LAST YEAR ONE OF PROFIT TO THEM

Men Who Come Into Close Contact with Farmers Tell of Expressions Which Show Trend of Feeling Toward Oznards.

GRAND ISLAND, Neb., Jan. 19 .- (Special.)-An article appearing in the World-Herald of yesterday, to the effect that a beet growers' convention is soon to be in that city, and that grievances against the Grand Island and Norfolk factories will be brought out, is being quite freely commented upon here as being, to view of the real facts, uncalled for, unfair and very probably to a large degree untrue. It is believed to be the latter particularly in so far as the article refers to dissatisfaction in this city and county.

The article charges that the beet grow ers are complaining of unfair treatment by the officials and employes of the factory in the matter of the chemical tests of beets, and leaves the impression that there is general complaint. Notwithstanding the fact that the local factory has not been operated the last two years, quite the contrary appears to be true if the testimony of the men in the position to hear of complaint can be relied upon.

Raise Beets for Norfolk.

The beet raisers in this vicinity raised pearly two-thirds of the beets for the Norfolk factory this year. That is to say, while the Norfolk factory was the one operated. nearly two-thirds of the beets manufactured into sugar in that plant were contracted for the Grand Island factory. The Norfolk factory has a process for the extraction of a greater amount of sugar from syrups than is possible here, and hence, there being not enough beets to run both. the local beets are shipped to that plant. This condition appears to have arisen from two causes, dissatisfaction several years ago, resulting in the non-operation of this plant, and the fact that without operating this plant the maximum acreage of beets cannot be secured. The one fault now found, locally, is that the raisers would prefer to see the beets ground in their own factory, and the money distributed in the manufacture of the beets

remain in their own county or vicinity. The American Beet Sugar company at this point does business with the Grand Island Banking company and the First National bank. The cashiers of these banks are at their desks when the beet raisers come in to get their money. In both instances the desks are easily within hearing distances of the tellers' windows. They are therefore able to ascertain, from th remarks passed, as to whether the checks are satisfactory or not.

Farmers Well Pleased.

"Yes." said Mr. Bell, when asked whether in a position to say what is the feeling among the farmers in general, "I think I am. Men come to our bank to get their checks cashed, as in years gone by, and while there were formerly numerous complaints, not only this year, but also last year, and to a great extent in 1899 there was much better satisfaction. This year I have not heard a complaint. Quite to the contrary, there have been many expressions of commendation of the factory, and Naturally enough we hear complaints that the beets are not made into sugar here and this is not only the case among the growers, but among the business men. And I have not the least doubt but that, if Mr. Oxnard would give assurance of the operation of the local plant, he could secure all the beets necessary for a long run, as the factory can make. Not one complaint have I heard about any tests. I understand the next year's contract is to be the same as this, and I believe the farmers will be very highly pleased with it. By the way, it's peculiar, isn't it, that Nebraskans should try to have the protection at Washington taken away and in the same breath advocate a bounty to be given by the state?"

Dissatisfaction Disappears.

Cashier C. F. Bentley says: "The American Beet Sugar company keeps an account at our bank and pays the farmers for their beets by checks on us. When the farmers come in with their checks, I frequently take the opportunity to ask them what success they have had in beet growing and how they are pleased with the results. A few years ago there was some dissatisfaction among the best growers. The analysis of one farmer's beets would show a smaller per cent of sugar than his neighbors'; it would be dimcult for him to understand why his beets were not as rich in sugar as his neighbors and he would express his dissatisfaction with the result. One year, when we had rains late in the fall, that caused a second growth of beet leaves, to the detriment of the sugar contents of the beet, there was considerable dissatisfaction, for the reason that there was such a large percentage of low grade beets that, under the existing contract, brought a very low price. This difficulty, however, could not occur at the present time, as under more recent contracts the minimum price is much higher than it was then. The past year, however, I have not heard a single complaint-either about contract, weight, tare or analysis. It is possible that there may be some dissatisfaction, but if there is, I have not heard of it, and I have talked with a very large number of beet growers, and all with whom I have talked seemed thoroughly sat-

Experience of Weighmaster.

Eli A. Barnes, for many years connected with the State Agricultural society, has been weighmaster at the local beet yards for the past three years. Mr. Barnes said, when questioned as to whether he had

heard of any complaints: . "Yes, I saw the article to which you refer today. I want to say that the statements therein contained, referring to dissatisfaction among the Grand Island beet raisers, is absolutely false. I have, during the season, interviewed all the raisers bringing beets to the factory and weighing them over my scales, and positively know that such statements are not correct. The Sugar trust inspiring these things? If such were the case, they have no more right to interest themselves in this matter than the missionaries of the cross have to espouse the cause of the Chinese joss as against the claims of Budda. I weighed 1.476 loads of beets in 1900 and 2,275 in 1901, and particularly in these two years have the beet raisers been very well satis-

Cattle in Good Condition.

