APPEALS THE BARTLEY CASE

State Will Ask Supreme Court to Reverse Verdict for the Bondsmen.

EXPERT MAY CHECK UP COLBY'S BOOKS

Supreme Court Says Official Need Not Account for Fees Where Service Performed is No Part of the Duties of the Office.

(From a Staff Correspondent.)

LINCOLN, Dec. 17.—(Special Telegram.)—The suit against the Bartley bondsmen, which was decided by the district court of Douglas county against the state, is to be appealed to the supreme court, and a transcript of the proceedings in the lower court has been ordered. Much pressure has been brought to bear to stop this appeal and it was almost conceded that nothing further would be done in the matter until the last few days.

State May Check Colby.

Governor Mickey is considering the advisability of employing an expert accountant to check up the books of former Adjutant General Colby. It is his plan now to employ someone who is willing to take his chances with the next legislature for his pay. He expects also to have the accountant check up the accounts of other former officers in this department in order that the records may be all straightened up. It is the belief of the governor that such a procedure would be of benefit to the state in that it will be shown that it has much more property coming to it from the government than it has received.

Griswold Asks Divorce.

W. B. Griswold, a prominent citizen of this place, today filed a suit for divorce from his wife. The papers were withdrawn from the files immediately. Griswold was the subject of many newspaper stories several weeks ago when it was printed in Denver that he had filed a suit there for divorce, had removed his papers and then his wife had filed her answer. He denied at the time that he had filed the suit.

Holm Can Keep Fees.

The supreme court has decided that ex-Register of Deeds Holm did not have to pay back money received as fees for looking up the names of signers of saloon licenses, to see if they were freeholders. The court held, "A county officer is not required to account for or pay over to his county money received by him in payment of services performed for another by private agreement which are no part of the duties of his office and which are not incompatible with, and are not included within his official duties."

Jansen Need Not Pay.

By the affirmation of the judgment of the lower court in the case of the Corn Exchange National Bank against Jansen, Peter Jansen of Jefferson county is better off by $8,000 or $10,000 than he might have been. Some years ago Mr. Jansen was inveigled by a Chicago Board of Trade man to invest in margins. He lost heavily, some $40,000 or $50,000 and paid as far as he was able. He was pushed by some of the holders of his notes and in self defense refused to pay them on the ground that the transaction was gambling. The Corn Exchange bank of Chicago was the holder of some of these notes and in the attempt to collect on them met with defeat in the district court. The supreme court holds that dealing in options constitutes a contract that cannot be enforced at law because tainted with the vice of gambling.

Scoring at Beatrice Show.

BEATRICE, Neb., Dec. 17.—(Special.)—The entries to the Southeastern Poultry association's exhibit closed yesterday morning and in the afternoon J. S. Todd of Atlantic, Ia., who is acting as judge, began the work of scoring the points. This will take until some time tomorrow; then the premiums will be awarded. The attendance so far has been good and the promoters of the enterprise feel encouraged over the prospects for a successful exhibit.

Old Resident is Insane.

BEATRICE, Neb., Dec. 17.—(Special.)—Mrs. Nancy Palmerton, an old and well known resident of this section, was up before the insanity board of commissioners yesterday afternoon. She was pronounced insane and ordered taken to the asylum at Lincoln.

Boy on Operating Table.

ARLINGTON, Neb., Dec. 17.—(Special.)—Dr. C. C. Allison of Omaha, assisted by Drs. Davies and Grimm, local physicians, performed a surgical operation yesterday on Edgar Hilgenkamp, son of Henry Hilgenkamp, a wealthy farmer living near Arlington, for chronic appendicitis. The operation was performed very successfully and the patient is doing nicely up to the present time.

RICHARDS HOPEFUL FOR CANAL

He Thinks Power Project Will Be Carried Through, Although Not Yet Assured.

FREMONT, Neb., Dec. 17.—(Special.)—L. D. Richards has arrived home from New York. Mr. Richards expresses himself as being conservatively hopeful for the proposed power canal. He thinks the whole situation encouraging, though the construction of the canal is not yet assured.

