Three months 2 56
Bunday Bee, One Year 2 00
Weekly Bee, One Year 2 00
Weekly Bee, One Year 1 25
Omaha, The Bee Building,
South Omaha, Corner N and 25th Streets
Council Bluffs, 12 Fearl Street.
Chicago Office, 317 Chamber of Commerce.
New York, Rooms 13, 14 and 15, Tribune Building
Washington, 513 Fourteenth Street.

CORRESPONDENCE

communications relating to news and in matter should be addressed to the in Department.
BUSINESS LETTERS. All business letters and remittances should be addressed to The Boe Publishing Company. Omaha. Drafts, checks and postoffice orders Omaha. Drafts, checks and postoffice orders to be made payable to the order of the com

The Bee Publishing Company, Proprietors, The Rec B'ld's, Farnam and Seventeenth Sta EWORN STATEMENT OF CIRCULATION

State of Nebraska.

County of Douglas (88
George B. Tzschuck, secretary of The Bee
Publishing company, does solemnly swear
that the actual circulation of The Daily Bee
for the weeg ending Nov. 1, 1890, was as follows.

lows: Sunday, Oct. 25.
 Monday, Oct. 27.
 20.313

 Tuesday, Oct. 28.
 20.023

 Wednesday, Oct. 29.
 20.024

 Thursday, Oct. 30.
 20.018

 Friday, Oct. 31.
 20.024

 Batorday, Nov. 1.
 20.248

Fworn to before me and subscribed in my presence this sat day of November, A. D., 1893, ISEAL. N. P. FEIL, Notary Public.

State of Nebraska.

State of Nebraska.

County of Douglas. (88.

George B. Tzschuck, being duly sworn, deposes and says that he is secretary of The Bee Publishing Company, that the actual average daily circulation of Tue Daily Bee for the month of November, 1890, was 19,310 copies; for December, 1888, 29,048 copies; for January, 1890, 19,535 copies; for February, 1890, 19,536 copies; for March, 1800, 20,815 copies; for April, 1890, 20,564 copies; for May, 1890, 20,180 copies; for June, 1890, 20,310 copies; for June, 1890, 20,310 copies; for June, 1890, 20,310 copies; for Sentember, 1800, 20,870 copies; for October, 1800, 20,732 copies.

Sworn to before me, and subscribed in my for Schleman.

1893, 20,722 copies. Groude B. Tzschlen by Sworn to before me, and subscribed in my presence, this ist day of November, A. D., 1890.

N. P. Fert.

Notary Public.

Why another cold wave? Wasn't Tuesday enough?

THE returns from the Third district appear to be Kem-ing right along.

BRITAIN's free traders can scarcely restrain their enthusiasm until the official returns are in.

IF Omaha had been blotted from the map of Nebraska prohibition would have been buried just the same.

NEEBASKA is apparently large enough to accommodate several political parties of respectable proportions.

THE BEE has no rival in this latitude in the matter of election returns, or for that matter in any other class of news.

FROM this distance it looks as though England will outyell her allies in the United States over the downfall of McKinley.

AT last accounts Colonel Wolfenbarger was claiming everything, though his voice gurgled painfully through a deiuge of ballots.

ABOUT one-third of the people have

elected a governor in Nebraska, the

other two-thirds to the contrary notwithstanding. As A means of purification the purga-

tive was rather severe, but the patient will prove all the stronger and healthier for the cleansing.

No EVENT in America since the first Bull Run has caused more widespread joy in Great Britain than the defeat of McKinley. The fact is significant.

DEMOCRATS should not forget that Benjamin Harrison has not yet served his term in the presidency half out. Also that since 1860 the republican party has elected the president seven times out of a possible eight.

A PARTY that is not responsible for anything has a great advantage in an election. The party that does things must face the criticism of a world full of people that could have done ever so much better, you know.

"THERE is no use denying," says Senntor Farwell, "that the people are wonderfully prejudiced against the McKinley bill." Had the senator the courage of his confession three months ago he might have saved the country a great deal of heartache.

THE democrats have apparently carried the New York legislature, which will elect a successor to Senator Evarts. Either David B. Hill or Grover Cleveland is likely to be the new senator, and it is to be hoped that the distinguished gentlemen will not come to blows about it.

NEVADA is safe for the republicans. The little mountain locked state, with a scant ten thousand voters, rolls up a majority of five thousand, and plunges to the front as the banner republican commonwealth in proportion to population. Such loyalty is an oasis in the political desert.

GOVERNOR THAYER'S Thanksgiving proclamation is timely. Few events in the history of the state afford stronger reasons for general and hearty thanksgiving than the defeat of prohibition. It subordinates all other results and reinforces the material and spiritual strength of the state.

