the Earth.

Latest Conquests in the Unknown Quarters and the Conquests in the Unknown Quarters and the Conquests in the Unknown Quarters are the Conquests in the Unknown Quarters and the Conquests in the Unknown Quarters are the Conquests are the over, a great commercial significance, since it establishes the fact that, despite the pres-ence here and there of impeding rapids, the river is practically davigable throughout its entire course.

IN THE HEART OF ASIA

The heart of Asia, in the remarkable explorations of Mr. St. George Littledale his traverse of the Kushim range and of the great eastern plateau of Tibet, the so-called Chang-adds a chapter to the traveler's rec-ord which will stand side by side with those of Younghusband, Bonvalot, Przevalski, Pundit, Krishna send Rockhill. It is the be-ginning toward filling in the great carto-graphical blank which begins with the northen Himalaya chain and ends with the Altal. field of exploration that is left unfinished and with which are associated the headwaters of some of the mighty rivers of the globe-Irrawadi, Yang-Tze and Mekong. This Tibetan plateau, as has been properly pointed out by General Walker, chief of the trigonometrical survey of India, is the larg-

most unique and imposing that this glob presents. Toward its exploration will doubt

In a brief dispatch addressed to the gov rnor of Queens land, Australia, Sir William D'Urville, Livingstone, Burton, Barth, Guinea, announces that, "without loss of Speke, Baker or Stanley. Africa still has life or limb," he has successfully made the its terra incognita, and so have Asia, Australia and South America theirs, and if these "unknown lands" are rapidly recent-sumably inaccessible regions of the earth's surface has fallen submissive before man's determination and daring. Various attempts to penctrate into the interior of New Guinea have from time to time been made, but owing to the hestile character of the native tribes, the dense vegetable growth, and the comparative insignificance of the water ourses tending to make avenues of travel, these efforts have met with but little success, while in some instances the extermina tion of the personnel of the expedition has been the only achievement of a well-di-rected purpose. The region, except on its borderland, has thus long remained a vir-tual terra incognita; indeed, many of its

nost salient features were hardly known

before the earlier explorations of Mac-Gregor, in 1889. Hence it was that a few geographers ac cepted, without question, the statement of Major Lawson that the highest known mountain of the globe, a "constru Mount Hercules, with an elevation of feet (or seven miles), was to be found there; and some even went so far as to credit to statement that this (assumed) mountain has actually been ascended by its would-be discoverer. Mr. MacGregor's route conducted him from the mouth of the Mambare of the entire island. These are the mountains of the Owen Stanley range, a number of summits of which seem to be not less than from 10,000 to 13,000 feet in elevation. Mount Victoria, so far as known, the culminating point of the region, has an altitude slightly exceeding 13,000 feet, and was now ascended for the second time. The previous attempts to ascend it, which were made by Armit, Chalmers, Goldie, Morri-son, Hartman, Hunter, Cuthbertson and H-O. Forbes, only resulted in signal failure. It is expected that this expedition will have a direct and beneficial effect upon the open-ing up of the country, and in directing emigration there. It proves the possibility of making a practical trade route across the British territory—an advantage that can

hardly be overestimated.

EXPLORATIONS IN PROSPECT. Of the explorations that are at this moment eing planned, the first place is taken by those which look to the Antarctic regions as the field for most promising research. It is almost certain that at least two expeditions will be in service during the present year-those of Lieutenant Gerlache (sailing under the Belgian flag) and of Borchgrevink; and it is by no means unlikely that the American flag may be sent at much the same time to compete in friendly rivalry for the stakes that the far south offers. What will or may be accomplished by these expeditions can hardly be premised. The renewed activity v work makes it almost cert that few parts of the unknown globe will escape the attention of the traveler of the immediate future, and to him we now for the effacement of those large which still disfigure the map of the world. The healthy and exhibarating exercise of countaineering still holds a prominent position in the work of exploration, and it lost little of its earlier zeal in a search for

