Pears' Soap Fair white hands.

**Brightclear complexion** 

Soft healthful skin.

"PEARS'--The Great English Complexion SOAP,---Sold Everywhere."

mirt defies

if the old proverb betrue SAPOLIO is greater than

royalty itself: Try it in your next

house-cleaning Grocers keep it.

DO YOU LIVE IN GREASE?

by using the best inventions of the day for removing such a charge.

To live in Grease is utterly unnecessary when SAPOLIO is sold

NO CURE! NO PAY.

1316 Douglas Street, Omaha, Neb.

Seventeen years' experience. A regular graduate in modeline, as diplomas show. Is stillentiring with the greatest success all Nervous, Chronic and Private diseases. A permanent care guaranteed for Caturin Spermatorrhoen, Lost Manhood, Seminal Weakness, Night Losses, Impotency, Syphills, Stricture, and all diseases of the Blood, Skin and Urinary Organs. N. B. Iguarantee 850 for every case I uniettake and fall to care. Consultation free. Book (Mysteries of Life) sent free. Office hours—2 a. m. to 8 p. m. Sunday 10 a. et al.

Dr.DOWN.

in all the stores, and abolishes grease and dirt.

AMUSEMENTS.

Boyd's THRE NIGHTS,

COMMENCING THURSDAY, SEPTEMBER 18

MANTEL1

CORSICAN

IN THE MAGNIFICENT SPECTACULAR PRODUC-

The Grand, ONE NIGHT

SUNDAY, SEPT. 21.

Beach & Bowers'

-FAMOUS-

POPULAR PRICES.

Box seats, \$1.00 and '5 cents; Orchestra, '0 cents; Ba cony, 35 and 20 cents; raliery, 15 cents. Box sheet open Saturday moraling.

COLISEUM BUILDING.

-TO-

ROEDER & BELL, Mngrs.

Spaces and Privileges Closed.

Dime Eden Musee.

WILL LAWLER, MANAGER.

CORNER 11TH AND FARNAM STS., OMAHA

WEEK OF SEPT. 15TH.

BOZ. BOZ. BOZ.

A WONDER! A PHENOMENA! A FREAK.
A dog that reads, spells, counts, and plays Omaha's
favortte game-high five. Bingham's Wooden Head
Family. De Camo, Jugglery. Vernon, Fachai ArtistLittle Kittle Bingham. Maile Impersonator.
ONE DIME ADMITS TO ALL.

DRUNKENNESS IN ALL THE WORLD THERE IS BUT ONE CURE

DR. HAINES' GOLDEN SPECIFIC

It can be given in a cup of collector to control articles of food, without the knowledge of the patient. It secessary. It is absolutely harmiess and writefact a permanent and speedy cure, whether the patient is amoderate drinker oran alcoholic wreck. IT NEVE E FAILS. It operates so quietly and with such certainty that the patient undergoes no inconvenience, and ere he is aware, his complete reformation is effected 48 page book of particularistics. To be had of KURN & OO., loth & Douglass, & lith & Cuming Sts. C. Trade supplied by HLAER, BRUCE & CO, and RICHARDSON DRUG CO, Omaha.

EXPOSITION

-October 13

 $\lnot RAND$ 

September 22-

MINSTRELS

BROTHERS

(MMM

As a true patriot and citizen you should naturalize yourself

# NESTOR OF THE COUNTY BAR.

It is Rumored that Judge Wakeley Will Resign from the Bench.

HE DOES NOT DENY THE STORY.

Let Claims that It is Too Early to Announce What He Proposes to Do in the Matter.

There was a quiet but very earnest report affort at the court house yesterday that Judge Wakeley was about to resign his place on the district court bench.

The older and more prominent members of thebar who claimed to have heard the rumor fildso in an undertone and with expressions of profound surprise.

Without losing any time a representative of THE BEE called upon the judge, who was found at his residence, 607 North Nineteenth

"There is a report affoat, judge, that you are about to resign; is there any truth in it?" sked the news man.
"Well-O, I don't see how the matter got

so far as to be a report, " was the reply, in a besitating and a rather confused manner. "I have just returned from a ten days' trip to the Black Hills. I had a delightful time. That, to me, is a very promising country. They're grinding out quite a good deal of gold there. Did you ever visit that country?

Time was particularly precious with the reporter just at that moment, so he said:
"I havenot as yetvisited the Black Hills,
but parden me if I request that you favor
Time Besewith an answer to my question."
This caused the judge to smile very broadly
while it also brought a tinge of color to his
phecks:

is there any foundation for the report! the judge was again asked.
There is no immediate occasion."

"Are you likely to resign at any time in the bext few weeks or very few months!" "Really I do not care to discuss the matter. I think it too early to begin stirring the mat-terup. There is another year left of my

"You will please pard on me, judge, but do You intend to serve this other ver?"
"I only care to repeat that I think it is a fittle too early to stir folks up on the subject; and now I wish you would not press me fur-ther on the matter, for I must assure you that it will be useless so far as my giving you a definite answer is concerned." District Court.

