CURRENT NEWS OF IOWA

COUNCIL BLUFFS.

IOWA OFFICERS WANT PRICE less joke at the hands of some one. He

Eager to Get Check Passer from Onstedy of Columbus Police.

YEUTH IS SAID TO BE FROM OMAHA son who sent the item to the papers.

His Female Companion is Traced to Des Moines-Tricks the Fellow Worked to Get Money from Hotel People.

effort to secure possession of H. F. Price, rested within a short time after passing city. the forged check for \$50 in Columbus, most Sheriff Desmond have him.

Sheriff Desmond reached here late Saturday night, haping to find the young man Mrs. James Usher, 1418 North Eighth street; under arrest in this city. He says that Price's right name is C. Davis and that he belongs to an Omaha family. The young woman with Price. Sheriff Desmond says. Moines. These names are on mileage books they have in their possession.

At Sibley, Ia., Price, who went there under the name of Harris, apparently his of families will be released this week. most frequent altas, not only succeeded in cashing a worthless check for \$30, but ran up a hotel bill besides of \$32.12, which he avoided paying by slipping out of the hotel at night thtrough the window of his room. Everywhere Price represented himself as in the employ of the Eiliott & Hatch Book Typewriter company and in Sibley had the nerve to go before the Board of County Supervisors with a proposition to sell a machine for use in the office of the clerk of the courts. The supervisors of Osceola county, in which Sibley is, offered a reward

of \$25 for the arrest of Price. Sheriff Desmond has been on the trail of young Price and his female companion for several weeks, but failed to connect with them. Price and his companion used their interchangeable mileage books, which gave the sheriff a clue, but they had a habit of getting tickets to a certain point and then leaving the train two or three stations before their supposed destination was reached. As a consequence Sheriff Desmond usually arrived in the city where they had been operating a day after they had left.

Price is said to be wanted in Worthington, Minn., and Luverne, Minn. He is also wanted in Creston and Atlantic, this state, as well as in Sibley.

Sheriff Desmond is of the opinion that Price has an accomplice, as in one of the lows towns he adopted a somewhat different but equally effective method of securing money. He asked at the hotel where he stating his firm, the Elliott & Hatch company of Chicago, had omitted to send him his regular check. The clerk declined to accommodate and then Price said he would telegraph to the company's branch house in Blair, Neb. This he did and an answer was received authorizing the clerk to advance Price who was then using the name of Harris, \$50 for incidental expenses, but not to exceed that sum. As soon as he got the money. Price decamped and later the hotel people discovered that they had been

neatly buncoed. The check which was cashed at the Neumayer hotel in this city has not been returned from Chicago, but it w expected will be protested, as the ethers were. Landlord Neumayer says he will prosecute Price to the full limit if the Iowa authorities succeed in getting him into this state.

Gravel roofing. A. H. Read, 541 Broadway.

DEATH FROM AN OVERDOSE

Mrs. William P. Allen Victim of Too Much Patent Medicine.

Mrs. Maria Allen, wife of William P. Allen d'ed at an early hour yesterday morning at her home, 1915 Fifth avenue, aged 58 years. Her death was supposed to be indirectly due from taking an overdose of a patent medicine. Her husband and one daughter, Mrs. George B. Miller, 1927 Fifth avenue, survive, who is visiting in Creighton, Neb. Mr. and Mrs. Allen came to Council Bluffs three weeks ago from Columbus, Neb., where Mr. Allen had re- Stewart, sided for the last thirty years.

Miss Viola Victoria Otto, daughter of Mr. and Mrs. Henry Otto, 101 Benton street, died yesterday afternoon of consumption, aged 23 years. Miss Otto was chief operator in the local exchange of the Nebraska Telephone company and was a young woman of charming personality. Her death comes as a great shock to her large circle of friends and acquaintances.

Davis sells glass

Watch Night Service.

This is the program for the watch night services tomorrow at Trinity Methodist church:

8:00-Social Hour. 9:30-Sermon, Rev. Allen.