"A contract has been entered into on behalf of Fremont, by which the John F. Kelly company of New York is given authority to dispose of one-half the issue of bonds for the canal enterprise," said Mr. Richards. "The project contemplates the issuance of bonds to the extent of the full capitalization of something over $3,250,000. The question now is to provide for the other half.

"The board of engineers was in session for two weeks at New York. A. W. Jackson, the Columbus member, at first insisted on a delay so as to give time for procuring additional data on the Columbus development, but it was finally agreed that all fundamentals relating to the distribution of land and water were already before the board, and that the case should be decided on the evidence furnished by the surveys and reports of the engineers which were at hand.

"It is only fair to Mr. Babcock of Columbus to state that he made a strong and manly fight for his people. The natural features of the Fremont canal route, with the showing made by the engineers, are what won the case for us. In the beginning the reports of the two surveys were exchanged and mutually examined. Then came the comparisons made by the canal board, the outcome of which was the decision in Fremont's favor."

Messrs. Richards and Babcock made the trip from New York in each other's company. On his arrival here Mr. Richards was met at the station by the directors of the Commercial club, who offered congratulations on Fremont's success.

According to the agreement between Fremont and Columbus, entered into when the joint negotiations started, the latter town will be reimbursed in the sum of $8,000 by the canal company, provided the project is carried out. Columbus will also have an option on $400,000 of the capital stock. All the rights and privileges of the Columbus projectors will be transferred to Fremont.

Lodge Elections.

HARVARD, Neb., Dec. 17.—(Special.)—The following officers were elected December 7 for Harvard camp No. 516, Modern Woodmen of America: Venerable consul, Albert Wilson; worthy adviser, E. F. Adkins; clerk, P. Moore; banker, William Schwent; escort, H. K. Pickler; watchman, W. E. Stone; sentry, H. Kitzinger; physicians, Drs. J. D. Howard, A. J. Jenson and F. A. Butler; manager, W. E. Stone. The order is in good condition.

At the last meeting of Harvard lodge No. 82, Ancient Order of United Workmen, the following officers were elecetd for the ensuing term: Master workman, C. C. Kenyon; foreman, J. B. Spence; overseer, A. S. Rice; recorder, C. L. Sample; financier, William Newton; receiver, Warren Turner; guide, M. E. Turner; inside watchman, Frank Hess; outside watchman, Andrew Johnson. The organization is receiving many new members and is a good working lodge.

BEATRICE, Neb., Dec. 17.—(Special.)—The Loyal Mystic Legion of America met last night and elected the following officers for the coming year: William Lenhart, worthy counsellor; Robert Allen, worthy vice counsellor; Mrs. Al Sponsler, prophet; H. B. Harlan, secretary; Mrs. Ivey Harlan, treasurer.

NEBRASKA CITY, Neb., Dec. 17.—(Special.)—Bethel court, No. 102, Tribe of Ben Hur, have elected the following officers for the ensuing year: Mrs. Hannah Thomas, past chief; George McCullum, chief; Mrs. P. Brut, judge; Mrs. Ira Goldin, scribe; Robert Hansen, keeper of tribute; Horace Watson, captain; Albert Joslin, guide; Miss Lottie Squires, keeper of inner gate; Morrice Chrisman, keeper of outer gate.

Funeral of Henry Clay Stevens.

OSCEOLA, Neb., Dec. 17.—(Special.)—The funeral of Henry Clay Stevens was held from the Grand Army hall this afternoon and was attended by a large concourse of Osceola citizens. The sermon was by Rev. Knox Boude, the Presbyterian pastor. Mr. Stevens, though ailing for a long time, was able to be about until almost the last day of his life. He, with his wife, came to this county in the early 70s and took a homestead, on which they lived until more than twenty years ago, since which time he has lived in Osceola, his wife having gone to Utah. He was only 58 years old, but had suffered a great deal of trouble and disappointment. His mother died six years ago last month, leaving him without a known relative.

Choral Society Gives Concert.