Fairbanks, Morse & Co. have commenced replevin proceedings in the district court against Ella M, Dyer, Omaha National bank and the Omaha type foundry, to recover possession of a stationary engine and a large

quantity of belling, etc.
Thomas Price sues Joseph Archibald for B,575, which he claims is dee him under a perfain contract for operating a quarry of rock located in Phillips county, Kansas. The Crystalice company is seed for \$10,000 by a lit the six-year-old tot named Annie Fred, chaughter of David Fred. The petition says that on December 5 the child was playing in front of her home, 1720 South Tenth street, when she was run over by an ice yagon belonging to defendant and her left arm was broken.

# BEDLAM IN THE BASTILE.

Inmates of the County Jail Enjoy a High Old Time.

The usually quiet neighborhood in the richity of the county jail was all bustle and commotion Wednesday night, and for a time the passers-by had an idea that the inmates of the bastile were tearing the structure down, bent on making a bold break for liberty. About 7 cclock the noise was hideous sounding like men pounding with sledge hammers upon the bars of the interior, while now another the pandemonium was increased by the most upon the second control of the by the most unearthly screams that were ever uttered by human beings. This soon attracted the attention of the

public and a mass of humanity commerced pouring up the steps into the yard surroud-They have killed the jailor and are trying

"Run for the police!"
"A mob is after Neal" and like expressions passed from mouth to mouth.

Still the crowd increased until the street and the green plat about the county building contained hundreds of men, women and chil-The noise grew is volume as the minutes colled by, until at last Pat Lynch, the juiler, out of breath and with the remark, "What in

are all of you people doing here!" rushed up the steps and into the jail.

As suddenly as it had commenced, the noise

As suddenly as it had commenced, the noise publicled and the crowd dispersed.

A number of people were seen during the Byening, and they were all of one opinion—that a fearful riot was in progress within the walls of the county prison. Men who reside in the vicinity of the jail state that this is not the first time that the prisoners have turned themselves loose, but that it has been a highly occurrence for ware than a week past. Pat Lynch, the jailer, was seen upon the subject, and with a look that was child-like and bland, said: "I was in the jailal of the Byening and there was no noise; in fact, it was urnsually quiet. During the afternoon there was some noise in the women's quarters, but it was caused by a crazy woman, who died carly in the evening."
People who are in a position to know state

that Lynch was absent from the jail all the afternoon and did not return until an hour afternoon and did not reafter the fun commenced. The prisoners knew this, and taking ad-attage of his absence, indulged in a rollick-

Nine of the insurrectionists at the county fall have been packed into a solitary, and will be kepton bread and water, with very little of the bread and a good deal of the water, for of the bread and agood used they're humbler a number of days, or 'antil they're humbler than so many newly born kittens," as one of

There is comfort for the man with a pre-maturely gray beard in Buckingham's Dye, preduce it never falls to coloran even brown brblack as may be desired.

Water Lily Soap will float.

the guards expresses it.

# COMING GAMES.

Equinoxtial Storm Prevented Milwaukee's Eighteenth Victory. Never before was an equinoxtial storm

more opportune. It has prevented Milwankee from scoring her eighteenth straight victory over Omaha, and now all the Brewers will have to row over is only seventeen straight. Baturday, with auspicious weather, the re-juve ated, elixirized Lincolns will be here juverated, elxirized Lincolns will be here and battle for supremacy with the Black Sox. They will also play Sunday. Lincoln is define a great deal of bragging as to how they they are going to hambast Omaha's Charlie Horses, and a hot fight will surely result. Joe Walsh says he'll beat 'em, if he gets six months for it. Everybody expects to turn out and see the two Nebraska feams chaw up each other. It will be the surteams charw up each other. It will be the survival of the fittest. These will be the best games until Saturday, the 27th, when Charlie Abbey will arrive and endeavor to complete the season by thrashing Omaha. On Sunday, the 28th, the Apostles will give us three games, one in the morning and two in the afternoon, the latter for a single admission. On Monday, the 29th, the season closes so far as Omaha and St. Paul are concerned.

The Effects of Mental Exhaustion. Many diseases, especially those of the ner-vous system are the products of daily re-newed mental exhaustion. Business areca-tions often involvean amount of mental wear and tear very prejudicial to physical health, and the professions, if arduously pursued, are no less destructive to brain and nerve tissue. It is one of the most important attributes of Hostetter's Stomach Bitters, that it compen-sates for this undue loss of tissue, and that it sates for this undue loss of tisue, and that it imparts new energy to the brain and nerves. The rapidity with which it renews weakened mental energy and physical vitality is remarkable, and shows that its invigorating properties are of the highest order. Besides increasing vital stamina, and counterneting the effects of mental exhaustion, this potential medicine cures and provents fever and ague, rheumatism, chronic dispepsia and constipation, kidney and uterine weakness and other complaints. Physicians also commend it as a medicated stimulant and remedy,

#### THE GENUS SPOTTER.

What Is Thought of It by the Motor Conductors.