10:15-Retrespect and Prospect. 11:00-What Means this Hour? Dr. Frank-

11 45-Entering the Portal.

12:05-"A Happy New Year.". Revival services will be held every evening in the church for an indefinite period. The pastor, Rev. W. H. Cable will be as-

sisted by Rev. D. A. Allen. At St. Paul's Episcopal church the watch night services will begin at 11:45 o'clock.

Judge Aylesworth has fixed the dates for the terms of the superior court during 1902. as follows: February 3, April 14, May 12, June 16, July 21, September 22, October 20, November 17 and December 15.

Judge Aylesworth will preside at the February term and en April 1 will be succeeded by Judge George H. Scott.

Fred Applequiat Not Married.

Fred Applequist, announcement of whose marriage to a young woman in Treynor, la., appeared in all of the local papers. seems to have been the victim of a sense-

LEWIS CUTLER Funeral Director TE PEARL STREET. Phung 97.

FARM LOANS 5.257 Negotiated in Eastern Neurance and Iowa James N. Casady, 15., 126 Main St., Council Bluffs.

riage is entirely without foundation, and that further he is not even acquainted with SUNDAY any young woman of the name of Miss Hopkins in Treynor or elsewhere. Mr. Applequist is highly indignant that his name

Davis sells paint.

Smallpox Breaks Out at Cut-Off. Smallpox has invaded West Council Bluffs. the young man with the many aliases and that the Omaha authorities had offered is supposed here that as Price was ar- entitled to aid from the authorities of this

should have been used in such a manner

and he is endeavoring to discover the per-

Four other cases of smallpox were reof the money was recovered and that the ported to the health board vesterday. Three authorities there may be willing to let are in families who are now or have been under quarantine for the disease; and are daughter of Mrs. Hulbert, 1624 Avenue C: Mrs. Noyes, Fourteenth street and Avenue quarantine about two weeks ago.

> each being sick with the disease. James Collins, 1917 Fourth avenue was released from quarantine, and a number J. O. Wilson, colored, living at 28 South

quarantined. Derthick Club's Program.

The musicale of the Derthick club this evening will be an open meeting for the invited friends of the members of the club This will be the program:

"Musical Notes" ... Mrs. H. W. Hazelton
"Murmuring Breezes" ... Niemen-Jensen
Miss Lizzle Drake.
"Four Songs from an Old Garden"
(a) Clover, (b) Yellow Dalsy, (c) Blue
Bell, (d) Migonette ... McDowell
Mrs. A. A. Covalt.
Polonaise No. 1, op. 26 Chopin Polonaise No. 1, op. 26 Mrs. Ida Wies-Seybert, INTERMISSION.

(a) "Spring Song"
(b) "I Love You"
Mrs. Ida Wakefield.
"Waltze Brilllante"
Miss. Drake. ... MacKenzie

Bluff City Typos' Union.

Bluff City Typographical union No. 203 elected these officers at its meeting yesterday afternoon: President, Arthur Pickering; vice president, A. A. Heisler; corresponding and financial secretary. Harry Westcott; treasurer, D. M. Nicoll; cergeant-at-arms, R. J. Thomas; executive committee, T. R. Drake, chairman; Charles Strief, E. B. Gardiner; delegates to Trades was stopping for an advance of money, and Labor assembly, William Seymour, Harvey DeLong, J. R. Dietrich, E. B. Gardiner, A. A. Heisler. These officers will be installed at the January meeting.

MINOR MENTION

Davis sells drugs Stockert sells carpets and rugs. Metz beer at Neumayer's hotel Green, office 303 Sapp block. Weisbach burners. Bixby & Son Wollman, scientific optician, 109 Broadway.

Dr. Stephenson, Baldwin block. Elevator Missouri oak body wood, \$5.50 cord. Wm. Welch, 23 N. Main st. Tel. 128. John Linder expects to remove his whole ale liquor business to Omaha this week. Pictures, vases and statuary for Christ-nas shoppers. C. E. Alexander & Co.,

To keep your hubby home nights get him a portable billiard and pool table at Peter & Schoening's.