MR. CLEVELAND springs to the front to congratulate himself on the result. "I am delighted," says the stuffed prophet. "I challenge the right of any man in this country to rejoice more heartily than I." Here is a bold defi. It is direct and unqualified. It is a center shot at the occupant of the executive mansion at Albany, whose pernicious activity during the past few weeks has provoked no little alarm in Cleveland quarters. The ex-president is determined to monopolize the glory. Meanwhile those confiding democrats who swim do not comprehend the significance of his steadily growing power in the Empire state. Grover is welcome to his joys. David will pluck the ripened fruit. | proposition. There are practically in-

THE ELECTION IN NEBRASKA.

Returns from this state are yet incomplete. In the seventy-odd countles that have reported unofficially, James E. Boyd, democrat, leads Richards, republican, by 4,135 votes, and Powers, allian e, by 6,460. It is more than probable that Mr. Powers will decrease the distance between himself and Mr. Boyd considerably in the western section of the state from which returns have not yet been received, and Mr. Richards may also gain upon Boyd, so that the official count may be necessary to determine the result.

The interest in the governorship being more than that in the other state officers, we have been unable to procure returns that justify a rational conclusion. The state is uncomfortably close, but with the exception of Mr. Richards the chances are more favorable for the republican candidates on the state ticket. It is manifest that the three republican candidates for congress are beaten by decisive majorities.

The democrats elect Mr. Bryan in the First district over Connell, and democrat and alliance candidate, McKeighan, has swept the Second district by a very large majority.

In the Third district Dorsey and Thompson, the republican and democratic candidates, are eclipsed by Kem, the alliance candidate.

The causes for this political revolution are well known to the readers of THE BEE, and will be fully discussed hereaf-

The contest for the governorship is almost triangular. There will not be over five thousand difference in the votes of either Boyd, Richards or Powers. Returns so far received indicate that Boyd is elected by from three to five thousand plurality. It may take the official count to determine the result on the other state officers.

The next legislature, so far as can be carned, will be democratic and alliance. The republicans will be in the minority in both houses for the first time in the history of Nebraska.

Prohibition has met its Waterloo. It is defeated by fully eighteen thousand outside of Douglas county and by over forty thousand including Douglas county. This means that high license and local option will remain the policy of the state for many years to come.

NOW FOR PROGRESS.

The magnificent victory achieved by the people of the state in the contest with fanaticism restores Nebraska to its place among progressive western states. The doubt and depression provoked by the prohibition agitation have given way to confidence, congratulations and content.

The effect of the triumph of common ense is already visible in Omaha. General activity pervades all departments of business. The current of trade temporarily checked has rebounded with renewed vigor, merchants evince a tonfidence not felt for two years, and industrial enterprises move forward with restored strength. The millions of idle capital in the banks feel the impulse of the victory, and will soon add force to the tide of commerce.

A notable and significant evidence of the general feeling is the activity among investors and builders. Orders have already been given architects to push work on deferred plans, projects held in desire to have preserved. The safeabevance are peing perfected, and it is safe to predict that building operations during the coming winter will approach if not surpass the great record of 1886-7. And this will be but the first faint rumble of what will follow.

To gather the full fruits of victory, Omaha must be alert. Organization is essential to success. Unity and harmony must take the place of past divisions and discords. Business men and capitalists must pull together and by their united action and unshaken confidence attract the millions of outside capital seeking profitable investment in the west. A tithe of the unity and zeal displayed in routing prohibition, directed to the upbuilding of Omaha and attracting investors, would place the city in position to reap the full advantages of her commanding position.

FOREIGN INTEREST IN THE RESULT.

Extraordinary interest was manifested n England regarding the elections in this country, and the success of the demerats in electing a majority of the next house of representatives has caused great gratification in the industrial centers of Great Britain. Doubtless a similar feeling prevails in continental countries where there is apprehension of a loss of trade with this country to result from the new tariff policy. The exaggerated importance given abroad to the outcome of the election is due of course to a faulty understanding of our political system, which will be speedily corrected with the effect of greatly moderating the exuberant satisfaction pover democratic success. But the fact that foreigners deeply inter ested in retaining the American market find such great gratification in the success of the party which they believe stands for absolute free trade is at least uggestive.

It will be interesting to observe whether the result of our elections will have any effect in determining the future commercial policy of European countries with respect to the United States. The subject is receiving the serious consideration of European statesmen, but deliberation does not take a retaliatory direction as it did when the discussion of the subject was first entered upon. Intelligent investigation has evidently brought the conviction that a tariff war against the United States would be at once a most impracticable and unprofitable experiment, even if all the European countries could be united in it, and obviously this would be next to impossible. What the continental countries appear to be aiming at is to effect such an arrangement among themselves as will enable them to depend less upon this country than they do at present, but their efforts in this direction thus far do not promise a favorable result, nor is it at all probable that any satisfactory arrangement can be effected. The new imagine Hill is not in the presidential | French tariff is distinctly hostile to Austria, while the commission to con-

sider the proposed Austro-German cus-

toms union has reported against the

surmountable difficulties in the way of a retribution. The acts of the present union of the continental nations for prosecuting a tariff war against the United States. So far as England is concerned it would, as Mr. Gladstone said in a recent address at Dundee, be suicidal folly for her to attempt commercial retaliation. She is constrained by every consideration both of business and political interests to pursue a commercial policy independent of all other European countries, and there can be no doubt that she will do this. If it shall appear that her trade with the United States is diminished by the new tariff, her manufacturers will very likely do as Mr. Gladstone has suggested, produce a finer class of goods for the Amerlean market.

