CLARKE'S FATE NOW SEALED

Supreme Court Fixes Execution Day of Flury's Murderer.

FALLS DECEMBER THIRTEENTH

Fitch-Martin Case Has Been Remanded for New Trial—Opinion in Yeiser-Dickinson Controversy.

(From a Staff Correspondent.)

LINCOLN, Nov. 9.—(Special Telegram.)—Harrison Clarke must hang December 13 for the murder of Edward Flury, an Omaha street car conductor. The supreme court today refused a rehearing and fixed the date of execution, Judge Sedgwick writing the opinion.

The principal contention of the defense was that during the trial in Douglas county words had been used in the presence of the jury prejudicial to the cause of Clarke which influenced the twelve men in their verdict. The court holds that as no objection to the language was made at the time it could not have been of a character serious enough to warrant going into the evidence again. Further, the court holds that the case hangs on the guilt or innocence of the defendant on the capital charge of murder and no inferior crime may be considered. The court's instructions are held to be good and proceedings otherwise perfectly regular.

Clarke was sentenced to be hung last August, but Judge Sedgwick granted a stay of execution to permit the case to be heard on this application.

Following is the syllabus:

In a prosecution for murder in the first degree, if the evidence establishes conclusively that the defendant is either guilty of the crime charged or is entirely innocent, a failure to instruct the jury in regard to inferior degrees of the crime charged in the information is not prejudicial error.

Upon trial of a charge of murder by homicide while engaged in an attempt to rob it is competent to prove upon the question of intent that the proceeds of several robberies committed by defendant and certain of his companions, immediately before the act under investigation, were divided and that the defendant received a share thereof.

It is only in the most flagrant cases of the use of improper language by a prosecuting attorney, even in the prosecution of capital offenses, that defendant's counsel can apparently acquiesce in the language used by remaining silent until the trial is finished and then cause the trial and verdict to be set aside by complaining of statements to which he seemed at the time to consent.

Meaning of Language.

In its accompanying opinion, written by Chief Justice Sedgwick, the court dwells almost wholly upon the question whether the prosecuting attorney used such improper language in his address to the jury as to prejudice the rights of the defendant in reference to this statement, "The jury ought to bring in a verdict which would satisfy the community." It is held that while the language should not have been used, the words might have been used in such connection with other language as to render them harmless. The court takes the view that a just verdict of the jury would be one which would satisfy the community.

It was also claimed by Clarke's attorney that County Attorney Slabaugh unduly prejudiced the defendant's rights in telling the jury that there was no such thing as life imprisonment and that a life term in the penitentiary meant not more than ten years, because of the likelihood of a pardon being granted. The court finds, however, that the attorney for Clarke should have made objection to this language at the time or else hold his peace.

Relative to the trial court's instructions given to the jury, which included three forms of verdict, one finding the defendant guilty and fixing death as a penalty, another fixing it at life imprisonment, and the third not guilty, the opinion is to the effect that this was sufficient and that it was unnecessary to instruct further as to a lesser degree.

Story of Clark's Crime.

Harrison Clarke was convicted of the murder of Edward Flury, a street car conductor whom Clarke and two companions, Calvin Waln and Clarence Gathright, tried to hold up at the end of the Albright car line about midnight one night a year ago last March. Clarke and his companions had successfully held up several saloons before trying the street car. Flury had just stepped off his car to throw the Y switch, when he was ordered to holdup his hands. Instead of complying he opened fire on the robbers who fired back and a pitched battle followed. The robbers died and Flury staggered onto the car with a bullet wound in his arm. The car was run back to South Omaha and Flury was taken to a physician, where it was found a bullet had entered his abdomen. He lived for a week, then succumbed to the wounds.