VALENTINE, Neb., Jan. 19 .- (Special.) Ranchmen from all parts of the county report that stock has never looked better at this time of the year than now. So far their stock is all thrifty and in good flesh. The open winter weather has been worth many thousand dollars to this county as it has been favorable to the stock industry. There has been no losses and feeding has been light, cattle having had the advantage of grazing on the range which has been Heavy snows and severe cold weather would have reversed these condi-Mens materially.

HALL COUNTY BEET RAISERS FINDS CHINAMAN IN BAD FIX

Celestial and His White Wife Rescue from the Mire by Passing Ranchman.

ALLIANCE, Neb., Jan. 19 .- (Special.)

team at the Keeler barn in this city, and

also seemed to have taken along a cargo

John R. Lawrence happened along just at an opportune time, for the Chinaman who recently married Mary R. Sheedy, a white woman. Mr. and Mrs. Chinaman hired a

of "hop" and whiskey. The country was new to them and along about 6 o'clock in the evening they attempted to drive across a lake bed on which a few inches of water was standing. This had been undermined by muskrats, and horses and buggy sank into the mire. deeper and deeper as the hours dragged by Early in the morning they were discovered by Mr. Lawrence, the woman in a semiunconscious state and the Chinaman demented.

In a few hours more the occupants and horses would have perished. Mr. Lawrence secured a quantity of barbed wire, and after about a haif day's work, succeeded in pulling the party and team out. No particular damage resulted to the outfit but the horses were so exhausted that they had to be kept at the Krause ranch to regain strength before being brought to town. This particular Chinese-American alliance seems to be fraught with some events of more or less grave importance.

SEEK TO ROB BANKER'S HOUSE

Two Marauders in Humboldt Are Driven Away by Son of F. W. Samuelson.

HUMBOLDT, Neb., Jan. 19 .- (Special.)who was sleeping in the house. The rethat some local talent, thinking that Ed- significant in amount." win accompanied his father, decided that it would be a good time to pick up any stray valuables that might be handy.

According to Edwin's story, there were two of the visitors, and when they were room and were trying to pry open a door which barred the way. Edwin secured a revorer and demanded to know who was here, whereupon the prowlers took a hasty departure, Edwin following, close enough to see that there were two in the party He shot into the air to frighten the fugiives and then called the nightwatch up by telephone and informed him of the occurrence. Nothing more was seen of the respassers.

State Firemen's Convention.

NEBRASKA CITY, Neb., Jan. 19 .- (Special.)-The twenty-fifth annual convention of the Nebraska State Volunteer Firemen will be held here January 21, 22 and 23. Arrangements are being made by the local firemen to entertain the visitors in good style. On Tuesday the reception of the delegates will occupy the morning and a business meeting will be held in the afternoon. On Wednesday the visitors will be shown the manufacturing plants and other points of interest about the city, and in the evening will be entertained by a ball at the armory and a play at the Overland theater. The meeting will close with a banquet at the armory Thursday night. For this latter event elaborate prepara tions are under way.

Seek to Start Prodigal Anew. SUPERIOR. Neb., Jan. 19 .- (Special.)-Several days ago The Bee contained an account of the arrest, at Superior of Harry Witt, charged with forgery. The para-graph came to the notice of Witt's father at Syracuse, Neb., and was the first news he had had of his missing son for over two years. The father and the grandfather of the boy arrived here last night and are endeavoring to secure his release They state he is but 14, and had been induced to run away from home by a tramp farm hand, employed on the senior Witt's place. They wish to take him home and give him a new start.

Gasoline Burns Humboldt Youth.

HUMBOLDT, Neb., Jan. 19 .- (Special.) -Todd Drake, a young man who works for Moss Davis of this city, attempted to dry his cap at the kitchen stove last evening after washing the headgear with gasoline and the result was an explosion, in which the young man was badly/burned about the hands and face and the house barely saved from burning. The cap caught fire and was thrown within a few feet of a two-gallon can of the gasoline, but fortunately that did not catch fire.

Judge Magney's Address.

PLATTSMOUTH, Neb., Jan. 19 .- (Special.) -Judge George A. Magney of Omaha, formerly a resident of this county, delivered an interesting address in the First Presbyterian church this evening on "Money and Morals." Rev. Asa Sleeth, pastor of the First Methodist Episcopal church, took for the subject of an able discourse this morning these words: "In my Father's house are many mansions; if it were not so, I would have told you. I go to prepare a place for you.'

Public Gatherings Suspended.