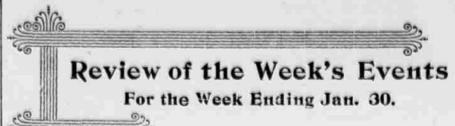
new worlds to conquer.
The remarkable success which has tended Mr. Fitzgerald's crossing of the New Zealand Alps has tempted this daring mountaineer to make the ascent of what is most generally assumed (although perhaps wrongly) to be the leftiest mountain summit of the New World. Mount Aconcaqua, formerly in Chili, but now in Argentine, with les" by Admiral Fitzroy of the British navy to be 23,910 feet. Later measurements by the Spanish engineer, Pissis, have seemingly re duced this elevation to 22,422 feet, bu whether one way or the other, the extinc volcano still presents a sufficiently bol-front to tax the capabilities and endurance of the hardiest of mountaineers.

The German traveler Gussfeldt attempted in 1883, but gave up the effort after reach ing 21,080 feet—an elevation exceeding the higest snows of Chimborazo. What the chances are for the successful accomplishment of this work cannot be forefold, but if full credence is given to a brief dispatch Mendoza, Argentina, it would seen that the problem has been solved, for it announced that Lurbriggen, the famous pine guide and associate of Fitzgeraid eached the summit of the mountain on De-omber 14. If ascended to the summit, and he mountain proves to have the elevation which was conceded to it by Fitzroy, then a record" in mountaineering has been estab ished, for there are few today who do not doubt the accuracy of the measurement of the Kabru, in the Himalayas, given by Gra ham in his famous ascent of 1886 as 23,70 feet. Mr. Conway's capture of the Pionee feet. Mr. Conway's capture of the Pioneer beak, in the Karakoram Himalayas, with an dititude of at least 22.500 feet, is seeming the highest point that has thus far been tro-by man on the surface of the earth. Acon agua may add to this record still anothe .400 feet, and it is certain that the moun ain, from its volcanic form and correspon ing decreased snow covering, will less difficulties in its ascent tha nany of the minor peaks of the Himalayas It is, however, by no means certain that deencagua is the culminating point of all America. The Nevado de Sorata, or Illampi rising from the plateau region of Titicaco arch of the Andes, and on many of the more recent atlasses it appears with the very re-spectable elevation of 24-25,000 feet, and its ssociate. Illimani, may not be lacking m of 24,000 feet. It is a rather remarkable act, and one that adds little to a true spiri of scientific inquiry; that with a fully equipped astronomical and meteorological observationy (that of Misti) near at hand and furnished with the talent of the foremost American university, no serious effort should yet have been made to ascertain the true eights of these mountains and thereby ermine one of the more important points in American geography... The success of this atest mountaineering exploit will open up he question as to what are the ultimate ossibilities of this kind of work. Decade passibilities of this kind of work. Decade after decade, with experience added to experience, and with new equipments for the internal as well as the external body, sees the banner of "Excelsior" carried higher and higher, and it is today no longer the matter of bleeding at the neae or the eyes which seals the laws: Some of the eyes which seals the issue. Some of the mos experienced of the Alpiniets, such as Whym Conway and Captain Dent, are of the opinion that much higher ascents than have thus fer been made will yet be accomplished, and to them even Mount Everest, the culminating point of the globe, is not considered to be invincible.

PROF. ANGELO HELPRIN,
President Philadelphia Gravarshial, Santalant Philadelphia

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FOREIGN.

CUBA-January 23: Havana report recites defeat of insurgents at Zarabande, Punta Guayamo and at Tumbadero; report from Cuban sources of Spanish defeat at Pijua, Matanzas province, losing 100 killed and evacuating Pijua after burning the town; insurgents captured and destroyed Spanish gunboat Cometa at Sierra Morena. January 24: Travelers arriving at City of Mexico confirm the report of the capture of Santa Clara by insurgents. January 25: Weyler announces rebels are now confined entirely to eastern provinces. January 29: Members of Cuban government said to be in vicinity of Sancti Spititus district.