Clarke was first connected with the case by a mulatto woman who went under the name of Nettie Jones. Clarke had given her the money he secured from the saloon holdups to keep for him and she buried it. Afterward she grew alarmed and told the police. He was also identified by some of the saloon men who were robbed as the man who held the big Colt's revolver from which the fatal bullet was fired. Clarence Gathright turned state's evidence and gave important evidence against him. Gathright was given a sentence of twenty years and Waln was convicted and sentenced to life imprisonment.

Clarke was recognized as the leader of a gang of holdups and has had a bad criminal record. It was charged, though never proven, that he and Gathright were involved in the attempted holdup and shooting of Frank N. Clarke, shortly before the Flury murder.

Nettie Jones, who has since become Nettie Antokal by marriage, was also the star witness in another murder case tried last month, in which Will Washington, a negro, was convicted of killing Anton Kasper, on Ninth street.

When the supreme court commuted the sentence of Jay O'Hearn, murderer of Nels Lausten, from hanging to life imprisonment colored persons in Omaha appealed for the same clemency in the case of Clarke.

Fitch Case Remanded.

The suit of F. W. Fitch, appellant, against Euclid Martin, administrator, for the estate of Robert Majors was remanded for new trial on the ground that the action of the trial court was unwarranted when the suit was dismissed without consideration of its merits. The acts of Mr. Fitch were investigated by a committee of lawyers, who reported to Judge Sears that irregularities in handling the evidence had taken place. Judge Sears threw the case out of court. The court holds that fraud or imposition against a defendant practiced by a plaintiff does not justify the dismissal of an action without a determination of its merits. Commissioner Ames wrote the opinion.

Mr. Fitch was tried for alleged contempt in connection with changing the evidence and was acquitted.

An opinion was handed down today in the Yeiser-Dickinson controversy whereby they sought to have their names on the judicial ballot in Douglas county as being endosed by both the republicans and democrats. The court says the same person may be a candidate of more than one party for nomination at a primary election, but cannot be the nominee of any party unless he receives the required number of votes cast by that party. The opinion is by Judge Sedgwick.

Technicality Fails.

By sustaining the conviction of Henry Steele for burglary in a case from Otoe county, the supreme court holds that a vat sunk in the ground was a storehouse within the meaning of the Nebraska law. Steele was accused of opening such a receptacle an dtaking out four hides worth $20 which had been put there in the process of curing them. The vat was about eight feet deep and six feet in diameter, sunk in the ground and secured by a lock. The court finds that Steele was just as much guilty of burglary as if he had stolen goods from a storehouse, in fact, the vat was a storehouse. Reference was made to a former decision of the court where it was held that a cornerib was a storehouse.

The validity of an assessment was at issue in the suit of the Western Union Telegraph company against Dodge county, appealed by the former. The company returned its property at a little more than $9,000, which was raised by the Dodge County Board of Supervisors to $46,000, after a hearing. The district court reduced this amount to $40,500, and the supreme court has affirmed the decision.

This was a case involving franchise values and the method of determining them. To ascertain what the entire property was worth, including stocks, bonds and earnings, the county board relied in part on a standard publication containing such facts. This, the supreme court finds, was proper on its part, since the authority taken as a guide was one widely used by the commercial world. It is held that the taxing authorities must act upon the best available information. In the concluding portion of the opinion, the court says: "We think the presumption must obtain that the physical condition of appellant's property in Dodge county was not allowed to deteriorate between 1903 and 1906, and certainly not its value as an income producer during the past two or three years of commercial activity which has pervaded the whole country. It is so well known that the courts of the state will take judicial notice of the fact, that previous to the enactment of our present revenue law the assessed value placed on taxable property was many times below its actual value. The evidence, while not of the most satisfactory character, had some tendency to show the taxable value of the property in the estimation of the officers of the company and was properly admitted."

Point in Insurance Law.