It is not altogether improbable that there will be modifications of the new tariff law by the party that enacted it before it goes out of power in the house of representatives. The expression of public opinion warrants the expectation that this will be done. But whatever changes may be made will have reference to the interests and wishes of our own people, wholly regardless of foreign opinion. The gratification of European manufacturers with the result of the election is a waste of emotion. Their welfare is a matter in which the American people, of whichever political party, have not the slightest concern.

THE NEXT CONGRESS.

In the house of representatives of the Fifty-second congress the democrats and alliance men will have a majority, as appears from the returns now in, of about one hundred and thirty. The relative strength of these two parties can not yet be accurately stated, but undoubtedly the democrats will have a clear working majority, so that they will control the organization of the house and be able to pass all measures of partisan legislation. Democratic gains have been made in nearly every republican state: the losses of that party have been chicay in the south, where democrats have been succeeded by alliance men. Among the northern states the alliance movement in Kansas and Nebraska was the most successful in retiring republican representatives.

The alliance representation in the next congress may number fifty, but it will be powerless to accomplish anything. The democrats will not need its assistance and it could gain nothing by uniting with the republicans. It will not hold the balance of power, but will be merely an isolated contingent that must beg for whatever it desires from the democratic majority. Very likely that party will be disposed to comply with some of its demands, but that will be to no purpose unless they are acceptable to a republican senate. It is to be expected that the democrats will seek to win the favor of republican alliance men in the north and to remove the hostility of democratic alliance men in the south, but their efforts to do this can avail nothing without republican approval.

The republican party will be in a smaller minority in the popular branch of the next congress than it has been since the party came into power, but however much republicans may regret this fact it involves no menace to the public interests or to those policies which the large majority of republicans guard of these is in a republican president whose term will be co-extensive with the democratic house of representatives just elected and in a republican senate that will continue several years longer.

SOUTHER NALLIANCE RESULTS. In the south the Farmers' Alliance has scored a substantial success, but by methods directly opposite to those adopted in Nebraska. In South Carolina, for instance, it has elected Ben Tillman governor, all the state officers and a majority of the legislature. Whatever power the state government can exercise for the benefit of South Caroling farmers they can now command without let or hindrance.

It is worth while to refer to the manner in which this substantial result was accomplished. Realizing that their votes had for years furnished the greater part of the democratic majority in that state, they selected their candidate, proceeded to elect delegates to the regular state convention, and in that body nominated their men and made their principles the platform of the party. Their opponents made a loud protest and finally fused with the republicans to defeat the alliance at the polls. The inevitable result followed and the cause of the producers is completely triumphant in South Carolina.

What has happened in South Carolina s what might have happened in Nebraska. The southern members of the alliance have also won a great deal by applying the same tactics in the congressional districts. They induced a good many democratic candidates for congress to commit themselves to their sub-treasury scheme and to other measures by which they hope to improve the conditions of farming in the south. Just what they have accomplished in this direction remains to be een, but doubtless they have made an impression on the next congress.

The lesson of these different results in the south and the west is that it is a good deal easier to accomplish things through the medium of an established organization than to do it by founding a new party.

WITH the Hon. Patrick Ford promoted from the ranks what will the Third ward do now? Explore it from end to end, scour the burnt district, and none can be found worthy of succession. The loss to the ward is irreparable, while the council halls without his mellow voice will tumble from their high place in public estimation. What is the Third ward's loss, however, is Lincoln's gain. We congratulate Lincoln.

THE entire republican county and egislative tickets went down in the wreck, but the victims may derive some consolation from the fact that they fell victims to the fight against prehibition.

As MIGHT have been expected, disas ter has overtaken the state republican ticket in Kansas. The defeat of Humphrey and his followers is a merited

state government are stamped with hypocrisy, malice and trickery. Under the guise of enforcing the laws, members of the republican party who refused to bow to the Moloch of intelerance have been driven from its ranks. Unfriendly towns were harassed by a horde of state constables, while friendly communities enjoyed liberty. Political contributions were levied and collected from liquor vendors as the price of peace, while the beneficiaries hobnobbed with the pigus purists. The principles of republicanism were dragged in the mire and the machinery of the party basely perverted

