OFFICES: Omaha, The Bee Building.
South Omaha, Corner N and 26th Streets.
Council Binffs, 12 Pearl Street.
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CORRESPONDENCE. All communications relating to news and editorial matter should be addressed to the Editorial Department. BUSINESS LETTERS.

All business letters and remittances should be addressed to The Ree Publishing Company, Omaha. Brafts, cheeks and postoffice orders to be made puyable to the order of the com-The Bee Publishing Company. Proprietors.

SWORN STATEMENT OF CIRCULATION.
State of Nebraska,
County of Douglas, ss County of Douglas. SS
George B. Tzschuez, secretary of The Ber
Tublishing company, does sciennly swear
that the actual circulation of The Danky Ber
for the week ending January 24, 1891, was as

Sunday, January 18. Monday, January 19. Tuesday, January 20 Wednesday, January 21. Thursday, January 25. Friday, January 23. Saturday, January 24....

Average GEORGE B. TZSCHUCK .28,412 Sworn to before the and subscribed in my presence this 24th day of January A. D. 1891. Notary Public.

Notary Public,

State of Nebraska.

County of Douglas, 188

George B. Tzschuck, being duly sworn, deposes and says that he is secretary of Tur Berlublishing company, that the netual average daily elrealation of The Daily Rese for the month of January, 1890, 19.55 copies; for February, 1890, 19.76 copies; for March, 1890, 20.815 copies; for April, 1890, 20.36 copies; for May, 1890, 24.180 copies; for June, 1890, 20.361 copies; for July, 1890, 20.362 copies; for August, 1890, 20.769 copies; for September, 1890, 20.361 copies; for October, 1890, 27.762 copies; for December, 1890, 23.471 copies.

Geonge B. Tzschuck.

Sworn to before me, and subscribed in my Copies.

Geonge B. Tzscheck.

Sworn to before me, and subscribed in my presence, this 3ist day of December, A. D. 1800.

N. P. Feit, Notary Public.

THE register of deeds has not yet paid over that little balance of \$4,000, but his intentions are good.

In the Illinois senatorial game the the farmers' mutual party hold three of a kind and stand "pat,"

IF Omsha gets all the bridges that are projected, there will be no impediment to travel and traffic between the twin

THE distinguishing feature of the Nebraska legislature is its masterly inaction in all matters involving the public welfare.

THE council will presently discover that reprimands will not improve the management of an office where incompetency is supreme.

LOCAL medical circles are needlessly excited over the unusual high temperature of a patient, who is simply trying to keep abreast of the glorious temperature of this summer resort in winter.

THE crooked joints and razzled accounts of the plumbing superintendent's office have been officially whitewashed, but the quantity rubbed on is not sufficient to hide the political African in that woodsile.

A MAN inoculated with the lymph of mesmerized with the crankism of prohibition can only be classed among men who lack a ratchet wheel in the upper story. And that's what's the matter with the would-be governor of Nebraska.

JOHN H. POWERS and Francis Willard are in favor of uniting all the floating isms of the day and rearing a new party on a foundation of discarded political doctrines. This would only result in bulling the market for freaks and overstocking the dime museums of the country.

Our of 8,113 arrests made in this city last year, 5,013 were dismissed by the court. The great disproportion between arrests and convictions proves that the police do not exercise reasonable discretion in the performance of their duty. The truth is there is too much rivalry among the members to make a good showing in the number of arrests. Some ofthe novices on the force, clothed with brief authority, delight to exercise it by "running in" persons without reasonable cause. Omaha is certainly as orderly as Minneapolis, yet the police of that city made less than 6,000 arrests last year and that too in a population greater by 24,000. But the proportion of arrests to convictions was greater. Fewer arrests for trivial offenses and more convictions for cause would be a desirable improvement in the record.

reciprocity between the United States and the kingdom of Hawaii. The most valuable feature of the treaty to this government is the grant of the exclusive doubted that they will find the weight of right to enter the harbor of Pearl river, in the island of Oahu, and to establish and maintain there a coaling and repair station for the vessels of the United States. The late King Kalakaua was a warm friend of this country, and while he lived there was no danger that the interests of the United States in Hawaii would suffer, but since his death the question has been raised whether England, and possibly Germany, also, may not attempt to obtain concessions from the new government to the disadvantage of this country. Political troubles in the islands are to be expected, and when they come it is more than likely that foreign powers will take the opportunity to acquire a greater influence there than they now have, if not to secure control of a portion of the islands for the purpose of obtaining a like privilege with that now enjoyed by the United. States Doubtless our state department is not indifferent to the situation, for although this country does not want the islands as a possession it will not be disposed to allow them to pass into the control of a European power. It is quite possible that this may become a subject of interesting controversy between the United States and one or more foreign nations.

