

THE OMAHA BEE

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AN IMPORTANT RAILROAD DECISION.

The supreme court of Nebraska recently rendered an important decision which will be of interest to every railroad shipper in the state. The case was entitled the Burlington & Missouri River Railway company vs. the Chicago Lumber company, and it was taken up on error from Otoe county. It was an action in garnishment commenced by the defendant in error, the Chicago Lumber company, a judgment creditor of one William W. Babbott, against the plaintiff in error, the railroad company, as a supposed debtor of the said Babbott. The railroad company, in its answer, stated that at the time of the service of the summons it was indebted to Babbott in the sum of \$144.61 for overcharges, before that time made, on freight. It seems that the railroad company had in its possession at that time eleven carloads of coal, worth \$616.10, consigned to Babbott, but the charges against the coal amounted to \$1,029.63, itemized as follows: Freight and back charges, \$666.63; demurrage, 85 days in car, \$830; unloading, \$33, being in the aggregate \$413.52 more than the value of the coal. The railroad company therefore insisted that it was not indebted to Babbott in any amount. In the trial of the case in the district court of Otoe county it was shown that the railroad company had converted the coal to its own use by unloading it into its own bins. Judgment was rendered in favor of the lumber company for \$144.61.

In its brief before the supreme court the railroad company conceded that the freight charges were more than the value of the coal, but that this was owing to the fact that it was wrongfully turned in transit from its proper course. "It should have been sent over [the Council Bluffs & St. Joe railroad, but it was turned and went the roundabout way, meeting with several wash-outs, which caused the freight to be more than the coal," is the admission of the railroad.

The supreme court in its decision declared that it knew of no rule of law which will permit a railroad to wrongfully send freight by a "roundabout" way, and thus increase the cost of transportation. The commerce of the country requires not only cheap, but direct and rapid transportation.

As to the charge of demurrage the court held that a railroad company is not entitled to charge demurrage for freight standing in its cars, unless by virtue of contract or statutory law. The company's charge was not made by virtue of any contract nor by any statutory enactment, there being no authority of any kind permitting any such charge. As to whether demurrage might be charged in case of a contract to that effect the court expressed no opinion. The practice of charging demurrage has been quite common in Nebraska, and particularly so in Omaha. This decision ought to put an end to this species of robbery.

The charge for unloading the coal, in the case under consideration, was not allowed, there being no claim, says the court, that it cost any more to unload this coal into the company's bins for its own use than it would had it belonged to the company in the first instance. The court lays down the principle that a railroad company cannot collect charges for unloading freight which it converts to its own use at the time of such unloading.

TOWA INSURANCE.

The state auditor of Iowa in his fifteenth annual report, says that it would seem to be a serious question, under the present condition of the insurance laws of the state, whether supervision is maintained for the purpose of revenue to the state or protection to people who insure. The intention of the law is, of course, to protect the people from fraud, but owing to its loose construction the way is left open for innumerable frauds and speculative forgeries. The auditor very properly calls for a prompt and thorough investigation of the insurance business in Iowa, and he suggests that a system of regular examinations of all companies should be adopted, and that they should be of frequent occurrence. There are 111 fire, marine and casualty insurance companies doing business in Iowa. Sixteen are home companies and ninety-five are foreign. There are seventy co-operative fire associations known as farmers' mutuals. The aggregate amount of fire risks written in Iowa during the year 1883 (exclusive of co-operative associations) is shown to be \$203,238,129; the premiums received, \$3,365,807; the losses incurred, \$1,416,785, which shows an increase in business over the previous year, in risks written of \$7,101,760; in premiums received, \$387,261; and in increases in losses incurred of \$513,633 as compared with last report. It will be seen that the insurance business is carried on very extensively in Iowa. That it needs careful watching cannot be denied, and it would seem that an insurance department ought to be created for that special purpose.

The sidewalks on the business street in the central portion of the city are in a disgraceful condition. In the first place the variety of material used makes of the walks a miserable patchwork. In front of one building we find a stone walk, with the blocks all out of position, some sticking up and the others depressed; in front of the next building is a brick walk in the same condition; next comes a piece of worn out plank walk; then follows a section of asphalt; and at long intervals will be found a piece of artificial stone walk, smooth and well laid. As a rule these different sections are on different levels, and consequently the sidewalk is up and down. In the

second place, where the walk has been extended to a width of twenty feet, the additional space of four feet is either being patched in a slovenly manner or is left entirely alone. Where the walk is not filled out to the curb line, water collects in the intervening space and forms a mud puddle. This is particularly the case at street corners, and pedestrians find it difficult in many places to cross without stepping into the mud. All these defects can be seen on Farnam and Douglas streets and on the cross streets. Farnam and Douglas have the worst walks in the city owing to a lack of uniformity in material, surface, and width. The council ought to take immediate steps to compel property owners on these streets to put down a uniform sidewalk. Now is the time to do it on Farnam street, as the walk on this street has been widened to twenty feet, and a great deal of new walk will have to be laid. Everybody should be compelled to lay the walk to the full width and the walk the whole length of the street should have an even surface. No more plank walks should be permitted on this main thoroughfare, or on any other principal business street.