to selfish ends. Under such circum-

stances conservative republicans flocked

to other parties for relief, and the re-

sult is to be seen in the rout of Humphrey and his spotter, and the wreck of the congressional delegation. The lesson is one that republican leaders of Kansas THE defeat of Congressman Carter in Montana goes to show that political gratitude is a lost art in the Bitter Root region. Mr. Carter is one of the most active and energetic western representatives. He was instrumental in uniting western delegations, securing legislation which placed millions in the pockets of the miners and

lie life goes unrewarded where faction is harnessed and malice holds the reins. WHERE will the colonels turn now? Is there one calm, sequestered nook bey ond the valley of the shadow in which to rest their exhausted lungs? Iowa and Kansas will have none of them. The Dakotas are too poor to give them shelter. There seems to be but one spot available-Oklahoma. The scarcity of water in that section renders it particularly de-

sheep growers of the state, and com-

manded the respect and confidence of

his associates. His services to Montana

were invaluable and his defeat by an

unknown proves that faithfulness in pub-

WE are pained to observe the rivalry between the magwamp and democratic organs as to which shall receive the lion's share of the credit. As a disinterested observer of the scramble, THE BEE insists that Vaughan be awarded the pewter medal for straight goods.

THE alliance farmers have some respect for a paper that will stand up and avow its honest difference of opinion as to policies, but they must have only contempt for a paper that pretends to be a convert to their ideas while its only design is to use them as catspaws.

If the republican party reads aright the lesson of the election, it will throw overboard the cranks and fantatics, and wreckers, and adhere firmly to the principles of "a government of the people, by the people and for the people.'

KANSANS and Iowans and Dakotans are welcome to share in the growth and prosperity of Nebraska, but they must shed their intolerant robes before crossing the border.

MR. KEM is ready to pay his respects to the jackass battery which fired him bodily just before the final charge and pronounced him a dead duck.

THE democrats need not be tendered the freedom of the city. They have taken it without invitation, as well as everything in sight.

EX-CONGRESSMAN MCSHANE

fully convinced that his race for the governorship was premature-by two WITH prohibition snowed under by

over forty thousand, the Jonah of the campaign is ready to go overboard.

IN THE "battle of Nebraska" the prohibition army had altogether too many colonels and majors. MR. KEM is not a statesman but he

runs like a prairie fire. LET us celebrate the disappearance of the "dark clouds."

LAW and order is firmly entrenched n Nebraska.

THE government at Washington still ives.

Gotham and Tammany. Chicago Inter-Ocean. New York city shows its vitality by living and flourishing with Taumany hang-

artery. It Needs Political Regeneration. Slour City Journal.

ing to its neck, with a tooth in every vein and

It is undoubtedly politics that prevents the he south from making a better showing in he census, but not the politics of the superintendent of the census.

> Not a Sweet Scented Agent. Washington Post

Agent Wright has been suspended for h alleged crooked census of the Rosebud Indians. The interior department is evidently not purtial to this stuffed nosegay.

Needs No Mask There. Chicago Inter-Ocean.

The New York Times heads a column "Tammany's Mask Torn Off." It has been generally understood that Tammany entered the democratic ball-room on its face without effort at disguise.

THE INDUSTRIAL FIELD.

Over six thousand men in the United States struck during the month of September. The report that all the grave diggers of the Glasnerin cemetery, near Dublin, are on a strike, is a curious note in labor discus sions.

Two hundred and four American carpet

mills, running 11,000 looms, employing 43,000

hands, made, in the year 1889, 76,800,000 yards of carpet. The Boot and Shoe Workers international union is one of the phenomenally successful labor organizations. In three years it has

grown from nothing to 125 local unions. An English engineer proposes making double-shelted boilers, maintaining a pressure between them. By this means he calculates that a much higher pressure can be carried than is possible even with the coll

boilers already in use. The Illinois steel company of Joliet is about to distribute the sum of \$4,000 among its most deserving workmen. This is in accordance with an agreement made six months ago in regard to profit sharing and will make \$8,000 thus distributed within that period.

AGAIN. IS

Gover or Thayer Pardons the Man Who Killed His Wife's Betrayer.

A MINISTERIAL ELOPER IS CAUGHT

A Brutal Assault-The Female Incendiary-Thanksgiving Proclamation - Supreme Court Decisions-Lincoln Notes.

LINCOLN, Neb., Nov. 6 .- [Special to THE Bun |- This morning Governor Thayer issued a pardon for John B. Polen, who has been under life sentence in the penitentury for killing F. J. Metteer, the seducer of Polen's wife. The governor says: "In my judgment Polen has suffered sufficient punishment. The act was done by Polen. ander most aggravating circumstances, and it is altogether probable that most men would have done exactly what he did under the same Polen had taken Metteer into his family

and cared for him as a brother. Metteer basely betrayed him and induced his wife to cave her husband and family to go with him Metteer). After his return Metteer taunted Polen with the dishover that he had brought apon Polen, and the latter shot him. s wife made a full and complete confession

