THE ADVERTISER.

Official Paper of City, County, and the United States.

THURSDAY, OCTOBER 16, 1873.

The Election.

The election is over, and for one we are glad of it. We made as determined a fight for our party and against the opposition as our abilities warranted. But we made no indecent assault upon the character of any candidate. We buttonated our opponents as public men seeking public positions without trenching upon their private characters. The opposition paid us in different currency. No story was too vile for them to connect reflecting upon us. But we have long been accustomed to such treatment from our democratic opponents and feel as happy under the storm of their malignancy as they do in concocting it. As we said when we first took charge of the editorial columns of this journal, we propose so conducting the ADVERTISER and ourself as to deserve respect, if we do not receive it the fault is not ours. We have the consciousness of having performed our duty as an editor, citizen and Republican, and care nothing for the poisoned javelins hurled at us by those who envy us the possession of our many friends in Brownville and Nemaha County.

To-day we publish a tabular statement of the vote polled on Tuesday, which evidences the election of Majors as Clerk, Plasters as Sheriff, Gillmore as Treasurer, McComas as Probate Judge, and McKinney as County Commissioner, which table we submit without further comment this week.

Ground has been broken for the first railroad in Persia, with pompous and jubilant ceremonies.

Gen. Butler himself will, it is said, offer a bill repealing the increased salary bill, so far as it relates to congress.

The duke of Edinburg is continuing his courting of the Princess Alexandrowna at the czar's country-seat at Livadia.

Mr. George William Curtis will resume his seat in the "Easy Chair" of Harper's Magazine in the November number.

General N. P. Banks is spoken of as a probable member in the lower house of the next Massachusetts legislature, from Waltham.

Four hundred people have died in Shreveport of the yellow fever. The rest of the population has run away, and the city is now comparatively quiet.

Unfaithful cashiers in England get severely dealt with. An employee of the new British iron company, who grabbed $7,500, has been sentenced to five years' penal servitude.

Miss Rye has just left England with another lot of working women, 57 in number, for whom good places have already been secured in this country. While Miss Rye is bringing women to this country, Old Rye is sending them out of it.

There are 2,707,421 persons in the United States engaged in manufacturing, mechanical and mining industries. Illinois ranks as the fifth state in the Union in this class of population, numbering among her people 133,221 engaged in the industries above named.

P. T. Barnum has sailed for Europe. But George Francis Train has just returned to America. What a striking instance of the watchcare of an all wise Providence over this unhappy world, that these two men are not permitted to remain on the same side of the ocean.

Mr. Burrows, a grain buyer of Dexter, Iowa, recently purchased a load of wheat among which eight or ten bushels of sand had been mixed. This is something new in the way of swindling, and was evidently the work of a farmer who had become corrupted with the association of hay-seed politicians.

A recent post-office decision is that if a postmaster knows that a letter addressed to his office is intended for a person living within the delivery of another office, it is his duty to forward such letters (if it has been properly prepaid) without waiting for a request to do so, and without additional charge of postage.

The democratic party in Minnesota may be set down among the things that were but are not. If any doubt is entertained as to its disbandment, it will be dispelled by a perusal of the following resolution which was adopted by the convention of September 24:

Resolved, That the liberal republican and democratic parties, in State convention assembled, willing to forego all party predilections for the general welfare, and to join with patriotic citizens of parties to rescue the state and nation from their great peril, deem it not best, in the present emergency to make nominations of a strictly party character, but recommend all democrats and all liberal republicans to yield a cordial support to the nominees of the Owatonna convention.

NEW MEXICO CURRENCY.

Ready money is not very plentiful among the settlers of Texas and New Mexico, and many are the shifts and "dickers" resorted to for the procurement of desired articles. For instance, on old bedstead, "with no cloud upon the title," was advertised for sale in a recent issue of the Elpaso (Tex.) *Sentinel*, and the editor soon received a letter from a man in Los Cuscio, N. M., stating that he wanted the bedstead, but having no cash to invest he offered as an equivalent three pairs of cavalry pants partly worn; one sheepskin for a saddle-cloth; one bridle which cost $5 and is put in at $3; and one sack coat which has been worn only thirty-nine times. The writer thinks this a fair compensation for a second-hand bedstead, in which opinion he is undoubtedly correct.

THE FURNAS-HERALD SUIT.