H. H. Prior is home from a trip to Scattle, Wash. While there he purchased 300 acres of valuable land in Washington. The finest gifts you can make is in fur-niture. See the extensive line carried by Petersen & Schoening, Merriain block They can please you.

Al W. Martin's "Uncle Tom's Cabin" troupe, which played to a crowded house last night at the Dohany theater, will give another performance there tonight. This company ranks among the best of the many similar organizations now on the road.

Pouder & Pouder, a firm consisting of Henry and William Pouder, has brought suit in the superior court against Sheriff Cousins to replevin notes aggregating 1900 which had been attached in a suit of the McCormick Harvesting Machine company against William Pouder.

Ernest Stewart, bookkeeper for the firm of DeVol & Son, is enjoying a visit from five of his eleven brothers. Those here are J. T. O. Stewart, Alliance, Neb., T. B. Stewart, Thurman, Neb., C. B. Stewart, Percival, Ia., F. H. Stewart, Bartlett, Ia., and D. H. Stewart, Dunlap, Ia. owing to a defect in the heating apparatus, the services at Broadway Methodist church yesterday had to be held in the Sunday school room in the basement. The rendition of the sacred cantaia, "The Prince of Peace," last evening by the choir, assisted by Mrs. Wakefield, attracted large congregation.

N. Y. Plumbing Co., telephone 250. As a Peace Disturber.

a large congregation

Chicago Tribune: "Cyril Trevannion, exclaimed the high-spirited girl, "how dare you call upon me in such a plight? Have you been drinking?"

"Worse than that, Pulsatilla." replied the youth, who had knobs all over his face and soldferly attribute he did not place it in a discoloration under one eye. "I've been the first rank of military virtues. He knew fighting."

"Fighting! And you have the assurance to come to me and boast of it?" "I have, Pulsatilla, I licked him. 'Whom, you disgraceful wretch?'

"The North Side slob that said we hadn't any good-looking girls down here in Hyde

"Oh. Cyril!" And she soothed him tenderly and put balm on his bruises

Reyond Classification.

Louisville Times: The dodo will bite, the worm will turn.

At one fashionable boarding house young lady who daily ate hash with the other guests acquired quite a reputation for odd table manners. They were unique. She would haul any dish she fancted up to her place and eat it, regardless of the ugly the man dismissed. glances of the others. They might cry out "Help, help, help, or help wanted, despairingly, but they never got it. One morning at breakfast her mamma saw a stern look of disapproyal on the face of a new boarder, a swell young man. Hightone," she began, suavely, "I trust you will pardon my daughter's bad manners." "Bad manners," exclaimed the indignant

dude, "why, she hasn't any manners at all!" Skeleton in Church Steeple.

BIRMINGHAM, Ala, Dec. 29.—The skele-ton found in the steeple of a negro church near East Lake was that of Winton White, a negro, who is said to have shot a man several years ago and was afterward a fugitive from justice. A negro woman representing horself as Bettle Healey, once the wife of White, says the remains were undoubtedly those of her husband.

LABOR FIGHT IN DES MOINES

Federal Union is Fermally Expelled from Trades Assembly.

College Presidents Advise State Teachers for Unity of Purpose in Sunday and Secular Institutions.

(From a Staff Correspondent.) DES MOINES, Dec. 29 .- (Special Telethe portion of the city known as Cut-Off, on gram.)-A long-standing quarrel in the the Nebraska side of the river. Henry Trades and Labor assembly reached its cul-Quade living at Sixth and Locust streets, mination here today, when the Federal was reported to the Board of Health yes- Labor union was formally expelled from the The Iowa authorities will make a strong terday as suffering from the disease. Word assembly for violation of the rules regardwas received here by the health officers ing interference with other unions. The an aptness for passing forged checks, now to remove Quade to the pesthouse there, and recommendation of an electrician for city under arrest at Columbus, Neb. Sheriff that Dr. Ralph, city physician of Omaha, inspector. The Federal Labor union has Frank Desmond of Sibley, Ia., went to Co- had secured medicine for him, but that been pushing the candidacy of Mr. Kunkle, lumbus yesterday and will try to induce the Quade absolutely refused to accept any who has lived here but a short time, while authorities there to let him have Price, as consideration from them, stating that as he the whole electrical workers have favored the roung man is badly wanted in Iowa. It was a resident of Council Bluffs, he was Mr. Hupp. It is claimed the Federal Labor