FARNAM, Neb., Jan. 19 .- (Special.)-The following notice was posted in conspicuous places in the village yesterday: "On account of diphtheria near town, it is requested that as a preventative measure the churches, Sunday schools and lodges do not meet for the next two weeks. By order of village trustees." One or two new cases have developed in the past three days, but

no deaths. Robbery at Columbus.

COLUMBUS, Neb., Jan. 19 .- (Special Telegram.)-P. J. Hart's clothing store was entered through a back window last night and a number of garments taken the safe and cash drawer not being molested. No clue to the burglars has been obtained.

Railroad Man Hurts a Leg.

PLATTSMOUTH, Neb., Jan. 19 .- (Special.) -While Harry L. Densmore was working in the Burlington yards yesterday he squeezed his left leg badly between a truck frame and wheel, which will necessitate his remaining at home for some time.

EXAMINE DEPARTMENTS' ACTS

senate Committee Will Make Close Investigation of Second Class Mail Matters.

WASHINGTON, Jan. 19 .- A decision has seen reached by the senate committee on postoffices to begin the proposed investigation on Tuesday, January 28, of the Postoffice department's acts in relation to second-class mail matter. Senator Mason, chairman of the committee, says it is the intention to examine a number of wit-

nesses. The senate committee on postoffices today authorized Senator Mason to report the bill granting the franking privilege to Mrs. McKinley.

PREPARES FOR STATE FAIR

Nebraska Board of Agriculture Reports Gratifying Prospects.

GROUNDS AND BUILDINGS IMPROVED

Robert W. Furnas to Continue as Secretary-New Board of Managers to Be Chosen-Other State

Meetings.

(From a Staff Correspondent.) LINCOLN, Jan. 19 .- (Special.) - The State Board of Agriculture will meet in this city next Tuesday to elect officers and members for the board of managers, and to make preliminary arrangements for the next state fair, which will be held during the first week in September. Some old accounts remair to be settled, but it is asserted authoritatively that after all bills are paid there will still be a small cash balance on hand with which to begin the work this year. Tomorrow afternoon the board will probably meet informally, but all official business will be held for the regular annual meeting, which takes place the follow-

W. R. Mellor of Loup City, member of the board of managers, was in the city this afternoon, and several other members are expected tomorrow morning. He says the prospects for the next state fair are flattering and he looks for not only a bigger attendance, but a bigger display than last

"This year we will have the advantage of well-equipped grounds early in the season, so that we will not be delayed in our work by building or repairing, as we were last year," said Mr. Mellor today. "There An attempt was made to break into the has been considerable improvement in the residence of F. W. Samuelson, president of grounds and buildings since the last state the First National bank, early this morn- fair closed. All the buildings have been ing, but the plan was frustrated by the painted and the general condition of things wakefulness of Edwin Samuelson, a son, has otherwise been improved. It is my impression that there will be a small balance mainder of the family is in California, the in the treasury after all accounts of the head of the house having left but a few last fair are paid. One or two claims redays ago, and the most probable theory is main to be considered, but they are in-

It is conceded that Robert W. Furnas of Brownville will be elected secretary of the state board. He has served satisfactorily in this position for many years past and there is a unanimous disposition among discovered had gained entrance to a rear the members of the board to retain him in the same capacity. In the view of the two-term precedent there is strong likelihood that E. L. Vance of Pawnee City will be re-elected president. An entire new

board of managers will be chosen. The Nebraska Improved Livestock Breed ers' association and the State Poultry association will meet in Lincoln this week. The state poultry show, under the auspices to the public in the Auditorium Tuesday morning.

The fourth annual meeting of the Association of Agricultural Students, University of Nebraska, will be held January 20 and 21. The first session will be held at the chapel, University hall, Monday evening at 8 p. m. Chancellor Andrews will speak briefly, after which the annual address will be delivered by ex-Governor William A. Poynter. The meetings on Tuesday will be at the

iniversity farm, experiment station building. At the morning session papers by the hardest fought legal contests that has members of the association will be read and there will be an address by Hon. Hugh F. McIntosh of Omaha. In the afternoon the business meeting of

on the experiments carried on in 1901, and the meeting will close with an address by Hon. M. F. Greeley of South Dakota

SHEEPMEN RESENT OIL WELLS Open Conflict is Expected Over the Surface Rights in Wyoming.

CHEYENNE, Wyo., Jan. 19 .- (Special.)deports from the southwestern part of the state tell of strained relations between the sheepmen and oil men of the section, and the courts will be called upon to settle the difficulties, which promise to spread to every county in the state in which oil has been discovered, and in which sheep are grazed. The trouble will probably extend over into Colorado and Utah, where the same conditions exist as in this state. As the matter now stands the contest will

probably originate in Uinta county. Since the discovery of oil near Piedmont last spring, practically all of the government land in Uinta county has been taken up as oil land. The area covered is 100x80 miles in size and has been the summer range of thousands of sheep, that are now wintering in the Red Desert. When the flocks are moved back in March and April, the oll men will bring action against their owners for trespass. Such action will open the question of surface rights on oil claims, and it may not be settled this side of the United States supreme court.

