NEWS OF INTEREST FROM IOWA.

COUNCIL BLUFFS.

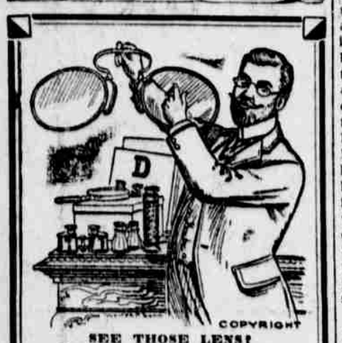
MINOR MENTION.

Davis sells drugs.
Stockert sells carpets and rugs.
Metz beer at Neumayer's hotel.
Wollman, scientific optician, 409 B'way.
Dr. Stephenson, Baldwin block. Elevator.
Twenty per cent discount sale, Alexander & Co., art dealers, 333 B'way.
Missouri oak body wood, $5.50 cord. William Welch, 23 N. Main street. Tel. 128.
Colonel Charles R. Hannan has gone to Chicago on business.
S. Farnsworth has gone to Hot Springs, S. D., for treatment for rheumatism.
Mrs. W. H. Crewdson, wife of the pastor of the First Christian church, is ill with grip.
Bud Cox, colored, was arrested last night, charged with assaulting his wife, a white woman.
Mr. and Mrs. E. L. Shugart returned yesterday from a visit at Colfax Springs and Des Moines.
Miss Straub of Chicago, a former resident of Council Bluffs, is guest of her cousin, Miss H. Sprink.
D. Driscoll, an employe of the gas company, reported the loss of a gold watch to the police last night.
Dr. Charles Baumeister of Panama, Ia., is visiting his parents, Mr. and Mrs. M. Baumeister of Park avenue.
Dr. Charles Pfeiffer of Chicago is visiting his mother, Mrs. Minnie Pfeiffer, who recently returned from Denver.
George W. Tyner and Lydia S. Shebel, both of Lincoln, Neb., were married in this city yesterday by Justice Ferrier.
Mrs. E. P. Hoghebone, 1306 West Broadway, was found to be suffering from smallpox yesterday and was quarantined.
E. A. Wickham has gone to Chicago, having found a purchaser in that metropolis for $30,000 worth of paving certificates.
The members of Council camp, Woodmen of the World, will meet this afternoon at 2 in their hall to attend the funeral of Thomas Johnson.
Centrally located two-story brick building, desirable renting property, to be sold quick; owner leaving city. D. J. Hutchinson & Co., 38 Main street.
The clerks in the local postoffice will meet Monday night in the federal building to form a branch of the United National Association of Postoffice Clerks.
D. D. Jones has brought suit in the district court against W. D. Bird and Harry Lewis to enforce the performance of a contract for the sale of real estate.
Elder F. M. Cooper lectured last night in the hall at Twenty-fourth street and Avenue B on "The Evils of Utah Mormonism in Contrast with Our Latter-Day Saintism."
Rev. James Thompson of New York will occupy the pulpit at both services in the First Congregational church Sunday. This will close his engagement with the church for the present.
Frank Adams, stockman of Moorehead, Ia., who was severely injured a few weeks ago in a wreck on the Northwestern at Missouri Valley, is in a critical condition at St. Bernard's hospital.
The funeral of Thomas Johnson will be this afternoon at 3 from the family residence, 1051 East Washington avenue. Rev. Simms will conduct the services and burial will be in Walnut Hill cemetery.
Abe Lincoln post, Grand Army of the Republic, and Women's Relief corps will have a joint social session in Grand Army hall tonight. The members of the post will meet at 7:30 for a business session before the social.
Erwin H. Fogg, aged 59 years, died yesterday afternoon in St. Bernard's hospital of general debility. Three brothers, A. P. Fogg of Boone, Ia.; C. M. Fogg of Peoria, Ill., and F. S. Fogg of Tama, Ia., and one sister, Mrs. C. H. Warren of this city, survive him.
Albert Thayer, aged 45 years, a patient for the last three years in the insane ward of St. Bernard's hospital, died Thursday night. Thayer was committed from Jefferson, Ia., where his relatives reside. The body is at Lunkley's undertaking rooms awaiting word from the relatives.
The filings for January indicate that the year 1902 will prove a record-breaker in the matter of real estate transfers. At the close of business yesterday in the office of the county recorder 267 transfers had been filed for January, the considerations involved in which aggregated $352,548.05.
The funeral of Mrs. Theodore N. Peterson will be at 1:30 Sunday afternoon, instead of at 11:30 a. m. as previously announced, will be from the family residence, 522 Fourth street, and burial will be in Walnut Hill cemetery. Rev. William Frese of the German Lutheran church will conduct the services.
Mayor Jennings has signified his intention to sign the contract awarded to E. A. Wickham for the construction of the bridge over Indian creek at Mynster and North Main streets. While not being in favor of the expenditure of such a large sum of money he sees no use in opposing it when the contract was awarded by the unanimous vote of the city council.
A pastoral, natural drama, flavored with the breezy local color of Tennessee life and permeated with the soft southern atmosphere of its valleys, describes "A Romance of Coon Hollow," which has been one of the substantial triumphs of the last seven seasons. This success is in part due to the magnificent scenic effects, among which are a realistic steamboat race between the R. E. Lee and the Natchez, also a cotton compress in actual operation. A "red hot" troupe of male and female plantation darky dancers and an excellent vocal quartet add volume to the entertainment. The play will be at the Dohany theater tomorrow night.