CRETE, Dec. 17.—(Special.)—The Doane College Choral society gave its annual fall concert at the Congregational church last night before a good-sized and appreciative audience. The choral society, of which Prof. W. G. Reynolds is conductor and tenor soloist, was assisted by the following soloists: Francelia French, soprano; Josie Loomis, alto, and Cord L. Aller, bass. Dr. John M. Mayhew of Lincoln acted as organist, and Mrs. Maud Knight of this city as pianist. The program consisted of the rendition of Dudley Buck's "The Coming of the King" and of "The Ministry of Song," the words of which were written by Dr. Thomas M. Triplett of this city and the music by Prof. Reynolds.

Populist Organ Out of Business.

AINSWORTH, Neb., Dec. 17.—(Special.)—A deal was consummated here today whereby the Star-Journal came into possession of the Ainsworth Herald list and goodwill, and the latter paper will be discontinued. This is one of the oldest populist papers in Nebraska, and the waning cause would no longer warrant its continuance. Editor Miles is going to look up another field to follow his avocation.

Leaves Children Destitute.

NEBRASKA CITY, Neb., Dec. 17.—(Special.)—P. H. Wolfenberger died at his home in this city late yesterday with cancer of the stomach. He leaves a wife and several small children in destitute circumstances, who will be cared for by the Helping Hand society.

KINKAID TO HELP SETTLERS

Would Restore to Those on Military Reservation Their Homestead Rights.

GENERAL WINT MAY COME IN MARCH

Next Commander of Department of the Missouri Now in the Philippines and General Carr Will Act.

(From a Staff Correspondent.)

WASHINGTON, Dec. 17.—(Special Telegram.)—Representative Kinkaid today introduced a bill to restore to homesteaders upon the lands which formerly constituted Fort Randall United States military reservation, abandoned as such, situated in the states of Nebraska and South Dakota, their homestead rights. The bill provides that all persons who, under and by virtue of the homestead laws, have made entry and perfected title to any agricultural lands upon the Fort Randall United States military reservation, abandoned as such and opened to settlement, situated in Boyd county, Nebraska, and Gregory county, South Dakota, or who have made entry upon any of these lands, but who have not perfected their title, be given the right to take another homestead and perfect title thereto as if their homestead rights had not been exercised upon any of the lands aforesaid.

Brigadier General Theodore J. Wint, who has been assigned to the command of the Department of the Missouri with headquarters at Omaha, will in all probability not arrive in the United States from the Philippines until in March of next year. Until General Wint's arrival the department will be under the command of Colonel Camillo C. C. Carr, commandant at Fort Riley, Kan., who it is expected will report for duty very shortly.

Entertains Cabinet at Dinner.

A dinner in honor of the cabinet, which marked the opening of the social season at the White House, was given by the president and Mrs. Roosevelt tonight. Invited to meet the members of the cabinet was a large company, including members of the senate and the house and out-of-town guests. The semi-circular table was set in the state dining room, and it was decorated with red carnations and brides' roses. To the right of the president sat Mrs. Hay and to his left Mrs. Root. Secretary Root escorted Mrs. Roosevelt to the table. Secretary Hay was detained by sickness and Senator Hanna was called away on business.

Will Pass on Land Laws.

The commission on public lands recently appointed by President Roosevelt, to report on the condition, operation and effect of the present land laws, and of the use, disposal and settlement of the public lands, held its first meeting today. This body is composed of Commissioner W. A. Richards of the general land office, Gifford Pinchot, chief of the bureau of forestry, and F. H. Newell, chief hydrographer of the geological survey. Arrangements were made to carry forward the work to which the commission was appointed, and with this end in view, beginning next Tuesday meetings will be held daily except Saturday at the general land office, for the purpose of considering the various matters which will come before the commissioners. This commission is the one referred to in the President's latest message to congress.

Western Postal Affairs.

Two additional rural routes will be established January 15 at Nashua, Chickasaw county, Ia. The routes embrace an area of forty-eight square miles, containing a population of 1,300.