In the meantime there is bound to be serious trouble between the two interests and open clashes will probably result. A few weeks ago oil men located a piece of ground in the Fossil district, that has been used for many years by a prominent flockmaster as a dipping corral. Oil indications were found there and no sooner had the filings been made, than the flockmaster was notified that he must get out or pay a rental to the oil men. The sheepman is wealthy and proposes to fight the case out in the courts.

The conditions prevailing in Uinta county also obtain in Fremont, Natrona, Converse Carbon, Sweetwater, Big Horn, Crook and Weston counties. In all of these oil wells are being drilled and sheep are being grazed in and around the fields of operations. A Creek fields, in Natrona county, sought to have a large tract of land-several hundred thousand acres in all-held up from were more valuable for mineral than for granted and the large tract was segregated. counter petition was soon after filed, sent to personally investigate the situation. | their goods. The official reported that the segregation should stand, but stated that if the oil men did not carry out their promises of development, the lands would be restored

to entry. The oil men assert that if they put down the land and this action retards development. The decision was in favor of the oil men and their operations are now being closely watched by the department.

The question of surface rights is probably one of the most important matters that has been brought up in the west for some time. Many believe that it overshadows the much-talked-of war between the sheep and cattlemen over a division of the ranges for grazing, and certain it is that with the millions of sheep new being grazed in the Rocky Mountain states and the increased activity in oil development, the problem will grow more important and a decision must sooner or later be made.

Some of the best lawyers here hold that surface rights of the locator of an oil placer are incontestable, and that the sheepowners must be defeated in the courts, making \$8,000 by the increase in the value while others think it possible that the of the land aione. In addition, he last grazers might have certain rights to rapge season raised a profitable crop on the tract.

as long as they do not interfere with the

operations of the oil-seekers. The Wyoming territory involved in the entroversy is now plentifully sprinkled with well-drilling outfits, and the discovery of a few good wells would cause it to be overrup with oil miners and covered with machinery.

CHARLES WOODWARD ELUSIVE Supposed Murderer of Sheriff Ricker Continues to Avoid Capture and

His Brother is Released

CASPER. Wyo., Jan. 19.—(Special.)—All efforts to capture Charles Woodward, the supposed murderer of Sheriff Ricker of Natrona county, have thus far resulted in nothing. The murderer has been seen at several sheep camps in Johnson county, but he is on the move all the time. One day last week Woodward stopped at the sheep camp of Tom McAffe, near Powder river and about nine miles from Kaycee. He was armed with two revolvers, one of which was probably taken from the dead body of Sheriff Ricker, and a beit filled with 32-20 cartridges. He wanted to CASPER, Wyo., Jan. 19 .- (Special.) -- All

trade. stated that he was looking for a cabin, in which to spend the winter. He also said try. He was looking for horse thieves, he the visit of Woodward.

The jury has found that Harry Woodnot a single trace of him has been obtained. Clarence Woodward and Jeff Franklin, the other two jail breakers, have been held to Brown wore and which is missing. the district court on the charge of grand larceny. Latest advices from the north VOUCHES FOR DR. GOODMANSON state that when last seen Charles Wood ward was headed for the Montana line Two posses were in pursuit and it was reported that the outlaw could not escape.

TOM HORN'S FIGHT FOR LIFE Stock Detective Accused of Murder

Will Put Up Strong Legal Battle.

The preliminary hearing of Tom Horn, the Back about seven or eight years ago Dr. stock detective, who is charged with the Goodmanson was unfortunate enough to murder of Willie Nickel, did not come off lose his first wife in Nebraska and her relvesterday afternoon, as expected, but will atives had him prosecuted on a murder be held some day next week, probably next charge, but a jury brought in a verdict of Wednesday. Horn's friends are arranging not guilty. to make a hard fight for his acquittal. of the latter organization, will be opened Five of the best attorneys in Wyoming have been engaged and others may be called in to assist in the defense. Money seems to be no object, and it is safe to say that the trial, which will occur in the Laramie county district court probably some time in May, will attract more interest than did the celebrated Crocker murder trial a few years ago. The prosecution has at any time. It is said that a strong case has been made out against Horn, and in view of the imposing array of legal talent retained by Horn, the case will be one of