her guilt, in connection with Metteer, on bore an excellent reputation before this trouble came upon him, and in the prison his conduct has been above reproach. Warden Hopkins speaks in the highest terms Bearing in mind his great trouble and

sorrow which can not well be expressed in words, the blasting of his home by one he bad sheltered, the abandonment of his wife at the instance of his betrayer, the sufferings he must have endured during the three years of his confinement in prison brooding over his wrongs, and bearing in mind also that the judge before whom he was tried. Hon. S. B. Pound, certainly a conscientious and just judge, and Major John C. Watson, a prosecu-tor of great ability who conducted the case in behalf of the state, and that a large number of leading and representative men of al parties of Cass county have joined in asking executive elemency for Polen, I have come to the conclusion that the law in his case has been fully vindicated. Having given this sirable for the cultivation of free whisky. matter and all its bearings thorough consider-ation, I think I can forgive Polen and think the public can also. He is therefore set free

A MINISTERIAL ELOPER. Detective Malone today arrested and placed in the city jail Harry Sleigh, a man of about thirty-seven or thirty-eight and Mrs. Alice Baughman, a young woman of not over thirty, are charged with adultery. The couple were found occupying a house in the neighborhood of Fourteenth and Rose streets. Sleigh is a married man and deserted his wife in Baltimore, so the police claim, over a year ago, and cloped with the woman now in custody. Mrs. Sleigh had sent to the Lincoin police an account of her husband's perdfly and they have been on the lookout for ne guilty pair.

Mrs. Haughman is a fine looking woman.

and gave her occupation as that of a teacher. Sleigh has also pretended to be a preacher, but did not follow that profession while in the west, being content with aiding his paramour in teaching. The couple lived at Twen-tieth and Q streets some ten or eleven months ago, and from Lincoln went in February to Holdrege where, it is said, they were politely asked to leave. They returned to this city and have for some weeks past been living on Rose street. The preacher passed the woman off as his sister in the various places where they have been. It is doubtful if Mrs. Sleigh will come out to prosecute the pair, but the officers say they have enough to convict the prisoners when they were at Twentieth and

Sleign was arrested just as he was about to step on board the cars to leave the city. Mrs. Baughman was at the train bidding him good bye. She says that she first knew Sleigh in Maryland five years ago, that he has been very kind to her, and they have boarded together, but she strenuously denies having sustained improper relations with him. She has two little children, one about nine years old and the other eighteen months. Their father died two years ago, Sleigh have only had a brotherly and sisterly affection for one another, and that she was passed off as his sister on several occasions. penses, but intimates it was only part of their platonic affection.

A BRUTAL SALOONKEEPER. Joe Volyng, a young German, is lying very ill at his home near First and G streets, the result of being thrown out of a saloon, From what can be learned it seems that Volyng and several companions were drinking in the Merchant's Exchange saloon on Saturday afternoon last, when Joe got into a dispute with the proprietor, John Bauer, about his Joe claimed that there was \$4.90 due him, but Bauer refused so give it to him, denying the charge. Several witnesses say that Joe had not been given his that Joe had not been given his change and that raising a rumpus over the matter Bauer ejected him rather foreibly. The patrol wagon was called and on the way to the station the prismer had a convulsion, which the officers sup posed was an attempt at resistance, and used force to quiet him. He was very sick, and John Rucera took him home after several hours incarceration. He had frequent con-vulsions, and Drs. Eaton and Shoemaker vere called to attend to him. He grew worse for a time, having been injured about the head and breast. He complains frequently of terrible pains in his head, and the phy sicians fear bad results.

THE TURNER WILL CASE. Judge Stewart has commenced the hear-ing of testimony in the new noted Turner will case, in whice it is claimed that William and Morris Turner, the sons of John J. Tur-ner the deceased, are holding property willed to others. It is also hinted that they probably know something concerning the destruction of the will. The first witness called was Keren Root

ham, the aged housekeeper who was em-ployed in the family for years. She testified to seeing an envelope in the hands of John J. Turner before his death which contained the will. She saw on the envelope the words "My Will. William Clark. To be opened in the presence of my sons.' She testified that Turner had left written in structions that in the event of his death she was to take charge of the valise in which she believed the will and was to deliver the same o William Clark. That on March 2, the day after Turner's death, she was on the point of executing the written request of her late naster when the sons took the valise away master when the sons took the value away from her. A few days later the satchel was found in the front yard cut open and the con-tents missing. The sons of Turner claimed that a burglary had occurred. Captain N. S. Seott, the next witness, tes-

tified that there was a will drawn up and that he was the person who drafted it. He testified also that he had drawn up another will previous to that time. He testided that in the will last grawn up, \$3.200 was bequeathed to the board of missions for freedmen and the board of foreign missions of the Presbyterian church. A double house near the state university was willed to Keren Roothan, while the residue of the property was bequeathed to the sons. The hearing of the case was continued for a few days.