ALTOUGH Omaha is one of the healthiest cities in the country, owing to its excellent surface drainage and sewerage system, yet there are precautions to be taken against a visitation of the cholera. If the cholera reaches this country, it may visit Omaha as it is located on one of the great lines of transcontinental travel. Now is the time to clean up every part of the city. Other cities are already taking precautionary measures, and Omaha should not wait until the last moment. Every stagnant pond of water should be drained off or filled up, and every place where filth of any kind has accumulated should be cleaned up. One of the most important steps to be taken is to compel or induce property owners to connect their premises with the sewers. Many of the property owners, who wish to avoid expense, refuse to connect with the sewers, and continue to throw their slops and refuse matter in the streets and alleys. If such slovenly persons will not connect with the sewers, they should be arrested and punished for making cess-pools of the alleys. A system of garbage collection would also prove a valuable aid in improving the sanitary condition of the city, and a systematic inspection of the alleys by the police would be a timely precaution. The alleys ought to be and can be kept as clean as the principal streets.

This city council ought to appoint a general paving inspector, who shall be responsible for all the inspection and to whom all sub-inspectors shall be subject. Uniformity in inspection work is needed and it can only be secured in this way. If such general inspector should be appointed, we know of no man more competent for the place than Mr. D. Keniston, who has been a paving inspector from the time that paving was begun in Omaha, and he has done his work in a very satisfactory manner.

The city council will have to order the telegraph company to move its poles on Farnam street out to the curb line. The telegraph folks never do anything of the kind without being well forced. At the same time it would be well to include in the order the gas company, as the street lamps will also have to go to the curb line. The proprietors of hitching posts should also be ordered to remove those obstructions at once.

JOHN B. FISCH, of Nebraska, has been made chairman of the national prohibition committee. Fisch is a good democrat and will do all he can for Cleveland and Hendricks by steering republicans into the prohibition trap.

ALABAMA will start the ball rolling on next Tuesday. It is safe to say that Alabama will go democratic by the usual majority.

NEBRASKA is getting more than her share of rain just at present. We would like to send a portion of it to Ohio.

WESTERN NEWS.

DAKOTA. Good clay for the manufacture of brick has been found at Sisseton.

A late hail storm destroyed \$50,000 worth of crops in Aurora county.

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There is enough railroad iron piled up at Salem, Cook county, to build sixty miles of railroad.

There are ninety-six students in the Vermillion university, thirty-nine of them being young ladies of this state.

The Homestead Mining Company's total dividend is said to be \$1,500,000. Its average daily profits are said to be \$6,000.

The assessment of Lawrence county totals up \$3,901,230. The city of Deadwood embraces nearly one-third of the valuation.

The Milwaukee railroad has agreed to allow the farmers of Spink county to build elevators along its line, and that they shall have the same rates of freight that the elevator companies have.

Day county comes to the front this year with 40,000 acres of wheat that will average twenty bushels to the acre, making the yield 800,000 bushels. Besides this, there are 12,675 acres of oats, 867 acres of barley, and 324 acres of corn.

and the scheme abandoned for the reason that no one can afford to carry the mail over this long route for the sum which the government is willing to pay. "Too the new business in stock raising--he who has a light capital," says Farmer Southworth in The Evanston Chief, "I would make sheep every day. Three thousand dollars will buy 1,000 well bred ewes, 2,000 the bucks, and if wool should continue as low as it now is, and lambs are worth but \$7.50 apiece, the flocker under favorable circumstances, will earn in the gross \$4,000. Deduct one-half of this for losses and expenses, and the stock raiser will have \$2,000 left. That beats wheat growing, preaching or peddling. Buy sheep, young men, buy sheep."

COLORED. A bump-backed burro ditched a train near Georgetown the other day. "Greaser" Anderson will be sent \$3,000 for it if he can get it out of the ditch before that depth is reached.

Doc Barge and his hunkies dined an eastern gentleman, who had come out to Denver for his health, out of \$1,000.