SPAIN-January 23: Official Gazette proclaims amnesty in commemoration of the saint day of the king, but excludes political offenders or exiles

ENGLAND—January 24: Marquis of Dufferin accepts presidency of committee to celebrate 400th anniversary of Cabot's discovery of America. January 27: Semi-officially denied that Great Britain made any representations to Mearagua government regarding proposed maritime canal. January 28: L. R. Jones, American horse breeder, arrested at Scarborough, charged with forgery.

FRANCE-January 23: Government purchased the Bourghes gallery, paying \$1.400,000 for the pictures and sculptures; nine sudden deaths cause small panic at Marseilles. January 24: 17x-Captain Gullot sentenced five years for selling military secrets to foreign powers. January 29: First clause of bill granting export bountles on sugar passed the Chamber of Deputies.

GERMANY-January 27: Lieutenant von Brussewitz, who run his sword through a defenseless laboring man, sentenced three years and twenty days for a dueling affair; Emperor, in token of his birthday, decorated Dr. Miquel, mintster of finance, and Dr. Lucanus, chief of his civil cabinet, with Order of the Black Eagle; six days continuous snow reported in East Prussia and military obliged to escort mails for

OTHER LANDS-January 23: Mexican rurales engage in desperate battle with Yaqui Indians at Rosales, Mexico, five soldiers killed; report from Cape Town says starving natives at Buluwayo exhumed and devoured buried bodies of cattle that ded of rinderpest six months ago, causing terrible mortality; 300 insurgents routed by Spanish in an engagement in the Philippines. January 24: Governor of Manilla prohibited foreign war ships entering Pasig river. January 27: Dispaich from Bilapur, about 215 miles southeast of Bombay, pictures natives on verge of starvation and saved from it only by government relief, much sickness due to their emaclated condition. January 28: Italian government decides to evacuate all Erythrea except Massowa; dervishes who were advancing on Agordat have abandoned their fortified camp and retired, pursued by friendly natives. January 29: Announced at Calcutta that 2,000,000 persons are now employed on relief works in famine districts; plague broken out on the Island of Formosa.

CONGRESSIONAL.

HOUSE-Jan. 26: Bill introduced providing that petroleum lands may be patented under present placer mining laws. January 27: Conference report on immigration bill adopted. January 29: Election committee decided contest in Fifth district of Louisiana in favor of C. J. Boatner.

SENATE-January 23: President delivered report of the secretary of state, transmitting list of claims filed by citizens of the United States against Spain for indemnity. January 26: Amended bill passed for survey of a water route from mouth of letties at Galveston to Houston, Tex.; report read exposing gross abuses of Osage Indians by licensed traders on the agancy. January 27: Mr. Sherman foreshadows a new treaty, by which the United States could build Nicaragua canal without intermediation of a private concession. January 28; Allen offers a resolution questioning legality of foreclosure proceedings in the Pacific railroads; nomination of Charles B. Howey of Mississippi to be judge of court of claims confirmed. January 29: Bill for appointment of commissioners to an international monetary conference passed by vote

LEGISLATIVE.

NEBRASKA-HOUSE-January 28: Bill for repeal of sugar bounty law of 1893 issed. January 28: Resolution asking for appointment of a committee to draft a bill that would open the way to establishment of new sugar beet factories defeated committee recommended for passage bills amending game law, reimbursing Boyd county for money expended in Barrett Scott murder trial.

SENATE-January 26: Omaha charter bill, known as sonate file No. 15, introduced and given first reading. January 27: Joint resolution directing Scnator John M. Thurston to vote for any and all measures favoring free and unlimited coinage

silver at ratio of 16 to 1, received a strict party vote.