An important point regarding the liability of insurance companies is established in the case of Lola M. Hunt against the State Insurance company, from Dakota county. The plaintiff secured a judgment for fire loss on a policy issued by a local agent. The company appealed on the ground that the plaintiff had continued to make payment on the policy to the agent after his certificate of authority had expired. The syllabus of the court decides the controversy in the following words:

A local agent of the defendant insurance company procured a certificate of authority from the state auditor and was holding such certificate at the time the policy was issued, but failed to secure a renewal of such authority in subsequent years. He continued to act as agent of the defendant company and the company recognized him as its agent, accepting all business which came through his agency and never cancelling his contract.

Held, that the company is bound by his acts and conduct in dealing with policy holders.

All in the Family.

Mrs. H. M. Eaton has been appointed to a position in the office of Land Commissioner Eaton. Mrs. Eaton will take the place of Miss Esther Brown, who is shortly to quit. The addition of Mrs. Eaton enlarges the circumference of the home circle at the state house. Mrs. McBrien frequently is on the payroll to help out the state superintendent; Mrs. McKim is a permanent fixture to help out the state veterinarian, Dr. McKim; Mrs. Carter draws her $70 a month acting as stenographer to her husband, George Carter, deputy game warden; Russell Junkin by drawing a salary from the state, as clerk in his father's office, helps out Secretary of State Junkin; Arch Searle is chief clerk in the office of the deputy insurance commissioner, appointed by Auditor Searle, and gets a good salary for easy work; Miss Minnie McMahon has just been appointed matron of the Geneva Home for Girls. She is a sister of Miss Lydia McMahon, the superintendent of that institution. It is reported on good authority that January 1 Treasurer Brian is to replace Miss Laura Tayler, a bookkeeper, with his son. Under the head of assistant relatives comes Miss Leach, related to Secretary of State Junkin, in his office; Miss McGrady, in the food commissioner's office, is a sister-in-law of Chemist Redfern; a nephew of Chairman Winnett is in the railway commission office. The supreme court commissioners have made no changes in their stenographers.

Lincoln's Complaint Postponed.

In a letter received today from the secretary of the Interstate Commerce commission, the Lincoln Commercial club was informed that its complaint against the present freight rates from the south has been indefinitely postponed. Lincoln filed complaint against railroads from the south, alleging discrimination because Omaha has cheaper rates, although the haul is longer. The hearing was set for October 28, at first. Great disappointment is felt by the officers of the Commercial club, because stress of work has delayed the hearing.

SEARSON CASE GOES TO THE JURY

Testimony of Defendant's Good Character Introduced.

AUBURN, Neb., Nov. 9.—The trial of Prof. J. W. Searson of the Peru Normal, charged with assault on Miss Katherine Hudson, one of his pupils, was finished tonight at 7 o'clock. The entire day was occupied in examining witnesses. Prof. Crabtree testified as to the good character of Prof. Searson. The testimony of the state's witnesses tended to verify and strengthen the testimony of Miss Hudson, who was on the stand Thursday and retold her story of the alleged assault committed on her by Prof. Searson. Her story was practically the same as she told several weeks ago to the State Board of Education when the conduct of Mr. Searson was under investigation. The evidence was all in by 5 o'clock. H. W. Wilson, attorney for the defense, and the state's attorney occupied about two hours with their arguments. The judge's instructions were brief and the case went to the jury at 7:50 o'clock. The case has been hard fought by the attorneys of both sides and the decision is awaited with intense interest.

SALOON ROW MAY PROVE FATAL

Fielden Crosswhite of Colorado Hit with Spittoon.

BEATRICE, Neb., Nov. 9.—(Special Telegram.)—In a free-for-all fight here tonight in White & West's saloon on lower Court street, Fielden Crosswhite, a young man about 21 years of age, was struck in the head with a metal spittoon and probably fatally injured. He was removed to Falls hospital and little hopes are entertained for his recovery. His assailant, whose name was not learned, escaped. Crosswhite came here a few weeks ago from Colorado and has been working for Ed Spencer, eight miles west of town.

New Catholic Church Dedicated.

