

THE MANDAMUS IS ISSUED.

Judge Maxwell Orders the Elkhorn Road to Appear in Court Today.

THE STRIKERS ARE ON HAND.

Railroad Wire Pullers Gathering at Lincoln for the Convention Today - A Memphis Murderer Arrested - State House.

[FROM THE BEE'S LINCOLN BUREAU.]

The writ of mandamus against the Fremont, Elkhorn & Missouri Valley Railroad was issued by the supreme court yesterday and placed in the hands of Sheriff Wilcox, who served it on the local agent of the road, who was accompanied by Chief Justice Maxwell and reads as follows:

Supreme Court, State of Nebraska. To the Fremont, Elkhorn & Missouri Valley Railroad: Whereas, in the action pending in said court wherein you were respondents and the state of Nebraska ex rel the board of transportation of the state of Nebraska relator, judgment was rendered by said court, October 4, 1887, that an administrative writ of mandamus issue against you commanding you to comply with the order of the board of transportation of the state of Nebraska made by it September 24, 1887, in a certain proceeding wherein you were respondent and the Lincoln board of trade and freight bureau was complainant.

Now, therefore, we command you upon receipt of this writ, to perform the above recited judgment and command, or you appear before the supreme court of Nebraska at the city of Lincoln on the 6th day of October, 1887, at 10 o'clock, to show why you refuse to do so.

Witness, Hon. Samuel Maxwell, chief justice, and the seal of said court this 4th day of October, A. D. 1887.

THE SCHEMERS ON HAND.

The delegates are arriving for the republican state convention which meets this evening. In the mean time each particular leader and strikers of the railroads are first on the ground, and a stranger within the gates of the city would think to listen to the rabble, who they had already nominated General Dilworth for supreme judge. Judge Post has rooms engaged for his boom, and notwithstanding the fact that the people over the demands are pending in no uncertain voice, the retention of Judge Maxwell on the supreme bench, the roads are embarking on one of their characteristic lights to beat Judge Maxwell off if possible, and if they find it possible they will conduct a mastery retreat and swear that they never had a candidate in the field. The work of gathering proxies continues and strenuous efforts are made to secure proxies in the Lancaster delegation to break, if possible, the effect of a solid delegation from Judge Maxwell and the control of railroads. The further work is illustrated by the telegrams sent to various parts of the state by strikers on hand seeking proxies for their counties for a seat in the delegation to which the people would never elect them. The convention meets in the morning at Secretary Seeley, of the state committee, has diagrammed the house, and has tickets presented to the state as relics by on hand for each delegation, as well as these tickets, and a certain number of general admission tickets for each delegation.

There are signs of new developments in the judicial contest, the friends of J. B. Strode, urging his name for district judge, in place of Allen Field, who seeks the second judgeship, Mr. Strode has a large following in Oto county and in his former home, Cass county, and is undoubtedly being strenuously solicited in Lancaster county than Mr. Field. Delegates to this convention will reach the city this morning.

WAXY FOR MURDER.

An interesting case was having its hearing before Governor Thayer today, it being a requisition issued by the governor of Tennessee for a young man now living in Valley county, Nebraska, who is wanted for murder and is under indictment for that crime at Memphis. The young man's name is Al McMahon, and he is now under bonds, while his attorney, Thomas Darrell, seeks to prevent his being taken from the state. The young man's claim is that the indictment for murder is a trumped up charge and that all that is wanted of him is a writ of habeas corpus, and hence his refusal to go. Deputy Sheriff Pearson, of Memphis, who is here after McMahon, states that the crime for which McMahon wanted is for participating in a murder. It is alleged that early in last spring while he was employed at a stove factory near Memphis two of his fellow workmen, one of whom was a negro, became engaged in a quarrel with a white man, while the white man and together with several other white employes attacked the negro, beat him to death and then threw his body into a creek.

YESTERDAY'S COURT DECISIONS.

Sholes vs Kreamer, continued; Holmes vs Shimer, submission vacated; State ex rel Board of Transportation vs Fremont, Elkhorn & Missouri Valley railroad company, alternative appointment as temporary county commissioners state that they have canvassed the county and find that it has more than two hundred taxable citizens.

THE GOVERNOR'S COURT DECISIONS.

The governor yesterday signed the election proclamation that will be sent to the counties in the state. There are three vacancies in the representative district to fill. They are those left by J. B. Nicol, from Antelope county; S. Hanson, of Saunders county, and Representative Ellis, of Johnson county.

