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THE BEE BUILDING. SWORN STATEMENT OF CIRCULATION State of Neurasia,
County of Douglas,
Goorge R. Essenuck, secretary of The Bee
Publishing company, does selemnly swear
that the actual circulation of The Daily Bee
for the week ending May 23, 180, was as
follows: Monday, May 18
Tuesday, May 19
Ye.Inesday, May 20
Thursday, May 21
Friday, May 22
Baturday, May 23. 26,634

Average......GEORGE B. TZSCHUCK Sworn to before me and subscribed in my presence this 2rd day of May, A. D. 1891. N. P. Frits Notary Public.

Notary Pablic.

County of Douglas, iss

George B. Tzschuck, being duly sworn, deposes and says that he is secretary of The Berry Tublishing company, sust the actual average duly circulation of The Dally Berry County of The Dally Berry County (1998), 20,180 copies; for June, 1800, 20,50 copies; for June, 1800, 20,50 copies; for June, 1800, 20,700 copies; for August, 1880, 20,700 copies; for Feptember, 1800, 20,700 copies; for December, 1800, 20,150 copies; for January, 1801, 28,436 copies; for Feptember, 1801, 23,500 copies; for Feptember, 1801, 28,500 copies; for Feptember, 1801, 28,500 copies; for Feptember, 1801, 28,500 copies; for April, 1801, 13,500 copies; for April, 1801, 13,500 copies; Fworn to before me, and subserbed in my Fworn to before me, and subserbed in my presence, this 2d day of May, A. D., 1891.
N. P. Frir., Notary Public.

READERS of THE BEE need not be told that they see all the news every day.

IF CAPTAIN REMY had captured the Itata Iowa would take special pride in the fact that he is a Hawkeye and commander of the Charleston.

WHEN it comes to practical politics the south can give the north pointers. She takes no stock in three parties. One is good enough for her so long as it is the democratic party.

THE Buckeye crop of candidates for nominations to state offices will be somewhat short if the Columbus conclave of farmers shall conclude to go into the business on their own account.

THE Vesuvius sustains her numerous tests with becoming dignity. Unless the navy department is equivocating the little dynamite cruiser will be a safe boat for hostile vessels to keep out of sight of.

THE exciting chase of the Itata is practically ended and the newspapers have no sensational capture to report. The Chilian ship was too brisk for her how long she will keep out in the deep sea is still a mystery.

PHILADELPHIA is a very conservative city, yet she has had a defaulting treasurer and an insolvent bank within two weeks. Such a mishap in a western city would have shocked the City of Brotherly Love amazingly, but she is taking her own medicine at home with scarcely a wry face.

SMALL favors thankfully received is about the import of Manager Babcock's letter to shippers on the gulf division of the Union Pacific from the two principal points of which a rate of \$65 per car is made to Omaha against a rate of \$60.80 to Kansas City. Lust year the difference in favor of Kansas City was \$10 per car, but Omaha being the best market received part of the business of that line.

THE officers of the Real Estate Owners' association are receiving great encouragement in the work of organization. They are, however, very anxious to do something, and therefore property owners are urged to send in their subscriptions at once in order that the association may begin business in earnest June 1, or as soon thereafter as possible. This organization can be made an invaluable advantage to Omaha if her people will lend their cordial co-operation.

IT HAS been officially ascertained by the Nebraska bureau of labor and industrial statistics that only two farms in seven in Nebraska are encumbered with mortgages, and but one mortgage in eight is given for borrowed money. The others are to secure part of the purchase money. In the face of this state of facts the calamity cyclone is likely to spend itself in the upper air, and the calamity wailers wilt not even have wind to sustain their attacks upon the credit of the state. The fact is that a single good crop will lift a large proportion of the purchase money mortgages and the others will nearly all be paid in due time without foreclosure.