OTHER STATES—January 26: Bill recommended in house of Indiana legislature prohibiting foot ball playing; Lexow resolution calling for a joint committee to investigate trusts passed in the New York assembly; both houses of Wisconsin legislature cast votes for John C. Spooner for United States senator. January 27: John P. Jones re-elected to the United States senate by Nevada legislature; Michigan house adopted concurrent resolution urging recognition of Cuban republic and substitute for recognition of belligerency rights voted down. January 28: Henry Heitfeld populist, elected as member of United States senate from Idaho to succeed Dubois. January 29. George F. Turner of Spokane elected to United States senate from Washington; bill introduced in Arkansas senate appropriating \$25,000 for exhibiting resources of the state at the Transmississippi Exposition. January 30: Bill legalizing prize fighting in Nevada passed during the week received governor's signature.

January 25: President-elect McKinley said he would call a special meeting of congress on March 15. January 26: National Board of Trade, in session at Washington, adopted resolutions extelling and commending the arbitration treaty with Great Britain, January 27: National woman suffrage convention met at Des Moines, Ja. January 28: President-elect McKinley in an interview with Mr. Rosewater declares himself opposed to retirement of greenbacks and is emphatic in hostility to trusts; Chief Justice Melville W. Fuller and Associate Justice David J. Brewer of the United States supreme court named as commissioners to serve on arbitration tribunal in Venezuela boundary settlement; Banker Lyman J. Gage accepts proffer of treasury portfolio made him by President-elect McKinley. January 29: Charles G. Dawes of Evanston, Ill., formerly of Nebraska, booked to succeed James H. Eckels as comptroller of currency; General Aiger accepts war portfolio

COMMERCIAL AND INDUSTRIAL.

NEW ENTERPRISES-January 27; Large slip and other extensive improvements begun by Kountze Bros, at Sabine Pass, Texas; First National bank, Hollidaysburg, Pa., re-opened. January 28: Juniata Grain and Live Stock company, Juniata, Neb January 29: Wheatland Industrial company, Cheyenne, Wyo., capital \$200,000, to erect and equip mills, factories, elevators, creameries, irrigating works, etc.

BANK FAILURES-January 23: Upland bank, Upland, Ind., claims to be paid in full. January 25: First National Bank, Olympia, Wash., liabilities, \$100 000; assets,

MERCANTILE FAILURES-January 23: Great Western Coal company, Des Moines In., attached for \$18,000. January 27: Judgments rendered in attachment suits against Horton Land and Lumber company, St. Louis, aggregating over \$50,000. January 28: C. S. Hayes, jewelry, Norfolk, Neb., Habilities, \$3,900, and Norfolk Ciothing company, owned by Hayes, liabilities, \$1.970. January 29; Eastern Mutual Life Insurance com pany, Beston, said to be so:vent; C. H. Bogue & Co., lumber, Kearney, Neb., confessed judgment, \$1,020.87.

CRIMES AND CASUALTIES.