THE FEMALE INCENDIARY. Mrs. Harlan, the mother of Katie, the in endiary, has arrived from Kansas City. She s very much shocked at the criminal charge made against her daughter. Yesterday after noon W. H. Baird swore out an insanity was rant against the comely incendiary. As soon as Katie learned of the arrest of Day, the foung married man with whom she acc edges she has been intimate, she confessed to Marshal Melick that she had lied about Hunt She declared that it was Day and not Hunt who had offered her money to set Judge Stewart's house on fire. She said further that Day informed her he had a gringe against the judge. She declared that he eason she first east the blame on Hunt cause she was very fond of Day and did no wish to see him get into jail. Hi therefore been released from custody. At 4 p. m. the insanity board ex Hunt has board examined Miss Harlan as to the condition of her mental

faculties. AN INSANE NEGRO. E. O. Walt, a farmer living northeast of this city, brought in a young colored man this morning, who has evidently gene insune.

He has been working for Wait for about three weeks, and of late has developed mur-derous tendencies. He has frightened Mrs. Walt and her daughter a number of times by his actions with knives and other wea-pons, and it was decided to lock him up be-fore he could do any harm.

SUPREMIE COURT. The judges of the supreme court banded down the following opinions today:
The city of Omaha vs Randolph, Error
from Douglas county, Affirmed, Opinion by

Justice Norval.

The plaintiff in driving into the city of Omaha after dark followed from Twentyeighth to Twenty-seventh street a public wa that had been used by the public for years although it had never been laid out as a road. The city was at the time grading Twenty-seventh street and had excavated the same perpendicularly to a depth of three feet at the intersection of this road, but placed no barriers or lights at or near the same. It be-ing dark the plaintiff was unable to see the condition of the street and his team was precipitated into the excavation, causing intiff to receive permanent injuries. Held that the city was guilty of negligence.

Kaufman vs Coburn. Error from Douglas ounty. Reversed and remanded. Opinion

by Justice Maxwell.

A firm engaged in the mercantile business being indebted in the sum of about \$18,000 for which A. B. and C. were separately liable as surelies for about equal portions of said debt, sold their stock of goods, including real estate and other property, to said sur-ties, who jointly assumed all the debts fo which they were severally riable. Held that this was a sale and not an assignment, and if made in good faith would be sustained.

3. The sureties so far as appear did not take the property for the benefit of one or more creditors of the debtor other than themselves, but they became absolutely liable fo the debts which they had assumed whethe the property received was of sufficient value to pay said debts or not. Bons vs Carler, 2 ebraska, 566 distinguished.

Roberts vs Moudy. Error from Nance bunty. Affirmed. Opinion by Justice Max-

The wife of one M. removed to Wyouing, taking her children, a boy and a girl, with her and there obtained a divorce from M., her husband, and was awarded the custody of the children. The testimony tended to show that M., notwithstanding the divorce continued to furnish support for his children. Held, that he was the head of a family and entitled to the benefit of the exemption law 2. The library and implements of a pro-fessional man a resident of the state are exempt under Sec. 530 of the code whether he is the head of a family or not.

Chicago, Burlington & Quincy railroad company ys Hogan. Error from Lancaster Reversed and dismissed. Opinion

by Sustice Norval. A railroad company is not required to fence its right of way within the limits of a city town or village. And where the larger por tion of its depot and station grounds within such limits, the company is not required to fence that part of such grounds extending outside of the city limits and upo which abuts a platted addition to such city when it appears that such grounds are con-stantly used, and are necessary for the proper transaction of its business as a comm

Burr vs Lamaster. Error from Lancaster county. Reversion Justice Norval. Reversed and remanded. Opinion 1. Where a person purchases a vacant lot which supports the half of the wall of the building erected on the adjoining lot, and

such purchaser is by the terms of a previous party wall agreement entered into by his grantor, obliged to pay part of the costs of the wall in order to use it, such agreement and wall constitute an incumberance. 2. A covenant against incumberances cov ers incumberances unknown to the purchaser

as well as those known,
Dorsey vs McGee. Error from Gage
county, Affirmed. Opinion by Mr. Chief Justice Cobb. Specifications accompanying plans for dwelling house provided for two coats dwelling house provided for two coats of plastering. S and W contracted with M. to furnish all material and labor and to build

and construct a house according to such plans and specifications, with certain exceptions.

1. In an action against M. by the contractors, and D. and W. their surities, on a bond by the contractors to M. for the due and faithful performance of the contract, the specifications were introduced in evidence by M. and it appearing that a change had been made in the specifications by which the requirement of two coats of plastering was made to read three coats of plastering, and two witnesses testifying that such change was made at the time of the signing of the contract, and two also that the change months. Their father died two years ago, seven months before the youngest was born, she says. Mrs. Baughman says that she and knowledge of consent of the sureties of the contractors, and the jury having found for the plaintiff against the sureties as well as the contractors. Upon error, held, that the specifications, as introduced in evidence, must be taken and considered as the original specifications under which the contract was

2. The plans and specifications referred to were drawn in view of a building fronting north and east. The locality of the building having been changed by M. to that of a south west corner lot, the contractors had full knowledge and consented to the new location. The sureties afterwards signed the bond without knowledge either of the origi nal design or of any change as to the loca tion or frontage of the building. By direction of M. the contractors built the housfronting south and west, held, not to be such change of plans, specifications, or coontrac as would release the sureties.