THE death of Sir John MacDonald, premier of Canada, who is reported to be seriously ill, would have a tremendous influence upon the future course of political affairs in the Dominion. Sir John is a man of exceptional qualities as a political leader, and there is probably no man in the Dominion who could take his place at this time and successfully carry out the policy he represents. There can be no doubt that the tendency of Canadian sentiment is very strongly in favor of the views and policy which the liberal party stands for, and this would be strengthened by the death of Sir John MacDonald, who has been able to hold it in check. He is an aggressive, adroit, resourceful politieal manager, thoroughly loyal to the imperial government and at the same time to what he believes to be the best interests of the Dominion. His death would remove the greatest barrier to the progress of liberal ideas in the DoA SPECIMEN COUNTY.

Nobraska is acknowledged by all who are familiar with her resources to be the best agricultural state in the union. Her situation is exactly right to profit by the traffic and products of the great business belt of this nation. A single erop at fair prices lifts her people from financial depression to prosperity. The last year has been specially trying to her farmers, but in spite of failures of crops and unremunerative prices her people have been exceptionally prosperous in the older counties and only temporarily embarrassed in the less populous sec-

An investigation made into the financial status of the people of Fremont and Dodge county reveals a most gratifying condition of affairs. Dodge is a specimen county and the showing made is well worthy of consideration, especially by people in the newer counties whose successive adversities have perhaps led to some discouragement.

The twelve banks of this county nave on deposit in their banks to the credit of her citizens the handsome sum of \$1,466. 744. The people of Fremont and incorporated towns number 10,300 souls and their deposits amount to \$836,464, an average of \$80 per capita. The farming population is 8,900 and these tillers of the soil now have balances in the banks aggregating \$630,281, an average of \$71 per capita. The average to each individual throughout the county is \$76,40. The total volume of the circulating medium of the country is but \$24 per capita. In other words Dodge county citizens can draw their checks for more than three times the average per capita of money in the union.

Dodge is not the wealthiest county in the state. She has but one city of any consequence, and that is Fremont. She has no large wage-earning class and no extensive manufacturing establishments to swell her volume of trade and increase her bank figures. She is to all interests and purposes an agricultural community. Her prosperity is a fair measure of that of other counties of like situation and conditions. Dodge is merely a good specimen county and an example of what steady attention to business has done and will do again for any county with good railway facilities and excellent

FACTS AGAINST THEORIES.

It is interesting to observe how generally, in economic affairs, facts confound theories. This has been conspicuously the case in recent experience. Perhaps at no other period in the history of the country was there such a volume of evil prophecy, backed by such an array of plausible theories, as was made in connection with the passage of the new tariff law. The people were told that this legislation would inaugurate an era of monopolistic exaction altogether unprecedented, that the commerce of the country would suffer, and that numerous ills would flow from it, all conspiring to retard progress and curtail prosperity. In all candor it must now be confessed that not one of these prophecies has been verified, and if the prosperity of the country is not quite up to the standard to be desired the fact is due to conditions wholly independent of the tariff. Can speedy pursuer. Where she went and there be any doubt that if the crops of last year had been up to an average in amount the country would now be realizing an almost unprecedented prosperity?

The statistics of the foreign trade of the country for six months under the new tariff are interesting. They show that the tariff does not suppress imports, as it was claimed it would, the fact being that they have increased. It was insisted that the higher duty on wool would be prohibitory and would result in great injury to the domestic manufacture, but the effect has been the very opposite of this. During the six months the American demand for foreign wool increased more than 45 per cent, and the manufacture was so stimulated that besides

hausting more closely than usual the

domestic supply it was able to take a little more largely than before of every form of foreign wool, while of the grade used in fine clothing the importations more than trebled. Of certain articles the supply from abroad was materially reduced, the manufacture of such articles here being proportionately increased, obviously to the benefit of home labor. That prices of articles affected by the tariff have not been generally or appreciably advanced every buyer knows. Reference is made to these facts not by way of vindicating the tariff, but simply to illustrate the importance of economical theories. There is no reason to suppose that the experience of the next six months will be essentially different from that of the first six under the present tariff law, and if it shall not be it will very effectively dispose of much of the hostility to the law. Facts furnish, in matters of this nature, the only conclusive and invulnerable argument, and fair-minded men must concede that thus far they are not adverse to the present