in his dream like a frightful nightmare. "It isn't because the boys areall afraid that the spotter will catch them holding out some of the company's money that they are soterribly down on the tribe," said one of the conductors yesterlay, "for they despise rather than fear them. The discharge of the past fewdays show that other charges than holdingout money have been preferred. Idon't know whether any of the men are inclined to 'knock down' or not, but if they are I know of no such cases. It has become quite the thing togive a conductor the name of it whether there is any ground for the charge or not, and the same chestnutty lokes about his peculations are going the rounds that are to be heard about the policeman getting drunk or sleeping on their beats. The company apparently sets us down for a gang of thickes, and sends out their spot-ters as much as to say You'd steal if you could, but we steal if you could, but we will catch you if you do and you'd better not

"It seems to me that this is altogether wrong. If a manis dishonest and wants to steal he will do it spotter or no spotter, and the inevitable result on the otherwise honest men is not inclined to be beneficial. The knowledge that they are suspected and al-ways watched tends to lessen their selfrespect and some of them are sure to begin to think they might as well have the game as the name. I don't say that this is bound to follow in every case, for a man who means to be honest will be honest under any and all circumstances, but it has a tendency to result as I have stated. Of course, we don't have to work here if we don't like the manner in which things are run, but it isn't aiways esnvenient to throw up a job when another isn't in sight.

"I have a family depending on me, and I am bound to give them some consideration before consulting my own inclinations. I have been milroading too long, however, to submitto this thing for a steady diet, and I shall resignjust as soon as I can get another

job. "One of the men who was recently discharged was given no reason other than that he had violated rule 13. A violation of this rule may be said to cover a multitude of sias, as the rule is quite lengthy. The discharged employe's short-comings are not specified. He may have unintentionally neglected to ring up a fare while squarely infront of the passenger as the rule requires, or he may have carried a friend free, and either of these reasons may have occasioned his discharge, but the public knows that the spotters are at work, and it s at once set down as a fact that the company has caught the offenders stealing and given him the bounce. It makes it hard for man to get a job anywhereelse and works him agreatinjustice.

"The discharged employe of whom I spoke is thoroughly upright, and not an employe now working for the company believes that he ever misappropriated a cent. He admits that he carried his girland her sister several times without collecting fare, and that may be the cause of his discharge, but that isn't the reason that will be attributed by the ou blic generally

"I have heard for some time that spotters wre at work on the line, but I haven't looked for them. I have tried to go along about my business and payno attention to them. The boys would tell every day or two of having them on their trains, but I did't run across one to know who he was until resterday. He watched me so closely and paid so much attention to my register that I couldn't help noticing him. I concluded that I had finally tumbled onto one of the company's sharpers.
When he began to talk to me I knew that I was right in my conjectures. He played him-self off as a stranger in the city and kept asking the names of streets, and would want to knowwholived here or who kept that store. I had seen him on the streets fully a hundred times, and always supposed that he was engaged in business somewhere down town, so that when he tried his stranger dodge I knew that he was playing a part and at once cosvicted him in my own mind of being a

Before heleft the car I asked him if he wasn't glad that! had given him that information, as it was all so new to him. He saw that! was onto him, and he blushed to the

roots of his hair. such spotters as are now at work. They are not 'smooth' enough. A conductor who wants to 'knock down' fares isn't going to do it whenhe has a spotter on the train, or when he has only a small load. He will do his work when his train is crowded and even if

there is a spotter there he can't tell how many there are in the jam. "All there is to it, I want them to keep out of mysight. If they get on my train, I don't want to know who they are. It makes me feel ugly every time I think of them, and whenever they are watching me I want them to be so slick about it that I won't mistrust

what is going on."
"Spotters!" said another conductor, "well I should say so. One of 'em was on my train the other day, and what do you think he

had!"
"Well sir, it was a printed card allfilled out to help him along in his business. It was all ruled off in columns, and at the top of each column was a head, allfixed up in apple pic order. He had to put down the time that he got on the train, the street, the car number, the number of passengers, the number of fares registered, and everything for a complete registered and everything for a complete registered. fares registered, and everything for a complete record. He sat down and began filling out his blank, and I saw the whole thing overhis shoulder. Thought I didn't know him, but he didn't fool me. I don't know how many there are, and I suppose there are quite a number that I haven't detected, while perhaps there are some I haven't everseen, But I am dead "onto" three or four of them. Why they and the start of them. Why, they ain't at all sharp. They watch a man so closely that his notice is attracted to them seems to me if I were a spotter I wouldn't advertise myself to the very men I was watching, but I suppose they think they know their business. If they were a little smarter perhaps it wouldn't be necessary for them to trump up false charges against the conductors in order to convince the company

that they are earning their sataries."
Some of the conductors say they know nothing about my spotters, except what they have seen in the papers. They have never discovered any of them on their trains, and are not looking for them. They are attend-ing to their work and they suggest that there may be something in the guilty conscience theory. The majority of them, however, either have seen the spotters on their trains or know that they are at work.

Aweak back, with a weary sching lameness over the hips, is a sign of diseased kidneys. Use the best kidney curative known, which is Burdock Blood Bitters.