The Denver railroad repairs are completed on the Santa Fe, and trains are running through to Silverton.

The net earnings of the Denver South Park and Pacific railroad last year were only \$49,400 against an interest account of \$215,349.

A solid foot of little silver and galena has been struck in the Silver Cliff mine, near Teller, running from 100 to 1,000 ounces to the ton.

Eagle rock is to have two new church buildings.

H. E. Miller on Tuesday sold the Relief mine to the Minnie Moore company for \$50,000.

Army worms have located the whole Wood River country and are working a very available hole.

The 14th Elmore mine, near Rocky Bar, has produced the most silver since 1874, producing an average of \$60,000.

The branch from Caldwell to Boise will probably be completed in October, and then Caldwell will be the terminus of these divisions and the company will erect new depots, hotels, etc.

The new diggings on Lost Creek, near Alena, prospect from 25 cents to \$1 per pan of gold, and some of the owners of the claims are running day and night shifts in their anxiety to open their claims.

The Big Ditch, in the Cour d'Alene, is expected to run along what is termed the old creek bed, and will give all the claims on the mountain an opportunity to run sluices, instead of carrying their gravel to water.

Helena is to have a new \$10,000 church. Butte contributed \$266.25 to the confederate soldiers' home fund.

The Utah & Northern extension to Anaconda is completed.

The bullion-shippers from Butte for the week ending July 13th were 50 bars, 4,533 pounds of value of \$75,918.

Nearly 800,000 in gold dust and retort from the gold mines of Montana was received at the assay office, Helena, during the fiscal year of June 30.

During the month of June Butte shipped 9,187,700 pounds of copper ore and 2,400,000 pounds of matte, an increase of over 100 per cent as compared with the shipment of the same month of last year.

The finest coal mine in Montana is situated on Smith river somewhere near the mouth of Hound creek. Blocks of coal are so abundant that they are fully three feet square and of a very fine quality. It is also an excellent cooking coal. The mine is said to be very extensive.

Montana has in her ranges 600,000 head of cattle and 125,000 head of horses and 140,000 steers for beef during the present year. On the other hand, some of the cattle men of the territory are large buyers of cows and calves in Iowa and other states, and are shipping them to their ranches for the purpose of obtaining breeding animals more rapidly than by depending upon the natural increase of their herds.

The Crows are taking kindly to farming operations on the Big Horn and appear greatly pleased with the result of their labors. They exhibit the blisters on their faces, and with some pride, and a number of them go into the business of cutting hay for sale. Some of them are sharp enough to have a cow or two, which they intend to sell when the price of the reservation is thrown open to settlement.

CALIFORNIA. A great many people are taking up and settling on land in Calaveras county on account of the advent of the San Joaquin and Sierra Nevada railroad in that county.

The health officers of San Francisco have concluded to issue orders to the proprietors of a sanitary point of view, in a condition to resist cholera or yellow fever.

The mosquitoes hide the fort at Stockton. They are much worse than usual, and so persons who are there should be careful to wear through with people as they open the screen doors.

Commodore F. M. Palmer, the explorer, who has been on a cruise of the islands of the coast of Southern California, has just reached Los Angeles, with a number of large and varied varieties of Indian relics and curiosities, many of them entirely new to curiosity hunters, and cannot be duplicated.

During the fiscal year 1883-84 were reported to the San Francisco coroner, autopsies being held in 109 cases and inquests in 215. There has been an unaccountable increase of crime. The year's production of 29 homicides, and 86 suicides, as compared with 21 homicides and 80 suicides of the previous year. Of the 29 victims of murder, 12 were shot and 17 were stabbed. The most fatal case was that of a man who was shot and stabbed, and the two wounds were mortally injured. The pistol was the means used in 29 cases of a suicide, poison in 23, and the knife in 1.

The Pasadena Union says: It is now authoritatively stated that L. J. Ross has sold his late, Sunny Slops, to a syndicate of English capitalists for a consideration understood to be \$75,000. The syndicate will do everything but the live stock and the stock of wines and brandies now on hand. This property may be considered as one of the finest in California, and the syndicate will do it 2,300 of fine land, largely under a water system. It contains 12,000 orange and lemon trees in full bearing and about 1,000 head of stock. The syndicate will also do all kinds that grow in California. The orange crops sold this year for \$16,000 on the trees. The acreage of vines is about 1,000, mostly in full bearing.