Knowing his entire innocence of the charge made against him, Gov. Furnas commenced the libel suit against the Omaha *Herald*, not only to vindicate his private character, but for the common good of society. It was commenced at the only place this character of suit could be brought, with no expectation of being forced to trial in that county, with the then and present surroundings. At first opportunity, change of venue was asked, not from the judicial district, but merely to an adjoining county in the same district. This, we submit, *was due the case*, under circumstances, without reference to either of the contending parties as individuals. The reasons given for thus seeking a change of venue were: That Omaha was the home of the defendants, who were publishers and editors of a daily newspaper, in which capacity they have been persistent and constant in creating a public opinion purposely prejudicial to Gov. Furnas by the publication of numerous editorials and depositions taken solely in the interest of the *Herald*. Omaha is the place where the alleged crime is said to have occurred, and out of which has grown great and prevailing excitement. Furnas resided in another portion of the State, between which localities it is well known there has, for many years, existed a bitter local feud. Under these circumstances it was unreasonable to believe, other than that intelligent men in Omaha, competent to sit on a jury having under consideration a case of this magnitude, were either unfavorably prejudiced, or had read, formed and expressed an opinion, which, under court rulings, disqualified them for such position, and thus deprived the case of an intelligent jury. Again, it was, and is still believed, not only by Gov. Furnas, but by his friends, that such were and are the social and political relations existing between the *Herald* and the court officers having principally in charge the making up and handling of the jury, that there was, and is, good grounds for a belief that partiality would be exercised in favor of the *Herald* and against Furnas. Under all these circumstances a change of venue was denied, trial was had, and the result what every intelligent eye-witness predicted, no verdict for either party. The whole proceedings of the trial only confirmed the truthfulness of the reasons given asking for a change of venue as to facts and circumstances. A trial under such surroundings and circumstances was the merest farce in form of law. All unbiased men who witnessed the trial agree in this opinion. Application was made a second time for change of venue, reiterating former reasons given, together with glaring and disgraceful facts which occurred during trial and observable even to the mortification of the *Herald's* friends, prejudicial to Gov. Furnas. Change of venue even under all these circumstances, was again denied.

From the fact that in this State there is no Statutory regulation governing in the matter of change of venue, all being entirely within the discretion of the judge, and therefore appeal in exceptions being of no avail, and being satisfied that another trial in Omaha, under such surroundings and circumstances as have been narrated, would only be the more ridiculously and shamefully farcical, with no earthly hope of securing justice, Gov. Furnas has ordered the case dismissed.

We are fully satisfied with Gov. Furnas' vindication from the testimony in the trial had, and believe that any honorable, impartial person who heard, or read the entire testimony in the case, believes him innocent of the charges made by the Omaha *Herald*. But let none believe that the end is yet.

LINCOLN, Neb., Oct. 15, '73.
Editor Nebraska Advertiser.

Vote on Martin and Ghost close. All the rest of regular Republican ticket surely elected. G. P. E.

Geo. L. Miller of the Omaha Gasbag sneaks out of a $1000 subscription to the elephantine hotel by not having a dollar's worth in his own name. It is not the first debt the beast has shirked in that way.

Thus speaks the Plattsmouth *Watchman*, a democratic paper edited by a gentleman long in the employ of the *Herald*. If a $1000 could not be collected from him, how could Furnas get $10,000 from him? If Miller's friends and the Governor's enemies will hold their breath a little while, they will be provided with a solution to this problem. The end is not yet.

Col. W. M. Grosvenor, of St. Louis, has this to say concerning the Democracy and monopolies:

Neither is the Democratic party hostile to monopolies of transportation. The chairman of the national committee, Augustus Schell, is identified with the Vanderbilt railroad interest, and with banks. The Democratic organization in Pennsylvania and Ohio belongs to Scott and the Pennsylvania Company, in Maryland, to Garret and the Baltimore & Ohio; in Virginia, to Mahone and his railroad ring; in California, to the Central Pacific and the Bank of California. To claim that such a party is or ever can be the representative of the anti-monopoly force in this country, is as impudent as it would be to expect Fred. Douglas to lead colored voters to join a movement for the restoration of slavery.

Gov. Furnas goes West to Denver to attend the Convention of Trans-Missouri State and Territories on the subject of irrigation. Our Representative in Congress, Judge Crounse will likely also attend. This is important to the West, and we are glad to know the Governor has his eye on all matters tending to develop the "Great American Desert."—*Lincoln State Journal.*

Ex-Senator Pomeroy was shot at Washington the other day by a man named Conway, who like Pomeroy, is a broken down politician. The shooting was cowardly and unprovoked, but the injury sustained was slight.

Who constituted Jarvis S. Church custodian of the interests and feelings of Gov. Furnas' friends.

PROCEEDINGS

Of the Fall Term of the District Court held last week:

Ephraim M Long vs Theodore F M Waldschmidt, or his unknown heirs. Default of defendants taken. Judgment of reviver in favor of plaintiff and against defendants.

Wm Frasher, Jas L McGee, and George Harmon vs S A Ingham, F Ingham, late partners as S A Ingham & Co and Wm H Denman. Civil action. Leave given to defendants to answer within sixty days from the rising of the court, and case continued.

J W Hollingshead vs L G Hall. Action on promissory note. Jury empanneled and sworn. Case tried. Same day jury returned with verdict for pliff for $100. Judgment on verdict in favor of pliff and against deft for the sum of $100 and costs.

Paul Kern vs F G Holmes, Felicia A Holmes, J F Bennett, Jas Tate and John Greiver. Foreclosure of mortgage. Found due pliff from Fred'k G Holmes the sum of $906,66. Order of sale granted, and further order of the money to be brought into court to abide the further action of this court.