A Light in Every Berth. To the Chicago, Milwaukee & St. Paul railway belongs the credit of being the first in the country to reduce the matter of electric lighting of trains to scientific perfection. One of the novel features ntroduced in the sleeping cars is patent electric reading lamp in each section. With this luxurious provision reading at night before and after retiring becomes as comfortable as by day, and when retiring the toilet may be made in comfort and seclusion. The reading lamp in the Pullman sleeping cars runon the Chicago, Mil-waukee & St. Paul railway, between Omaha and Chicago, is patented, and cannot be used by any other railroad company. It is the greatest improve-ment of the age. Try it and be con-

Sleeping cars leave the Union Pacific depot, Omaha at 6:10 p.m. daily, arriving at Chicago at 9:30 a. m. tickets and sleeping carperths at Union Ticket office, 1501 Farnam street (Barker Block), Omnha,

F. A. NASH, J. E. PRESTON, Gen'l Agent

Pass Ageat. General VanWyck.

At the Dixon county fair Wednesday General Van Wyck spoke to a large and enthuiastic audience. The fair was a wonder ful exhibition of the resources of the county and compared favorably with the older counties of the state. Financially and other-wise the fair was a success. General Van-Wyck's able address was well received and heartily applauded.

"Water Lily boap i cents a cake."

### FROM THE STATE CAPITAL.

The "apotter" is becoming the base of the A Poor Widow of Lincoln Robbed by Her motor conductor's life, and huntshim even Som-in-Law.

IMPORTANT SUPREME COURT DECISIONS.

Howa Joker Got in Jail-Rumors of Street Railway Improvements-Thie ves Found Guilty-City Notes.

Lixcoln, Neb., Sept. 18.-[Special to THE BEE |- The reports concerning George L Gaygetting possession of his mother-in-law property and then turning her out of doors, wasin a measure corroborated when Mr. Helen J. Roe, the lady claiming to own the property, appeared before Justice Cochran today to get out a writ of replevin to recover the same. The houses and lots in question are valued at \$5,000 at the lowest estimate, and Mrs. Roe declares that she has never deeded the lots to Gay, and if she has it wa done through some fraudulent means of which she was not cognizant at the time. The poo woman told a very pathetic story to the judge, but when the replevin was drawn up and she was notified that it would cost her \$1 she declared with tears in her eyes that she didn't have a dollar in the world since Gay gothoid ofher property. The papers there forewerenot served.

THE JOKE THINN'T PAN OUT. Afellow named H. P. Sherman thought to play a very furny joke on the police today andgoing into the St. Charles hoter he tele phoned to the police station pretending that ie was Deputy Marshal Hamilton at Fremon and asked the aid of the Lincoln police catching some imaginary thieves. He told great story about a store being robbed by score of desperate fellows and gave a detaile description of them. He said they were headed for Lincoln when last seen. Shortly afterwards the police attempted to call him up to get some further information about the robbery and, finding that "central" had disconnected them, asked for the number jus talking to them. The police were very much surprised to learn that the connection had been not with Frement, as claimed, but sim-

STREET BAILWAYTALK. Anumber of eastern capitalists are her negetiating for the purchase of a number of the street car lines in the city, and if such a deal is made it is himted that electricity will in agreat measure be substituted for mule Whether this deal is effected or no power. Whether this deal is effected or not, the Lincoln street railway, it is reported, will probably accede to the popular demand for quicker transit and put on electric cars sooner or later. In case such a change is made, the South Sixteenth streetline passing east of the state house will be the first to have electric cars.

Today the new North Lincoln electric line company commenced running cars over it lines, but for the present norses will furnish the motive power. The motor house is located two blocks west of the old woolen mills site. The line extends from about a quarter of a mile above the power house south to Thirteenth and O streets for the present. It is reported that the deal between the owners of the South Lincoln line and ex Governor Dawes, S.W. Burnham, William Oyler and others is about consummated.

The Standard street realway, correspond

The Standard street railway company talking of extending its terminus near fair grounds on Seventeenth street east the branch on Twenty-seventh street. SUPREME COURT DECISIONS.

The following opinions were handed down Chicage Burlington & Quiney railroad company vs Kriski. Error from Platte county. Reversed and remained. Opinion by Mr. Chief Justice Cobb.

1 in an action of P.K. agains the Chicago Burlington & Quincy railroad company for mallelous prosecution in the arrest and trial that I was onto him, and he blushed to the costs of his hair.

A spotter can tworks linevery long before defendent, held, that if from the evidence the Die ground for s supported by circumstances sufficiently strong in themselves to warrant a cautious man in the belief that the accused was guilty of the offense, and that the agent believed he of the offense, and that the agent believed he was guilty, then there was propable cause forthe prescution of the accused, and, therefore, malice was not to be presumed on the part of the defendantor its agent.

2. The court below having so instructed the jury apon the trial, and the evidence clearly warranting the instructions given,

and the jury having returned a verdict for the plaintiff, held, error in overruling the de-fendant's motion for a new trial.

German insurance company vs Helduk & Skibouski. Error from Cuming county, Reversed and remanded. Opinion by Mr. Justice Norval.

1. The policy in suit provides that the insured must obtain the written consent of the company for all additional insurance on the

property insured, or he shall not recover in case of loss, and further provides that "the use of general terms, or anything less than a distinct specific agreement, clearly expressed and endersed on the policy, and signed by a duly authorized agent of the company should not be construed as a waiver of any printed condition of the policy, and no notice to, and no consent or agreement by any local agent should affect any condition of the policy, until such consent or agreement is endorsed thereon."