taken place here in many years. South Dakota Poultry Show

MITCHELL, S. D., Jan. 19 .- (Special.)the association will be followed by reports Arrangements are progressing in fine shape for the third annual exhibition of the Dakota Poultry and Pet Stock association. The exhibition will be held in Mitchell again this year on January 29, 30 and 31 The state association is the outgrowth of county poultry show which was started in Mitchell about six years ago, until it took on a wider range and the number of entries grew from 100 to 500 and 600. Secretary Bras states that the indications for a larger exhibition than ever are good. The applications for space are coming in steadily and he thinks there is no doubt the entries will reach fully 700 this year. A suitable building has been secured in which it is asserted that an open conflict is in- to hold the show, and exhibitors can be asevitable. Surface rights are involved and sured that their birds will be well taken

care of. Wheels and Runners Alternate. SPEARFISH, S. D., Jan. 19 .- (Special.)-Hugh Johnston, who carries the mail fron Spearfish to Bear Gulch, sixteen miles, has recourse to a novel method of travel. The first half of the journey is made with a buckboard, over a road that is dry and dusty, and the remainder of the way he goes with a sleigh, the snow being too deep in the mountains to permit the use of wheels. There has not been any snow in the valley since the holidays, but in the vicinity of Bear Gulch the snow rarely disappears from the time it begins to fly in the fall until early summer. That region. consequently, has more snow than any other part of the Black Hills.

Carnegie Library for Mitchell. MITCHELL, S. D., Jan. 19 .- (Special.)-Mitchell has an opportunity to secure donation of \$10,000 from Andrew Carnegie for the erection of a public library building Some few weeks ago the matter was taken up with the private secretary of Mr. Caregie, and a letter was received by E. S. Johnston, editor of the Gazette, in which he was notified that the great benefactor was ready to make Mitchell a present of \$10,000 if a site for the building would be donated and \$1,000 a year set aside by the city for the maintenance of the library. The matter will be presented to the city

council at its next regular meeting. Ready for the Retailers.

SIOUX FALLS, S. D., Jan. 19 .- (Special.) -All preparations have been completed for the annual meeting of the South Dakota few months ago the oil men of the Salt Retail Merchants' association, to be held in Sioux Falls Tuesday and Wednesday of this coming week. Among the prominent men from outside the state who will be homestead entry, on the ground that they present will be Hon. P. G. Hanson of St. Paul, president of the National Retail agricultural purposes. The petition was Grocers' association. On Tuesday evening the visitors will be tendered a banquet, which will be unique, in that the provisions however, and Assistant Commissioner W. A. for it will be furnished by various whole-Richards of the general land office was sale houses, which will send the best of

Blames Legislature for Poor Oil.

PIERRE, S. D., Jan. 19 .- (Special.) -- Oil Inspector Emil Brauch has filed his report with the governor and at the same time turned into the state treasury \$1,wells speculators file homestead entries on 157.48, which he has collected in excess of salaries and expenses of himself and deputies. The amount turned in for last year was \$229.74. The inspector takes adantage of the opportunity to answer the many criticisms which have been aimed at him for the poor quality of the oil furnished in the state and lays the blame on the legislature for such a state of affairs.

> Great Advance in Farm Land. SIOUX FALLS, S. D., Jan. 19 .- (Special.) -The experience of John Zink, a farmer living near Ramona, shows the great adance in the price of South Dakota farm land during the past year. Less than s year ago Zink purchased what is known as the William Dykens section of land near Ramona, for which he paid \$16,000. The other day he sold the 640 acres for \$24,000,

VICTIM OF BRUTAL ASSASSINS

Aged Man is Found Dead in His Own Store.

MURDERERS FIRST ATTEMPT ROBBERY

Killed Their Prey, Evidently, in a Vain Endeavor to Secure Valnables Through His Enforced Ald.

filled with 32-20 cartridges. He wanted to hairs from the head of the victim. The trade one of the pistols to McAffe for a murdered man's head was covered with Winchester rifle, the sheepman would not blood and a pool of it formed on top of a small chest of drawers over which the head While at McAffee's camp Woodward lay. All about were evidences of a determined struggle, but a thorough search failed to discover any positive clew as to that he intended to live in the broken coun- the identity of the murderer or murderers. From the position of the body in front of said, and expected them to take refuge a safe the conclusion was reached by the in the bad lands. Woodward appeared to police that the murderers had placed Mr. be very nervous. McAffe had not heard of Brown before the safe, which was locked the murder of Sheriff Ricker at the time of and which contained thousands of dollars worth of diamonds and jewelry, and tried to force him to work the combination for ward was not implicated in the killing in them. His right hand was covered with any way and he has been released. Harry blood, indicating that he had raised it to was at the McRae ranch on the night of the his head when he was struck and tried to murder. Frank Foote is still at large and ward off the other blows which followed. The murderers secured nothing of value except, perhaps, a diamond stud which Mr.