BEATRICE, Neb., Nov. 9.—(Special.)—The new Catholic school building on North Sixth street was dedicated here today before a large assemblage of children and their parents. Bishop Bonacum of Lincoln, Father Petrasch, pastor of St. Joseph's Catholic church at this point, and a number of other church dignitaries, conducted the services. A procession of children was formed at the parochial residence and escorted Father Petrasch, Bishop Bonacum and others to the school building, where the dedicatory services were held. At the close of the exercises the women of the congregation served dinner in the basement of the school. The building was erected at a cost of $25,000 and is one of the finest structures of its kind in the state. It is built of pressed brick, is two stories high, with basement, and has all the modern conveniences. Through Father Petrasch's untiring efforts this beautiful building and parsonage, costing about $10,000, have been erected since he succeeded Rev. M. M. Merkl here as pastor about a year ago. The buildings are a credit to the city and to the congregation of St. Joseph's church, which assisted in erecting them.

M. W. A. Day in David City.

DAVID CITY, Neb., Nov. 9.—(Special.)—Wednesday, November 27, will be a big day in David City, a campaign having been organized under the name of a silver anniversary adoption, in which each Modern Woodmen camp in Butler county, Shelby, Osceola and Stromsburg, has entered. Each camp has been supplied with a deputy to solicit for new members, and on November 27 all the camps will assemble in David City, where the following prizes will be awarded: Thirty dollars to the camp that has the largest number of candidates on the floor; the business men of David City will give $32.50 to the camp that has the largest delegation in the parade; $10 will be given for the best drilled team. The deputies will give a prize to the camp having the largest gain. A special train will run from Osceola, headed by the Osceola band. This will be a grand old day in David City and the day is being looked forward to. The big parade will take place at 2:30.

Starvation Sits At Loaded Tables

You Can Lead a Dyspeptic to The Table, but You Cannot Make Him Eat.

There comes a time in the lives of a great many men and women when even a sirlion steak ceases to be poetry. It becomes a protest. The appetite becomes fitful and fretful. Nothing on the bill of fare can coax it.

The appetite is there and yet it isn't.

This makes eating a mere matter of machinery—the mouth doesn't water. The stomach has been worked overtime, and the body and the brain are paying the penalty.

There are thousands of people in every station of life who are walking on earth

What if a Man Gains the Whole world—and Loses His Appetite!

today with dispeptic stomach. They wear a dejected, forlorn appearance, their energy is at zero, nothing interests them, and they interest no one, their faces are shrunk, their nerves are wilted and their shoulders sag.

Everything on the table may look delicious, but nothing will be tempting. That's one sure sign of dyspepsia.

If you have ever felt bloated after eating and imagined it was your food that filled you; if you have felt your food lie "like a lump of lead" on your stomach; if you have had a bad, sour breath, difficulty in breathing after a meal, suffered from eructations, burning sensations, heartburn, brash, or gas on the stomach, make up your mind you have dyspepsia. And the chances are you have had it a long time.

Your stomach is overworked, abused, fagged out. The gastric and digestive juices are weak, the muscles of the stomach are jaded, and the whole business needs new life. It needs something which will take hold of the food as it comes in and do the digesting, and let your stomach take a rest.

Stuart's Dyspepsia Tablets do that very thing. They contain a most powerful ingredient which helps the stomach in the process of digestion, cures dyspepsia, sour stomach, indigestion, heartburn, eructations, acidy or fermentation. They invigorate the stomach, increase the flow of gastric juice, and do two-thirds of what the stomach would have to do without them. That gives the stomach some rest, and a chance to get right again.

You will feel the change first in your mind and heart and then over your whole body. You'll feel rosy and sweet. That's the object. You can get these effective little tablets almost anywhere on earth for 50c a package.

Send us your name and address today, and we will at once send you by mail a sample package free. Address, F. A. Stuart Co., 150 Stuart Bldg., Marshall, Mich.