The insured subsequently procured further insurance, of which the local agent was noti-

insurance, of which the local agent was noti-fiel, and orally consented thereto, but such agreement was not endorsed on the policy. The property was destroyed by fire. Held, that the notice to and the oral consent of the local agent did not bind the company, and that the additional insurance obtained with-out the written consent stipulated in the

policy, rendered the policy void.
5. In an action on a policy containing a provision that in case of other policies, the insured shall recover no greater proportion of the loss than the sum insured by the policy bears to the whole amount of the policies, it was admitted that there was other insurance on the property amounting to \$00, and there was before the jury testimony tending to show that the entire loss was less than the whole amount of insurance. Held, that it was error to instruct the jury that the measure of damages was the market value of the control of the con the goods destroyed.

Cheneyvs Wagner. Error from Johnson county. Motion overruled. Opinion by Mr. Justice Maxwell.

1. The failure to file a motion for a new

trial in the court below while it will prevent a review of the errors occurring at the trial, is no cause for striking the petition in error and transcript from the files. 2. No exception is necessary to a final judg-3 Petition in error and transcript filed within one year from the date of the trial will

be retained as an error case.

Brown vs Hice. Error from Madison county Dismissed. Opinion by Chief Justice Cobb.
1. In an action under sections 51 and 77 of
the code of civil procedure where service was

by publication and the plaintiff's afficiavit omitted to state that the defendants, or some of them, resided out of the state, held, that it was competent for the defendant to appear specially in support of a motion challenging the jurisdiction of the court or to quash a judicial paper without further appearing as a defendant in the case. Porter vs Chicago & Northwestern railroad, 1 Neb., 14; Cleghorn vs Waterman, 16 Neb., 236.

vs Waterman, 16 Neb., 226.

2. A ruling of the court sustaining the defendant's motion to quash the service against him by publication, without a judgment of record, is not such a final order determining the plaintiff's rights of action as will be reviewed on error. Brown vs Edgerton, 14 Neb. 453

Ash by us Greenslade. Error from Gage county. Opinion by Justice Maxwell.
In an action of replevin based on as agreement of the husband for the sale or incum bering of personal property, the testimony showed that the wife was the owner of the property and that the husband had no au-thority to sellor incumber the same. Held, that a verdict in favor of the wife for the value of the property was right and would be

Rickards vs Heme. Error from Lancaster county. Affirmed. Opinion by Justice Max-In an action on an account for goods sold and delivered to R. & Co. one W. H. R. be-fore the delivery of part of the goods pur-chased the interest of R. in the firm business and assumed his share of the debts. As tes-

tifled to by one of the witnesses, "he stepped into the shoes" of R. Hold, that the testi-mory shows that W.Hold as a member of the new firm assumed the debts of R. in the firm of R.& Co.

2. That there was no material variance therein as between the case brought in the justice court and that tried in the district

3. The evidence held to sustain the verdict.

a. The evidence held to sistain the verdict. Watson vs. Roode. Error from Gage county. Reversed and remanded. Opinion by Justice Norval.

Where an action is brought on a contract of warranty, and the petition is silent as to whether the contract is in writing, there is no presumption that it exists in parol and the written warranty is admissable in evidence at the trial. at the trial.

2. The purchaser of personal property must have relied upon the statements made by the seller, as to the quality of the article sold, in order to maintain an action for the breach of

the warranty.

3. The vendor is liable for patent defects in the property sold, if it is so stipulated in the

4. In an action for a failure of a written warranty on the sale of a borse, which guar-anteed that the horse is registered in the stud book of England, held incompetent for stud book of England, held incompetent for
the seller to prove by parol testimony that
prior to the sale he informed the purchaser
that the horse was not registered.

5. Plaintiff sexhibit B, copied into the
opinion, held, not proper rebutting testimony,
but should have been introduced in chief.

6. Before a copy of a letter can be received
in evidence over the objection of the opposite
party it should be made to great that the

party, it should be made to appear that the original is lost or destroyed.

7. Where no exception is taken to the giving of instruction until after the verdict, it is a waiver of error, if any, in giving such instruction.

Where the general reputation of a witness for truth and veracity in the neighbor-hood where he resides is proven bad the jury may entirely disregard the testimony of such

winess except as he is corroborated by other credible testimony.