U. R. K. P. dance tonight. Hughes' hall.

Lincoln Eagles Entertained.

Twenty-four members of the Lincoln, Neb., aerie of Eagles were guests of honor last night at the meeting of the Council Bluffs aerie, and work in the initiation of candidates was put on for their special benefit. Those present from Lincoln were: C. M. Benson, J. D. Moore, M. C. McGoogan, R. E. Finley, C. D. Penrod, J. D. Weeks, C. A. Bielerfeldt, J. H. Herrick, B. J. Floyd, William Lawlor, F. A. Young, Mart Moran, F. W. Krone, A. H. Koop, Emil Dahl, E. L. Richenson, R. W. Charters, R. H. Switzer, Nicholas Heiser, Herman Heldwick, J. W. Palm, Fritz Waterman, S. T. Weeks and G. D. Cullan. Following the initiation a social session was held and refreshments were served.



SEE THOSE LENS?
well, that is where the superiority of our eyeglasses and spectacles lies. When we test your eyesight and grind our fine French crystal or Brazilian pebbles to fit it, adjust your glasses and put on the proper clip, you have a pair of spectacles or eyeglasses that cannot be excelled by anyone.
WATCH REPAIRING.
—FINE ENGRAVING.—
HERMAN M. LEFFERT
238 BROADWAY, Council Bluffs.
Optician, Jeweler, Engraveur.
Work is Guaranteed.

LEWIS CUTLER
Funeral Director
(Successor to W. C. Bixby)
28 PEARL STREET. 'Phone 97.

FARM LOANS 5 PER CENT
Negotiated in Eastern Nebraska and Iowa. James N. Casady, 16 Main St., Council Bluffs.

CRECHE OUTGROWS ITS HOME

Associated Charities Will Move Into Peck Homestead.

SUPERINTENDENT GETS AN ASSISTANT

Cold Weather Increases Demands for Provisions and Clothing, and Donations Are Urgently Needed.

The Associated Charities will remove its Creche from the corner of Avenue D and Tenth street to the Peck homestead on Glen avenue. The present location lacks the needed playground for the children, of whom there are twenty-two in the Creche. The change will be made as soon as alterations in the Glen avenue house can be effected.

The work has increased to such an extent that the association has been forced to give the superintendent, Mrs. Caroline Johnson, an assistant, and Miss Kate Montgomery, a graduate child nurse of Omaha, has been secured.

The cold weather has increased the demands upon the association for provisions and clothing, and donations in this line are urgently needed.

The association will hereafter have its meetings in the club rooms of the Council Bluffs Woman's club.

Miss Caroline Dodge, president, has announced these committees:

Relief—Mrs. J. P. Hess, chairman; Mrs. W. B. Tarkington, Mrs. George Keeline, Mrs. A. B. Moore, Miss Bessie Beno, Miss Marion Benton.

Commissary—Mrs. E. O. Smith, chairman; Mrs. Caroline Johnson.

Collections—Mrs. Ray Bixby, chairman, with power to select her associates.

General Committee—Mrs. J. N. Miller, chairman; Mrs. Caroline Johnson, Mrs. Phelps.

The next meeting of the association will be Monday afternoon at 2 o'clock in the club rooms, when the general reports will be read.

U. R. K. P. dance tonight. Hughes' hall.

POWERS OF HEALTH BOARDS

Supervisors Protest Against the Burden Put Upon County for Epidemic.

"The powers of local boards of health in the matter of incurring expense should be materially curtailed by legislative act," was the opinion expressed yesterday by Colonel W. F. Baker, member of the Board of County Supervisors.

Colonel Baker is a member of the special committee appointed by the county board to investigate and pass on all claims and bills incurred in connection with the care of smallpox patients. The bills so far presented to the board indicate that the expense of caring for smallpox cases throughout the county, especially in Council Bluffs, will be large this winter. In the opinion of the committee of which Colonel Baker is a member, provisions and other supplies are furnished to families who ought to be able to pay for their own keep while quarantined.