John H Brown vs Barton Easley and Eli Osborne. Foreclosure of Mortgage. Motion to suppress depositions sustained. J W Newman appointed referee to take proofs in this case and make report of the facts and the law to this court and case continued.

Julian Metcalf vs Benj G Watson, Lewis G Hall, Joanne R Hall and Wm McLennan. Foreclosure of mortgage. Death of Benj G Watson suggested. Leave given to make legal representation of Watson, party defendant, and case continued.

Samuel Bauserman vs Warren Levanseler. Action on promissory note On motion of pliff continued.

David Crook vs Thomas Heady, sr. Action for an account. In hands of referee.

Felicia A Holmes vs Samuel Bennett and James F Bennett. Foreclosure of Mortgage. Default of defendants taken. Found due pliff from defts the sum of $1411,66, and order of sale granted.

In the matter of the estate of Henry R Read, deceased, Stephen Sutton administrator. Action to sell real estate. For confirmation of sale. Rule to show cause why sale should not be continued. Sale of lots No. 13 in block 12 Brownville; lots 15 and 16 in same block; east half s e ¼ and s e ¼ of n e ¼ sec 34 township 4 north, of range 14 confirmed and deeds ordered to be made to purchasers, and sale of all other property sold to be set aside, and ordered that the license to sell be and is hereby renewed, &c.

Bernard Kalkman vs Caroline Kalkman, John H. Kalkman, M A Kalkman, J H Kalkman and John M Feldmon. Action for partition. Judgment of partition. D Plasters, W H Hoover and S P Majors appointed Commissioners to make partition, and report to this court.

R V Hughes and A T D Hughs, admrs of estate of W S Hughs, decd. vs Josephine E Hawe, M C Hughes, George W Hughes, Hanna Hughes, Nancy Hughes and Albert Howe. Appeal from docket of E M McComas, Probate Judge. Taken under advisement.

D S Hacker vs Caroline Kitchen, et al. Action for partition. Report of commissioners.

S W Kennedy et al vs R V Hughes and A T D Hughes. Action on Probate bond. Leave given deft to answer to 5th count within 30 days from rising of court. Leave given pliffs to file the necessary separate petitions for each party separately intended as pliffs, without costs.

John Hallinan and Daniel Hallinan by Mary Clark, their next friend vs Michael Riordan. Case continued.

J R Bell vs T L Wiswall. Action on account. Application for new trial. Continued.

Enoch Robnett vs Wm Phillips. Action for damages. Judgment in favor of pliff for the sum of $440,50 and costs.

Fielding Price vs C W Wheeler. Appeal from the docket of E M McComas, j p. Leave given Stull & Schick to withdraw as counsel for pliff. Motion submitted and overruled.

Josephine Hughes vs Maria C Hughes, et al. Action for dower. Judgment on report of referee. J. W Newman, guardian ad litem.

S A Fishburn vs Thomas Heady, sr Action for damages. Judgment in favor of pliff for $1000. Defendant excepts.

N. B Snow vs Geo Patterson and Morris King. Action in attachment For confirmation of sale. Sale confirmed.

Aultman, Miller & Co vs A P Burd and W P Kennison. Action on promissory note. Action dismissed as to A P Burd.

Louis Waldter vs Luther Hoadley. Action for damages. Defendant to answer within 30 days from rising of court.

J W Bliss, appellee, vs D K Ellis, appellant. Appeal from docket of E M McComas, Probate Judge. Continued.

M Switzer et al appellants vs A P Cogswell, appellee. Appeal from the docket of E E Ebright, j p. Leave given pliff to plead to answer within 30 days.

A Tynan, appellee vs Geo Tate, appellant. Appeal from Docket of E M McComas, j p. Judgment on verdict in favor of deft and against pliff for costs.

G P Uhl vs W T Morris, et al. Action for the recovery of real estate. Continued.

W B Davis vs C J Brown. Foreclosure of Mortgage. Order of sale &c.

John Williams vs J W Williams. Action on attachment. Judgment in favor of pliff and against deft for $162,35 and costs.

The People of the State of Nebraska vs Geo Harmon, et al. Information in the nature of a quo warranto. Continued.

Geo Kendrick vs W R Leach, et al Foreclosure of Mortgage. Motion overruled.

L Hoadley vs Herman Utecht et al. Foreclosure of Mortgage. Decree of foreclosure and order of sale.

F S Horn vs J W Henderson et al. foreclosure of mortgage. Decree of foreclosure and order of sale.

Luther Hoadley vs Mary A Kindt, et al. Foreclosure of mortgage. Foreclosure and order of sale granted.

L Hoadley vs Ebenezer Barnes, et al. Foreclosure of Mortgage. Defendants to answer within 60 days, and cause continued.

Solomon Kirkham vs D D Robinson et al. Foreclosure of mortgage. Cause referred back to W H Hoover, to take further proofs and report to this court.