1. The Hulbert family was released from most eminent educators who have partici-Usher and Noyes families have been under tion. The sermon of the day was by Bishop is named Baker, and her home is in Des quaranties for the last week, a child in Spaulding of Peoria in the auditorium in Thirteenth street was reported to the health and was participated in by the presidents authorities last night as suffering from of the State university, the State college smallpox and the premises was at once and the State Normal school. The dis-

......Chopin | ment. Public funds must not be directly Mr. Haverstock.

'Glory Be to God: Prince of Peace' Ashford
Broadway Methodist Church Choir.

'President W. M. Beardshear in presenting the idea of personality in the pedagogy of the Sunday school, spoke of the idea of the

day school work is one of right spirit rather than one of correct instruction and careful training, and in the creating of a healthful spiritual environment. Another purpose in Sunday school work is to establish faith and determine the trend of thinking about morals and religion.

Governor Shaw, who was superintendent of a Sunday school in his own city more than twenty years continuously, and who has had experience teaching school, presented his views briefly on the subject, paid a high compliment to Sunday school work and expressed in general terms his approval of what had been said on the subject by the three college presidents.

THEY SURRENDER TO FEAR.

Severe Punishment Meted Out to Officers in Turkey.

The sultan's decree of exile against the officers of the army that broke the windows of the palace they were in in trying to get out at the time of the recent earthquake in Turkey brings up the interesting question of how far such acts of fear should be punished, says the Army and Navy Journal. In fact, our Paris contemporary, LaFrance Militaire, mentions an officer of high rank who has maintained that such displays of alleged cowardice are no more to be reprehended than lying. This officer, who is himself a model of military scrupulosity, admits that the man of war ought, of course, to

that the man of war ought, of course, to respect his word and never fall in honor, but there are occasions, he points out, where it is not only praiseworthy not to tell the truth, but where it is actually indispensable to conceal it if only to deceive the enemy to give confidence to one's own troops.

Napoleon never had any scruples against proclaiming himself victorious, even when he had been half beaten. He did not fail in his bulletins to swell his effectives, to give inexact figures of his losses and of the losses of the enemy. He never hesitated to present matters in the light that would be the most favorable to the deceiving of the world. In the matter of bravery he had himself given many examples of signal courage, and while valuing highly this soldierly attribute he did not place it in the first rank of military virtues. He knew that bravery suffered eclipses, that the nerves have a part in the attitude one shows under fire and that there are moments when the most intrepid feel "their" self-the country of men in a down town cafe, quoted by the New York Times, "before I treformed and went into down town cafe, quoted by the New York Times, "before I treformed and went into down town cafe, quoted by the New York Times, "before I treformed and went into down town cafe, quoted by the New York Times, "before I treformed and went into down town cafe, quoted by the New York Times, "before I treformed and went into down town cafe, quoted by the New York Times, "before I turned my face cityward and engaged in mercantile pursuits. I used to live in the country, some hundreds of miles up the twent into down to he was a light to live in the country, some hundreds of miles up the twent into down to he was a farmer engabor, years ago, was elected to represent our distribution to a suppointed to the clerkship at Albany which he controlled. I was green enough, but he was greener.