There was added to the war relics in the secretary of state office yesterday, two papers that were published in the army in 1864 and were campaign papers in the second election of Lincoln. One of these papers, the Camp Record, was published by the First Wisconsin regiment in their camp at Hagerstown, Md., and the other, the Union Flag, was published by the soldiers of the Ninth Iowa in their camp at Rome, Ga. The papers Mrs. Lubie Wood of Lincoln.

The following notaries were yesterday commissioned by the governor: John F. Brady, Atkinson, Holt county; Morris H. Sloman, Omaha; Mark B. Aspinwall, Kearney; C. M. Marshall, Dodge; Chase county; James D. Chase, Haigler, Dundy county; H. M. Stockwell, Clearwater, Antelope county; J. J. Spence, Cambridge, Furnas county; S. H. Jones, Harrison, Sioux county.

IF YOUR LUNGS ARE DESTROYED

do not expect that Dr. Pierce's "Golden Medical Discovery" will make any cures for you. It can do much, but not impossibilities. If, however, you have not yet reached the last stages of consumption, there is hope for you. But do not delay test you cross the fatal line, where help is impossible. The discovery has arrested the aggravating cough of thousands of consumptives, cured their night sweats and hectic fevers, and restored them to health and happiness.

H. Cooper's Burial.

H. Cooper, a young man, died in St. Joseph's hospital on last Sunday night, and was buried today in the Hebrew cemetery.

REAL ESTATE TRANSFERS.

Table listing various real estate transactions, including names of parties, locations, and dates.

BUILDING PERMITS.

Table listing building permits issued by Superintendent Whitlock, including details of structures and costs.

THE DEATH PENALTY IN IOWA.

Burlington Hawk Eye: Last May the body of a murdered woman was found on a farm near the city of Dubuque. She was recognized as the wife of the owner of the place, and suspicion was soon fastened on him as the perpetrator of the crime, it becoming known that the two had not lived peacefully together for a long time. The trial came off in Dubuque last week, and resulted in a verdict of murder in first degree.

The dramatic circumstances of the proceeding were the hearing being given to the children of the murdered woman and the prisoner, whose testimony was direct and convincing, and left no doubt as to the prisoner's guilt. The laws of 1878, which re-established capital punishment in Iowa, also provide that the jury which renders a verdict of murder in the first degree, shall decide whether the penalty shall be imprisonment for life, or death, in this case the jury decided for death, and unless the governor shall interfere with executive mercy, Kennedy will be the first murderer in Iowa under the new law to pay with his life for the extension of his crime. The same law which re-established the death penalty, prescribes that the prisoner cannot be executed until he has been confined in the penitentiary for a period of not less than one nor more than fifteen years. This provision was made for the purpose of preventing, as far as possible, the execution of prisoners who may be innocent of the crime for which they were condemned. It compels him to look forward for what must seem to him an interminable period to the day which is to be his last.

Kennedy, the Dubuque Times says, will probably apply for a new trial. But he has had a fair trial and under the testimony he cannot but be found guilty again.

A Useful Precaution.

It is a useful precaution for the tourist, the commercial traveler, or the emigrant to take with him a bottle of Dr. Price's Stomach Bitters. Invalids who travel by steamboat or rail should provide themselves with it, in order to prevent or remedy the nausea which the jarring of the vessel or the vibrations of the car often causes them. Vastly preferable is it for this simple, but useful purpose, to the heady unmedicated stimulants of commerce. On board ship, not only remedies sea sickness, but neutralizes the pernicious effects of water slightly brackish, which, if unqualified, is apt to give rise to irregularities of the bowels, cramps in the abdominal region and dyspepsia. To the aerial poison of malaria it is an efficient antidote. Sick headache, heartburn, and wind upon the stomach, are promptly banished by it. It healthfully stimulates the kidneys and bladder and nullifies the early symptoms of rheumatism.

Patent Leather Shoes.

"Can't patent leather boots be kept from cracking? Hump, well, I should say they can. Why not?" And the fashionable bootmaker whom an inquisitive Mail and Express reporter approached on the subject shrugged his shoulders, and smiled the smile of one who knows well. "But how can you prevent this destruction?" "Easiest thing in the world. Of course I don't mean that the cheap trash which is sold for patent leather can be made to look well after a couple of days' wear, but good stuff may be preserved until the soles wear off—by the way, quite an unusual thing nowadays. First, a great difficulty is brought up in the buying. No fine shoe can be found in the store that will exactly fit. Patent leather, unlike other foot coverings, must be perfectly shaped to the wearer's foot, otherwise cracks will immediately form, which if not attended to will make great cracks. Now a good shoe of this kind should, with proper care, last the average man two seasons, and will at the end of its life be scratched, to be sure, but not cracked. Every couple of days a bath of oil should be given the boots. Any oil will do, but neat's-foot is preferable, and once a week, at least, linseed oil should be applied. This treatment will make the

This is a Coat.