A Correction. To the Editor of THE BEE. You will find in the State Settings of this week the following statement: A peculiarity of the recent destructive hail storm in Saline county is the fact that a similar storm visited the same region one year ago on the 11th of July, and the loss on the 12th of July. The width of the hail storm was about four miles, destroying all kinds of grain in a scope of about two miles within the limits of the damaging crops and wheat on the outer edges.

That this storm of the 11th of July, 1883, was the first and only hail storm that ever destroyed crops of any kind, or done any damage of any kind in Saline county for 6 years of my own knowledge, or of the oldest settler that I have talked with, and who professes to be above either or know it to be false or untrue what they knew nothing about. Yours truly, J. O. FOOTE.

Atlanta, Saline county, Neb. [Mr. Foote is referred to the papers of the county, from one of which the item was obtained--Ed.]

PONCA'S PROSPERITY.

The Steady Growth of the County Seat of Dixon. Correspondence of the Bee, Ponca, Neb., July 28.--The town of Ponca isn't as large as several others in the state. It hasn't the wealth of Omaha nor the political importance of Lincoln, but nevertheless it is not devoid of its peculiar, and as it claims, its pre-eminent attractions. First and foremost in the list of advantages is its location, being the most beautifully situated of all Nebraska villages, whether viewed from the north, south east or west, or, best of all, from one of the bluffs that surround it. The town of Ponca is now, ever has been and ever will be the prettiest assemblage of houses in the state. I think I am safe in stating that in proportion to its population Ponca has more business than any other town in Nebraska, and I may include the sister states of Iowa and Kansas, Ponca has had no boom, no sudden elevation, to be succeeded by an equally sudden fall, but during the past two years it has experienced a solid, substantial growth, more line buildings having been erected in that period than during the entire past history of the town. The change in the business section has been so marked that it reminds one of old Rome, which under Augustus was said to have changed from brick to marble. Ponca bids fair to attain to the point at which Rome changed and advance from frame to brick. The terminal point of a railroad, the county seat of Dixon county, the principal town in this section, a solid foreign contract, and good prospects for the future--all these and other advantages too numerous to be mentioned in detail, omitting the Ponca one of the most prosperous of the many prosperous towns of our prosperous state. A. C.

Paper Labor in Pennsylvania.

A correspondent of the New York Times, writing from Reading, Pa., says: In this section the Poles, Hungarians and Italians are rapidly crowding out Americans on new railroad and canal work, ore and coal mining, and other contract work requiring arduous labor. Many are also employed as laborers in the iron mills. The neglect of congress to pass the bill against foreign contract or paper contract labor is creating a great deal of discontent among the American born laborers, whose wages are being seriously interfered with. Heretofore \$1.25 was the average pay per day in this section; now labor can be had as low as 80 cents for 11 hours, while it is a notorious fact that in some sections of Eastern Pennsylvania iron ore miners are paid 60 cents. The Poles are paid this for shoveling out clay from the trenches. Whole gangs of them are brought to America under contract. They sign papers, each understanding they are to get 60 cents. The contractor pays the steamer fare and railroad travel, and deducts it as they earn it. Frequently he draws the wages, gets 65 cents a head, and pays them the balance, deducting \$3 per month on each man until the fares have all been paid. Along the new Schuylkill Valley railroad, below Reading, hundreds of huts can be seen for miles, looking like so many Indian villages. The men eat on the cooperative plan. Their living rarely costs more than fifty cents a week. The majority don't like American food. A Polish saloon keeper says the great majority have no business capacity, no education and are fit only for hard work. They come to America to work only a few years, until they can save enough to make them almost independent at home, and then go back to Europe. An industrial man can send home a hundred and eighty dollars year and expects to have a thousand dollars in five years, and then go home and live easy on his small fortune. They have to stand a good deal of abuse, but they expect to rough it through.

Doctor Boyd and Governor Miller.

It makes quite a difference to the democrats of Nebraska whether Doctor Boyd or Governor Miller, is to be the member for Nebraska on the national democratic committee. The Douglas delegation to the democratic state convention was not for Governor Miller; it was for Doctor Boyd, and we are surprised that the doctor has lent himself to this little game of "now you see it, and then you don't." One of the glorious times has surrounded his "endorsement" mighty early in the day, and thus it is that in the will of the Nebraska democracy is time and again set at naught. It is not right. It is obtaining goods under false pretenses, and we are not surprised now at the opposition made to the appointment of the Hon. Chas. H. Brown as a member of the national committee.

ORIGIN OF AMMONIA.