W P Jewell, admr est of J C Wood vs Elizabeth Jewell, et al. Cause continued.

J Strickler and Peter Bobst vs Fannie Kennedy and others. Foreclosure of deed of Trust. Decree of foreclosure and order of sale granted.

Charles Brunn vs The Nemaha Driving Park Association, and others Foreclosure of mortgage. Cause continued.

J L Carson vs M J Clark, et al. Foreclosure of mortgage. Decree of foreclosure and order of sale.

Wm Compton vs Daniel Cole, et al. Continued.

D J McCann & Co vs Wm McLennan et al. Creditors, bill. In the hands Master.

Oscar Kiser and Benjamin Smith, surviving partners of the late firm of Roddick, Kiser & Co vs I L McCoy. Cause continued.

J P Hoover, et al vs Frank Ballard. Deft to answer amended petition in 60 days from rising of court.

S M Bartscher by J M Bartscher, his next friend, vs Nave, McCord & Co. Cause to be heard at chambers.

S M Bartscher by J M Bartscher his next friend, vs Turner, Frazer & Co. Petition in error. Cause to be heard at Chambers.

S M Bartscher by J M Bartscher, his next friend vs Samuel Bennett et al. Petition in error. Cause to be heard at Chambers.

D M Steele and L L Johnson, doing business under the firm name of Steele and Johnson vs J H Conlee, et al. Action on promissory note.

Nancy Ann Buckner vs Wm H. Buckner. Action for divorce. Divorce granted.

Andrew Tynan, appellant, vs Wm Tynan, appellee. Appeal from docket of R B Smith, J. P. Continued.

J R Bell appellee, vs. Ira Moore, appellant. Appeal from the docket of E M McComas Probate Judge and ex-officio j p. Judgment in favor of pliff. $26,60 and costs.

D C Cole admr est Wm Tate, dec'd, vs Mary Ann Tate, widow, &c., et al. Action for the sale of real estate. Continued for sale.

R Hawk, et al vs Solomon Fisher, et ux. Foreclosure of Mortgage. Decree of foreclosure and ordered sale allowed.

Robert Hawk, et al vs. Julius Gilbert, et ux. Foreclosure of mortgage. Decree of foreclosure and order of sale allowed.

S M Summers, appellant, vs Edward Pierpont, et al appellees. Appeal from docket of E M McComas, Probate Judge and ex-officio j p. Defendants to file amended answer within 30 days.

Nathan Mason, appellant vs A T Hutchinson, appellee. Appeal from the docket of E M McComas, Probate Judge and ex-officio j p.

Minnie G. Cook, pliff in error vs the City of Brownville, deft in error. Petition in error. Cause submitted and taken under advisement.

John Lavigne, appellee vs Peter Bratley, appellant. Appeal from the docket of E M McComas, Probate Judge and ex-officio j p. Cause continued.

A A Sorgent & Co, appellees, vs S. M Bartscher, appellant. Appeal from docket of E M McComas j p.

J W Bennett, guardian &c, appellant vs A W Morgan appellee. Appeal from docket of E E Ebright j p. Continued.

Andrew Fightman, appellant vs Joe Root, appellee. Appeal from docket of R A Hawley, j p. Continued by consent.

J A Anderson, appellee, vs Wm Jewell, appellant. Appeal from the docket of R A Hawley, j p.

J L Carson appellee vs R V Hughes et al appellants. Appeal from the docket of E E Ebright, j p. Cause continued.

John Lavigne, appellee vs Peter Bretley, appellant. Appeal from the docket of E M McComas, Probate Judge, and ex-officio j p. Cause to be considered.

Church Howe, appellee vs Jacob Gergans, appellant. Appeal from the docket of E M McComas Probate Judge and ex-officio j p. Cause dismissed.

R V Hughes, et al, pliffs in error, vs Josephine Hughes, deft in error. Petition in error. Cause submitted and taken under advisement.

Edward Schneider vs B G Schneider, et ux. Foreclosure of mortgage. Deft to answer in 30 days.

S R Daily, by his next friend, R T Daily, pliff in error vs W R Stevens, admr &c, defts in error. Petition in error. Cause submitted and taken under advisement.

Watson Empson, pliff in error vs W W Hackney, deft in error. Petition in error. Cause submitted and taken under advisement.

H Closterman vs E S Wibly, et ux. Foreclosure of Mortgage. Decree of foreclosure and sale ordered.

J C Bousfield vs Joe Dysart, et al. Foreclosure of Mortgage. Decree of foreclosure and sale ordered.

Mary L Eastman vs J J Roberts. Action on promissory note. Cause continued.

W R Hall vs I N McCoy, et al. Action on promissory note.

H A Hainseler as trustee, and Frederick W Torwegge as beneficiary vs C A Raymond and George J Raymond. Foreclosure of mortgage. Decree of foreclosure and order of sale granted.