The specifications contained a clausthat "it is understood that the owner of building and the architect shall have the right and power to make any alterations, ad ditions or omissions of work or materials herein specified, or shown on the drawings that they may find necessary during the pro-gress of the building, and the same shall be and hereby is made obligatory upon and must be acceeded to by the contractor and carried into effect without in any way violatng or vitiating the contract; and the valu f all such alterations, additions or omission shall be in proportion to the cost of other similar work to be done under the contract. The evidence shows the construction of stairway from the kitchen to a bed room to be one not specified, as well as the use of bronze hard ware in the place of No. I hardward specified, and a change in the location of the cistern, held, that this addition, and these changes were provided for in the clause set forth.

4. The findings of fact and the judgemen. must conform to and be supported by the altegations of the pleadings on which they are based. Lipp vs Horbach, 12 Nebraska.

upon and applicable to the pleadings and evi-dence. Herron vs Cole Brothers, 25 Ne-braska, 692. Runge vs Browa, 23 Nebraska, 6. A person not a stranger to a judicia proceeding is bound there by, and the record of such proceeding is admissible in evidence against him. 1. Greenleaf section 523. A motion for a new trial is indivisible and when made jointly by two or more par-ties if it cannot be allowed as to all must be werruled as to all. Dutcher vs. the state, 6 Nebraska, 39. Long & Smith vs. Clamp, 5 Nebraska, 417. Real vs. Hollister, 17 Nebraska, 39. Dunn vs. Gibson, 9 Id., 513.

371 Kitchen Brothers vs. Hammond, N. W. R. 5. Instructions to a jury must be based

The following gentlemen were admitted to practice: Henry J. Taylor, esq. of Dakota county; J. M. Curry, esq. of Thurston county. Leach vs State. Dismissed. Omaha & Republican Valley railway company vs Brody. leath of defendant suggested, cause revive

n the name of James Brady, executor, O'Shea vs Bannon, Dismissed, The following causes were continued Smith vs Wigton, State ex rel Antelope county vs Fremont, Elkhorn & Missouri Val-

y railway company. The following causes were argued and sub mitted: Flanmagan vs State, Langford vs Perrine, Bressler vs Wayne county, Roman vs Bressler, Tallman vs Miller, Peyson vs Conniff, Tredway vs Riley, Maher vs Allen two cases, Hitchcock vs Shager, Daly vs Me andy, McGes vs State ex rel, North Americattle company, Wheeler vs State ex rel Londrosh, Wayne county vs Bressler, Bu chanan vs Wise, Omaha & Republican Valley ailread company vs Clarke.

Today Governor Thayer issued the follow ng Thanksgiving proclamation:

THANKSGIVING PROCLAMATION

TO THE PROPIE OF THE STATE OF NEBRASKA. The time is drawing near when, in accordance with a most appropriate custon, the problem in their accussioned diagnost religious worship for the purpose of dering up their homage and gratitude to the fuller of the universe for His manifold blessings.

Now, therefore, I. John M. Thayer, governor of the state of Nebraska, do issue this, my prelamation, designating Thursday, the 27th day of the present month, in the year of our Lord, one thousand eight hundred and nicely, as a day of thanksgiving and praise to the Most High. I trust that the people of this

commonwealth will on that day cease from their usual avocations and, gathering in the sanctuaries offer up devout thanks and songs of praise and invoke the continuance of his blessings.

Let me most carnestly entreat all on that day especially to remember the poor and needy and to give to them of their abundance, and thus make their hearts glad, remembering that it is more biessed to give than to receive.

ceive.

In testimony whereof I have hereunto set my hand and consed to be affixed the great sent of the state. Some at Lincoln, this ath day of November, in the year of our Lord, one thousand eight hundred and ninety, of the state the twenty-fourth and of the independence of the United States the one hundred by all fifteenth.

By the governor: John M. Thayen.
Hen Cowdeny, Secretary of State.

STATE HOUSE JOITINGS. Theofficials and clerks at the capitol are

osking for other jobs.
The Nebraska Pulsian telephone company has filed articles of incoporation with the secretary of state. The object of the incor-poration is to build, maintain and lease tele-phone lines. The headquarters of the company is to be at Lincoln, and the Incorpora-tors are R. H. Oakley, J. E. Hill, Charles L. Alger, L. G. M. Baldwin, George W. Hart-man. The capital stock is \$50,000,

Governor Thayer issued notarial commissions to the following persons today: D. W. Merrow, Omaha: E. H. Oberg, Wansa; Eli A. Barnes, Grand Island.