Rural carriers appointed: Nebraska—regular, Dawson McWilliams; substitute, Jerry McWilliams. Litchfield, regular; W. D. Mills; substitute, William Garnett. Western, regular, Lincoln L. Lewis; substitute, his wife. Iowa—Beacon, regular, William Boss; substitute, Jesse Lewis. Ionia, regular, Herman Ransom and Henry Adams; substitutes, Piatt Hickok and Will Perseog. Selma, regular, Pearl W. Webster; substitute, John W. Webster.

Iowa postmasters appointed: Amber, Jones county, John C. Bailey, vice J. A. Weiss, resigned. Carrollton, Carroll county, John Crow, vice Benjamin Edwards, resigned. Climbing Hill, Woodbury county, D. A. Goodrich, vice George Homerighouse, resigned. Hastings, Mills county, Frank A. Carey, vice J. B. McKown, resigned.

FORECAST OF THE WEATHER

Promise of Fair Friday, with Snow Saturday in Iowa and Nebraska.

WASHINGTON, Dec. 17.—Forecast:

For Nebraska—Fair Friday; Saturday snow or rain, with colder in west portion.

For Iowa and Missouri—Fair and warmer Friday; Saturday rain or snow.

For Illinois—Fair Friday, warmer in north and central portions; Saturday rain or snow, winds becoming southeast and fresh.

For Colorado—Partly cloudy Friday, with snow and colder at night or Saturday.

For Wyoming—Cloudy Friday, with snow in west portion at night; colder Saturday.

For Kansas—Fair Friday; Saturday rain and colder in west portion.

For Montana—Cloudy Friday, probably snow, colder in northeast portion; Saturday fair, colder in east and south portions.

For South Dakota—Fair Friday, snow at night or Saturday; colder Saturday in extreme west portion.

Local Record.

OFFICE OF THE WEATHER BUREAU, OMAHA, Dec. 17.—Official record of temperature and precipitation compared with the corresponding day of the last three years:

	1903.	1902.	1901.	1900.
Maximum temperature	33	31	3	62
Minimum temperature	17	12	—6	21
Mean temperature	25	22	—3	47
Precipitation	.00	.00	.04	.00

Record of temperature and precipitation at Omaha for this day since March 1, 1903:

Normal temperature	35
Departure for the day	0
Total deficiency since March 1	36
Normal precipitation	.02 inch
Deficiency for the day	.02 inch
Total rainfall since March 1	32.34 inches
Excess since March 1	2.45 inches
Deficiency for cor. period, 1902	.53 inches
Deficiency for cor. period, 1901	6.01 inches

Report from Stations at 7 P. M.

CONDITION OF THE WEATHER.	Temperature at 7 P. M.	Maximum temperature.	Precipitation.
Omaha, clear	29	33	.00
Valentine, partly cloudy	23	50	.00
North Platte, clear	26	52	.00
Cheyenne, clear	28	52	.00
Salt Lake City, cloudy	34	44	.00
Rapid City, clear	22	42	.00
Huron, clear	20	34	.00
Williston, cloudy	22	36	.00
Chicago, cloudy	30	32	.00
St. Louis, clear	20	22	.00
St. Paul, clear	16	18	.00
Davenport, cloudy	30	32	.00
Kansas City, clear	34	40	.00
Havre, cloudy	24	42	.00
Helena, snowing	24	38	T
Bismarck, clear	14	22	.00
Galveston, snowing	48	52	.00

"T" indicates trace of precipitation. —Below zero.

L. A. WELSH, Forecaster.

WOMAN IN CLUB AND CHARITY

The following officers of the Nebraska Woman Suffrage association were in the city yesterday in attendance at an executive meeting held at the headquarters in the Paxton block. Mrs. Frank Young of Broken Bow, president; Mrs. Marble of Table Rock, vice president; Mrs. L. M. Sternes of Humboldt, corresponding secretary; Miss Mary Ward of Tecumseh, recording secretary, and Mrs. John Dempster, treasurer. In the evening Mrs. Dempster entertained the women at her home, 2417 Dodge street.