FRUITOLA

The New Remedy For Gall Stone and Appendicitis.

The Pinus Medicine Co. of Los Angeles have discovered a remedy called Fruitola which acts like magic in the treatment of Gall Stones, Appendicitis and other serious stomach troubles. The Myers-Dillon Drug Co., corner 16th and Farnam streets, have it for sale.

READ THIS TESTIMONIAL FROM OUR OMAHA MAN.

Omaha, Neb., Oct. 30th, 1907.

Myers-Dillon Drug Co.,
Omaha, Neb.

Gentlemen:—I have suffered will gall stones for about four years. Intervals of severe pain in the stomach, and vomiting. Had tried numerous remedies without satisfactory results. Was induced to try Fruitola. The first bottle caused me to pass about one pint of gall stones, different sizes, including several very large ones. I feel better now than I have for many years, and can heartily recommend Fruitola to do all the manufacturers claim for it. Will take pleasure in verifying the above statement to any one interested.

WM. F. ABENDROTH.
1627 North 22d St., Omaha, Neb.

If you are a sufferer from gall stones or appendicitis don't delay in calling for a bottle of this great cure at the Myers-Dillon Drug Co., 16th and Farnam streets, Omaha, Neb.

LACE CURTAIN SALE

MONDAY, NOVEMBER 11TH

A sale that means something to you because these curtains are worth the buying—all new and perfect, no seconds, no mill ends, no soiled samples.

We bought over fifteen thousand dollar's worth of curtains for this event, and they are going on sale tomorrow at prices that are unusually low.

Don't read prices and then figure qualities. You'll get way below the real value of these offerings if you do. But come to our counters with your own knowledge of curtains, and you'll be surprised that such freshness, daintiness and serviceableness withal may be had for so little.

Here's How You Will Buy Them Tomorrow:

$1 Nottingham Curtains, Novelty Stripe Curtains, odd pairs or Dotted Swiss Curtains, pr. . **57c**

$1.35 Ruffled Swiss Curtains, Nottingham Lace Curtains, Scotch net Lace Curtains, per pair . . **89c**

$1.75 Net Curtains (with Battenberg edge and insertion), Nottingham Lace Curtains, Ruffled Swiss Curtains, Fish Net Curtains, per pair **$1.19**

$2.50 Novelty Net Lace Curtains, Nottingham Lace Curtains, Battenberg Lace Curtains, Irish Point Lace Curtains, Madras Weave Net Curtains, per pair **$1.85**

$3.50 Battenberg ace Curtains, Cable Net Curtains, Fine Scotch Net Curtains, Irish Point Curtains, Novelty Net Curtains, per pair **$2.65**

$5.00 Brussels Lace Curtains, Irish Point Lace Curtains, Battenberg Lace Curtains, Cluny Lace Curtains, Cable Net Lace Curtains, per pair **$3.90**

$5.50 Duchess Lace Curtains, Novelty Net Lace Curtains, Brussels Lace Curtains, Marie Antoinette Lace Curains, Venetian Lace Curtains, per pair **$4.60**

$11.50 Hand made Arabian Curtains, French Net Duchess Lace Curtains, Brussels Lace Curtains, Double Net Irish Point Lace Curtains, Venetian Lace Curtains, Marie Antionette Lace Curtains, per pair **$8.90**

$8.75 French Net Motifiny Curtains, Arabian Lace, Hand Made Duchess Lace Curtains, Fine 18 point Cable Net Lace Curtains, Cluny Lace Curtains, Battenburg Lace Curtains, per pair **$6.35**

$15.00 Duchess Lace Curtains, Saxony Net Lace Curtains, Arabian Lace Curtains, Scroll Brussels Lace Curtains, Cluny Lace Curtains, per pair, ... **$12.75**

$17.50 and $20 Arabian Lace Curtains, hand made, Duchess Lace Curtains, Brussels Lace Curtains, Princess Lace Curtains, Cluny Lace Curtains, per pair **$14.75**

Library Table

(Like Cut)

A strictly high grade table for the library or living room; constructed of select quarter-sawed golden polished oak, French legs, pretty pattern, top 26x38 inches, has undershelf and large drawer; very special, each **$12.75**

Music Cabinet

Now showing a large, new line in all woods and finishes.