Geo Hainseller, trustee &c, vs Geo J Raymond et al. Foreclosure of mortgage. Decree of foreclosure and sale ordered.

Aultman, Miller & Co. vs F A Tiedel, jr. Action on promissory note. Judgment for pliff.

The Singer Manufacturing Co vs W H Larkin et al Action on bond. Continued.

Kilbourn, Jenkins & Co vs I L McCoy et al. Foreclosure of mechanics lien. Continued.

R W Furnas vs E H Burches. Action on promissory note. Judgment in favor of pliff.

Atchison Co State of Mo &c. vs P. Kern et al. Action on attachment. Continued.

L Waldter vs Thos Wiswall and others. Foreclosure of mechanics lien. Continued.

Emma Hawkey vs Jerry Hawkey. Action for Divorce. Decree of divorce granted.

J P Burdick vs M Flack et al. Foreclosure of mortgage. Decree of foreclosure and sale ordered.

E M Miller et al vs A P Cogswell, et al. Foreclosure of Mortgage. Decree of foreclosure and order of sale granted.

Stull & Schick vs W H Kimberlin. Action in attachment. Judgment for pliffs.

R W Furnas vs S A Chambers et ux. Foreclosure of mortgage. Decree of foreclosure and order of sale granted.

Wm Watson vs B C Elwood et al. Action to establish vendors lien on real estate—continued.

J L Carson et al pliffs in error vs Nemaha county, deft in error. Action in error.

Geo Harmon vs W O Bartholomew et al. Foreclosure of mortgage. Decree of foreclosure and order of sale granted.

The National State Bank of Mount Pleasant Iowa vs W B Phillips, et al. Continued.

J I Case & Co vs Jonathan Higgins and John Delay. Action on promissory note. Judgment for pliff.

Wm Campbell vs A P Cogswell et al. Foreclosure of mortgage. Decree of foreclosure and sale.

D W C Shellabarger, executor &c vs Julia A Biser et al. Foreclosure of mortgage—continued.

Jane Shirley vs David Shirley. Action for divorce—continued.

Gilkeson & Sloss vs Peacock & Emerson. Action on promissory note—continued.

The Sullivan Savings Institution of Claremont, N H vs J G Kennedy, et al Foreclosure of mortgage Decree of foreclosure and sale.

T P Morgan vs S P Tuttle et al. Foreclosure of mortgage. Decree of foreclosure and Sale.

Geo Gerdes et al vs Wm Gerdes, et al. Action for partition. Referred to commissioners and continued.

Andrew Tynan vs S S Tomlinson et al. Foreclosure of mortgage—continued.

Saml Snyder vs John Snyder. Action on promissory notes. Decree of foreclosure and sale.

State Bank of Nebraska vs J Q A Smith, et al. Foreclosure of mortgage—continued.

Mary E Furnas vs A W Ellis et al. For confirmation of sale. Sale confirmed.

Wm McLennan vs Andrew Shaffer For confirmation of sale. Sale set aside.

Bartholow, Lewis & Co. vs J Q A Smith et al. For confirmation of sale—sale confirmed.

S M Summers vs C P Pollock, et al. Foreclosure of mechanics lien—sale confirmed.

W H Hinckley vs F M Townsley et el. Foreclosure of mortgage. Sale set aside.

Ben Holladay vs Louis Neal et al. For confirmation of sale. Sale confirmed.

Wm Lambert, appellee vs Stephen Fuller, appellant. Appeal from the docket of J M Paulin, j p—continued.

Field Bros vs Jacob Marohn. Action on promissory note. Judgment for pliff.

Henry Kampe, appellee vs Andrew Shaffer, appellant. Appeal from the docket of E M McComas, Probate Judge—continued.

Luther Hoadley et al vs W F Wilson.

Geo P Uhl vs J L Hitt et al.

Polly Webber ex &c appellee vs Jas Bennett, appellant. Appeal from the docket of E M McComas, Probate Judge—continued.

Bennet & Son, appellants vs Polly Webber, et al. appellees. Appeal from the docket of E M McComas, Probate Judge—continued.

Peter Roy, appellee vs John Lavigne, appellee. Appeal from the docket of R A Hawley, Justice of the Peace.

A W Morgan vs A W Morgan and others. Foreclosure of mortgage—lien on premises.

CRIMINAL CASES.

State of Nebraska vs Robt Daily. Selling liquor without license. Fined $25 and costs.

State of Nebraska vs Wm Richardson and Rebeca Richardson. Fornication. Entered nollie.

State of Nebraska vs Jack Maddocks and Joseph Maddocks. Resisting an officer. Nollied.

State of Nebraska vs John Pattison. Selling liquor without license. Discharged.

State of Nebraska vs Frank Carroll and Amos Carroll. Keeping a gambling house. Nollied.

State of Nebraska vs W H Small. Keeping a gambling house. Nollied.

State of Nebraska vs John Pattison. Appeal from docket of E E Ebright, j p. Discharged.

D K Farnhrm vs the State of Nebraska. Petition in error. Taken under advisement.