FIRES—January 23: Six business houses at Sandusky, O., loss nearly \$100,000; Charles Grube's carriage factory, Rahway N. J., loss \$20,000; American Brick and Tile company's plant, Phillipsburg, loss \$ 0,000, not insured; residence of W. T. Wooten, McCook, Neb., loss \$600, insurance \$400; G. W. Melvin's store, Morefield, Neb., loss \$5,000, insurance \$3,500; residence of William Crowle, Bedford, Pa., Mrs. Crowle and three children fatally burned. January 24: Cottage of Mrs. Sarah Watson, Omaha. loss on house \$1,000, fully insured; Christian Home orphanage, Council Bluffs, loss \$5,600 no insurance. January 25: Northwestern Stove Repair company's factory at Chicago loss on building \$125,000, on contents \$390,000, amount of insurance not known. January 25: Four-story residence of Charles J. Barnes, Chicago, loss including valuable library \$200,000, neighboring house damaged \$15,000; Dillaya block and Butler block, Syracuse, N. Y., loss \$100,000, mostly insured; almost 100 fires at Chicago, mostly small ones, beating previous records in number; B. & M. coach house, Plattsmouth, Neb. loss \$30,000, covered by insurance. January 25; Economy Light and Power company plant, Joliet. Ill., loss \$150,600; Missouri Frog and Crossing works, near Kansas City loss \$50,000; Walden & Co., wholesale liquor, New York, loss \$30,000, partially insured Percy Kent, New York, cotton packing, loss \$40,000, fully insured; business portion of Pacific Junction, Ia., total loss \$40,000, insurance \$15,000; Lansing block, Lincoln, loss on building \$3,000, fully covered; J. W. Mitchell's wall paper stock, loss \$9,000; more than a whole block on Market street, Philadelphia, loss aggregating \$2,500,000. Williams block, Chicago, total loss \$386,000; Christian church, Brownville, Neb. January 28: Herman Goepper & Co.'s mait house, Cincinnati, loss on stock and building \$200,000, fully insured; Leavitt, McConnell & Co.'s wholesale grocery, Youngstown, O., total loss \$10.000, half insured; ten buildings in business portion of Centerburg, O.: Sioux Falls Gas company building Sioux Falls, loss \$5,000

MURDERS-January 23: Little Pete, most noted Chinaman in San Francisco, sho by three of his countrymen. January 24: Charles Stevens, once a Nebraska convict, found dead, shot through the head, at Chillicothe, Mo. January 25: Mary Forplani, Italian woman, murdered at Cincinnati by Etari Fortanori. January 28: Arthur Palmer, murderer of his mother, brother and sister at Mamaroneck, N. Y., arrested at St. Louis; Hattle Fletcher, schoolgirl at Lexington, Ky., killed her companion January 29: Wife and three children killed by C. K. Rash near Wayne, Neb.; Albert Cunning killed Mrs. Mary Benning and fatally wounded himself at Chicago; Wi lard Colton of Cleveland, O., shot and killed his wife and himself.

OTHER CRIMES-January 23: Edward Laudon of Marion, O., arrested for em-bezzlement of \$3,000 from the Marion Deposit bank. January 25: Postmaster George A. Draper of Cheyenne and his son, Charles W. Draper, arrested, charged with theft of registered package containing \$3,522.65. January 26: Herbert Parnum Seeley, James H. Phipps and Theodore Rich indicted by grand jury at New York charged with conspiring to procure indecent exposure of dancing women; Willard Friend, charged with wife poisoning at Creston, Ia., bound over to the grand jury without bonds. January G. W. and Alf Hazlip fatally shot near Brownsville, Ky.; thirty-seven indic ments returned against gamplers at Kansas City. January 29: Overland train held up near Roseburg, Ore., robbers getting little booty, but express car destroyed by fire

ACCIDENTS-January 23: Bark Isaac Jackson went ashore at Fasque island on Massachusetts coast, fate of crew unknown; train plunged over a precipice in Barbadoes, Jamaica; train on Pittsburg & Western road fell through a trestle near Clarion, Pa., three men killed; engine crashed down an embankment on Cincinnati & Southern rallway near Lomo, Tenn., engineer and fireman dangerously hurt. January 25: Engaged couple, Frederick Graeber and Maud Gothie, precipitated into an abandoned mine by cave-in on roadway near Shamokin, Pa., latter killed and recovery of former doubtful; 5-year-old son of Walentz Szozzyk fell upon redhot stove, injuries fatal; sleighing party of forty persons thrown down a fifty-foot embankment at Pemberton, Pa., seriously injuring five. January 26: Nine persons, mostly firemen, severely in jured by falling wills at burning of Williams block in Chicago, two firemen may die Canadian express on Intercolonial line thrown down an embankment at Dorchester, N. B., killing two persons; two men killed outright and several fatally injured by explosion in a coal mine at Uniontown, Pa. January 27: Passenger train collided with handcar near Balls, W. Va., killing two men and injuring three; five men instantly killed by a freight train near East Norwalk, Conn.; small steamer Peankishaw sunk in Green river, near Evansville, Ind., engineer drowned. January 28: Eleven men injured, one fatally, by explosion in coal mine at Foster, Ia.