This one (like cut) made of quarter-sawed golden oak or birch mahogany veneer, full size, polish finish—each . . **$6.50**

Omaha Agents Hoosier Kitchen Cabinets

Furniture Samples

Must Go to make room for holiday goods. Prices reduced in some cases to half. All samples must be closed out this week. An excellent bargain opportunity.

Here is a partial list:

$78.00 two-piece mahogany parlor suite—sofa and arm chair; beautifully upholstered; sample price **$55.00**

$69.00 two pieces, mahogany divan and arm chair; upholstered in green silk velour; sample price **$40.00**

$80.00 mahogany three-piece parlor suite, plain rich design; arms chair, side chair and divan; sample price **$49.00**

$48.00 Mahogany arm and side chair, plain rich pattern, sample price **$24.00**

$55.00 mahogany arm chair, green silk velour upholstered, wing effect; sample price **$42.75**

$30.00 mahogany arm chair, carved back, silk velour upholstered; sample price **$20.00**

$24.00 mahogany wood seat setee; sample price **$12.00**

$60.00 davenport sofa bed, golden oak frame, verona velour upholstered; sample price **$48.75**

$65.00 couch, very luxurious, mahogany frame, silk velour upholstered; sample price **$48.75**

$14.50 Morris chair, golden oak, loose velour cushions; sample price **$10.50**

$31.50 rocker, solid mahogany, handsomely carved, Spanish leather upholstered seat and back; sample price **$23.50**

$24.00 Morris chair, loose linen velour bag cushions; sample price **$17.50**

$42.00 solid mahogany arm chair, loose Morocco leather cushion seat and back; sample price **$29.50**

$25.00 pedestal, carved golden oak, handsome design; sample price **$12.50**

$9.00 curly birch round top table, has pretty undershelf; sample price **$6.25**

$24.00 work table, golden oak, colonial design with glass knobs; sample price **$18.75**

$55.00 genuine leather Turkish arm chair, mahogany frame; price **$39.50**

$50.00 mahogany library table, conveniently arranged, pretty pattern top; sample price . **$35.00**

$65.00 mahogany library table desk, contains eleven drawers; sample price **$48.00**

$35.00 weathered oak hall lamp, mission design; sample price **$22.50**

$32.00 dressing table, hand polished quarter-sawed golden oak; sample price **$19.75**

Rocker Special

Monday, Tuesday, Wednesday

This Rocker, like cut, made of best quarter-sawed oak, hand polished, with pretty embossed leather seat and panel back; a special bargain for Monday, Tuesday and Wednesday only; sells regularly at $6.50; special for three days, each . . **$3.95**

Dining Table

Like Cut.

Pretty Mission Pattern, early English finish, round top, 45 inches in diameter, high grade construction.
Six-foot length **$25.00**
Eight-foot length **$28.00**

Rugs! Rugs! Rugs!

All the world wants Rugs nowadays. Rugs for rooms, Rugs for halls and smaller Rugs for odd corners around bigger Rugs. Our gathering of the various kinds is most remarkable. Let us show you the new designs.