SCRUTINIZE ESTIMATES AND BILLS. Nobody can truthfully impugn the motives of THE BEE in asking the legislature to carefully scrutinize the estimates of the state relief committee. THE BEE has labored earnestly and sincerely for the prompt and generous relief of the destitute people of the frontier, but it knows enough to know that the state's benevolence would be abused unless every precaution is taken against imposture and selfish scheming. We cast no reflection upon any member of the state committee unless he sees fit to put the shoe on. We can better afford to ruffle the temper of a high-strung semi-official than to permit waste of funds or means without

We remember how the grasshopper relief committee of 1875 boiled over because THE BEE allowed its columns to be used by parties who pointed out the shortcomings of relief agents. But the exposures then made fully justified the

course pursued by this paper. So long as the relief movement was confined to private enterprise and voluntary contributions it would have been Impertment to meddle or find fault with the committee. Now that the state is to assume the responsibility of caring for the destitute settlers and the money is to be taken out of the state treasury for the purchase of supplies and seed, we deem it our duty to sound a note of warning against promiseuous charity and promiscuous purchases of supplies regardless of quality and without competition.

It is the custom for people who sell to the state on credit and without bids to charge exorbitant rates for their wares. Such abuses are nearly always winked at by legislative committees, but when it comes to furnishing supplies for the destitute settlers of the frontier it is the duty of the legislature to exercise the utmost vigilance. The means at the disposal of the state are comparatively limited and should be expended so as to secure the largest quantity of supplies that can be had for the money.

TRUSTS AND PUBLIC OPINION.

The New York Tribune takes a very hopeful view of the future. Under the caption, "Trusts Abandoned," it argues that the day of trade combinations to crush competition has gone. "Trusts," it says, "were popular a year or two ago. Now the very name is so odious that it is avoided, not only when the purpose and form of the organization make it appropriate, but when no combination against the public is intended."

While the public is still very far from believing that the evilof trusts has been eliminated from business and social life, it still has much reason for congratulation in the fact that its opposition has at least been felt. Trusts were never popular with the people. They were always popular with manufacturers and capitalists in haste to pile up their fortunes to the highest figures. They offered an inviting field for men who could easily control a commodity by combining their capital and fixing ironclad prices for the consumer. But the prosperity thus won for the few in the combination was violently plundered from the many who paid the enforced high prices for the necessities of life.

The Tribune's note of congratulation rests, however, on a very slender basis. So far as it has come to the knowledge one sized trust has thus far surrendered to the force of public opinion. This is the harvester combination, which went down before the angey protest of western farmers. It is a very hopeful indication of the times, as tar as it goes, and indicates that agitation is one good means of exterminating the

pest of modern business. If a beginning has at last been made, the work of reform should be vigorously pushed forward. The lamented Ingalls recently said that trusts and combinations had been found to control the production and price of 50 of the necessities of life. This is an appalling statement. It shows that there is still plenty of work ahead for the enemies of monop-

In the end public opinion must triumph over the greed of selfish men. But the time has not yet come to celebrate such a victory.

WELL DONE.

The action of the United States senate in taking up the reapportionment bill and thereby pushing aside the elections measure will very likely prove to be decisive of the fate of the latter. It is said that a majority of the republicans in both the senate and house are very well pleased with this action, and if that be the case it is safe to assume that another effort will not be made to renew consideration of the elections bill. Within the next few days, during which the reapportionment bill will be con-SINCE 1876 there has been a treaty of sidered, senators will have an opportunity to learn more fully the public sentiment relative to the measure that has been supplanted, and it is not to be this sentiment very strongly against wasting any more time of the few weeks remaining of the present session in discussing the elections bill. It ought to be already clear to the advocates of this measure that it has not the sympathy of the masses of the republican party, but if they do not understand this now they are pretty sure to do so after they shall have received the expressions of the republican press on Monday's action in the senate.