"Among the new crop of assemblymen that gathered at the opening session that winter was a New Yorker, who was one of the suppointed to the cl

er time for a person to seek to leave a building than during an earthquake, and unless the act of the Turkish officers compromised the safety of others it is hard to ce the justice of the sultan's order of exile. It may be that this punishment will in the end he injurious to the Turkish army. or there is always a cleanly marked line

between cowardice and prudence. One needs but to read the accounts of the foolbardiness of British officers who in South Africa thought the highest duty of the soldier was rashly to disdain cover and make himself an unprotected mark for the enemy's bullets. One of the excellent re-SCHOOLS ARE DISCUSSED sults of the Boer war has been to dignify the style of fighting that Washington tried in vain to beat into the thick head of General Braddock before he fell at the hands of the Indians.

THE ICEMAN IN FRANCE.

Ice in the United States occupies an es-

Purveyor of a Luxury Unknown to the Plain People.

The State Teachers' association, in our and several content the state of the married of the state of the sta of life, says the Boston Heraid, and we may

buy only a few cents' worth of meat at a time-2, 4, 6, 10 or 20 cents, perhaps. All during the day the butchers make these petty sales. The serving of ice-cooled meats directly from refrigerators would undoubtedly increase their business and ultimately lead to the introduction of this convenience, not only into private houses, but hotels, restaurants, cafes, etc." If we ever get our reciprocity treaty with France in working order there may come with it an incidental and wholesale exchange of ideas and benefits not entirely measurable by dollars and cents. But that is another story.

A Boston Boy Edified.

It was at one of the summer schools, re lates Harper's Magazine, that flourish up New England way every year and the white haired woman had just finished her address. Among the crowd surrounding her. swayed by a congratulatory spirit, was a little boy-a Boston boy. Presently, when he had his opportunity, he shook hands and

said: "I was very much pleased with your remarks. I have been waiting for years to hear you speak on this topic. It was one of the best addresses on the subject I have ever heard.

The boy was 9 years old.

THE COUNTRYMAN'S BILLS. A Statesman's Experience in the New

York Assembly.

too, but I'll tell you what I'll do. If you'll tun again next fall I'll contribute \$1,000 to defray your campaign expenses.

"My, but you ought to have seen the look on my triend's face. He never had realized he was being used as a catspaw by a 'striker. He was speechless, It was such a blow to him that he pover ran the next year. next year.

SUPREME COURT SYLLABI.

No. 10119. Merchants' National Bank against McDonald. Appeal from Douglas. Reversed, with directions. Duffie, C. Reported. Division No. 3.

1. It is the firmly established rule in this state that the officers of an insolvent corporation cannot prefer debts to third persons for which they are obligated as sureties.

tablished position as one of the necessaries

as between the parties thereto, from the mere fact of the relation.

3. But where a conveyance from a parent to one of several children by way of gift prima facte is not a just or reasonable disposition of the parent's property, and the age and physical condition of the parent, the proportion of the property conveyed to the whole estate, and the circumstances surrounding the gift suggest fraud and undue influence, the transaction should be closely scrutinized and the burden is upon the donce to overcome any presumption of fact arising from such circumstances.

1. The statute on the subject of judicial sales does not require the appraisers to set out in their return the evidence upon which they acted in making the appraisement whether the defendant's interest be a free-hold or a fee simple.

2. The published notice of a judicial sale is not a failly defective because one who is not a party to the decree is named in the notice among a large number of defendants.

3. Evidence examined and found to warrant the conclusion that the appraisement

presumption of fact arising from such circumstances.

4 A widow nearly 78 years of age, much weakened by a recent illness, conveyed properties to the value of \$10,000 out of a total estate of about \$18,000 to one of her eight children. Upon review of the evidence in a suit brought by her to set aside one of the conveyances, held that the transfer was procured by undue influence, and should be canceled.

10662. Hargreaves against Tennis. Error from Lancaster. Affirmed. Pound, C. Division No. 2. Reported.

1. A credito who has obtained by garnishment proceedings a lien upon a stock of goeds fraudulently conveyed may maintain a suit in equity to set aside the transfer and reach the goods or their value.

of goeds fraudulently conveyed may maintain as suit in equity to set aside the a transfer and reach the goods or their value.

2. Such suit is in the nature of a creditor's bill and is maintainable without showing special facts making the remedy by action at law for unsatisfactory answer imadequate.