tariff. OMAHA AN EDUCATIONAL CENTER, Augustus Kountze, the millionaire banker of New York, one of the Kountze brothers who have achieved distinction as bankers in New York, Omaha and Denver, is not only a financier of great skill but a generous philanthropist as well. His benefactions are aumerous and among them are the elegant Kountze Memorial church in this city to which he and his brothers were the

principal contributors. The eminent banker has again made the city of Omaha and the great Lutheran denomination grateful for his welldirected liberality by donating 10 acres of land worth \$100,000 and \$50,000 in cash toward the establishment in Omaha of a theological seminary. The condition of the gift requires the Lutherans of the country to raise \$150,000 in cash to add to the working endowment of the institution. The general synod in its session at Lebanon, Pa., having accepted the munificent donation upon the terms named will unquestionably raise the \$150,000 within a year and the new theological

institute may be accepted as certain. Omaha is fast becoming an educational as well as a commercial center. Bellevue college, Creighton college, Brownell

half a dozen less important educational institutions are already in successful operation. Seymour park is the site of a proposed theological seminary which will be under the suspices of the Presbyterian church. Bishop Newman is authority for the statement that at no distant day the Methodists will establish the medical department of their Wesleyan university now located at Lincoln in Omaha. Hon, J. M. Woolworth has long planned the establishment here of a boys' preparatory school to be directed by the Episcopal church.

A most gratifying feature of all these commendable enterprises is that the funds for their endowment have largely come from the generous wealth of citi zens of Omaha or persons with large interests who have formerly resided in this city. The late Edward Creighton was the founder of Creighton college and he gave to the institution a princely endowment. Hon. H. T. Clarke is the father and patron of Bellevue college. Herman Kountze donated Brownell Hall its magnificent site on South Tenth street and added generous gifts of cash toward the construction of its beautiful building. To Dr. George L. Miller, the Presbyterians are indebted for a twenty acre tract at Seymour park for their theological seminary, The Omaha medical college is strictly an Omaha institution built up from Omaha capital, and conducted by Omaha professors. Augustus Kountze resided in Omaha in early days, and erected the lovely home in which his brother Herman has resided so many years, and he has large interests here. These are the beginnings, which will be followed by other gifts for religious, educational and charitable objects as the city increases, and individual citizens reach independence

WANTED, HARMONY.

Antagonisms do not create, they destroy what is already in existence. Two partners in ousiness who backbite and hamper each other, cannot hope for success. A corporation whose managers are continually venting personal spites upon each other, will most likely cease paying dividends. What is true of private business affairs in this particular, is likewise true of the conduct of public business. Personal and partisan intrigues, private and political interests make it difficult for public bodies to perform their functions skilfully. Nevertheless upless men with devote their attention to the business entrusted them with some degree of singleness of purpose, the best result cannot be obtained.

The continual conflict, the everlasting bickering and the unseemly abuse of one branch of the city government by another, are doing Omaha great harm. When the mayor is antagonizing the city council, the council the board of public works, and the board of public works the committee of the council on street improvement, it is perfectly clear that the friction is wasting the force of the machinery somewhere. We have too many co-ordinate breaches in our city government, especially when the co-ordinate rank they have obtained is used as a convenient method of shifting responsibility from one to the other.

There is no good sense in these petty malicious strifes. Men in business de not permit likes and dislikes, enmities and indifference to interfere with the business of their employers. Public officials have no right to use public positions to vent personal malice. Official intercourse should always be cordia! and polite whatever may be the relations of the office-holders personally. The strictures of one department upon another may be justifiable in fact and necessary, but the antagonisms which barn into the vital force ought to be avoided.

President Lowry, Chairman Birkhauser and individual members of the counci should shake hands and be friends officially. The city is losing time, money and influence as well as patience on ac count of the ill-will which separates city officials from each other and prevents the proper and prompt performance of public duties.