Five weeks of the session remain, and if the many matters of practical importance awaiting consideration are given attention, every hour of the time will have to be devoted to them. Senator Atlison is quoted as saying that the appropriation bills will occupy three weeks of the time, leaving only two weeks for considering a score of other subjects that are of leading importance. The probability is that some of these will be rushed through without being as well considered as they should be, while others may not be reached. But at any rate it is evident that the senate cannot afford to waste any time in dilatory debate on a political measure which the people do not ask for and which has the support of

dropped, since the demand for it confessedly exists only in connection with the former measure. There are valid reasons, however, for a fair rule under which debate may be brought to a close after having been carried on to a reasonable extent. But if such a rule is not adopted at the present session it will probably be many years before it is again proposed.

There is still opportunity to justify the promise to the country that this congress was to be distinctively and notably a business congress.

THE ALLIANCE FOR FARMERS ONLY. The convention of the National Farm-

ers' Alliance rejected by a large majority a proposed amendment to the constitution allowing members of labor organizations to be admitted into the subordinate lodges of the alliance. The opponents of the proposition argued that the alliance would have greater influence and be more effective in promoting the principles and interests for which it was organized by continuing to be an association exclusively of farmers. It was urged that if the doors were opened to persons in other industrial pursuits there would inevitably arise discussions and conflicts, and there was also the danger that men would get into the organization who have not genuine sympathy with its objects and who could do it serious injury. The advocates of the amendment had little to offer by way of overcoming the force of this line of There can be no question regarding

the wisdom of the convention's action. No organization can be permanent, influential and effective that is made up of a variety of interests which canuot in the nature of things have in all circumstances a common object. The decadence of the Knights of Labor ensued very soon after they began to admit into the organization anybody and everybody. On the other hand, the Brotherhood of Locomotive Engineers has maintained its strength and influence by its policy of exclusiveness, refusing to make any entangling alliances with other labor organizations. These Instructive examples of the operation of the different principles illustrate most conclusively the wisdom of all organizations preserving a distinct individuality.

The National Farmers' Alliance has done wisely in adhering to the original policy of having it exclusively an organization of farmers. In that character it will preserve its influence and avoid the danger of internal dissensions inevitable where there is a variety of interests. And having taken this judiclous action, the alliance should now purge itself of all persons not actually engaged in the pursuit of agriculture.

PAVEMENT REPAIRS.

The last annual report of the city engineer shows a fraction over 61 miles of paved streets in Omaha. The materials used are sandstone and granite, asphalt, brick, and cedar and cypress blocks in the following proportions: Asphalt, 15.74 miles; sandstone and granite, 17.45 miles; brick, 3.05 miles; cedar and cypress blocks, 24.96 miles,

How shall the money be raised to keep pavement in repair? Shall the the spective paving districts? These are important questions which the delegation in the legislature should carefully consider before approving the draft of charter amendments.

Under the present law the entire city is taxed for repairs made in any portion of the city. The injustice of this system is apparent on its face. Paving districts are created by the council, but the owners of abutting property are permitted to select any of the materials approved by the board of public works. Thus over one-third of the paved area is wood blocks, selected by property owners on account of its cheapness. Its cost was an average of per square yard less than the cost of granite or sandstone. The wear and tear of the latter is scarcely noticeable, while there are already acres of wood pavement so worn and decayed that they must be replaced with better material during the present year. Is it right to tax property owners, who selected and paid for durable material, for the benefit of those who ordered their streets paved with cheap material be-

cause it was cheap. During the year 1889 the cost of repairing asphalt pavement was \$11,300. For 1890 the cost was about the same. As fast as the five-year guarantees expire, the cost of asphalt repairs will increase. Add to this the cost of repairing or replacing the miles of rotting blocks, and the city will in a few years have to meet an enormous bill of expense. To tax the city at large for this expense is a grievous wrong. It places a premium on cheap pavements and imposes a double burden on enterprising property ownerss, who have taxed themselves for the most durable and costly

pavement. OThose who select cheap material should be made to bear the cost of repairs. To that end, the charter should be amended so that the cost of maintaining pavements in the districts now created be assessed annually against the adjacent property. By this means, property owners will realize the folly of cheap first cost, and the miles of decaying wood will soon give way to cleaner and more durable material.