Ira D Pratt vs the State of Nebraska—petition in error. Taken under advisement.

State of Nebraska vs W H Blunt—bound over by E E Ebright j p to keep the peace. Bond to keep peace and pay costs.

State of Nebraska vs John Maddox and Joseph Maddox—assault and battery. Continued.

State of Nebraska vs Jas Tindolph—forgery. Discharged.

State of Nebraska vs Isaiah Bowmer—larceny. Sentenced to penitentiary 2 years.

State of Nebraska vs Wm Harrison—larceny.

OFFICIAL VOTE OF NEMAHA COUNTY.

CANDIDATES.	Peru.	Douglas.	Washington.	London.	Brownville.	Nemaha City.	Aspinwall.	Bedford.	Benton.	Lafayette.	St. Deroin.	Glen Rock.	Island.	Total.
For Probate Judge—														
C. F. Haywood	46	38	7	28	122	17	36	30	45	37	37	39	36	494
E. M. McComas,	128	43	59	67	202	38	74	26	25	73	22	50	6	905
A. W. Morgan	6	3	1	2			2		3					17
For County Clerk—														
Wilson E. Majors	136	40	25	39	184	30	49	11	54	80	29	32	17	795
David Jack	44	20	41	70	142	98	62	25	13	29	29	41	8	620
R. A. Hawley	1	4	6	11	2	7			5	10		1		46
For Treasurer—														
A. H. Gillmore	107	34	11	45	161	31	55	32	9	39	37	22	23	644
F. E. Johnson	67	21	41	51	160	51	54	28	29	48	12	42	7	622
Wm. Clary	15	16	16	5	6	4	5		46	12		16		132
C. M. Hayden	2	5	2	21	1									33
For Sheriff—														
J. W. Brush	79	46	19	40	124	18	47	31	48	56	35	31	2	579
D. Plasters	124	39	51	70	200	81	64	27	29	49	16	74	16	867
For Coroner—														
E. E. Ebright	151	37	17	30	174	29	57	28	46	60	36	28	17	736
O. K. Fisher	12			2	1	1	14				1			35
J. B. Fisher	25	18	25	55	48	25	122			58				376
Thos. Kinsey	14	29	21	25	82	39	16	19	25	10	12	67	3	362
For Surveyor—														
C. M. Hayden	140	35	12	28	127	20	49	32	43	46	29	5	36	571
Julius Gilbert	68	45	58	99	199	90	62	26	29	17	27	69	4	830
For Commissioner—														
Alex. McKinney	136	57	62	38	75	44	75	52	72	118	42	82	17	900
T. McAdams	3	1	1	11	1	2	6							25
W. T. Den	67	21	9	48	254	33	26	7	2	2	7	7	3	481
For School Superintendent—														
S. W. McGrew	85	28	24	34	140	54	78	27	58	60	42	30	22	671
D. Pearson	111	48	48	53	186	53	77	34	15	48	8	71	8	754

THE TIMBER CULTURE LAW.

Open Letter to Commissioner of the General Land Office.

KANSAS PACIFIC RAILWAY,
INDUSTRIAL DEPARTMENT,
ELLIS, KAN. Oct. 4, 1873.

Hon. Willis Drummond; Commissioner of the General Land Office:

SIR—The Act of Congress of March 3, 1873, was intended, and is entitled an act "to encourage the growth of timber on Western prairies." By section 6 you are required to prepare and issue such rules and regulations, consistent with the act, as "shall be necessary and proper to carry its provisions into effect."

The rules and regulations issued by you, including your circulars to registers and receivers, dated June 30, 1873, do not appear to me to be either consistent with the act, or such as will encourage the planting or growth of "timber on Western prairies."

I. You say "an individual cannot be allowed to make more than one entry" under the first section of the act, yet the act itself makes no such limitation. The first section says that "*any person* who shall plant, protect and keep in a healthy growing condition for ten years, forty acres of timber, the trees thereon not being more than twelve feet apart each way, on any quarter section of the public lands of the United States, shall be entitled to a patent of the whole of said quarter section at the expiration of said ten years;" and the only restriction or limitation is, "that only one quarter in any section shall be thus granted." For you to limit the act to a particular class of persons—to those who had not already entered a quarter section under it—looks to me like legislation rather than regulation. You say that you "cannot conclude that it was the intention of Congress to allow any person to take more than one quarter section," etc., because this would be "contrary to the principles embodied in the general legislation in relation to the public domain." In this you seem to forget that the whole act is a new departure in our public land legislation. It is not an act for the sale of lands, nor to authorize pre-emptions, nor to provide for homesteads, nor for public highways, or schools or agricultural colleges; all of which have been embraced in previous legislation, and may indicate the "general principles" on which it has been based. The act of March 3, 1873, has nothing to do with these things. It is an act "to encourage the growth of timber," and ought to be construed to effect that result. It has a distinct object, different from any embraced in any previous "legislation in relation to the public domain."