THE discussion of immigration at the ecent conference of charities and correction brought out some statements rather discouraging to those who are demanding extreme measures for restricting immigration. A member of the conference from Philadeiphia said that the immigrants arriving in that city are of a better class than those who came a few years ago. A Wisconsin member said that in his state where a majority of adults are of foreign birth, the Germans, Scandinavians and Irish furnish no more crime, pauperism and insanity than do the natives. A delegate from Michigan praised the good order of townships peopled by foreign colonists. Anybody who has a knowledge of the matter from practical observation can bear like testimony. The very best examples of industry and thrift are found among people of foreign birth, and it is absurd and unjust to make a sweeping charge against foreigners coming to the country because here and there some of them are lawless, or indolent, or thriftless. There are natives who are all these, and manifestly it would be ridiculous for foreigners to condemn all Americans because we have these elements of home production among us. It is not to be doubted that some undesirable people get into the country, but the number of such is very greatly exaggerated, and we can better afford to have a few of these thrown upon us than dot to get the thousands of industrious, thrifty, honest people whom the country needs, and in order to keep the former out it would be necessary to ab-

solutely close our ports to immigration. A CHANCELLOR of the state university is shorty to be elected by the board of regents. That body has been investigating the qualifications of a large number of applicants for a considerable time. The gentlemen hitherto selected have not generally given satisfaction. The new chancellor has in every instance awakened antagonisms in the faculty and plunged the university into conflicts more or less acrimonlous. Whether this has been his fault or is the result of jealousies among co-workers is not material. The fact is that no

hall, the Omaha Medical college and chancellor has been successful in sustaining himself against the clamor for his removal. At therefore behooves the regents to act with caution. They should not be satisfied with mediocre ability nor inexperience. The head of this institution must be a man of exceptional tact, of broad culture, of wide experience, and of the best executive

> "DR. BLANK has been called to Chicago to assist in a most difficult surgical operation. This is a very high compliment to the doctor's skill as a surgeon. He will be absent about several days. During his absence Dr. Dash will have charge of his large practice." Every newspaper writer is familiar with the above item, and knows that Dr. Blank wrote it himself but did not pay for the space it occupied. The code forbids him paying for his advertising notices,

GENERAL COLBY will have a medal made for each of the Nebraska militiamen, who rushed to the frigid and hungry northern part of the state last winter during the Sioux unpleasantness. This is right. A bloodless Indian campaign in which the militia did not catch sight of a hostile Indian is worthy of commemoration.

THE Union Elevator company of Council Bluffs is assessed by that city at \$50,-000. The Thompson-Houston Electric Light company is assessed in Omaha at \$13,000. This is another example of Omaha's idiotic system of assessments and inequitable division of the burdens of government.

WHILE all this hubbub is on and the aliopathic physicians are frothing at the mouth over the death and burial of a patient of a hated medical institution the mild mannered homeopathic heretics are attending strictly to their own business and are permitting the newspapers to do likewise.

WHEN the coroner became convinced that Melody, the poor victim of disease, or whatever it was that caused his death, was not really a pauper, but had left dollars enough to embalm his body and secure a decent burial, he became very much interested in the case and the cadaver.

THERE are ever six hundred pupils in the Omana high school classes. This is a clinching refutation of all arguments against the high school as a part of the public school system, so far as Omaha is concerned, as well as a gratifying proof of the intelligence of her citizens.

LINCOLN, remembering his steadfast friendship and his early efforts on behalf of the city, proposes to erect a statue in the government park to the memory of the late David Butler. The capital city owes this much at least to the dead ex-governor.

A COUNCIL BEUFFS firm having made an assignment gives as a reason for its failure the persistent demands of its creditors for their money. There is undoubtedly more truth than originality in this frank acknowledgment.

THE action of the Union Pacific railway company in blocking Locust street with an engine to annoy the East Omaha motor company, engaged in constructing its new line, is not merely puerile; it is contemptible.

A Republican M stake. Frank Leslie's Newspaper.