NEARLY AS BAD AS THE LAST. It was expected that the present legislature would set an example of judicious economy in the matter of employes. The course of preceding legislatures in providing for an army of clerks, pages and other attaches, many of them simply sinecures, at an expense wholly unjustifiable, was condemned by the people generally, irrespective of party. This inexcusable extravagance was not without influence in making votes against the party responsible for it, and one of the reforms looked for from the success of the candidates of the independent people's party was a material reduction of the expense for legislative employes. This was practicable without eausing any delay or only a small minority of them. If the detriment to legislative business, and elections bill is abandoned doubtless the | besides the always imperative duty of

penditures there are special reasons at this time for the practice of economy. Provisions must be made for supplying the needs of thousands of destitute people, and a liberal appropria-tion will be required to enable Nebraska to be properly represented at the Columbian exposition. These extraordinary demands must be met, and while the state can meet them it is plainly the dictate of prudence that no more money shall be taken from the publie treasury for other purposes than is absolutely necessary. Paying out thousands of doilars of the people's morey for useless employes in the legis-

lature is utterly indefensible. But the reform legislature is showing itself to be almost as bad as its predecessors in this particular. The house employes now number 79, which is four in excess of the limit fixed by the law passed two years ago. Section 12 of chapter 48, relating to the legislature, says: "The officers and employes of the house of representatives shall consist of a speaker, chief clerk, assistant clerk, sergeant-at-arms, door keeper, enrolling clerk, engressing clerk, chaplain, and such other officers and employes, not exceeding seventy-five in number, as may be deemed necessary for the proper transaction of business, such other officers or employes to be elected by the house." Not only has the statute been violated in the matter of the number of employes, but it is disregarded in the action giving authority to the speaker and the chief clerk to appoint employes, the law explicitly saying that they shall be elected by the house. Obviously it is the duty of the house to at once reduce the list of employes to the number prescribed by the statute, but it ought to go farther than this and dispense with every clerk or other employe not absolutely needed.

There is still a great pressure for appointments, and doubtless nearly every member of either branch has some friend whom he would like to assist out of the public treasury. It is not difficult to understand how hard members find it to deny all the applications made to them for positions. But their duty to the people demands that they take a resolute stand against squanderthe public money for needless employes. The party in control of the legislature will have some difficulty in justifying a failure to institute this practicable and important reform.

MAYOR CUSHING and a special committee of the council have resolved to go down to Lincoln today to make a formal presentation of the charter amendments to the Douglas delegation in the legislature. It strikes us that there is altogether to much formality about this. Why should the mayor and the whole committee wait upon the delegation, when one man could just as readily carry the amendin his handbag? What ments need is there of any body going down to Lincoln at the city's expense to deliver a package. The Douglas delegation will be at home next Saturday evening. If there is to be any formality about this matter they can be invited to the council chamber and if anybody has a presentation speech to make let him deliver it where it can be done without expense to anybody, cost be assessed against and where the delegation can, if they all property or against the re- desire, talk the proposed changes over without trenching upon the time which they are obliged to devote to committee work while they are at Lincoln.

FROM a business standpoint the proposition to take \$200,000 out of the general fund of the state treasury will scarcely commend itself. It would be much more sensible and business-like to issue bonds and cash them at par out of the permanent school fund, in which several hundred dollars are now waiting for investment in state or county securities. Every dollar in the general fund will be needed for current expenses. To withdraw \$200,000 from that fund simply means that the state tax levy must be raised. In other words that the people must pay the whole amount during the next two years, instead of only paying interest on bonds which at best would only amount to \$10,000 a year.

This is a remarkable tegislature in more respects than one. Two weeks ago the house voted down a resolution to recognize Governor Boyd; therefore the independents insist that they cannot consistently recognize him hereafter, no matter what may happen. There is about as much sense in this kind of conduct as in that of the man who didn't see the use of repairing his leaky roof in dry weather and found his furniture floating around the house during a heavy rain.

LIEUTENANT GOVERNOR JONES of New York proposes to follow in the footsteps of Hill and announces himself as a candidate for governor. Mr. Jones will pay the freight and other incidental expenses. Meanwhile Mr. Flower is arranging his grafts to bloom in the fall.