Investigation by the committee develops the fact that the moment members of a family are placed under quarantine for smallpox they become practically charges on the county and they make demands for all kinds of supplies, claiming that they have absolutely nothing in the house. In view of the fact that in the city there are at present nearly 100 cases of smallpox, providing for them all will prove a heavy burden on the county.

Not only do persons quarantined for smallpox demand that they be furnished with all living necessaries, but they also insist that the authorities provide feed for whatever stock they may own. One noteworthy case in this latter respect was called to the attention of the committee yesterday. It was that of a man who with his family was quarantined a few days ago. He owns five horses and yesterday morning he called up Deputy City Marshal White, who has charge of such matters, and urged that hay and corn for the animals be furnished at once, otherwise they would starve to death. He claimed to be unable to provide feed for the horses himself while shut up in his house under quarantine. It was estimated that it would cost $100 to feed the animals during the period of quarantine. City Marshal Albro declined to order feed for the horses and so notified the owner, who answered that if the animals died from starvation he would surely sue the county for damages. Colonel Baker was unable to decide whether the county was liable in such a matter, and will bring the question before the county board at its meeting in April.

The committee is investigating the financial standing of every family under smallpox quarantine with a view to refusing all bills for supplies furnished those which are found to be able to support themselves.

Regarding his statement that the powers of local boards of health as to incurring expense should be curtailed, Colonel Baker said he was of the opinion that the law should be so amended as to place this power in the county board. Under the law local boards of health have unlimited authority to incur whatever expense they deem necessary in the protection and safeguarding of the public health. While casting no reflection on the Board of Health of Council Bluffs in the matter of expenditure, Colonel Baker cited a number of instances in which he believed township boards of health might have exercised more discretion and economy in such matters. One glaring instance in which it is claimed that the township board of health showed a lack of business acumen is that of the claim of Dr. Tobey against the county for $1,200 for caring for smallpox, suit for which is now pending in the superior court.

In view of the fact that the cost to the county for caring for smallpox cases this winter will run up into the thousands of dollars, Colonel Baker is of the opinion that too much caution and discretion cannot be exercised by the boards of health in incurring expenses.

Several of the county officials were free in their criticism yesterday of the action of the city Board of Health in permitting twenty boarders at the Revere house to leave that place before it was placed under quarantine Thursday. The fact that the disease is prevalent in every section of the city, they contend, is due to the lax methods adopted by the local authorities this winter. Last winter, when the disease made its appearance, no regulations were too strict to be enforced by the health authorities, but this winter, the critics say, the local authorities despite the fact that the disease is spreading daily, appear to be indifferent as to the enforcement of the rules laid down by the State Board of Health.

The local Board of Health is also severely criticised for not quarantining the Revere house when a smallpox patient was removed from there at the beginning of January.

U. R. K. P. dance tonight. Hughes' hall.

Davis sells glass.

Lad Sues for Wages.

Judge E. E. Aylesworth of the superior court occupied the bench of the district court yesterday afternoon. This extension of his jurisdiction was not through a legislative act, but by reason of the sudden illness of Judge Thornell.

The suit of Eugene McIntyre to recover $400 wages alleged to be due him by George S. Ward was being tried before Judge Thornell and a jury when the judge was taken ill shortly before the noon recess, and he announced that he would be unable to preside during the afternoon. He suggested that Judge Aylesworth of the superior court be permitted to take his place on the bench and this was agreed upon by both sides.

The plaintiff, a young lad, worked for Ward, a farmer of this county, and claims that the latter owes him $400 in wages. Ward, on the other hand, denies his liability and claims that when young McIntyre's parents died he took him into his household as a member of his family and that whatever work he did has been fully compensated by the board, lodging and clothing he received while under his roof.

Many witnesses, including many of the neighboring farmers to Ward, have been subpoenaed in the suit.

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

Plumbing and heating. Bixby & Son.

Real Estate Transfers.

These transfers were filed yesterday in the abstract, title and loan office of J. W. Squire, 101 Pearl street:

Jennie Watson to C. W. Foster, lot 10, block 15, Mill add, w. d.	$ 325
W. Dye and wife to Dye Bros. & Co., lots 10 and 11, block 5, Macedonia, w. d.	7,000
Marietta E. Cross to William S. Tipton, n½ ne¼ 34-75-39, w. d.	4,050
I. W. Russell and wife to E. M. Smart, lots 6 and 7, block 3, Big Grove, Oakland, w. d.	525
Morris Cohn and wife to A. B. Alpirn, undiv⅓ of lots 2 and 3, block 9, Williams' 1st add, w. d.	650
L. P. Madsen and wife to Amanda G. Lohan, lots 4 and 5, McGee's subdiv of block 20, Hughes & Doniphan's add, w. d.	500
Christian Nicholai and wife to Christian Puttmann, nw¼ 14-76-40, w. d.	10,100
E. D. and Charles M. Burke and wives to Fritz Scheef, nw¼ 11-76-38, w. d.	8,400
Frank Kinney and wife to William J. McDonald et al, lots 13 and 14, block 5, Meredith's add to town of Avoca, w. d.	600
W. S. Cooper and wife to Theodore Rasch, lots 3 and 4, block 2, Parkdale add to Council Bluffs, w. d.	500
W. H. Thomas and F. S. Pusey and wives to N. P. Dodge, trustee, 7½ acres in 19-75-43, w. d.	1
R. V. Innes to same, part sw¼ 19-75-43, w. d.	125

N. Y. Plumbing Co., telephone 250.

Davis sells glass.