MORTUARY.

January 23: General John D. Stephenson, St. Louis, aged 76; General H. G. Thomas of Portland, Me., capitalist, died at Kansas City; Andrew Rosenburg Wahoo, Neb., aged 72; John G. Bates, Des Moines, Ia., prominent attorney. January 24: William S. Sebring, prominent in Omaha labor circles, aged 34. January 25: Mrs. W. H. White, Omaha, aged 32; Charles White, stockman from Helena, Mont., at Omaha. January 27: Olin N. Davenport, managing proprietor Merchants hotel, Omaha, aged 34; Mayor James Howell of Brooklyn, N. Y., aged 68; Mrs. Ann R. Allen, wealthiest woman in St. Louis, leaving estate of \$10,000,000, at Pittsfield, Mass, aged 73; Mrs. J. L. Flood, wife of the well known millionaire, San Francisco; P. J. Dempster, register United States land office, Sterling, Colo. January, 28; Dr. Sedakauer private physician to the ezar, St. Petersburg; Mrs. Amalia B. Post, wife of exprivate physician to the czar, St. Federsburg; ars. Amana B. Fost, whe of Congressman M. E. Post and leader in woman suffrage movement, Cheyenne. Wyo.; Lieutenant Charles H. Lyman of navy, Washington, D. C. January 28. Judge Lafayette Dawson, judge of Aliaska 1815 to 1888, Maryyille, Mo., aged 67; Dr. William H. Burt, one of foremost homeopathists, Chicago, aged 50; Brevet Major General John E. Smith, retired, Chicago, aged 50; Sister M. Silesia, Omaha, aged 30.

FORMER OMAHA MAN'S ACT

Shoots His Wife and Then Himself Because of Domestic Troubles,

F. C. RIEBE'S CRIME COMMITTED IN DENVER

He Mortally Wounds His Wife, from Whom He Had Been Separated for Several Weeks, and In-

stantly Kills Himself.

A dispatch from Denver yesterday and nounced that Fred C. Riebe of that city, but formerly of Omaha, mortally wounded his wife and then killed himself that morning. Riebe was a fugitive from justice, being wanted in this city for embezzlement and other crocked dealings.

The tragedy was committed at an early hour yesterday at the residence of the wife, 3319 Larlmore street. It was the indirect culmination of a domestic difficulty which resulted six weeks ago in the separation of husband and wife. The direct cause was the refusal of the wife to mortgage her horse and buggy that Riebe might raise enough money to buy a suit of clothes. He stated that he intended to return to Omaha for the purpose of answering the charge

Riebe first applied for a reconciliation Friday night and told her his object. The woman positively refused to settle the difficulties and would not dispose of her horse and buggy. Then she locked him out of the house. At 7 o'clock yesterday morning he returned again, gained an entrance and re-peated his demand. Once more Mrs. Riebe efused to mortgage the property.
Riebe then drew a revolver, and pointing

Riebe then drew a revolver, and pointing it at the weman began to shoot. He struck her once in the neck and once in the back. The woman was mortally wounded, but she ran from the house and gave the alarm. When she returned with assistance Riebe was dead on the floor. He had placed the muzzle of the revolver against his right car and shot himself dead. The woman was taken to the hospital. It is said that she will die.

RIEBE'S CAREER IN OMAHA. Some years ago Riebe was quite a prominent figure in this city. He was something of a politician, was also connected with some of the justice shops about the city and was semething of a real estate dealer. He was living then at Twenty-fourth and Hamilton streets with his wife. The latter was a midwife, and practiced her pro-fession here. She engaged in it also after the removal of the couple to Denver.