THE object of the star-chamber proceedings is now visible to the naked eve. The political schemers in the alliance who want to found a new party, were afraid that a public discussion of their bantling would prove fatal to it.

THE next national campaign will be very interesting in the matter of political side shows gotten up for the benefit of the democratic party.

THE alliance as a non-partisan body has ceased to exist.

It's the Old Guard.

New York World. The Indians have surrendered, but the Indian ring hasn't.

Show for Young Men. Now York Sun.

Shall young men go into politics! Yes, even young mugwumps. Let 'em go in like

It's the Fashion.

Our own legislature is quite a little congress, now that it has gone to deciding contests on partisan grounds instead of the merits of the case as presented.

Here's Democracy.

New York Herald. There is no moral to the story which has reached us by cable of the taking off of

purposed closure rule will also be avoiding extravagance in public ex- Prince Baudouin, the Belgian heir apparent. He was a prince. He has departed. By tomorrow he may be forgotten. Prince Albert is the new heir apparent. Vive le prince!

THE ALLIANCE.

Make hearding a penal offense, says the Saturday Globe. On this text the New York Sun says: "Yes, abolish every form of individual liberty and get some first-rate despot to boss the universe. Then the millennium

would set in." Ree Heights, S. D., Free Press: One independent puts it pat. He says: "We left the republican party to get rid of bosses. We find that we have only exchanged one lot of bosses for another, and the last lot has a d-d sight less sense than the others had."

St. Paul Pioneer Press: It appears probable that if any money is ever loaned on Senator Stanford's scheme to let the people borrow from the treasury on wheat, oats, pats, liver and cheese it will have to come out of the senator's own ample fortune instead of the source intended. Even the farmers of Ohio, that hotbed of financial heresy, have in convention assembled de cided against it.

A Kansas congressman has been telling the Boston Herald something about Jerry Simpson and is quoted as saying: "Simpson is by no means a green man. No one enjoys more than he the yarns that are printed abou him in the papers. Why, I have known him to go to a hotel and write the wildest sort of a fist on the register and spelt his town 'Meddy Sin Lodge,' just to hear what the people would say about him. He knows better, of course, but is always for a little fun.

According to the Gann Valley Chief a story s going the rounds to the effect that one of the members elect of the South Dakota legislature started for Washington a few days before the time for the assembling of the legis lature to take his seat in the national house of representatives, to which he understood te had been elected. He was intercepted on the way by a telegram from a friend informing him that his presence would be needed at the state capitol at Pierce instead of at the national capitol.

New York Tribune: Combinations for the benefit of individual capitalists, wnether manufacturers or transporters, against the nterests of the public stand on a most insesure footing. The millions rule and make the laws, and control their administration They appreciate the advantages which competition gives them, forcing the profits of manufacturers, transporters and traders down to a minimum, and they mean to keep that advantage. Until the public can be brought to a different frame of mind business combinations for the purpose of suppressing competition will continue to be treated as hostile to the general welfare.

Sioux City Journal: There will hardly be inv permanent union of the farmers of the west, the east and the south for political purposes. The eastern farmers are mainly opposed to silver legislation. Moreover, they cannot agree with western farmers on the transportation question. The rates that enable the western farmer to drive the eastern farmer out of a market in his immediate neighborhood for many products will not be popular among the grangers of New York, Massachusetts and Vermont. Nor are the farmers who raise corn and those who raise cotton likely to agree much more precisely. They have never yet been united in politics in anything like a solid body.

Much speculation is being indulged in as to who will lead the alliance members in the next national house of representatives. Knowing ones say that the only man whom they are likely to unite on is Rice A. Pierce of Tonnessee, who has been elected for bis third term. Pierce is not a member of the alliance. He is a lawyer, and a very good one, but he lives a rural district, was raised on a farm and affiliates with the farmers' alliance people. His experience fits him for leadership. Picker introduced the suo-treasury bill in the house and is for it, but Pickler is a republican, and the alliance people will probably want a democratic leader in a democratic house. Livingstone of Georgia will doubtless make a fight for the leadership, but Livingstone lacks experience.

PERSONALITIES.

Rudyard Kipling was but twenty-five De-G. H. Ouray, ex-delegate to congress from Arizona, died at Tucson, aged sixty-six The only daughter of Senator Voorhees of

Indiana has joined the Roman Catholic church. Grace Greenwood is not writing much just All her spare time is devoted to charitable work.