II. You require that any person who enters a tract under the first section of this act must complete the planting of his forty acres in the first year. Yet the second sec. of the act in clear terms gives him thirteen years in which to show that he has had forty acres ten years planted. "No certificate shall be given or patent issue therefor until at least ten years from the date of such entry; and if at the expiration of such time, or at any time within three years thereafter," the person making such entry, or his legal representatives, shall prove that he or they "have planted, and for not less than ten years" have cultivated, etc., he or they "shall receive a patent for such quarter section of land." If this provision does not allow three years in which to complete the planting, I cannot understand what it does mean. It cannot surely have been intended only to afford time for formal proof, after the ten years should expire, because less than three years would answer this purpose. Instead of regarding the first, second and third sections of the act (relating to persons planting *forty-acre tracts*), as virtually one act, confined as they are to one class of entries, and enterpreting their provisions in view of their purpose, you go to the fourth section for a construction of the preceding three. "Congress," you say, "fixed a time for homestead claimants under the fourth section, and as no time was fixed for parties making entries under the 1st section," you "adopted" the time of one year. You do not seem to reflect, that while the intention of the legislator is always to be considered in construing an act, it is intention regarding the subject matter of the act, and not as to something else. As the first and second sections of the act have nothing to do with homesteads, I fail to see how the intention of Congress in regard to homesteads can have anything to do with a totally different subject. If the first three sections of the act of March 3, 1873, were in an act by themselves, you would never think of construing such act by a separate act containing the provisions of section four; or at least, such is not the usual mode of getting at the intentions of a legislator. Your ruling is not such as tends "to encourage the growth of timber on the western prairies." If you would "encourage" tree planting you should interpret liberally, and not narrowly, the act of congress.

III. You limit the first section of the act to "a technical quarter section." The act uses the term "quarter section," and your construction is in harmony with its language, But here is a case where other laws and section under them might well be referred to in construing the act of March 3, 1873. The act of Sept. 4, 1841, (pre-emption law), in its first section, authorizes entries "by legal subdivisions, and number of acres not exceeding one hundred and sixty, or a quarter section of land;" and in its second section uses the term "quarter section" as equivalent to 160 acres, in providing for priority of claim, etc. In the act of March 3, 1843, the term "quarter section" is again used in the same sense; and also in the homestead law of May 20, 1862. I think you would have been justified in referring to these acts, when construing the term "quarter section" as used in the timber act of March 3, 1873. Of course, the claimant should be confined to legal subdivisions joining each other, and could not claim parts of two different sections. To have given a liberal construction to the term "quarter section" as used in the first section of the timber act, would have strained its provisions less than your ruling in regard to other features of the act and would have tended to promote its object—the encouragement of tree planting on the "western prairies."

IV. All that you say in your circular of June 30th, in regard to "discrimination against settlers, under the homestead law," and "in favor of men who have the means to appropriate lands for speculation purposes," would be effective in a stump speech, but does not seem necessary to the official interpretation of an act of Congress. No one appreciates more highly than I do, the "settlers under the homestead law, who, through poverty, privation and toil, are rendering an essential and valuable service to the commonwealth by making their homes upon wild lands and reducing them to cultivation, and thereby adding to the productive area and resources of the country," as you so forcibly express it; and I fully agree with you that "if any discrimination is to be made," it should be in favor of the poor man who seeks a home for himself and family upon the public domain." Your mistake, as I conceive, is in supposing any discrimination necessary. If you were on the frontier, as I am (and it is on the frontier that the timber act is to have its operation,) you would see that your own rulings are *against the interests of the settlers*. While you are supposing that "men who have the means" are about rush to the frontier and take up lands to the exclusion of the settler, and that you are acting "in favor of the poor man" in straining the act of Congress to keep the "men who have the means" away, the settlers are looking anxiously for the advent of those very "men who have the means." For why? Simply because, in a region remote from market, and among people not largely provided with live stock or other property, the man who has money to purchase the labor of men and teams is a blessing to a neighborhood. The labor of plowing, planting and cultivating forty-acre tracts for the men who have money to pay for it, will be gladly undertaken by the settlers. Between the settlers and those who "are not required to reside upon and improve" their lands "further than may be necessary to the planting and cultivation of the requisite quantity of timber," there is none of the antagonism indicated in you circular of June 30, 1873.

V. In your circular you magnify the service rendered to the "commonwealth" by the homestead settler, and depreciate that to be rendered by the "men who have the means" to plant forty-acre tracts. I fail to see the disparity in the public usefulness of the two classes. It was not the object of the act of March 3, 1873, to confer a favor upon either. The object of the act is expressed in the title—"to Encourage the Growth of Timber on Western Prairies." Congress has said how either class can entitle themselves to certain concessions, by doing certain things. There is no charity to the settler; there is no gift to the man of money, in the act. Congress simply offers a trade—so much land for so much service. It is not the *object* of the act to benefit those who act under it, but to have trees planted in open, treeless parts of the country. The homestead settler, in any event, is not a pensioner on the public bounty; he is worth to the country all he gets from the public domain. So it will be with the men who plant under the first section of the act of March 3, 1873.