3. One win takes a stock of goods under a fraudulent conveyance to defeat the vendor's creditors and converts them to here the properly charged with inspection of the fraudulent vended disposes of the goods for less than they were worth, recovery in a creditor's suit is not to be limited to the proceeds, but he may be charged with their full value.

5. The vendee in a fraudulent conveyance is not entitled to credit, in a creditor's suit, for articles included in the conveyance which were stolen from him while he hid thereunder.

6. A transfer made for the purpose and with the latent of defrauding creditors with the latent of defrauding creditors as them, by reason thereof, lence, although the judgment debtor may have been indebted to the vendee at the date of the fraudulent transfer, the latter is not entitled to a lien on the goods for such amount nor to have it deducted from his liability as garnishes.

5. An omission of cessential averments is not entitled to a lien on the goods for such amount nor to have it deducted from his liability as garnishes.

6. A transfer made for the purpose and without probable with the related the properly and the latter is not entitled to a lien on the goods for such amount nor to have it deducted from his liability as garnishes.

6. A transfer made for the propose and the latter has refused or neglected so to do.

8. Reported.

1. An unauthenticated bill of exceptions will not be considered by this court.

1. Gerr. McCormick Harvesting Machine company against Willan Error from Lancater. Reversed. Ames, C. Division No.

2. Reported.

1. Darmages are recoverable for the prosecution maliciously and without probable in the propagation of the facts under the propose.

1. Darmages are r

Reported.

Damages are recoverable for the prosecution, maliciously and without probable cause, of a civil action in which there has been no restrain of the person or seizure

company should in constructing its readbed across such draw provide for the discharge of such water as naturally flows
therein, and if its roadbed is so censtructed
as to dam the water and flow it back over
the premises of an adjoining proprietor, or
to discharge the accumulated water in unusual quantities upon the land of those adjoining, it will be liable for the damages
occasioned thereby. Lincoln & Hlack Hills
R. Co. v. Sutherland, 44 Neb. 42s. Town v.
M. P. R. Co., 50 Neb., 708.

3. The act of God, when relied on as a defense, must be specially pleaded.

4. It is usually a matter within the discretion of the trial court to allow or refuse
to allow a pleading to be amended to conform to the evidence given on the trial.

5. Instructions examined and found to
state the law correctly.

5. Instructions examined and found to state the law correctly. No. 10708. Mangold against Off. Error from Douglas Affirmed Albert, C. Division No. 3. Reported.

1. Evidence in justification of an assault is not admissible under a general denial.

2. In this state evidence of threats made by the injured party is not admissible in mitigation of damages in an action for as-

state that the officers of an insolvent corporation cannot prefer debts to third persons for which they are obligated as sureties.

Is the filing of a creditor's bill establishes a lien in favor of the plaintiff on the property or fund sought to the plaintiff on the property or fund sought to be reached in such property or fund sought to be reached in such proceedings from the date of the filing and the time of a creditor's bill is entitled to a lien on the fund sought to be reached in such proceedings from the date of such intervention.

The creditor whose claim has not been seen that the court of the court for the court of the court of the court for the court of the fund sought to be reached in such proceedings from the date of such intervention.

The creditor whose claim has not been seen the court of the court for the court of the court for the court of the court for the court of the facts are material that such violation of its assets among its creditors; and a creditor who has reduced his claim to judgment and had executed the facts of the court stream or court, string its creditors; and a creditor who has reduced his claim to judgment and had executed the facts of the court string the such violence is the sole basis of the flat such violence is the sole basis of the flat is such violence is the sole basis of the flat is such violence is the sole basis of the flat is such violence in the such violence is the sole basis of the flat is such violence in the such violence is the sole basis of the flat is such violence in the such violence is the sole basis of the flat is such violence in the such violence is the sole basis of the flat is such violence in the property cannot the returned, is it value at the time of the taking with interest, not exceeding the amount required to satisfy the write.