Ex-Congressman William M. Morrison of Illinois has received a bequest of \$75,000 from California relative Dr. W. H. Milburn, the blind chaplain of the house of representatives, is writing a book on the pioneers of the Mississippi val-

He has a collaborator. An old schoolmate of Rider Haggard says that at college the future author of "She" was not accounted clever. He was a plain, matter-of-fact boy, who lived simply Stath Senator W. P. Peter of Maryland, n descendant of a collateral branch of the Washington family, possesses a Masonic jewel worn by George Washington at his death.

Mrs. Cicette M. P. Hilliard, a lady who has carned considerable fame as an authoress, died at Los Angeles of a congestive chill. Mrs. Hilliard was a grandniece of Charles

Howard Payne. JESIS.

Epoch: He-"Will you name the month?" She-"No-no-November." Elmira Gazette: Anger is vulgar, there is othing so low as a towering rage. Ram's Horn: Don't shake hands with the devil when you say good-by to him.

Chicago Times: The fruit of a successful theatrical debut appears to be dates. Pittsburg Chronicle: Even in Ireland the andlords do not have rent-rolls for break-

Indianapolis Journal: Salvation is some thing like a bonnet-it's the trimmings that make the expense. Epoch: Teacher—"Why does Great Bri-lan support royalty?"

Pupil—"Because royalty cannot support

Munsey's Weekly: "Why do fish have scales, papa!"

Don't knew. Perhaps it's to settle disputes among themselves as to which weighs he most," Munsey's Weekly: "I think these type-

writer jokes are awfully foolish."
"They are for a fact, My wife comes to the office once a week ever since the papers began printing them." Boston Traveler: Swosher-Great scottman, you look as though you had been wrest' ling with a cyclone! Where have you been! Tingler—Worse than that! I displayed a

\$10 bill at a church fair. New York Herald: Goldsmith might have added when he wrote of "The loud laugh that speaks the vacant mind" that the loud laugh that frequently denotes that though the mind is vacant the owner of it is full.

When Baby was sick, we gave her Castoria, When she was a Child, she cried for Castoria, When she became Miss, she clung to Castoria, When she had Children, she gave them Castoria,

STANDING TRIAL FOR MURDER

Preliminary Hearing of the Three Accused in the Sheedy Case.

ONE GOOD WITNESS FOR THE STATE,

Some Opinions Rendered by the Supreme Court in Douglas County Cases-News from the State Capital.

LINCOLN, Neb., Jan. 28 .- [Special to THE BEE. |-The preliminary hearing of Mrs. Mary Sheedy, A. H. Walstrom and Monday McFarland was begun before Judge Houston in the district court room this morning. The state was represented by County Attorney Suell and F. M. Hall and the defense by J. B. Strode and J. E. Philpott.

Although the examination did not begin until 10:30 o'clock, the court room was crowded by 9 o'clock. There were not over a dozen women present, but the men literally climbed over one another in their desire to see the prisoners. The crowd pressed against the big railing until it cracked ominously, and the court was compelled to order them forced back. Mrs. Sheedy was accompanied by her two sisters. Mrs. Dean of this city and Mrs. Baker of Western, Neb. Mr. Baker was also present. Walstrom and Mc Farland had been kept in the judge's private office since 8 o'clock, but Mrs. Sheedy was brought directly from the fail. She was very pale, and at the close of the morning session was evidently suffering from nervous pros-tration, and tottered as she leaned on the arms of her sisters. All were brought in through a rear door, guarded by Officer Kin

Dr. Everett was the first witness called He testified as to who were present at the Sheedy residence after the blow had been struck. He had been in the house but a short time before Dr. Hart came. He described the wound as the result of a blow. At 1 o'clock Mr. Sheedy was perfectly uncon-scious; thought his condition indicated that some poison or narcotic had been administored. At the autopsy the brain was found to be perfectly sound, no clots or other indi cation of having been injured by a blow was not able to state what caused Mr. Sheedy's death, but thought that it resulted from the injury over the eye. The symptoms were those of morphine poisoning.