DUNDEAR WILTON RUGS—Noted for their rich beauty and extreme durability.
4-6x7-6 Rug for . . . . . **$16.25** 6x9 Rug for **$27.75**
8-3x10-6 Rug for . . . . . **$40.00** 9x9 Rug for **$37.50**
9x12 Rug for . . . . . **$44.50** 10-6x10-6 Rug for **$52.50**

FRENCH WILTON RUGS.
3x3 Rug for . . . . . **$6.25** 6x9 Rug for **$38.00**
8-3x10-6 Rug for . . . . . $54.00 9x12 Rug for **$60.00**

NEGAMO RUGS—Sole western agents for these beautiful Rugs. They were introduced in the west for the first time a few months ago, by us, and their extreme popularity necessitated our ordering another large shipment. This has just been received and you can now get almost any size desired.
3x3 Negamo Rug for . . . . . **$2.75** 3x6 Negamo Rug for **$5.75**
4x7 Negamo Rug for . . . . . $8.95 9x12 Negamo Rug for $32.00

CARPET SWEEPERS—We are sole Omaha agents for Bissell's "Gold Medal." Let us send you one for a week's free trial.

COCOA MATS—A splendid outdoor mat—**49c** and up.

Buck's Hot Blast Heater

produces more heat for less money than any other stove in the world. By means of air ducts in an encircling ring, heated oxygen is admitted to the upper surface of the burning coal, thus allowing all gases to be consumed.

In an ordinary stove nearly 80 per cent of the combustible matter in the fuel escapes up the chimney. In a Buck's Hot Blast all combustible matter is turned into heat and radiated into the room.

Visit Our Free Cooking School

Headquarters for Good Window Shades from 35c up.

ORCHARD & WILHELM

414-16-18 South 16th Street.

Nebraska Agents Ostermoor Mattresses $15.00

INTEREST FOR YORK COUNTY

Latest Examination Shows Change from Previous One.

AGREEMENT ON CROP REPORTS

Secretary of State Junkin Has a Job of Deciding Between Rival Claimants for an Appropriation.

(From a Staff Correspondent.)

LINCOLN, Nov. 9.—(Special.)—The report of the county treasurer examiners of the condition of the York county treasury, which was completed this week and will shortly be filed with the state auditor, shows that Treasurer Copsey has collected interest on county deposits during the last two years. The last examination made of the treasury previous to the one just completed was made one month before Treasurer Robert Henderson went out of office. That report showed no interest had been collected since the previous report. The examination just made shows that during the last two years Treasurer Copsey had collected $5,694.27 interest on deposits, of which sum $3,600 was interest on deposits in banks during the term of Treasurer Henderson.

Crop Reporters Agree.

Frank S. Pinney, special agent of the bureau of statistics of the United States Department of Agriculture, visited the state labor bureau today and discussed with John J. Ryder, deputy commissioner, Nebraska statistics and the manner in which they are gathered. On acreage for the last year the government report and the state report were very little different, while the corn and wheat production per acre were unusually close. The government gets its crop estimates and reports from a correspondent in every township, and in addition to these it has a state agent and a special agent. Mr. Pinney, the special agent, recently made several drives through the west end of the state and made his report on the crops; this was taken together with the reports from the correspondents and the state agent. From these an average is taken. The state labor bureau gathers its statistics along the same lines. In each county the bureau has ten correspondents, and these report and an average is taken. In nearly every instance the two departments have different correspondents. The fact that the reports this year vary little indicates that Nebraska crop reports are about as correct as they can be made.

Junkin Has a Job.

Secretary of State Junkin has a dispute to settle between two lawyers. He worked over it all day and then passed it up to the attorney general. It is a little work left undone by the legislature. He has to decide whether to buy Wheeler or Cobbey statutes for the use of the state officers and institutions. The legislature appropriated $3,600 for the purchase of 400 copies of the annotated statutes. Both statutes are annotated and both Wheeler and Cobbey have put in bills for 400 copies of statutes. When the bill was introduced in the legislature it provided for Cobbey's statutes, but the name was cut out and the matter is now up to the secretary of state.

Nebraska to Be Represented.

Governor Sheldon intends to appoint a delegation to attend the National Rivers and Harbors congress to be held in Washington December 4, 5 and 6. He received a letter this morning from Joseph E. Ransdell, who requested that the delegation be appointed.