Marriage Licenses.

Licenses to wed were issued yesterday to the following:

Name and Residence.	Age.
George W. Tyner, Lincoln, Neb.	42
Lydia S. Shebel, Lincoln, Neb.	37
J. P. Haake, Council Bluffs	22
Bessie Y. R. Holton, Council Bluffs	21

QUARANTINE IN DES MOINES

Iowa State Board May Act, and Chicago Health Commissioner Threatens to Stop Trains.

CHICAGO, Jan. 31.—(Special Telegram.)—Clara Morris, the once famous actress, is alarmed by the smallpox epidemic in Des Moines and is considering the advisability of cancelling a date she has to lecture in Iowa's capital next Monday. She heard today there were 500 cases of the disease in that city and at once sought Health Commissioner Reynolds and told him of her fears. The prevalence of the disease in other places also caused her to become vaccinated by Dr. Reynolds. He told her he had heard alarming reports from Des Moines and in order to ascertain their truth had sent a trusted agent to Iowa. Should it develop, he said, that there are 500 cases in that city, he will at once institute a rigorous quarantine against Des Moines and stop every train coming from that city. Preparatory to this end, he had a conference with the officials of interested railroad lines late this afternoon. His agent will report tomorrow and if current reports are proved to be anywhere near true Clara Morris will at once cancel her lecturing date.

DES MOINES, Jan. 31.—(Special Telegram.)—There are, according to City Physician Schlits, 500 or more cases of smallpox in Des Moines at present. The disease is in a mild form and some difficulty has been found in enforcing quarantine. Secretary Kennedy of the State Board of Health told Dr. Reynolds of the Chicago board, in reply to his inquiry, that the Des Moines regulations were loosely enforced. Secretary Kennedy said that the situation would be discussed at the meeting of the state board next Wednesday, and that the board might take control in Des Moines and compel a general vaccination and rigid quarantine. Under the law the state board has the power to take such action, when it believes the local authorities are not acting with sufficient vigor.

Williams Gets Death Sentence.

OSKALOOSA, Ia., Jan. 31.—(Special Telegram.)—Richard Williams, colored, was sentenced to be hanged this afternoon by Judge A. R. Dewey in the Mahaska county district court. The date for the execution of the sentence is March 13, 1902. The crime for which Williams was convicted was the shooting of William Sharper, a white man, at Buxton, a mining camp, the afternoon of December 8, 1901, in a drinking resort. Williams was looking for trouble and provoked an argument by making threats. He then drew a forty-one caliber revolver and attempted to get at one man and killed another, William Sharper. Sharper was shot in the head and died instantly. Williams made a temporary escape, but was caught at Ottumwa and tried in Mahaska county. The jury brought in a verdict of guilty of murder in the first degree and Judge Dewey overruled the motion for a new trial. This is the first time in the history of this judicial district that death sentence has been imposed. The prisoner was transferred to Fort Madison, where the execution is to take place.

W. C. Delashmutt Recovers.

GLENWOOD, Ia., Jan. 31.—(Special.)—W. C. Delashmutt, the Pacific City capitalist, whose home burned January 28 during his convalescence from a severe illness, is much improved and will recover. The exposure from being compelled to remove hurriedly in the freezing morning air made him worse for a time, but he is now improving steadily.

QUICK RELIEF, SURE RELIEF
BROWN'S Bronchial Troches
For Coughs and Colds.
Fac-Simile Signature of [illegible] on every box.

LEGISLATIVE SESSION SHORT

Small Number of Bills Presented to Iowa Lawmakers.

PARDON IS ASKED FOR AGED CONVICT

Petition for Commutation of Sentence of Man Who Narrowly Escaped Hanging for Murder Thirty Years Ago.

(From a Staff Correspondent.)

DES MOINES, Jan. 31.—(Special.)—The legislative sessions were very short today. The members had not fully recovered from their trip to Cedar Falls yesterday and, as the train was delayed, many of them got but little sleep. The number of bills read for introduction was smaller than usual.

Senator Crossley of Madison introduced a resolution to direct that the senators from Iowa vote for the Hoar bill to prevent the use of injunctions in strikes to restrain the men.