Table listing coat and vest prices, including items like 'The finest kind of chinchilla, astrachan, curl hair', 'beaver and plush, beautifully lined', etc.

MISFIT, 1119 FARNAM Overcoat Price List.

Table listing overcoat prices, including items like 'Overcoats that were made to order', 'For \$20.00 will be sold for \$10.00', etc.

MISFIT, 1119 FARNAM This is a Neck Tie.

Advertisement for Misfit Neckties, featuring an illustration of a man in a suit and a price list for various neckwear items.



Advertisement for Misfit Parlor Pants, featuring a price list for various pant items and a vertical banner for 'MISFIT, 1119 FARNAM'.

This is a Hat.

Hats, hats, hats, hats, hats, more hats, black hats, new hats, still hats, soft hats, silk hats. In fact we have just received The newest, noblest line of fall hats in all the latest styles. IMPORTED UNDERWEAR. We are the only house in Omaha that handles these goods, and gentlemen desiring fine underwear should favor us with a call. MISFIT CLOTHING PARLORS.

MISFIT, 1119 FARNAM Suit Price List.

Table listing suit prices, including items like 'Suits that were made to order', 'For \$30.00 will be sold for \$10.00', etc.

MISFIT, 1119 FARNAM Shirts.

FLANNEL SHIRTS. WHITE SHIRTS. COLORED SHIRTS. NIGHT SHIRTS. EXTRA SIZE SHIRTS. Our shirts are made to our special order, and each one is stayed at every joint, making a rip an impossibility. The material throughout is of the best and the make is perfect. We carry every conceivable style.

Advertisement for Prickly Ash Bitters, featuring the text 'The best and surest Remedy for One of all diseases caused by any derangement of the Liver, Kidney, Stomach and Bowels.' and a list of ailments.

Advertisement for J. & T. Cousins' Shoes, featuring the text 'Embodiment of the highest excellencies in Shape, Comfort and Durability' and 'Hayward Brothers'.

Advertisement for S. S. Felker, Omaha, Neb., featuring the text 'Animal and Earthquakes' and 'New Castle Chronicle: Prof. Milne, one of the Scotch coteries of students established in Japan, where they devote themselves to the study of earthquakes...'.

Advertisement for Dr. Price's Cream Baking Powder, featuring the text 'FULL WEIGHT PURE DR. PRICE'S CREAM BAKING POWDER MOST PERFECT MADE' and an illustration of the product container.

Advertisement for Drs. S. & D. Davieson, featuring the text 'DRS. S. & D. DAVIESON 1707 Olive St., St. Louis, Mo.' and 'Of the Missouri State Museum of Anatomy St. Louis, Mo., University College Hospital, London, Giesen, Germany and New York. Having devoted their attention'.

Advertisement for Nervous, Chronic and Blood Diseases, featuring the text 'SPECIALTY TO THE TREATMENT OF Nervous, Chronic and Blood DISEASES, More especially those arising from impudence, invite all suffering to correspond without delay...'.

Advertisement for Steck Pianos, featuring the text 'STECK PIANOS Remarkable for powerful sympathetic tone, pliable action and absolute durability; 30 years record, the best guarantee of the excellence of these instruments.'

Advertisement for J. B. Haynes, featuring the text 'WOODBRIDGE BROS. J. B. HAYNES' and 'REMARKABLE for powerful sympathetic tone, pliable action and absolute durability; 30 years record, the best guarantee of the excellence of these instruments.'

Advertisement for Stenographer, featuring the text 'STENOGRAPHER THIRD JUDICIAL DISTRICT, 37 Chamber of Commerce.' and 'OFFICIAL STENOGRAPHER'.

Advertisement for Leaky Roofing, featuring the text 'LEAKY ROOFING, Fin or Iron, Repaired, And Painted and guaranteed tight for number of years. Paints never blister.'

Advertisement for Real Estate Dealers, featuring the text 'Real Estate Dealers 140 South Spring Street, LOS ANGELES, CALIFORNIA.' and 'Dealers in city and country property of all descriptions and general information to newcomers freely given.'

Advertisement for Prof. N. D. Cook, featuring the text 'PROF. N. D. COOK, Room 6, 1514 Douglas St., Omaha, Neb.' and 'By Dr. Sneider's method. No operation; no pain; no detention from business. Adapted to children as well as grown people. Hundreds of autograph testimonials on file. All business strictly confidential. Consultation free.'