Editor Denton of Webster Declares

CHEYENNE, Wyo., Jan. 19 .- (Special.) - resident of this city for over three years.

Since their residence in this city both Mr. and Mrs. Goodmanson have moved in the best of society and are considered among our very best people by all. We all very much condemn this attack upon their good name and character and earnestly desire that a retraction be published as widely as possible. Dr. Goodmanson, both professionally and

socially, is well liked and respected here, prepared its case and is ready to go ahead and any report to the contrary is absolutely without foundation. The Washington dispatch sent here was as follows: "When and where did Dr. Goodmanson move to Washington, and what is there to the lynching story?" The reply was: "Dr. Goodmanson was never in the state and knows nothing about lynch-

ing." By "state" was meant state of Washington. H. F. DENTON. Editor Reporter and Farmer.

Captain Hendrickue, under commission of Adjutant General Conklin, was here, and M. Cooley, Clinton D. Joy, M. A. King, R. Flower, Harry Thoman, Samuel E. Beddo, Earl P. Johnson, George Edwinson, Arthur Phillips, J. T. Squires, Sid Woodworth, G. L. Stroup, R. G. Stroup, Robert A. Denning, James T. Bedlow, Harry C. Lampe, G. N. Raush, D. R. Snedigar, Sam Snedigar, Leon L. Gilkey, Ed Banks, S.

C. Truax, Harry Henion, Cliff O. Joy. Demand Better Railroad Facilities, Demand Better Railrond Facilities.

SIOUX FALLS, S. D., Jan. 19.—(Special.)
—Secretary Stanley of the State Board of Railroad Commissioners has received a protest from the citizens of the town of contemplated at the time of the subscription, will not a contemplate a contemplate the citizens of the town of the subscription, will not contemplate the citizens of the town of the subscription. Railroad Commissioners has received a protest from the citizens of the town of Booge against the treatment accorded the people of the place by the Great Northern railroad. Some time ago the citizens asked the railroad company to furnish the town with a depot and station agent. The company agreed, it is alleged, to furnish both, but neither has been furnished up to the process. At the time of the subscription, will not create an interest in the real estate so flowed nor establish an irrevocable license to so use it.

3. Only a right to enjoy the privilege and no fee title nor right to exclude the owner can, in any case, be established by mere user of a privilege of flowage.

No. 16574. Kingman & Co. against Davis. Error from Lincoln. Affirmed. Pound, C. Division No. 2. Reported.

1. The supreme court cannot review the present time. It is probable that the railroad commissioners will set a date for a hearing in order that the matter may be adjusted.

Constitutionality of Dental Law. SIOUX FALLS, S. D., Jan. 19 .- (Special.) The constitutionality of the law passed by the last legislature, compelling dentists to pay an annual license of \$2 on July 1 of each year, is to be tested in the courts. There are now over 200 practicing

emitted from their plants. It is said that be

This would be a terrible calamity upon the people of Ducktown. It would be a repetition of the days of 1867, when the Union Consolidated Mining company suspended operations. The same conditions exist now as then, hundreds of families, being too poor to secure transportation from Ducktown, and they were forced to walk away with their wives and children, as a possible upon their personal effects as possible upon their persons.

Murderer Confesses and Excapes.

WORCESTER, Mass., Jan. 19.—Sampson Seaverns, 83 years old, diving on the road from Rutland to Princeton, was killed to night at his home by Lem Hapgood, who had been employed by tim on the farm.

Hapgood attacked Seaverns in bed with an ax, shot him with a revolver, and later confessed his crime to a daughter of the dead man in the house. He then escaped.

SUPREME COURT SYLLABI.

No. 9892. Selz, Schwab & Co. against Hocknell. Appeal from Lancaster. Judg-ment. Hastings, C. Division No. 1. Re-ported. 1. Where circumstances show clearly that 1. Where circumstances show clearly that notwithstanding defendant's assertions of good faith he was at least guilty of culpable negligence and was so placing his property as to hinder and delay the collection of his debts, under circumstances showing that by the exercise of any ordinary care he must have known this would be the result, the transaction will not be

are chargeable as trustees on behalf of the grantor's creditors.

No. 2881. Hartford Fire Insurance Company against Landfore. Error from Douglas. Affirmed. Sedgwick, C. Division No. 2. Reported.

L. In an action upon a policy of fire insurance, if the answer pleads a forteiture of the policy by breaches of its conditions against incumbrances existing at the date of the policy, which are set out in full in the answer, a reply which alleges "that the defendant was at all times in the petition and answer named fully advised of the facts set out in the answer as to the same are in said answer truly alleged" is a sufficient plea of waiver of such incumbrances as against objection thereto first made in this court.