Myersys Bealer. Errorfrom Gage county.
Reversed and remanded. Opinion by Justice

Norval. When the facts constituting a cause of a tion or defense are stated in a pleading as a matter of information and belief, and not positively, an objection to this mode of state-ment cannot be raised by demurrer, nor by objecting to the introduction of testimony a the trial. The objection can only be taken by motion. Stoutenburg vs Leybrant et al, l

2. Where a purchaser of negotiable paper before maturity takes it with knowledge of facts which impeach its validity between an-tecedent parties, or with a belief based upon circumstances brought to his knowledge before the purchase, that the maker had a de fense to the note, such purchaser is not an in necent helder and the paper is subject to the defenses existing between the maker and

3. Before the contents of a written instrument can be established by oral testimony the loss of the instrument must be accounted

Omaha & North Platte railroad company vs Janecek. Error from Colfax county. Af-firmed. Opinion by Justice Norval. Wherea railroad company constructs its road in front of a person's tract of land, and in close proximity to his residence, held in an action to recover damages by the owner against the railroad company, that he can recover for any damages he may have sutained in respect to his property not suffered incommon by the public generally. Inj resulting from smoke, soot and cinders passing engines are proper elements of dam

age. Union Pacific railway company vs Marston. Error from Buffalo county, Affirmed, Opin-ion by Chief Justice Cobb. M. applied to an agent of the Rock Island

& Peoria railroad company at one of its sta-tions in the state of Illinois to ship certain office furniture, including a stove, to Kearney, on the line of the defendant's road in this state. The agent informed M. that the custom was for shipper's to release stoves, but advised him not to do it for reasons given, but to pay the additional expense of sending it at carrier's risk. To this M. assented and offered to pay the freight to said agent, who informed him that he could as well ray it at informed him that he could as well pay it at the end of the route. The agent placed the goods into a car of a freignt train which proceeded on its way. Four or five hours after-wards the agent handed in a paper, saying that it was a receipt for the goods shipped. This paper M. put in his socket without ex-amining it, and which proved to be a bill of lading of the goods containing interalia the condition: "Stoves at owners risk of break-age." The goods were received at Council Bluffs from the Rock Island railroad by fendant and carried to Kearney. Upon arrival the stove was found to have been broken en route. In an action by M. against the Union Pacific railway company for damages for injury to stove, held that as between M. and the Rock Island & Peoriar railroad company the stove was carried at carrier's risk. 2. Certain instructions given as requested, and others modified and given as modified, set out with such modifications in the opin-

ion, held rightly given, and rightly given as modified.

3. The evidence held to sustain the verdict, especially in view of the fact that upon the trial the jury were ordered, and permitted by the court at the request of the de-

fendant, to go out in charge of a bailiff and examine the stove in its proken and damage Curry v. Metcalf. Error from Hamilton county. Affirmed. Opision by Justice Max-

Where the only error assigned is that the verdict and judgment are against the weight of evidence, and the witnesses on each side. having equal means of knowledge, testify to a contradictory state of facts, a new trial

will not be grauted.

The following causes were argued and submitted: Commercial National bank v. Nebraska State bank, Liming v. Kyle, Marvin v. Weider, Richardson v. Stene.

Court adjourned till tomorrow at 8:30 celecks vi o'clock a. m.

THE DIAMOND THIEVES. All of yesterday and part of me day before was consumed by the district court in Instening to the evidence against Bill Woods, Frank St. Clair and Bill Webber, the three fellows arrested for complicity in the robbery of Goldwater's jewelry establishment. The crime was committed several months ago. St. Clair induced the proprietor to leave the store on a pretended betand while Goldwater was away the establishment was plundered and all the valuable diamond rings taken. The pursuit and capture of the thieves in Council Buffs was a elever piece of detective work planned by Marshal Melick and Detective Malone.

Malone.

On arraignment Webberpleaded guilty, but Woods, relying on the flimitam trick of his attorney to clear him, pleaded innocence. But his lawyer got foiled in the performance of substituting other rings for the real ones taken and at 90 clock last evening the jury broughtin a verdict of guilty. His sentence to the penitentiary will probably be twice as long as that of Webber, who acknowledged his guilt. Testimony against St.Clairwasnot sufficient to convict himsof burglary, but as he was the cunning rascal that induced Goldwater to leave his store just before the robbery, the police and all other persons concerned believe that he is a party to the crime.

THINK THE DAMAGES' TOO HIGH. June 27, 1888, while George E. Brady was driving down Norfolk avenue in Norfolk his team was frightened by the blowing off of steam in a locomotive belonging to the Omaha & Republican Valley railway company and he was thrown out and run over by his own wagon. Two or three of his ribs were fractured and he was otherwise hurt, besides receiving intermal injuries. He sued the company for \$30,500 and was awarded \$7.133 damages. The company, however. \$7,133 damages. The company, however, think this excessive and today the case was appealed to the supreme (ourt.

AT THE STATE HOUSE, Al. E Ewan of the land commissioner's of-fice has been in failing health for some time, and tonight he left for Hot Springs, Ark., to

The Weston grain and stock company has notified the secretary of state of its incorporation. The capital stock is quoted at \$8,000. James E. Taylor is the leader in the enter-The Nebraska terminal railroad and elevator company, which makes its headquarters at Sioux City, filed its by-laws today with the secretary of state. The corporate scal of the company is to be a disk with the name of the corporation around its outer edge.

THE TRANSIT MOTEL CLOSED. The Transit hotel was closed yesterday by a mortgage held by Mrs. Sarah L. Marcy, the mether of M. M. Marcy, the proprietor. The mortgage called for \$1,100, which he could not pay. Over \$1,000 of unsatisfied claims, such as meat and grocery bills, are said to exist. Lack of patronage is attributed as the cause of the failure.