The attention of the New York state branch of the National Society United States Daughters of 1812 has been called to the neglected condition of the grave of John Paul Jones in Paris, and a committee has been appointed to confer with the secretary of the navy to see what, if anything, can be done in the matter. Last season the society passed resolutions regarding the patriotic work on Crab island, where the dead of the battle of Lake Champlain lie in neglected graves. They have since learned that the secretary of war has ordered a flagpole erected on the island and has given partial promise of the completion of the work proposed there.

Mrs. Mary C. C. Bradford, president of the Colorado Federation of Clubs, is endeavoring to interest the women of the western states in a transmississippi federation of clubs, and is making an extended tour of the clubs of the district to this end. It is proposed to hold the congress in Denver next June.

The announcement is made of the annual dinner of the Pilgrim Mothers, which will take place at the Waldorf-Astoria December 22. The names of Mrs. Ruth McEnery Stuart, Mrs. William Todd Helmuth and Mrs. Charlotte B. Wilbour are among the speakers, but no mention is made of Josephine Daskam.

In a letter in the December Club Woman Mrs. Robert Burdette says: "It is nothing new to say that women are learning through organization the wisdom of differentiation and elimination, and the tremendous power possible for co-operation, but I wish to emphasize it, as it has been so repeatedly illustrated in every state I have visited. The reports have been so clear and illuminating, shorn of ancient history, visionary theories and unpardonable rhetoric, that they have sent the delegates back to their clubs, not with a hazy enthusiasm, but with definite and practical plans and progressive ideas that are to be the 'forward' banner for their coming year." Mrs. Burdette has visited nine state federation meetings during the last two months.

Mrs. W. P. Harford will address the gospel meeting of the Young Woman's Christian association Sunday afternoon at 4:30 o'clock, "A Christmas Message" to be her text.

The reception committee is planning to make the New Years reception the most elaborate affair that it has yet given.

For the accommodation of the Christmas shoppers, it has been arranged to serve lunch in the association dining room every evening next week.

Class work at South Branch has been suspended until after the holidays.

Miss Agnes Ward, financial secretary of the association, is convalescing from an attack of pneumonia.

The election of Mrs. Daniel Manning, of Albany, N. Y., as president of the Board of Lady Managers of the St. Louis exposition, to succeed Mrs. James L. Blair, who resigned, puts an end to a considerable amount of speculation regarding the filling that office. But the question regarding the St. Louis Woman's club is just as interesting as ever.

This has been an unusually heavy month for the Visiting Nurses' association, fifty-five patients having been cared for; 509 visits have been made; special nurses supplied in nine cases; four sent to hospitals; five to friends, and there have been three deaths. The monthly meeting held Thursday afternoon was large, and the increased demand for this splendid work seems to bring increased help to carry it on.

If the agitation against divorce that is general among clubs indicates anything, an effort to secure a uniform divorce law in all the states promises to receive the serious consideration of the General Federation during the next two years.

A New Way of Using Chamberlain's Cough Remedy.

Mr. Arthur Chapman, writing from Durban, Natal, South Africa, says: "As a proof that Chamberlain's Cough Remedy is a cure suitable for old and young, I pen you the following: A neighbor of mine had a child just over two months old. It had a very bad cough and the parents did not know what to give it. I suggested that if they would get a bottle of Chamberlain's Cough Remedy and put some upon the dummy teat the baby was sucking it would no doubt cure the child. This they did and brought about a quick relief and cured the baby."

LEW WALLACE TRYING X RAYS

Eminent Author in New York Taking Treatment for Cancerous Growth in Nose.

INDIANAPOLIS, Ind., Dec. 17.—A special to the News from New York says: General Lew Wallace is in this city under the care of an eminent specialist. He is taking the X-ray treatment for a cancerous condition of the nose, and if this treatment is not successful may submit to an operation as a last resort. He has suffered from this ailment for a number of years. It has not affected his general health and the ailment may not shorten his days.

For several years he has gone periodically to Cincinnati for treatment and for months at a time has tried the X rays at that place, seemingly with success in arresting the progress of the disease. It is understood that his trip to New York was taken at the earnest solicitation of his family and near friends.

COLBY MAKES A DEPOSIT

Former Adjutant General Gives Governor Mickey $2,482.