The resolution has been prepared by members of the Railway Trainmen's union and a committee has been here some time working in its interest. The railroad men demand the passage of the measure to prevent the "government by injunction" idea.

There was opposition to the immediate consideration of the bill and after brief discussion it was referred to the committee on federal relations by a vote of 28 to 7.

Authorize Publication of Maps.

The first bill passed in the senate was one to authorize the publication of 25,000 of the railroad maps of the state of Iowa. Senator Harriman called this up and under suspension of the rules it was passed. The maps have become popular and many are in place in the schools of the state. There was no opposition to the measure.

Senator Harper introduced a resolution to provide for biennial elections. It is in all respects similar to the constitutional amendment which was adopted two years ago and declared irregular by the supreme court. It is designed to omit the election in 1905 and every other year thereafter.

Senator Allyn introduced a bill to provide severe penalties for kidnaping in Iowa. It makes kidnaping for the purpose of extorting money or securing a ransom punishable by a penitentiary sentence up to twenty years.

Bill for Another Normal School.

The most important bill introduced in the house was one for a second state normal school, introduced by Mr. Pipher of Cass county. This provides for a new state normal school, but does not fix the location. In fact, it leaves that to be determined by the legislature after the bill has been passed. It makes an appropriation of $100,000 for the same.

Mr. Secor introduced a bill emanating from the Iowa Mothers' congress providing for recognition of societies organized to place children in homes and authorizing magistrates to take children from parents under certain circumstances. Mr. Secor also introduced a pure food bill.

Both houses adjourned until Monday.

Seek Pardon for Aged Convict.

Senator Tallman of Clarke county today presented a petition to the upper body of the legislature, signed by the Women's Christian Temperance union of Clarke county and favoring the pardon of George Stanley, a life convict at Fort Madison penitentiary. Stanley is the section foreman who was convicted of the crime of killing a fellow workman, William Patterson, June 15, 1870. Stanley lay in wait for his victim in a deep cut about eighty rods east of the depot at Ames, Ia., and shot him with an old, rusty revolver.

The cause of the crime was originally trouble over Patterson's wife, which led to Patterson's discharge. The latter attributed his bad luck to Stanley and the two men got into an altercation which resulted in Patterson stabbing Stanley. The latter declared then that he would kill Patterson, which he did on June 15, 1870. He was sentenced to hang and this sentence was affirmed by Chief Justice Beck of the supreme court. The time for his execution was fixed for an early day in April, 1872. Timbers were on the ground and workmen had been engaged to erect the gallows, when in the meantime the legislature convened and abolished capital punishment.

On the day previous to the one fixed for the execution ex-Governor Carpenter sent a special messenger with the information that he had commuted the sentence to life imprisonment. Stanley is 74 years old and has always been a model prisoner. The petition in his favor today cites his old age and partial blindness, together with the plea that his crime was committed in self-defense, in his behalf. The citizens of Story county, in which the crime was committed, are opposed to the pardon and their views will be represented by the votes of Senator Fitzpatrick and Representative Barclay of that county.

Two Deaths at Soldiers' Home.

Two deaths occurred yesterday at the Iowa Soldiers' home at Marshalltown, both of aged veterans of the war. Henry G. Nelson came to the home hospital for treatment less than a week ago, from Newmarket, Taylor county. He was suffering with gangrenous affection of the feet, from which he died. He was a native of Ohio, 78 years old, a member of Company E, Fortieth Iowa, having enlisted at Newton. He has a son living in Taylor county.

Thomas C. Moore was of Company I, First Iowa cavalry, was a native of the Isle of Man, but enlisted at Martinsburg and was discharged at Davenport. He was 80 years old and has a son living in Burlington.

New Iowa Incorporations.

The Midland Nursery company of Des Moines has filed articles of incorporation with the secretary of state. The capital stock is $25,000; O. H. Robinson and others, incorporators.

The Seymour Telephone company has increased its capital stock from $10,000 to $25,000.

To Build Coliseum at Fair Grounds.

The state agricultural board today decided upon asking the legislature for an appropriation of $38,000 with which to build on the state fair grounds a coliseum to be used for cattle exhibitions and cattle sales. The building is to be 150 feet long by 250 feet wide, with provision for abundance of light. The board believes that the coliseum will be a valuable addition to the state fair grounds.

Hull Discusses Prospects.

Congressman J. A. T. Hull arrived home today for a few days to consult with his political friends as to the time for holding the primary election in Polk county to decide whether he shall return to congress for another term. The fight has been precipitated here at this time by the calling of primaries in two other counties of the district that would naturally be against Hull. He speaks hopefully of the final success of the Des Moines army post and says that nothing further can be done at Washington now. He is also confident he can secure an appropriation for a $1,000,000 postoffice in Des Moines. He says that Congressman Mercer, who is chairman of the committee, is favorable to it, and that the greatest obstacle now is an attitude of hostility of Congressman Conner of the Tenth Iowa district, who is opposing Hull. Hull will return to Washington in a few days and then return to make a canvass of the county.