AFTER RECRUITS. Lieutenant H. L. Hawthorne of the Second

in the same work.

artillery at Fort Riley, Kan., will be here for a week to recruit men for the regular army. If the prospects are good another officer will be sent here next winter and remain a month

ODDS AND ENDS. A fellow named Penwarden was arrested by Detective Malone last night for beating his board bill at the Opelt. He was en-consed in the Windsor. When Penwarden saw his game was up he shelled out the cash. A warrant is out for the arrest of a young man named Otto Bell who is charged by his aged mother with baying steller her areaaged mother with having stolen her spec

tacles and pawned them.
There is considerable talk at present of the gas and electric light companies being con-solidated. Whether this means more expen-sive or cheaper lighting facilities it is bard

Samuel R. Brobst, who was arraigned in the district court today on the charge of assaulting General J. C. McBride with a revolver with intent to do great bodily harm, was let off with a fine of \$10 and costs for assault and bettern. for assault and battery. The German anti-prohibitionists are doing some very effective work here in recruiting the ranks with Germans who have neglected

heretofore to take out their naturalization papers. Nearly a hundred such have been found within the last week and arrangements made for their naturalization.

No need to take those big cathartic pills; one of Dr. J. H. McLean's Liver and Kidney Pillets is quite sufficient and more agreeable. SOUTH OMAHA NEWS.

Proceedings of the City Council. Councilman Burke presided and Messrs Melcher, Dougherty, Connelly, Towl and Rowley were present at the meeting of the city council Wednesday night.

tion granting the certificate for three years as a member of the board of education to Mr. Van Aken was reconsidered, Messrs, Connelly, Burke, Dougherty, Meicher and Row-ley voting yes and Towi voting no. On motion of Councilman Burke the city clerk was instructed to notify the president of the board of education to annul the certifi-cate of election issued to C. T. Van Aken for

On motion of Councilman Connelly the ac-

Another School Board Snarl. The city council, at its special session Wednesday night, has added another complication

the term of three years.

to the board of education muddle. At the meeting Monday night a resolution was offered directing the city clerk to issue a certificate to C. T. Van Aken for three years' term, and in compliance therewith the clerk made out and delivered a certificate.
At the meeting of the council Wednesday night it was claimed that the resolution authorizing the certificate was not carried and

if carried was illegal. Councilmen stated that a certificate was first issued to each member of the board of education without any length of term. After wards Mr. Van Aken, who was elected as a three-year candidate was given a certificate for three years with the three years scratched out and one year written in. Demurring to this, Mr. Van Aken asked the council to give him a certificate for the term of three years. On the other hand, it was stated that heretofore the candidate receiv

stated that heretofore the candidate receiving the highest number of votes has been given the certificate for the longest term. The action of the city council in annulling the certificate and in instructing President Persons to disregard the certificate will further complicate the present entanglement in the heart of education. the board of education.

Damage by Rain. The hardestrain of the season occurred yes terday. Damage to the amount of \$200 was done to the new Stockman building, N and Twenty-fourth streets. The Home restaurant suf-fered considerably. Lesses in small amounts were expressed all over the city, the whole aggregating several thousands of dollars.

Notes About the City. Charles Lee is sick with malarial fever. Both Mr. and Mrs. Hemrich Stegg ardown with malarial fever. A combination democratic meeting and dance has been called by A. Berneker at his dance pavillion, Twenty-fourth and G streets

Sunday evening. Mrs. Frank Dennis, who has been at the point of death for some days and whose husband's course has been censured, died Wednesday night. Charitable persons are contributing funds for funeral expenses. Three orphan children are left destitute.

# ONL PUSTAL CARD

With your name and address, mailed to the Swift Specific Co., Atlanta, Ga., is necessary to obtain an interesting treatise on the blood and the diseases incident

# SSS Skin Eruption Cured.

One of my customers, a highly respected and influential citizen, but who is now absent from the city. has used Swift's Specific with excellent result. He says it cured him of a skin eruption that he had been termented with for thirty years and had resisted the curative qualities of many

other medicines. ROBERT CLEGO, Druggist, Falin City, Meb.

No one doubts that the Kabo corset lasts as year without breaking or kinking or shifting a "bone," because the store refunds the money in case of a single item of

failure in these respects. And no one doubts that the Kabo answers its purpose and suits the wearer, because, if it don't, the store refunds the money on call within a week or two or three.

It is the unbreakable corset, the Kabo. It is the un-wear-out-able corset, the Kabo. It is the corset that suits, the Kabo.

you want the Kabo kind of a corset? There's a primer on Cor-

The only question is: Do

sets for you at the store. CHICAGO CORBET Co., Chicago and New York.



NSTITUTE OF OUR LADY OF THE SACRED HEART. WASHINGTON HEIGHTS, ILL.

This institute situated in one of the most beautiful suburbs of Chicago, offers to Young Ladies, every advantage for obtaining a thorough and useful education. Studies will be resumed Sept. 2, 182. For particulars ad-dress Superioress.

ILLINOIS MILITARY ACADEMY, Norman Park, Circular of HENRY J. STEVENS, A. B. Prin. \$400. Media, Pa., Military Academy, boys. Brooke Hall, girls. Circulars fre NEW YORK MILITARY ACADEMY.