Ammonia is obtained in large quantities by the action of the urine of animals. --Encyclopaedia Britannica. Every housekeeper can test baking powder containing this ingredient by taking a can of the "Royal" or "Amateur" brand, and pouring it into a hot water until heated, then remove the cover and smell. Dr. Price's Cream Baking Powder does not contain Ammonia. It is made of Potash Phosphate, (prove it by the above test). It is prepared by a Physician and Chemist with special regard to cleanliness and healthfulness. m-e-w-2

Mistakes in the Pig Business.

From the Iowa Homestead. Some of our farmers are very likely to make a mistake just now, in the management of their pigs. They have an idea that because an old hog will thrive on clover a young pig will, that is about as sensible an idea as that of fattening a newly weaned calf by turning it to a straw stack. A ton of clover has 1,600 pounds of water and only sixteen pounds of fat; and the larger a pig's stomach becomes by trying to eat enough the clover to keep his hair shrank together. No matter what the price of corn may be, it will pay to shell, soak and feed it to the weaning pigs rather than try to shove them on green clover alone. If corn is not available grind and soak rye and oats or even a pig them without grinding. Remember a pig is a pork factory and to run any factory profitably you must run on full time and every day in the season. Another matter should be looked after and that is shade to make them comfortable and avoid the flies. The best shade we have ever found is a thick maple

Captures of Stock Thieves.

Reached One, July 29.--The report reaches here that an organized band of stock thieves have been run down and captured by a party of regulars, at Willowa, by Jay Oregon. Seventeen thieves were caught with a large number of horses in their possession. The ringleaders were hauled and the remainder turned over to the authorities.

The Cornwall Scandal.

DUBLIN, July 29.--Two more persons have been arrested for connection with the Cornwall scandal. Many other persons have been arrested and every day in the season are leaving the country.

BUY IT AND TRY IT!

Try it for Backache, Try it for Headache, Try it for Toothache, Try it for Backache. For an ache or pain Thomas' Electric Oil is excellent.--Chas. F. Medier, box 274, Schenectady, N. Y. Thomas' Electric Oil is the best thing going, pa says. Cured him of rheumatism and no of sprache--two drops--Master Horace Brenizer, Clinton, Iowa. Try it for a Limp, Try it for a Lameness, Try it for a Pain, Try it for a Strain. From shoulder to ankle joint, and for three months I had rheumatism which yielded to nothing but Thomas' Electric Oil. Thomas' Electric Oil did what no physician seemed able to accomplish. It cured me.--John N. Gregg, Supt. of Railway Construction, Niagara Falls. Try it for a Scald, Try it for a Cut, Try it for a Bruise, Try it for a Burn. Price 50c and \$1.00. FOSTER, MILBURN & CO., Buffalo, N. Y.

James Medical Institute. Chartered by the State of Illinois for the purpose of giving immediate relief from all chronic and private diseases. Gonorrhoea, Gleet, Catarrh, Stricture, etc. in all their complicated forms, also all diseases of the Skin and Blood, are promptly relieved and permanently cured by the use of the Institute's Special Preparation. There are no excruciating operations. Treatments are given in each case. Consultations, personal or by letter, are given confidentially. No marks on account of indicating conditions or send. Address to JAMES M. 204 Washington St., Chicago, Ill.

ACADEMY OF THE SACRED HEART. OMAHA NEBRASKA. The scholastic year commences on the First Wednesday in September. The course of instruction embraces all the Elementary and higher branches of a finished education. Difference of Religion is no obstacle to the admission of young ladies. Pupils are received at any time of the year. TERMS PAYABLE IN ADVANCE. Including Board, Washing, Tuition in English and French, use of books, Piano, per session of Five Months, - \$150.00. EXTRA CHARGES--Drawing, Painting, German, Italian, Violin, Guitar and Vocal Music. References are required from persons unknown to the Institution. For further information apply to the LADY SUPERIOR. J. H. Madsen

St. Julien Restaurant. AB. ST. JULIEN, PROPRIETOR. S. W. Cor. 15th St. and Capitol Avenue. On the European Plan. First class in every respect. Table supplied with the most delicate of the season, where you pay for what you order as per bill. Rooms attached for transient guests. Will also keep day boarders at the most reasonable rates.

European Restaurant. CANNON & HUNT, Proprietors. TABLE SUPPLIED WITH Game and all Delicacies of the Season. Meals at all hours. 118 N. 16th St., Omaha, Neb. In the District Court for Douglas County Nebraska, Reathirne Kean, plaintiff, vs. Patrick H. Kean, defendant. T. Patrick Kean non-resident, defendant. You are hereby notified that on the 23rd day of July 1884, Reathirne Kean filed