For Breakfast

Elijah's Manna

Ready Cooked and

Easily the most delicious flavour of any flake food known.

Grocers sell it at 15c.

Made by Postum Cereal Co., Ltd., Battle Creek, Mich.

Death from Natural Causes.

No blame attaches to anyone because of the death of John E. Little, whose body was found in the rear of a saloon this morning, so the coroner's jury decided this afternoon. Little was supposed to have gone back of the saloon and died from natural causes. He was about 40 years old and was well known as a horse trader.

Nebraska News Notes.

WEST POINT—Frank Blackburn and Miss Minnie Dauphin were united in marriage at the home of her sister, Mrs. Henry Ickman, in West Point.

COLUMBUS—Five homes were quarantined for smallpox the first part of the week. Only two of them, however, were in the city, the other three being just outside.

BEATRICE—The Woman's Relief corps held a meeting yesterday and arranged to hold a "poverty social" November 15. The treasurer reported ninety members in good standing.

WEST POINT—The births and deaths in Cuming county for the month of October, as shown by the returns of the registrar of vital statistics, are: Births, twelve; deaths, seven.

COLUMBUS—As an evidence of the prosperous times and that the farmers have money, more carriages, automobiles and all kinds of farm machinery were sold this season than ever before in one year.

DAVID CITY—The November term of the district court will convene next Tuesday with Judge Good on the bench. There are forty civil cases and one criminal. There are also nine divorce cases on the docket for this term.

PLATTSMOUTH—C. D. Quinton (rep.) received 1,064 majority for sheriff, while W. E. Rosencrans (dem.) received 1,065 majority for county clerk, which shows how closely the voters of Cass county stuck to their party politics.

BEATRICE—The case of Earl Burns, charged with assaulting his aged father, Philip Burns, was called in the county court yesterday and dismissed at the request of the young man's parents, who agreed to pay the costs in the case.

MULLEN—John Creswell, the cowboy preacher from Gillette, Wyo., and who has spent the last week here buying cattle for shipment to his ranch, delivered a very interesting sermon from the Methodist Episcopal pulpit Sunday evening. A large congregation was present to hear him.

WEST POINT—Fire destroyed the dwelling house on the farm of Samuel Reich about ten miles north of West Point. Mrs. Reich upon going upstairs discovered one of the beds on fire. She promptly gave the alarm, but assistance came too late and the house, together with its entire contents, was totally consumed.

BEATRICE—Farmers in Gage county are so busily engaged in gathering their corn crop that few take time to come to town. The grain is yielding all the way from twenty-five to forty bushels to the acre and some fields go as high as fifty. Winter wheat looks fine and promises a big yield.

BEATRICE—The "I. F's" Debating club held a meeting last night and discussed the Monroe doctrine question. The following members have been chosen to represent the high school in the debate to be held in Pawnee City December 20: Ben Alexander, Joy Reinhardt, Murray Barnard and Clifford Butler.

DAVID CITY—Thursday evening, November 7, the David City fire department met at their hall about 8 o'clock, where an hour was spent playing cards. From the hall they were escorted to Bahr's restaurant by W. J. Lorenz, who furnished a spread in honor of the good work done by the department at his meat market October 30.

COLUMBUS—Gethsemane commandery, Knights Templar, has been enjoying a rest since last May. Last evening was the first meeting for the fall and winter months. The commandery is expecting to confer degrees at every meeting until the next vacation. There were Sir Knights

(Continued on Fifth Page.)

WORMS

"I write to let you know how I appreciate your Cascarets. I commenced taking them last November and took two ten-cent boxes and passed a tapeworm 14 ft. long. Then I commenced taking them again and Wednesday, April 4th, I passed another tape-worm 25 ft. long and over a thousand small worms. Previous to my taking Cascarets I didn't know I had a tape-worm. I always had a small appetite."

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