The displacement, through a legal technicality, of the democratic governor of Nebraska, Mr. Boyd, from the high office to which he was fairly elected, is a mistake of the gravest character. It must result in lasting injury to the republican party in the state, and in the nation, unless the mistake is promptly and completely rectified. The result of Governor Boyd's displacement is to place the gubernatorial office in the hands of a republican, though a democrat was elected by a fair and honest election, and a clear and decided majority.

Whether or not the republican party in Nebraska will be held responsible for carrying the matter of Governor Boyd's citizenship into the courts is not the question. People will simply regard his removal after he had been elected, as the result of a political conspiracy, and public opinion is intol erant of any trifling with the results of honest elections after such results have been acknowledged, declared and accepted.

The republican press has been outspoken in opposition to several unjust, unfair, and preposterous gerrymanders of a number of states in the east and west, to secure and perpetuate democratic legislatures and to secure the control of a majority of congressional districts for the democratic party. Public opinion has not justified these gerrymanders, and will not sustain them when the test is made by an appeal to the voters of the respective states next fall. The American loves nothing better than

fair play and honesty in and out of politics, and the honest thing for all parties is to accept the result of every election at which the votes are fairly received and honestly counted as the end and finality of the matter. In Nebraska the possession of the guberna torial office by a republican for a year or two

will be of no advantage, temporary or permanent, to the party, if it involves a taint upon its honor. We are sorry that Governor Boyd was displaced.

PASSING JESTS.

Washington Star: Ethelind—Did you hear-Mr. Lipley's talk [45t night!] Alfrida—No. What does be talk on! Ethelind—He talks on uninterruptedly. THEIR PROPER SPHERES.

Detrgit Free Press. The rain and the hen have their proper spheres, As everything earthly must; And whereas the hen can lay an egg, It takes rain to lay the dust.

Washington Post: "Have you had the grip!" asked one Washington citizen of another.
"Grip!" was the reply. "I should say so. It seems to me that I have had two or three cable cars and a power house."

Lewiston Journal: If everybody improved the minutes with the seal that a hen puts into her work while making a surreptitious fiveninute call in a flower garden, what a world this would be.

LOOK OUT THERE CHICAGO! Buron.

While stands the Collseum Rome shall stand, When falls the Coliseum Rome shall fall, And when Rome falls—the world.

Life: Unsophisticated Parant - Hello there, Nurse, what's the baby yelling that way for! I can't read at all. Nurse—He's cutting his teeth, sir. Unsophisticated Parent—Well see that he pesn't do it any more, or you lose your

IN THE HANDS OF THE JURY.

Olesa of the Arguments in the Great Sheedy Murder Trial.

REVIEW OF THE CASE BY THE JUDGE.

He Defivers Exhaustive Instructions -Scene in the Court Room-A Tilt Between the Attorneys.

LINCOLN, Neb., May 28 .- | Special to THE Bur. !-Long before the time for opening the doors this morning the corridors and pails of the court house were packed and ianimed with a restless mass of humanity eager to get a chance to listen to the great legal battle which will determine the fate of Mrs. Sheedy and Monday McFarland, the alleged murderers of John Sheedy. All day the court room was crowded almost to suffocation and the eager spectators had the pleasure of hearing some splendid oratorical efforts and listening to some exciting passages at arms between the two opposing giants in the case-Lambertson and Strode.

During the two hours at noon hundreds of people did not go home to dinner but remarced in the court room so as to hold their seats. Fully three-fourths of the great crowd was composed of ladies.

Mrs. Sneedy was sick the greater portion of the night, so her attorneys say, but she wore her usual composure today and only once showed evidence of weeping.