A. Barnes, Grand Isjand.
Governor Thayer left this afternoon to visit
the deaf and dumb asylum at Omaha. He
then will go to Norfolk to visit the asylum at
that place. He is accompanied by Mrs. that ph

BABIES PACKED IN MOSS.

The Little Lapps Are Snugly Rolled

Up and Put in the Snow. As "soon as Lapp children are large enough to walk, they are dressed precisely like their elders, and they look droll enough with their dwarfish figures and grown-up clothes. The little children who have to be carried have so clothes, but are rolled up in lambskin

and covered with moss in their komso. This arrangement is a sort of combi-nation of garment, bed and cradle, made of thin pieces of wood like a trough, covered with leather, and large enough for the child to lie in, usnally about two feet long and eight inches wide, and somewhat smaller at the lower end than the upper. To protect the head, the komse is finished at the upper end with a curved hood in the shape of those used on cradles, and to the front of this hood a cloth is made fast, which can be spread all over the komse

To entertain the child, colored bands are fastened to the front of the hood to the sides from the komse, and these are decorated with glass beads, silver butons, etc.

When the child is packed in the komse the leather overpiece, under which the legs are placed, is strapped together. A leather strap is fastened at each end of the komse, so that the mother can carry it over her shoulders when she takes the child with her on her journeys, and also by which the infant may be hung up in the tent or on the limb of a tree.

This method of packing the children up and caring for them is certainly the best way that could be imagined, when one takes into consideration the Lapps manner of living, says Demorest's Family Magazine. When the baby is laid in the komse, it is not only easier to manage, but it can be neglected for some time without fear of anything happening

to it. One often sees a mother who has some duty to perform, or somewhere to go, stick the pointed end of the komse into the deep snow, and the child lies, or rather stands in this way without the least danger.

Profitable Medical Frauds.

These firms of manufacturers of proprictary medicines, nine out of ten, live solely by the newspapers, and sometimes are admirably managed, writes Charles F. Chandler in the Medical Record. I know some establishments in which there is a regular staff employed; I knowsomething about, them, because they try to bribe me to certify to the value of their concections. As I say, there is a regular staff. There is the giving marvelous accounts of marvelous cures; there is the artist who shows the patient before and after taking twenty two bottles of the medicine; there is the poet, who composes poems upon the subject; there is the liar, who swears to what he knows isn't true, and the forger, who produces testimonials from his own imagination. Without exaggeration, I should say that nine out of ten of these proprietary medicines are frauds, pure and simple; the real business is advertising for dupes. The medical part of it is but a side issue. I am pretty sure, if I were to pound up brickoats, and spend \$100,000 in offering it at a dollar an ounce as a sure cure for some disease which cannot be cured, I should get back at least \$110,000, thus giving me \$10,000 for my trouble. Nine-tenths of the medicines sent out in this fashion have no more curative properties than brick bat dust.

Hardships in India.

In a land of leeches you should think twice before wading in water. Otherwise you may emerge with a shaggy covering of jet black. Something like this, according to the London News. happened to two British warriors in India, Privates Speed and Davis, who, having left Bareilly for a day's sport and lost their way, were fastened upon by the leoches in the pools, which they had to cross bare-legged. The two sol diers wandered about hopelessly for nine days. Bareilly is near the jungles of Nepaul, the favorite home of the tiger; but before the nine days were out Davis and Speed would have given a year or two of their lives for the sight of an honest wild pig. It is a marvel that the two did not die of hardship. The heat in July in Upper India is simply terrific. Yet the two survived it, exposed to the sun's rays during the day, sleeping in the open air at night. Not a village did they come across, not a human being, for the whole region was submerged by the yearly floods. They began by catching butterflies, and they finished off by being found nine-tenths dead beside the metals of a railway line. The first solid food they had in nine days was two "chupatties." A chapatty is a wheaten cake, not unlike a Scotch bannock There's nothing about the restorative "peg," but doubtless it came in time.

Owing to a heavy cabbage crop, the people of Pennsylvania are preparing for an un-usually fine season of sour-kraut.

OMAHA LOAN AND TRUST COMPANY.

Subscribed and Guaranteed Capital.... \$300,000 Paid in Capital Buys and sells stocks and boads; negotiates commercial paper; receives and executes trusts; acts as transfer agent and trustee of corporations, takes charge of property, collects taxes.

Omaha Loan&Trust Co

SAVINGS BANK. S. E. Cor. 16th and Douglas Sts. Liability of Stockholders.

5 Per Cent Interest Paid on Deposits. FRANK J. LANGE, Cashler. Officers: A. U. Wyman, president, J. J. Brown, vice-president, W. T. Wyman, treasurer. Directors:—A. U. Wyman, J. H. Millard, J. J. Brown, Guy C. Barton, E. W. Nast, Thomas

L Kimpall George M. Luke.