The Iowa Mothers' congress closed today, after passing resolutions strongly condemning the government's policy in the army in the matter of regulating vice. These officers were elected: President, Mrs. I. L. Hillis, Des Moines; vice president, Mrs. J. A. Schmidt, Muscatine; recording secretary, Mrs. J. W. Cory, Spencer; corresponding secretary, Mrs. E. S. Burgin, Des Moines; treasurer, Mrs. J. Riggs, Audubon.

Requisition was issued by Governor Cummins this evening for "Kid" Noble, who is wanted in Muscatine on the charge of murdering a saloon keeper named Thomas Morgan. Noble has been arrested at Enid, Okl.

These decisions of the supreme court were rendered today:

In re Estate of John Nicholson against Elizabeth Nicholson, appellant; Allamakee county, Judge Fellows; reversed.

Diamond Jo Line Steamers et al, appellant, against Davenport, Rock Island & Northwestern railway; Scott county, Judge Bollinger; affirmed.

Simon Thorne against City of Dubuque, appellant; Dubuque county, Judge Matthews; affirmed.

E. E. Corson against Iowa Mutual Fire Insurance company, appellant; Shelby county, Judge Green; affirmed.

James A. Coad, appellant, against U. C. Rogers; Cherokee county, Judge Oliver; affirmed.

Tolerton & Stetson company, appellant, against M. J. Roberts et al; Pocahontas county, Judge Quorton; reversed.

Rebuild Braddyville Stores.

BRADDYVILLE, Ia., Jan. 31.—(Special.)—Since this town suffered from fire the morning of October 1, when two blocks of business houses were destroyed, there have been built the same number of new modern brick business buildings. The new buildings are enclosed and in thirty days will be occupied by new stocks of goods. One hardware firm is erecting the finest and largest individual block in Page county, 66x100 feet, one story and full basement, which is heated by furnace and lighted by gas. Fifteen other business buildings and dwellings are assured for early in the spring.

SUPREME COURT SYLLABI.

10819. Dunn against Bushnell. Error from Lancaster. Reversed. Oldham, C., division No. 2. Reported.

1. It is not error for the trial court to refuse instructions requested when every principle involved in the requested instructions is fairly and fully given by the court on its own motion.

2. Where seed is purchased on a warranty that it is of a certain kind and quality and such seed proves to be of an inferior kind and quality, and is planted without the knowledge of its inferior quality, the value of a crop such as should have been produced by the seed if it had conformed to the warranty, deducting the expense of raising the crop and the value of the one in fact raised, is a proper measure of damage for the breach of such warranty.

3. Where seed is purchased on a warranty as to its kind and quality and the purchaser of such seed discovers that it is of an inferior quality to that warranted, he may retain the seed and recover as damages the difference between the purchase price of the seed as warranted and the market price of the seed which he actually received.

4. Oliver & Co. against Hawley, 5 Neb., 429, distinguished.

No. 10894. Wilson against Lewis. Error from Boone. Affirmed. Albert, C. Division No. 3. Reported.

1. Evidence examined and held sufficient to support an allegation of general ownership.

2. Where a contract, in writing, whereby the transfer of title or ownership of personal property is made to depend on a condition is not filed, such omission is available only to such creditors as have perfected a lien on the property by the levy of an attachment or execution, while the vendee was in possession, unless it appear that they extended credit to the vendee on the faith of his apparent ownership.

3. Where a conditional contract of sale provides that the title shall remain in the vendor until the purchase price is paid, and that in case of default he may retake the property and sell, and from the proceeds deduct the unpaid balance of the purchase price and pay the surplus to the vendee; and further provides that while the vendee is in possession he may sell the goods in the usual course of trade, and replenish the stock from time to time. Held, that where the latter provision has been fully executed, by the voluntary surrender of the stock, as thus replenished, to the vendor, neither the vendee nor creditors whose executions were levied subsequent to the surrender of the stock to the vendor will be heard to assail the validity of such provision.

No. 10862. Kas against State ex rel School District No. 1, Sarpy County. Error from Sarpy. Affirmed. Pound, C. Division No. 2. Reported.

1. Issuance of a new alternative writ by mandamus proceedings for the purpose of amendment, under section 653, Code of Civil Procedure, does not amount to the commencement of a new action.

2. Where the duty sought to be enforced by mandamus proceedings is imposed upon the respondent himself and does not devolve upon his successor in office, so that the expiration of his term of office does not relieve him of the duty, the writ may issue after such term has expired.