recovered from his prostration and this afternoon a sofa was brought in for him to lie on. When Mr. Strode took his place before the jury this morning he related a story of the supposed murder of a man manuel Jesse Cal-vin in Vermont and how two brothers in law of the murdered man were arrested on the charge of having killed their relative. Seeing that conviction was certain they made confessions of the crime so as to get a sentence of life imprisonment and save themselves from the gallows. Before the day of execu-tion an advertisement was inserted in a paper asking for the whereabouts of Jesse Calvin, and the result was that the man sup-posed to be murdered was found alive in New Jersey. The points in which the confessions of these brothers and the confession of Monday McFariand were similar were brought out skillfully by Strode and a most forcible impression was made on the jury. Mr Strode then directed his attention oury. Mr. Strode then directed his attention to Mr. Hall, saying that he was a member of a firm of railroad attorneys. At this Mr. Hall arose and said that it was unfair to work thus upon the prejudices of the jurors, who might all be members of the farmers' alli-

"It's true, just the same," said Strode. "Your honor," said Hali, "I denounce such a course as a cowardly, unprofessional and unmanly appeal to the prejudices of the jury."
This created a sensation and before Strode

could reply the court informed Mr. Strode that such appeals could not be tolerated. Mr. Strody then proceeded to tell how he knew Mrs. Sheedy when she was a flaxen-haired girl, the favorite of her companions, and referred to her bed-ridden mother, who in another state, was awaiting the verdict that would free her daughter. The pathetic manner in which these things were related brought all the ladies to tears. Mrs. Sheedy's sister became convulsed with sobs and the fair defendant herself soon after was melted to tears.

In regard to the poison theory, he declared that the liver, bladder and kidneys showed no evidence of poison. He asserted that Mrs. Sheedy had told him that she had never bought any poison at any orug stone in the

city.
"You'd better put her on the stand and let her testify," ejaculated Lambertson, "instead of testifying for her."

Mr. Strode then took the locks of hair having been taken from the head and body of Mrs. Sheedy. He declared that he believed that all the hair had came from the head. He then said sud-"Why, I don't believe that that hair is

Mrs. Sheedy's. It is darker than hers." He then threw open one of the shutters so that a ray of light fell upon Mrs. Sheedy's head and then waiked over to where she sat and placed one of the locks of hair against her "Now, gentlemen of the jury," continued Strode, "I wish to have you come here and

notice whether this lock of hair is from the head of Mrs. Sheedy." "No you don't?" thundered Lambertson, new thoroughly aroused, "you can't sneak uch testimony in on us

"Yes, you cut the hair from the head of somebody else," said Strode. "I denounce you as an infamous liar!" thundered Lumbertson.
This created intense excitement in the ourt room and Strode appealed to the court f such language was to be permitted in the

ourt room. The judge then said: "Such conduct is inbecoming in a gentleman and I am surprised, Mr. Lambertson, that you should be

A burst of applause and cheers followed from the great crowd. His honor frowned and declared that should such a demonstration follow again he would have the court oom cleared entirely of spectators. Mr. Strode then impressed the jurors with the fact that although some of them had read the newspaper accounts of the crime they had formed no opinion from the same, the

estimony beament out in court he insisted had been published in the papers. He then concluded his argument with an earnest plea for Mrs. Sheedy, for her life and liberty.

Mr. Lamberison then stepped forward to

address the jury, and a hush fell upon the great crowd, as it had been noised abroad that his was to be the great speech of the rial. He said: "Murder is the most awful deed that man can commit. So foul and unnatural is it that

it smells to beaven. This is true when done in heat, but the horror is more profound when the victim is struck down, dastardly and relentlessly, in cold blood. On the second Sunday in January last, as the twilight was deepening into night, John Sheedy, in the seace of God, on his own threshold, in the eart of this populous city, within call of a score of mon, was struck a death-dealing blow by an assassin that jurked within the shadows of his own porch.

"Suspicion was abroad with an hundred yes; lynx-eyed officers were alert; clews vere followed : but every circumstance, every race, pointed as unerringly as the finger o fate to this dark skinned man and this white faced woman; to this negro whom he had be-friended; to this woman whom he had taken to his bosom, as the authors of the deep damnation of his taking off.
It is a significant fact that the defend-

ants stand together in their defense. though the white woman ignores the black man-never speaks to aim in the court room, et their defense is one. The negro is not here to say the woman did it, and the woman is not here to say the man did it, but both are here to defy for themselves, and each other, any complicity with the crume. They are both innecent. If, then, the theory of the defense is to provail, you must exclude both these defendants from participation in the crime. You must find the murderers to be other than Mary Sheedy and Monday Mc-Farland.