Dr. Hart was then called. Among other

things he said that he gave Mr. Sheedy medi-cine about 12 o'clock, and had it put in coffee, which was prepared by Mrs. Sheedy, who brought it into the room. The doctor put the medicine in the coffee, and Mrs. Sheedy gave er husband the dose of coffee -clear-and

Dr. Casebeer was the next witness, but as he did not see Mrs. Sheedy before her husbend died he did not throw any light on the mystery,
H. Goldwater, a pawnbroker, was called.

Knew Monday McFarland. Itad sold him a cane one afternoon a few days before Sheedy was struck. Witness had bought the cane of an ex-convict. He positively identified the cane because he had mended it by driving in the head a half dozen tacks. The head came off and it was mended by tacking it on. Offi-cer Malone brought the cane to witness Saturday night after Sheedy was hurt, and he recognized the cane by taking the top off where he had tacked it on, and saw that the ferule at the small end was off. Goldwater was put through a searching cross-examina but proved a valuable witness for the tate. An adjournment was then taken until

Dr. Beachley was examined this afternoon. Had examined the organs of the deceased: found a piece of bone 1x11/2 inches, broken near left eye, held only by tissue. In exam-ining the brain he found a small amount of blood between the skull and membrane, not a clot, caused by his lying on his back after death. The brain was in a normal healthy ondition, kidneys normal, walls of heart hin and heart somewhat flabby: removed the stomach and turned it over to the coroner. Did not see Sheedy before he died. Do not think the blow killed him. Do not think condition of heart had anything to do with death. Heart weighed twenty-two and onehalf ounces; normal heart weighs fourteen to sixteen ounces; walls thinnest on right side. DIDN'T WANT A PARMER JURY. The case of the Moline-Milburn-Stoddard

nonious continuance today, Holland is an implement dealer at Broken Bow and has been purchasing his goods from the above named company. He owed them \$3,725. To liquidate this ladebtedness it was agreed that he turn over to the company notes aggregating that amount from various farmers in Custer county. Holland declares he has done this but the company denies it and refuses to sur render the bond he originally gave them This morning the opposing attorneys agreed to submit it to ten jurors, as there was not a full venire left. McIntosh of Omaha, who represented the company, dis-covered that the ten were mainly farmers and after one who was not was excused Mc-Intosh threw up the sponge and refused to accept the jury, declaring that as the repre-sentative of a corporation he would not sub-mit the case to a farmers' jury. As a result the case was indefinitely postponed.

ompany vs James Holland and others in the

United States court had rather an uncore

SUPREME COURT. Gapin vs Breternitz. Error from Lincoln county. Affirmed. Opinion by Justice Nor-Colonial and United States mortgage com

pany vs Foutch et al. Appeal from Hoit county. Affirmed. Opinion by Justice Max-Paxton & Gallagher vs Moravek, Error from Box Butte county, Affirmed, Opinion y Justice Norval.

Lydick et al vs Palmquist. Error from Burke county. Reversed and remanded. Opinion by Justice Norval. In requaere of the procedure of the two houses of the legislature in contests of the election of executive officers. Original, Opinion by Chief Justice Cobb.

The last clause of section 4 and section 15 of article 5 of the constitution, and the last clause of section 77 of chapter 26 of compiled

statutes construed and held: That the passage and adoption, by the legislature, in the manner provided by law, of a concurrent resolu-tion fixing a day for the uniting of both houses to determine by joint vote contested elections for officers of the executive depart-ments, its signing by the presiding officer of ments, its signing by the presiding officer of each house, its presentation to and approval by the governor, or in case of his return of the same with objections within five days. Sundays excepted, its reconsideration and approval by three-fifths of the member elected to each house, are indispensable pro-ceedings to the legality of a joint meeting of the two houses to determine contested elec-

2. Held, applicable to the procedure contesting the election of persons declared elected to the offices of governor and lieutenant governor, who have qualified and entered upon their duties, and applicable to all other executive officers.

3. A casus omissus, in a statute, cannot be supplied by a court of law, for that would be to make laws. Butler J. in Jones vs. Smart, IT. R. 51. Lathrope vs McBride. Error from Holt

county. The judgment is affirmed. Opinion by Mr. Justice Maxwell. Van Etten vs Kosters. Error from Douglas county, Affirmed. Opinion by Mr. Jus-tice Maxwell.

Where affidavits or other evidence is used on the hearing on a motion for a change of venue in the district court such evidence

must be preserved in a bill of exceptions to be available in the supreme court.