2. An agent cannot by oral contract with the insured waive the express terms of the policy of insurance when the policy provides that "no officer, agent or representative or a provide that the continent indicate that these rumors were circulated largely for the benefit of the continent indicate that these rumors were circulated largely for the benefit of the Continent indicate that these rumors were circulated largely for the benefit of the Continent indicate that these rumors were circulated largely for the benefit of the Continent indicate that these rumors were circulated largely for the benefit of the Continent indicate that these rumors were circulated largely for the benefit of the Continent indicate that these rumors were circulated largely for the benefit of the Continent indicate that these rumors were circulated largely for the benefit of the Continent indicate that these rumors were circulated largely for the benefit of the Continent indicate that these rumors were circulated largely for the benefit of the Continent indicate that these rumors were circulated largely for the benefit of the Continent indicate that these rumors were circulated largely for the benefit of the Continent indicate that these rumors were circulated largely for the benefit of the Continent indicate that time.

brances as against objection thereto first made in this court.

2. An agent cannot by oral contract with the insured waive the express terms of the policy of insurance when the policy provides that "no officer, agent or representative of the company shall be held to have waived any of the terms and conditions of this policy unless such waiver shall be endorsed hereon in writing," but the company may by its conduct waive a forfeiture when it has notice of the breach of condition upon which such forfeiture is based, and notice to the agent is notice to the company. Such waiver need not be in writing.

is upon defendant to prove the existence of such incumbrances.

5. The provision in a policy of fire insurance that the "loss is payable sixty days after due notice and satisfactory proofs of the same are made by the assured and received at their office in Chicago" is waived by such action of the company as waives proof of loss, and in such case interest should be computed from the date of the loss. oss. 10381. Anselme against American Saving

loss. Anselme against American Saving and Loan Association. Appeal from Platte. Reversed, with instructions. Day, C., division No. 1. Reported.

1. Where a building and loan association is insolvent and unable to perform its contracts with its members and a receiver is appointed to wind up its affairs, it is entitled to recover from a borrowing member the amount of more actually leaved with titled to recover from a borrowing member the amount of money actually loaned with interest thereon from date at the legal rate, less the amount paid by the member as interest and premium, with interest from the date of the several payments. Such borrower is not entitled to credit upon his loan for money paid into the association as dues upon the stock.

No. 19413. Scherar against Prudential Insurance Company. Error from Douglas, Affirmed. Day, C. Division No. 1. Reported.

ported.

1. It is within the discretion of the trial Militia Company Sworn In.

HURON, S. D., Jan. 19.—(Special.)—

aptain Hendrickue, under commission of djutant General Conklin, was here, and

10526. Johnson against Sherman County Irrigation Company. Appeal from Sherman. Reversed. Hastings, C. Division

County Irrigation Company. Appeal from Sherman. Reversed. Hastings, C. Division No. 1. Reported.

1. Where a mill is erected and a water-power obtained by the aid and co-operation of adjoining landowners, any right of flowage over their premises of water for the mill arranged for or contemplated by the owners, as subscribers toward its construction, becomes appurtenant to the mill.

Division No. 2. Reported.

1. The supreme court cannot review the rulings of a county court directly, but can only review the judgment of a district court rendered on error or appeal therefrom. Hence, where demurrers to each of several causes of action in a petition were sustained in county court and such judgment was affirmed on error in the district court, quaere, whether a petition in error in this court alleging error in the sustaining of said demurrers presents anything for ng of said demurrers presents anything for review.

2. Parol acceptance of an offer in writing does not give rise to an agreement or contract in writing within the purview of section 11, Code of Civil Procedure.

July 1 of each year, is to be tested in the courts. There are now over 200 practicing dentists in South Dakota, and a number of them have not compiled with the new law in regard to paying licenses. To test the legality of the law the State Dental association has decided to institute proceedings against these delinquents, among them being six Sloux Falls dentists, who will be the first ones to be prosecuted.

WHEATLAND, Wyo., Jan. 19.—(Special.)
—John Bradley received a broken hip by failing from a load of hay near the Mullin ranch, one day this week. Bradley laid in the road for several hourse before he was discovered.

COURT ORDER BRINGS DREAD

Injunction Commanding Suspension of Work May Produce Want Among Employes.

DUCKTOWN, Tenn., Jan. 19.—Another injunction has been granted against the load for smoke and fumes that are emitted from their plants. It is said that the president of the Tennessee conner.

A deficiency judgment entered against the paying and the Tennessee Copper company on account of smoke and fumes that are emitted from their plants. It is said that the president of the Tennessee conner.

In Judy 10 clear of the Load of Division of the procedure of procedure of procedure of procedure from their plants. It is said that the president of the Tennessee conner.

In Judy 11 clear of the Tennessee Copper company on account of the Tennessee conner.