At this point court adjourned for noon. At 2 o'clock Mr. Lambertson resumed his argument. Circumstantial evidence was exhaustively discussed, and in an invincible argument

showed that in the vast majority of cases where applied, circumstantial evidence is the strongest, because unbiased and silently unojudiced. What is circumstantial evihear water ripping down the street, and see dampness upon the leaves, you know it has rained, though you may not have heard the patter of the drops nor seen the rain. Again, upon going out in the winter you see ice formed and the ground frozen. You did not feel the chilly atmosphere during your sleeping nours, but you know it has been cold, though you have not seen the cold. In passing down the street at noon I saw a large pile of brick, lumner, mortar and iron; I did not see the building, but I know one will rear its handsome front in that locality soon: I did not see the build ing, but I know it will be erected. If you see a man cautiously stealing from a lady's room at night under suspicious conditions you do not know absolutely that anything cristical has transpired, but the very natural

inference is that a criminal intimacy has existed.
Mr. Lambertson talked until 5 o'clock. Then followed the instruction of the judge to the jury, which required over an hour to read. The judge first said there were four counts of the original six to consider, the first two having been withdrawn. The third count, and the first for the jury to consider, charged Monday McFarland with inflicting a nortal wound with a cane, and that Mrs Sheedy procured, aided and abetted McParand in the act.

The next count charges Mrs. Sheedy with administering poison to her husband with murderous intent, and was aided and abetted y Monday McFarland. The next count charges McFarland and

Mrs. Sheedy with jointly assaulting Sheedy with a cane and with administering poison and that death resulted from both can The last count charges Mrs. Sheedy and Monday Metarland with the murder of John Sheedy by assaulting him with a cane The judge then proceeded to instruct the ury as to what constituted murder in the first and second degrees and manslaughter The substance of the instructions is as fol

"To constitute murder in the first degree, the evidence must establish beyond a reasonable doubt that the killing was done purposely and of deliberate and promediated malice. If a person has actually formed a purpose maliciously to kill and has delib-erated and premeditated upon it before he performs the act and then performs it, he i short the time may have been between the

rurpose and its execution.
To constitute murder in the second de gree, requires that you shall find from the evidence beyond a reasonable doubt, that the killing was done purposely and maliciously, but without deliberation and premoditation. "You are instructed that it is incumbent upon the state to establish by the evidence every material allegation contained in any one of the counts as set forth in the information beyond a reasonable doubt, and if the prosecution has failed so to do, then the jury must acquit the defendants upon such count either one or both of them as the rule of law applies to either or both."

The judge then proceeded to instruct the jury that if by word or sign Mrs. Sheeny aided or abetted the crime that she was an accessory. That it was not necessary to prove what kind of poison was used. That the defendants were supposed to be innocent

until proven otherwise.

The remainder of the somewhat voluminous instructions were in the main a reitera-tion of the last proposition. The case was then given to the jury.

INCENDIARY CATTLE THIEF. He Has His Revenge on a Former Employer.

ALLIANCE, Neb., May 28.-It has now been discovered that the man who burned the ranch of Bill Watkins, the stockman and beef contractor whose troubles in connection with cattle stealing from Wyoming are well known, was Felix James, who was the foreman of the Watkins cattle outfit, and who is badly wanted in Wyoming for deep complicity in the cattle stealings for which McKinney and Kingen have been convicted in the Cheyenne, Wyo., courts. About a month since, James, who has been in hiding from the officers, made his appearance at the Watkins home ranch, a short distance from Alliance, and demanded money of Bill Watkins. The demand of James was refused, and a bitter quarrel ensued between the two men,

at the cessation of which James left, and set on fire the Watkins slaughter house He then, on the next night, burned down the houses on the Watkins home ranch, and a few nights afterwards, he fired the buildings

on the Watkins Indian creek ranch.