MOST OF IT IS A REIMBURSEMENT

Represents Warrant Cashed by Colby, but Intended as Payment for Blankets Taken by the Penitentiary.

LINCOLN, Dec. 17.—(Special Telegram.)—Former Adjutant General Colby has turned over to Governor Mickey $2,482, of which $200 is to cover any shortage that may be found. The remainder represents the warrant cashed by General Colby to pay for blankets taken from the adjutant's office and used at the penitentiary.

General Colby came up from Beatrice last night and at once drove to the office of General Culver, whom he had arranged, by telephone, to meet. Governor Mickey was then sent for, and after a short conference, the money was paid over to him. One-half of it was in cash and the remainder a check on a Beatrice bank. No receipt was given until this morning, when General Colby cashed the check and turned over the entire amount in cash.

The money has been deposited in the First National bank, subject to the order of the governor. It will remain there until Governor Mickey has communicated with the War department to see whether the money belongs to the government or the state.

General Colby told Governor Mickey that he had held the money, waiting to see to whom it should be paid. He acknowledged to the governor, however, so the latter said, that he had not mentioned the fact that he had the blanket money when he went out of office.

It is probable that Governor Mickey will at once start an expert checking up the books of the former adjutant, as it is the latter's wish that this be done as soon as possible.

Adams of Superior to Speak.

SUPERIOR, Neb., Dec. 17.—(Special.)—C. E. Adams has accepted an invitation to address the National Live Stock association at its convention to be held in Portland, Ore., January 12 next. Four thousand stockmen are expected to be present.

MORGAN GETS SANTA FE BONDS

Two-Thirds of Recent Offering of Fours Nabbed by the Syndicate.

NEW YORK, Dec. 17.—The Atchison, Topeka & Santa Fe railroad has sold to J. P. Morgan & Co. $10,000,000 of the general mortgage 4 per cent bonds, of which $15,000,000 were recently made available. The sale will provide funds for additional equipment and construction of double track. The total amount of Atchison general mortgage 4s now outstanding is $148,797,500.

Christmas and New Year Holiday Rates.

Fare and one-third for the round trip to points within a radius of 200 miles via the Chicago Great Western railway. Tickets on sale December 24, 25 and Jan 1, good returning until January 4. For further information apply to George F. Thomas, general agent, 1512 Farnam street, Omaha, Neb.

SEASONABLE FASHIONS

4604 Waist with Bertha, 32 to 40 bust.

Waist with Bertha 4604—To be made with high or low neck, long or elbow sleeves. The handkerchief bertha has a peculiar grace and style that separates it from all others. The very charming waist illustrated includes one of the sort and, also, the new gauntlet cuffs with wide, drooping puffs above. As shown it is made of violet crepe mousseline, with the yoke and cuffs of chiffon velvet in a deeper shade and trimming of cream lace, but innumerable variations can be arranged. Yoke and cuffs of lace, mousseline lined, are charming, ruches of tiny chiffon flowers make admirable substitutes for the lace applique and many other combinations might be made, while material may be anything soft enough to drape well.

The waist is made over a smoothly fitted foundation and closes invisibly at the center back. The lining is faced to form the yoke when high neck is desired, is cut away on indicated lines when a low effect is preferred. The bertha is made in handkerchief style, with deep points at front and back and that droop well over the sleeves, and serves to outline the yoke. Beneath the bertha the waist is full and soft. The sleeves are the new ones that are shirred to fit the upper arms snugly and form full puffs below the elbows, then are gathered into deep gauntlet cuffs.

The quantity of material required for the medium size is 5¼ yards 21 inches wide, 4 yards 27 inches wide or 2⅝ yards 44 inches wide, with 1 yard of velvet and 5¼ yards of applique to trim as illustrated.

The pattern 4604 is cut in sizes for a 32, 34, 36, 38 and 40-inch bust measure.

For the accommodation of The Bee readers these patterns, which usually retail at from 25 to 50 cents, will be furnished at a nominal price, 10 cents, which covers all expense. In order to get a pattern enclose 10 cents, give number and name of pattern.