3. It is the plain meaning of section 28, chapter lxxx, Compiled Statutes of 1901, that where portions of more than one school district are included in the corporate limits of a municipality, license moneys accruing therein are to be distributed among said districts in proportion to the number of persons of school age in the whole of each district, not merely in those portions of each district which are within the corporate limits.

4. Such construction is not repugnant to section 5, article viii of the state constitution.

5. A village treasurer who distributes license moneys among school districts in whole or in part within the corporate limits in a different manner from that fixed by law does so at his peril.

No. 10871. Burton against Williams. Error from Washington. Affirmed. Sullivan, J.

1. A grant of administration has, as matter of right, no extra territorial force or operation, and the official character of an administrator does not, by virtue of the authority creating it, follow him beyond the limits of the state in which he was commissioned.

2. When an administrator is sued only in his official character a judgment cannot be rendered against him personally.

3. A judgment against an administrator is in legal effect an adjudication subjecting the assets within the jurisdiction of the court to the satisfaction of the claim in suit.

4. Such a judgment cannot, except perhaps under special circumstances, be enforced by action beyond the territorial limits of the state or sovereignty in which it was rendered.

5. Section 337, chapter xxiii, Compiled Statutes of 1901, which authorizes foreign executors and administrators to sue in the courts of this state, does not by implication make them subject to suit here.

6. A judgment against a defendant as administrator will not support an action against him in his personal capacity, even though it award execution against his individual property in case the assets of the estate cannot be reached.

No. 10955. South Omaha Loan and Building Association against Wirrick. Appeal from Douglas. Affirmed. Duffie, C. Division No. 3. Reported.

1. A building and loan association may deduct from a loan made to one of its members the premium bid for the right of precedence in taking such loan. Loans by the association must, however, be open to competitive bidding, and by-bidding by the officers or agents of the association for the purpose of increasing the premium to be paid for loans will not be tolerated.

2. In an action to foreclose a mortgage given to a building and loan association organized under the laws of this state, the fact that the association changed its method of making loans and conducting its business after the making of the mortgage is no defense to the action, especially in the absence of a showing that the mortgagor objected thereto.

No. 1271. Green against Power. Appeal from Douglas. Reversed. Writ allowed. Judgment. Holcomb, J.

1. The purpose of the constitutional provision that "no bill shall contain more than one subject, and the same shall be clearly expressed in the title," was intended to prevent surreptitious legislation and not to prohibit comprehensive titles. The test is not whether the title chosen by the legislature is the most appropriate, but whether it fairly indicates the scope and purpose of the act. State v. Bemis, 45 Neb., 724.

2. A legislative enactment, the title of which is, "An act to provide for the better protection of the earnings of laborers, servants and other employes of corporations, firms or individuals engaged in interstate business," comprehends legislation providing for the punishment of those who violate the provisions of the act by doing the things therein declared unlawful.

10818. Davis against Greenwood. Appeal from Dixon. Affirmed. Duffie, C. Division No. 3. Unreported.

G held a first mortgage and D and F a second mortgage on certain town lots. G foreclosed his mortgage, but failed to make D and F parties to the action. Prior to any sale under the decree of foreclosure D and F procured a convevance of the lots from the owner in full satisfaction of their mortgage and went into possession. They also entered into a verbal agreement with G by the terms of which they were to pay him on a certain specified date in the future, the full amount of his decree, together with costs of the action and the attorney's fee therein incurred, and to make a deed to G conveying to him the lots as security for the performance of the agreement on their part, G to reconvey to them when payment was made. Held, that D and F, not being made parties to the action of foreclosure instituted by G had a legal right to redeem from his mortgage by paying the amount of his decree, and that the agreement above set out was simply an agreement to give D and F the right to redeem on the terms therein mentioned without an action brought for that purpose and that it could be enforced, although not in writing. The defendant in his answer having admitted the agreement as claimed by the plaintiff, has waived the statute, even if the contract was obnoxious thereto. Connor v. Hingtgen, 19 Neb., 472.

10819. McKee against McKee. Appeal from Johnson. Judgment. Pound, C. Division No. 2. Unreported.

1. Evidence examined and held sufficient to sustain a decree of divorce on the ground of extreme cruelty.

2. While there is no fixed rule for determining the amount of alimony to be awarded under section 22, chapter xxv, Compiled Statutes, such award should bear a reasonable relation to the husband's ability to pay, as disclosed by the evidence.

3. In awarding alimony the court should consider the condition, situation and standing of the parties, financially and otherwise, the duration of their marriage, the amount and value of the husband's estate, the source from which it came and how far, if at all, the wife contributed thereto. Zimmerman v. Zimmerman, 59 Neb., 80.