VI. From the general tenor of your regulations and circular, one would suppose that it is a great favor to "any person" to permit him to plant timber trees on public lands. If such is your view, you are, I think, in error. The favor is rather the other way. Here is an immense expanse of the continent destitute of forest growth. The "frontier" has already passed the limit of the well-wooded regions; and the question is upon us how can settlements best be extended over the treeless plains? The rapid increase of population in our country tells us that this question will, year by year, gain in importance. Congress, in enlightened legislation, (more comprehensive and beneficial even than was believed by those who enacted it) has partially replied to this question—first in aiding railroads to traverse the plains, and now in the act to encourage the growth of timber. This legislation will have far reaching results, even extending in some degree to modification and amelioration of climate. This being the case, the act to encourage the growth of timber is entitled to a construction in harmony with its grand but undeclared purpose, as well as with the letter of its provisions.

Very respectfully, your obedient servant, R. S. ELLIOTT,
Industrial Agent Kansas Pacific R'y.

LEGAL ADVERTISEMENTS.

Estray Notice.

TAKEN up by the undersigned, on the ... day of October, 187.., one ... sandy specks, marked with a crop of the ... ear; has five pigs, part white and ... ted. No other marks noticed.
n1-4w WYMAN ...

Wood Notice.

NOTICE is hereby given that bids will be received at the County Clerk's office ... to twelve o'clock, M., of the ... of ... vember, 1873, for the delivering of ... five cords of good merchantable wood, ... er hard or soft. Board reserve the right ... reject any and all bids.

By order of the Board.
n1w2 J. M. HACKER, Co. ...

NOTICE OF SPECIAL ELECTION.

Saturday, November 22, 1873.

Whereas, many voters and tax payers ... Peru precinct, in Nemaha County, Nebraska, having presented a petition thereto ... board deems it advisable and proper ... the following proposition be submitted ... the vote of the electors of said Peru precinct.

Now therefore, we, the County Commissioners of Nemaha County, State of Nebraska, do hereby order that a special election be held in Peru Precinct, at the usual place of voting therein

On Saturday, November 22, A.D. 1873,

For the purpose of submitting to the qualified voters of said precinct, the question of voting bonds to the amount of Twenty-five thousand dollars in aid to the Peru Manufacturing Company, said bonds bearing ... per cent interest, per annum, from the ... of said bonds.

The interest of said bonds to be paid annually. One tenth of the principal to be paid in the year 188.., and one tenth annually thereafter, and to continue from year to year, until said bonds are paid. And ... a tax to be levied for the payment of the payment of the principal and interest of ... bonds, in addition to the usual tax and sufficient to meet the payment of the principal and interest of said bonds, and to continue from year to year until such bonds are paid.

The conditions of the delivery of the said bonds to the Peru Manufacturing ... Peru, Nemaha County, Nebraska, ... that when said company shall ... County Commissioners of Nemaha County, Nebraska, their bonds with sufficient security to the amount of double the amount of said sum, to Peru precinct, Nemaha county, Nebraska, that they will use the proceeds of said bonds, exclusively for the purpose of carrying on a manufactory, ... the town of Peru, Nebraska, that upon the execution of aforesaid bonds by the ... Manufacturing Company, then the said County Commissioners of Nemaha County shall deliver to said Peru Manufacturing Company the aforesaid bonds to the amount of Twenty-five Thousand Dollars.

The ballots to be voted at the election herein provided for, shall have written or printed thereon, the words following ...

Those in favor of the proposition ... submitted, the words

"For Bonds and Tax."

Those opposed to the proposition ... submitted, the words

"Against Bonds and Tax."

The polls of said election shall be opened at 8 o'clock a. m. of said day, and shall continue open until 6 o'clock, p. m. of the same day.

By order of the County Commissioners of said County of Nemaha, State of Nebraska, this the 8th day of October, A.D. 1873.

H. O. MINICK,
A. J. RITTER,
H. BOCKEMEIER,
County Com's.

JAMES M. HACKER,
1-4d County Clerk.

Bids for Forage.

OFFICE CH. QR. MR. DEPT PLATTE,
OMAHA, NEB., October ..., 1873.

SEALED PROPOSALS, in duplicate, with satisfactory guarantee signed by two responsible parties, ... become bondsmen ... award of contract, will be received at this office until ... o'clock a.m., on Thursday, November ..., 1873, for the delivery at Omaha Depot ... quantities as required, during November ... December, 1873, of

1,000,000 pounds Oats;
2,000,000 pounds Corn.

Bids to be endorsed on envelope "Bids for Forage."

Blank bids furnished, and full information made known on application at this office.

The right to reject any or all bids is reserved.

ALEX. J. PERRY,
Chief Qr. Mr., Dept. Platte,
Bvt. Brig. General U. S. A.
1w4