So when personal property consisting of a stock of merchandise, held by a short of the such as the property confined the violence is the violence in the record directed with the defendants are particular. The property

but it is a matter of education as well as push for the promoters.

Although "in Normandy new ideas filter into people's minds very slowly, and the person who opened an ice cream salcong would in the beginning be regarded with suspicion," inquiries regarding the expediency of putting iced products on the bills of fare and making ice a marketable commodity are coming in, showing an increase of interest. A Frenchman would shrink with horror from putting ice in his wine, as many Americans do, and we can hardly blame, him; that the American refrigerator in use by markets and hotels would be a great boon. "The majority of the people in use by markets and hotels would be a great boon. "The majority of the people in use by markets and hotels would be a great boon. "The majority of the people in the promoters."

A justice of the peace in a proper case mprivate person to served a private person to served a private person to serve a summons in replevin issued out of his court, though the defendant in the acting count of an officer whose salary is prescribed by statute they act ministerially and not judicially.

2. As between a city council of an officer whose salary is prescribed by statute they acting and not judicially.

3. A contract between an appointive officer for a compensation fixed by law and a state of a compensation fixed by law and a state of a compensation fixed by law and a state of a compensation fixed by law and a state of a compensation fixed by law and a state of a compensation fixed by law and a state of the services so performed services as a public officer for a compensation fixed by law and a state of a compensation fixed by law and a state of a compensation fixed by law and a state of a compensation fixed by law and a state of a compensation fixed by law and a state of a compensation fixed by law and a state of a compensation fixed by law and a state of a compensation fixed by law and a state of a compensation fixed by law and a state or a compensation fixed by law and a state of a compensation fix

3. Evidence examined and found to warrant the conclusion that the appraisement
was a just one.
No. 1950. Barge against Haslam. Error
from Dodge. Reversed. Hastings, C.
Division No. 1. Reported.
Where judgment has been entered notwithstanding the verdict and the only find-Where judgment has been entered notwithstanding the verdict and the only finding of the trial court is that on the pleadings, defendent is entitled to judgment.
Only the pleadings will be considered in deciding the rightfulness of the judgment.
2. A petition pleading that mutual oral
promises to marry when plaintiff came of
age were made in 1891, and that defendant
many times between that date and November 25, 1893, renewed and acknowledged the
contract, both orally and in writing, with
an answer denying generally and alleging
an oral promise in 1890, and that plaintiff
was then only 15 years old and the promise
void because not in writing, and a reply
admitting only that the marriage was not
to take place until plaintiff came of age,
and denying all other allegations, do not,
when taken together, show a contract void
under the statute of frauds.
3. While a verdict cannot be taken to supply essential facts which are wanting in
the pleadings, it must be taken where parties go to trial without objection on that
ground to supply any lack of definiteness
and precision in the allegation of facts
which appear.
No. 10:58. Harpham against State ex rei
Cruse. Error from Adams. Reversed.
Ames. C. Divisien No. 3. Reported.
1. An application in the nature of an information in quo warranto filed by a private citizen to recover the possession of a
public office, is fatally defective if it omits
to allege that the relator has applied to the
prosecuting atterney to file the same and
that the latter has refused or neglected so
to do.
No. 10812. Iowa Lonn and Trust Company

another.

3. The certificate of the sheriff that heire-turned with the order of sale the appraise-ment made by himself and the freeholders is presumptive evidence that the fact stated

is true
No. 10818. Young against Wood, Appeal
from Douglas. Affirmed Holcomb, J.
1. Where, for the purpose of appraising
real estate to be sold in foreclosure prothe first rank of military virtues. He knew that bravery suffered eclipses, that the next may be a part in the attitude one shows under fire and that there are not never hand the next may be a part in the attitude one shows under fire and that there are not never hand the next may be able to asy.

So this French officer takes up the cudged for the Turkish officers and inveiled against concentuing pittlessly those who yield to a passing serious of the surface of the s

. . CALIFORNIA

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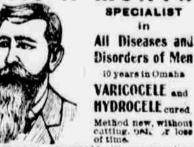
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