Two years ago Riebe had some difficulty of a domestic nature with his wife. The strife was so serious that Mrs. Riebe openly accused her husband of crooked dealings in some transactions of a questionable nature. She finally caused his arrest on the charge of embezzlement. Riebe retaliated by hav-ing his wife arrested for malpractice in con-nection with her work as midwife.

Hoth were in fail at the same time and the prosecution was commenced. It appeared to very probable that convictions would rebe very probable that convictions would result in both cases. Both charges were of a penitentiary character. With this prespect staring them in the face the couple compromised their difficulties and the cases were ultimately dismissed. They patched up a peace and removed together to Denver. MONEY HE APROPRIATED.

After their edeparture one of Riebe's schemes came to light. A Mrs. Fredericka Knospe alleged that she had employed Riebe s her agent in a mortgage case. She said that she had given him \$200 with which to pay off the mortgage. After Riebs left the city Mrs. Knospe received notice that the mortgage on her property was about to be foreclosed. Riebe had put the \$200 into his pocket. It was for the embezziement of this amount that Riebe was wanted in this city.

Mrs. Knospe had also employed Riebe to

Mrs. Knespe had also employed Riebe to look after a divorce case which she had begun against her husband. She gave Riebe \$40 to pay the costs in the case. Riebe presented her in return, a short time afterward, with a decree of divorce, which purported to be signed by District Judge Walton. The signature of the decree was forged, presumably by Riebe.

No less than three efforts have been made to get Riebe back to this city and each has o get Riebe back to this city and each has falled. Attorney I. F. Madlem of this city falled. Attorney I. F. Madien of this chy had taken up the case. A year ago last fall he went to Denver with requisition pa-pers for Riebe. The latter heard of the move from friends in this city and left the Mountain city. He was away when Madlem

Mountain city. He was away when Madlem arrived and did not return until the lawyer Madlem made another attempt last Decem-Madlem made another attempt last December. He went to Denver once more with regulsition papers. He found Riebe and caused his arrest. After the arrest had been made, however, it was found that there was some error in the papers. Before it could be corrected Riebe seized his opportunity and caused Madlem's arrest on the charge of false arrest. The error in the requisition papers could not be corrected and the consequence was that the attorney returned to this city without his prisoner. to this city without his prisoner.

NO FOUNDATION FOR THE RUMOR.

No Prospect for Consolidation of Lighting Plants. A little excitement was occasioned in South Omaha yesterday by a rumor to the effect that the new Omaha Thomson-Houston Electric Light company of Omaha would purchase within the next thirty days the South Omaha plans and operate the two

Asked whether there was any truth in Assed whether there was any truth in the rumor Vice President Fred A. Nash said to a Bee reporter: "That is not true. I presume the rumor was started by the inspection of the South Omaha plant a few lays ago by General Manager White. inspection was not made with any view toward an immediate purchase, but in order that we might know what probably will be of value at a later period. There would be of value at a later period. There would be advantage in operating the two electric light systems as one, and the matter has been considered. But no negotiations are now pending, nor is there any likelihood of such a purchase at an early date."

Death of Miss Goddard.

Miss Georgia Goddard, one of the young women employed in the office of the clerk of the district court, died last night after a brief illness. Miss Goddard had been in poor health for some time, having only recently recovered from a severe attack of typhoid fever, and about two weeks ago she went to the house of a friend, Mrs. Forby, on Douglas street, and complained of not feeling well. She was allowed to emain, and grew rapidly worse, passing away last night. The remains will be renoved to her home, 2512 Harney and the funeral services will be held at that place at 2 o'clock today.

BABY HUMORS

CUTICURA SOAP, and a single application of CUTICURA (ointment), the great skin cure The only speedy and economical treatment

BABY BLEMISHES Frevented and Cured by

SORE Weak backs, painful kidneys, sore lungs, uterine pains, muscular pains, rheumatism, relieved SPOTS quick as an electric flash by the