In Judy 21 clear of the Tennessee Copper company on the president of the Tennessee conner.

In Judy 22 clear of the Court gave a wrong reason for the rendition thereof.

4. A judgment will not be reversed merely emitted from their plants. It is said that the president of the Tennessee copper plant has notified Randolph Adams, general manager of the company here, that the injunction was served upon him and he is to shut down the entire works and mines and pay off and discharge every man.

This would be a terrible calamity upon the receipt of Ducktown I. It is said that the president of the Tennessee copper for the rediction thereof. 5. Error which is not prejudicial to the party will not be reversed merely because the court gave a wrong reason for the rediction thereof. 5. Error which is not prejudicial to the party will not be reversed merely because the court gave a wrong reason for the rediction thereof. 5. Error which is not prejudicial to the against cause.

No. 1072. New Hampshire Savings Bank against Dillrance. Appeal from Douglas. Affirmed. Norval, C. J.

1. The preponderance of evidence is not determined alone by the greater number of witnesses who testify in favor of a party.

DECIDED UPLIFT IS FELT

Strong Advancement is Apparent on London Stock Exchange.

PROSPECTS FOR CONTINUED PROGRES

Peace Rumors from South Africa Aid in Easing the Money Market and Reducing Bank Notes.

2 Evidence examined and held to show at least enough facts within defendant's knowledge so that good faith toward his creditors demanded that he make so much investigation as would have shown the worthlessness of the consideration he was receiving for his property.

3. Where it appears clearly from the record that defendant is insolvent and that executions have been returned against him unsatisfied, the fact that no execution has been issued on a judgment will not prevent an intervenor from recovering upon it when conveyance is set aside in principal action.

4. Fraudulent grantees who have disposed of the property conveyed to them are chargeable as trustees on behalf of the grantor's creditors.

No. 9881. Hartford Fire Insurance Company against Landfore. Error from Douglas. Affirmed. Sedgwick, C. Division No.

2. Reported.

1. In an action upon a policy of fire insurance have been easy that the close of the list stock exchange at the close of the list week ex

immense gold output. Those of conserva-tive opinion, however, agree that any gen-eral laying down of arms for some time to come is not likely and that the long de-ferred peace, with its accompanying pros-perity, is likely to have to await the slow process of attrition.

He is a Worthy Citizen of South Dakots.

WEBSTER, S. D., Jan. 19.—To the Editor of The Bee: The people of this city were very much surprised to read in the press dispatches a telegram from Tacoma reflecting on the character and good name of Dr. J. S. Goodmanson. The doctor has been a resident of this city for over three years.

Back about seven or cityl years are br. the allegation in reply that "the defendant was at all times in said petition and answer named fully advised of the facts set out in the answer as to the incumbrances on said property, so far as the same are in said answer truly alleged," and there being also a general denial in the reply, the burden is upon defendant to prove the existence of such incumbrances.

Steady: No. 5, 4.19c; No. 10, 2.89c; No. 11, 2.75c; No. 12, 3.70c; No. 13, 3.65c; No. 14, 2.65c; standard A, 4.45c; curlocationers, A, 4.45c; mould A, 5c; cut loaf, 5.15c; crushed, 5.15c; powdered, lasses, steady; New Orleans, open kettle, good to choice, 27.942c.

LONDON, Jan. 18.—BEET SUGAR—January, 68 65d.

Coffee Market.

NEW YORK, Jan. 18.—COFFEE—Spot Rio, quiet; No. 7 invoice, 6%c. Mild, quiet; Cordova, 74@He. Futures opened steady, with prices unchanged to 5 points lower. At the close the market was quiet, with prices net 5 points lower. Total sales were 13.250 bags, including: February, 6c. March, 6.10c; May, 6.30c; June, 6.35c; July, 6.45% 6.50c; September, 6.55@6.60c; December, 6.75@6.60c; September, 6.75@6.80c. The market for spot coffee was dult and barely steady, with prices on the basis of 6%c for invoice lots of No. 7 Rio.

Philadelphia Produce Market.

PHILADELPHIA. Jan. 18.-BUTTER-Steady; fancy western creamery, 24c; fancy nearby prints, 27c.

EGGS—Unsettled and 3c lower; fresh nearby, 25c; fresh western, 25c; fresh southern, 23c.

CHEESE—Quiet but firm; New York full creams, fancy small, 11½c; New York full creams, fair to choice, 2½gilc.

Dry Goods Market.

NEW YORK, Jan. 18.—DRY GOODS—General conditions were without change in the cotton goods market. The demand continues moderate and prices are maintained. Print cloth yarn goods are in fair demand, but difficult to buy for delivery this side of March. American cotton yarns in fair repute and generally firm; worsted yarns firm and woolen yarns steady.

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