NATIONAL GOVERNMENT.

(PUBLIC CHARITY) ESTABLISHED IN 1878

THE HEXT MONTHLY DRAWING

CITY OF MEXICO

\$120.000 By terms of contract the company must depos the sum of all prizes included in the scheme befor selling a single ticket, and receive the following offi

Price of Tickets, American Money: EIGHTHS, \$1.

EIGHTHS, \$1.

Citab Rates: \$55 worth of Tickets for \$50.

List of Prize of \$13,000 is \$1.

I capital Prize of \$13,000 is \$1.

I capital Prize of \$0,000 is \$1.

I capital Prize of \$0,000 is \$1.

I capital Prize of \$0,000 is \$1.

I crand Prize of \$0,000 is \$1.

I crand Prize of \$0,000 is \$1.

I prizes of \$1,000 is \$1.

I prizes of \$1,000 is \$1.

I prizes of \$1,000 is \$1.

I prizes of \$1.

I prize 150 Prizes of \$120 approximating to) 120,000 \$18,000 150 Prizes of \$100 approximating to \$40,000 150 Prizes of \$40 approximating to \$20,000

All Prizes sold in the United States fully paid n U s. Currency.

The number of tickets is limited to 80,000—20,000 ess than are sold by other Lotteries using the same

81,000

739 Terminals of \$40 decided by \$120,000

Exchange.
2" Currency must invariably be sent registered.
Address
U. BASSETTI. City of Mexico, Mexico. OR CHAS. B. MANTELL & CO.,

MANHOOD RESTORED.

Cures in 170 5 DAYS. Garanted not by 182 5 Course for the definition of the straight of the st JOSEPH GILLOTT'S

STEEL PENS. GOLD MEDAL, PARIS EXPOSITION, 1889. THE MOST PERFECT OF PENS.

THIS PAPER IS PRINTED FROM Great Western Type Foundry, 1114 Howard St. OMAHA.

GALVESTON, TEXAS, great Gulf City of the near future. Magnificent harbor. A million and a half dollars now being spent in rock and from docks. The scaport of the country west of the Mississippi Write for information and maps. U.M. TRUEHEART & CO. Established 1857

LOTTERY OF THE BENEFICENCIA PUBLICA,

THE ONLY LOTTERY PROYECTED

MEXICAN

LF And in nowise connected with any other Company using the same name.

WILL BE HELD IN THE MORESQUE PAVILION

Which is the GRAND SEMI-ANNUAL EXTRAORDINARY DRAWING, the CAPITAL PRIZE being One Hundred and Twenty Thousand Dollars.

cinipermit:
CERTIFICATE—I hereby certify that the Bank of
London and Mexico has on deposit the necessary
funds to guarantee the payment of all prices
drawn by the Loteria de la Benediciencia Publica.
APOLINAR CASTILLO, intervener. Further, the company is required to distribute fifty-six per cent. of the value of all the tickets in prizes—a largor portion than is given by any other Lottery.

WHOLES, 88. HALVES, 84. QUARTERS, 83

Remit by ordinary letter, containing money orders issued by all express companies, or New York

401 NEW YORK LIFE BUILDING, Omaha, Nebraska. The National Bank of Commerce, Omaha, Neb., will pay on demand, any prize or prizes drawn in the lottery de in Beneficencia Publica of City of Mexico.

W. S. RECTOR,

Assistant Cashior.



"SANATIVO," the Wonderful Spanish Remedy, is soid with a Written Guarantee to core all Nervous Disease, such as Weak Memory, Loss of Brain Power, Headache, Wak of Headache, Wak of Headache, Wak of Headache, Wak of Headache, all drains and loss of power of the Generative Organs, in either sex, caused by over-exertion, youthful indiscretions, or the excessive use of tobacco, opium, or stimulants, waich ultimately lead to hadronity, Consumption and Resanity. Put up in convenient form to carry in the vest pocket. Price 31 a package, or 6 for 25. With every \$5 order we give a wriften guarantee to cure or refund the money. Sent by mail to any address. Circular free. Mention this paper. Address MADRIB CHEMICAL CO, Branch Office for U.S. A 417 Deathern Street CHICALO, HLL.

Kuhn & Co., Cor. 15th and Douglas Streets, J. A. Fuller & Co., Cor. 14th and Douglas Sta A. D. Foster & Co., Council Bluffs, Iowa.

SYPHLLS Primary, Secondary or Tertiary permanently cured in 30 to 20 days. From the system, so that there can nover be a return of the disease in any form. Parties can be treated at home as well as here, (for the same price and under the same guarantee,) but with those who prefer to come here, we will contract to care them or refered all money and pay entire expense of consing, railroad fare and hotel bills.

OUR MAGIC REMEDY Five years in Use and to cure the most obstinate cases. We chalenge the world for a case we can not cure. Since the history of mea citia a true specific for Syphills has been sought for blut aver found until our largic Remedy was discovered. None other genuine, Write for references. COOK REMEDY CO., Omaha, Nebraska.

Office, St. Clair Hotel, Cor. 13th and Dodge St