BOSTON STORE
SPECIAL PRICE SALE
FOR TODAY, SATURDAY

50c Lined Leather Gloves and Mittens, special sale price 25c
75c and $1.00 Leather Lined Gloves and Mittens, special sale price 50c
10c Cotton Flannel Mittens, special sale price, 3c, 2 for 5c
Boys' and Misses' Wool Capes and Tam O'Shanters, 50c and 75c grade, sale price 25c
Men's 50c and 75c Caps, special sale price 35c
25c-value children's shaped Vests and Pants, all sizes, special sale price 10c
50c grade in ladies' heavy fleece lined Vests, special price 29c
Ladies' angora fleece lined Vests and Pants, always sold for 50c, special sale price 39c

Men's Underwear
50c men's Underwear, special price 39c
$1.00 men's Underwear, special price 69c
$1.50 men's Underwear, special price 1.00
$1.25 men's Union Suits, special price 85c
$3.00 men's Union Suits, special price 2.00
Children's Outing Flannel Night Gowns, 50c grade, all sizes, special sale price 35c
69c black and white washable Skirts, and 75c black mercerized Underskirts, special sale price 48c
The New Ideal House Skirt, in black and white figure, special sale price 39c

Hosiery
10c value boys' Fleeced Hose, sizes 6 to 8½ special sale price 7c
Children's 25c wool Hose, special sale price 17c 3 pair for 50c
Extra weight, double knee, ribbed Hose, sizes 6½ to 8½, special value 12½c
Boys' 25c ribbed Hose, sizes 7, 7½, 9, 9½ and 10, special sale price 15c

Gloves
Misses' and boys' 25c double yarn Mittens, leather lined Mittens, mule skin lined Mittens, and all wool Golf Gloves, special sale price 15c
$1.00 ladies' fleeced Wrappers, all good dark colors, special sale price 75c
$1.25 and $1.50 ladies' fleeced Wrappers, well made and fancy trimmed, special sale price 98c
Ladies' beaver and fine all wool Shawls, assorted sizes, special sale price 1.49
White and gray all wool Blankets, $4.00 and $5.00 values, special sale price 2.98
Men's 75c and $1.00 Silk Mufflers, special sale price 48c
Our entire line of sateen and coutil 50c Corsets, special sale price 39c
All wool Flannel Shirt Waists, tucked and trimmed, $2.50 value, special sale price 1.48
Ladies' 25c Belt Supporters, full line, of colors, special sale price 15c

Whitelaw & Gardiner
BOSTON STORE,
COUNCIL BLUFFS. . . IOWA.

DOHANY THEATER | Sunday, February 2.
THE BIG SCENIC PLAY,
"A Romance of Coon Hollow"
A Romantic Comedy
With All the Original Effects.
— S E E —
The Steamboat Race—
The Farm Scene at Night—
The Burglary—
ALL SPECIAL SCENERY.
Prices—35c and 50c.

Nectar of the Gods
The tongue has a good memory and taste clings to it
The pure, old, mellow flavor of
Hunter Whiskey
once tasted, is not lost.
The tongue likes the best and gets it in Hunter.
HUNTER BALTIMORE RYE WM LANAHAN & SON BALTIMORE
Sold at all first-class cafes and by jobbers. WM. LANAHAN & SON, Baltimore, Md.

IF YOUR HAIR
is Gray, Streaked or Bleached, it can be restored to any beautiful color by
The Imperial Hair Regenerator
the acknowledged STANDARD HAIR COLORING for Gray or Bleached Hair. Colors are durable; easily applied, its use cannot be detected. Sample of hair colored free. Correspondence confidential.
Imperial Chemical Co., 135 W. 23d St., N. Y.

WOMEN FEMALE BEANS great monthly regulator; strongest, best, safest; contain Ergot, Tansy, Pennyroyal; not a single failure; longest, most obstinate cases relieved in a few days; $2.00 at Sherman & McConnell, druggists, 16th and Dodge st.

The proof of the Pudding is in the Eating.
Have you tried a Bee Want Ad? They bring results.

Kodol Dyspepsia Cure
Digests what you Eat
Just so sure as water dissolves sugar, just so sure will KODOL DYSPEPSIA CURE digest your food; it's on the same general principles. It contains the same elements as Nature's digestive fluids, so why wont it act in exactly the same manner? It will. It can't help it. That's why it never fails to cure the worst cases of indigestion and dyspepsia where other remedies have failed. A little KODOL DYSPEPSIA CURE after meals will prevent that terrible distress and belching so often experienced.
"For years I sought a remedy in vain until I tried KODOL DYSPEPSIA CURE. It has no equal as a stomach and dyspepsia remedy and I have tried all I could find. M. C. Edwards, 1422-10th Ave., Altoona, Pa."
It can't help but do you good
Prepared by E. C. DeWitt & Co., Chicago. The $1. bottle contains 2½ times the 50c. size.
When you suffer from biliousness or constipation, use the famous little liver pills known as DeWitt's Little EARLY RISERS. They never gripe.