James was determined that the flames should do their appointed work and use coal oil in all three of the fires, even pouring the inflammable fluid over the horses in the stables, five nead being destroyed, including

two very valuable stallions.

James left a note tacked on one of the fence posts at the Indian creek ranch stating that he "would come again." Watkins offers \$1,030 reward for James. The fitebug and range criminal went south from Indian creek accompanied by an unknown companion.

DEATH OF A FINOUS HORSE. Old Mortimer Shot to Relieve Him of His Misery.

NEW YORK, May 28 .- Old Mortimer is dead.

He was lead out like a soldier and shot. For over a year he has been an invalid and it was to put an end to his misery that Mr. Withers permitted him to be destroyed. Mortimer was twenty-six years old and died full of honors. On the race course and in the stud he was one of the greatest borses of this cen-tury. Pierre Lorillard imported him about twelve years ago, buying him of Count La-Grange for \$25,000. He ran forty-eight races in his career on the French, German and English turf, winning twenty-six of them. He would win at six furloags today and at two and one-half miles tomorrow, and was up to any weight, 140 pounds being only i steadler for him. His career is a romantic one. It came near being the cause of inter-national dispute. At the breaking up of the Racocas stud Mortimer became the property of Mr. Withers at Brookdale. He was the sire of many well known race horses, the most conspicuous in recent years being Exile. When at the height of his fame Mortimer was pronounced by Admiral Rous seven pounds the best horse in training in the It was that declaration that induced Mr. Lorillard to buy him.

WANTED TO LYNCH HIM.

Exciting Experience of a Batte Street Railway Official.

BUTTE, Mont., May 28.-George F. Woolson, manager of the Butte electric railway and cable company, narrowly escaped the vengeance of a mob last evening which followed him and his escort to jail, several hunired strong, throwing brickbats and shouting "Lynch him," all the way from his office to the county prison. Main street was filled with men, and it seemed that their presence there was by some preconcerted arrange ment, so suddenly did the crowd block the streets. Conflicting stories are told as to what incited the demonstration. Woolsen found Conductor Boyle of the cable line on found Conductor Boyle of the cable line on his car drunk and unit for duty. He was ordered off the car and requested to go to the office and got his time, which he did. The office is on the second floor, which is reached by a flight of stairs. Boyle was picked up at the bottom of these stairs later, it is feared. fatally hurt about the head. Woolsen said Boyle fell down the stairway. Bystanders said Woolson threw him down. labor quickly espoused Boyle's cause. As soon as the crowd dispersed Woolson was admitted to bail.

Each Season

Has its own peculiar malady; but with the blood maintained in a state of uniform vigor and purity, by the use of Ayer's Sarsaparille. the system readily adapts itself to changed conditions. Composerfor the best alteratives and tonics, and being highly concentrated, Ayer's Sarsaparilla is the most effective and economical of all blood medicines.

For some years, at the return of apring, 1 had serious trouble with my kidneys. I was unable to sleep nights, and suffered greatly with pains in the small of my back, I was also afflicted with headache, loss of appetite, and indigestion. These symptoms were much worse last spring, especially the trouble with my back. A friend persuaded me to use Ayer's Sarsaparilla. I began taking it, and my troubles all disappeared." -Mrs. Genevra Belanger, 24 Bridge st., Springfield, Mass.

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THE TIMES, LONDON.

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Play at 4 o'clock p. m.

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28, 29 and 30. Vance's Great Realistic Rail Road

A great star east, superb and entrancing

music, sparallar dialogue. Prices as usual.

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Grand Featherweight Six-Round Glove Contest Between GEORGE DIXON, Campion of the World, and DANNY DALY,
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A hig local programme has been arranged.

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RAEFAEL JOSEFFY, Piants SIG. CAMPANINI, Tenor. MISS KATHERINE FLEMING. The charming young Contralto. Admission 50 cents. Reserved seats 5c and \$1.00 n sale Monday, May 25th, 9 a. m. at Max Meyer & ro. Co's Music Store.

GRAND Opera House. LECTURE.

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