2. Where certain lien holders had assigned their liens to one H, who brought an acjudgment, which judgment was afterwards reversed in the supreme court and the cause remanded for further proceedings, where-upon one of the lien holders brought an acon his own account, in his own name Held, that the judgment of the supreme court was not a bar to the action.

3. The evidence upon the material points

being conflicting and nearly equally balanced the judgment is affirmed.

Hoagland vs Van Etten. Appeal from
Douglas county. Affirmed. Opinion by Mr.
Justice Maxwell.

1. One H, was permitted to file an amended petition upon payment of costs. He parge amount of costs and filed an am petition on which the case was tried and a decree rendered. Held—That as the court below had deemed the order of the court as to payment of costs satisfied by trying the cause and rendering a decree, that if more costs were still due, the remedy of defendant was a motion to retax, and that should additional costs still be due from the plaintiff it judgment.

2. One H. brought an action to forcelose a mechanics lien and there being a number of small hens against the same property, they were assigned to him, and an action brought thereon in his own name. Held—That as the assignment of such liens was in the interest

assignment of such liens was in the interest of economy, not only on behalf of the lien holders, but also on behalf of the defendant, therefore an or-der of the court continuing such liens in force and permitting the plaintiff to acquire the benedicial interest as well as the legal title would be sustained. Where the proof is conflicting and of such a character as to leave it uncertain what the facts are, the finding of the trial court oranarily will not be disturbed.
4. The judgment is in conformity to the

proof and there is no material error in the

Phenix insurance company vs Bolman Leave given plaintiff to withdraw exhibits on filing of certified copies thereof by the elerk.

The following causes were argued and submitted: Lowe vs Omaha; Flannagan vs Elton; South Omaha vs Cunningham; Staley Court adjourned to Thursday, January 29, 1891, at 9 o'clock a. m.

THE PILOT WAS RESPONSIBLE. The jury in the steamboat case in the United States court rendered a double barreled decision today that was something of a surprise to the plaintiff. As will be reof a surprise to the plaintiff. As will be re-membered the case was one in which tw-ferry companies were the parties at suit. A steamboat belonging to Linehan ferry company ran against a wire stretched across the ssouri river by the Ed W. Weisenrider ferry company, wrecking the boat and killing the pilot. Two suits were brought—one for damages to the boat and the other damages accruing from the death of the pilot. The jury passed on the first case today, awarding \$1,500 damages and finding the pilot guilty of criminal carelessness. This virtually deposes the second case.

TRYING TO GET DAMAGES. The case of William S. Askwith of Council Bluffs vs Patrick R. Suilivan and Allen Brothers of Omaha has been given to the ry in the United States court. who is a grocer, was indebted to the de fendants for several hundred dollars worth of goods, and on his failure to settle, his stock of groceries was attached. Askwith claimed \$500 exemption, but his stock of groceries was sold under the sheriff's hammer just the same. He therefore sues for \$5,050 damages.

BEN BAKER'S KICK. United States District Attorney Baker entered a very vigorous kick today because he subscribed his name to a petition to the president of the United States for the pardon of Winston Taylor of Harlan county, who is under six months sentence for sending an obscene letter to a young lady in Atlanta because she jited him. Baker claims that he either signed the petition under misapprehension or misrepresentation. It is asserted in the petition that Taylor's parents are aged and infirm persons dependent on him for a living and that the petition is simply asked for to enable him to go home in time to put in a crop the coming season. It has been ascertained that there are two other grown-up sons at home, one older and theother younger than Winston and that they are amply able to do the work for the old people ODDS AND ENDS.

George Wilson was arrested yesterday afternoon by Officer Adams after a hard strug-gle. Wilson had gone into S Polwosky's store while drunk and began breaking everything in sight. Mr. Polwosky attempted to compel him to get out, but was assaulted and struck over the head by the dranken chap. In arresting the fellow the officer had a des-perate struggle, Wilson clinching him and both rolling on the pavement. He paid \$1 and costs this morning. Fourteen of the ninety-four children in the

home for the friendless are down with diph-theria. Health Officer Bartram and Mayor Graham have instituted an investigation into the medical treatment received, and some interesting developments are promised.

Highest of all in Leavening Power .- U. S. Gov't Report, Aug. 17, 1889.



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