THE DAILY BEE

E. ROSEWATER EDITOR.

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The Bee Publishing Company, Proprietors THE BEE BUILDING. SWORN STATEMENT OF CIRCULATION.

State of Nebraska, County of Douglas, 88 George B. Tzschuck, secret George B. Tzschuck secretary of The Bee Publishing company, does solemnly swear that the actual circulation of The Daily BEE for the week ending June 27, 1891, was as fol-Sunday, June 21 Monday, June 22 Thursday, June 25. Friday, June 26. Saturday, June 27.

State of Nebraska.

County of Fouglas.

George E. Tsschuck, being duly sworn, deposes and says that he is secretary of The Ree Publishing company, that the actual average dally circulation of The Dairy Ble for the Publishing company, that the actual average dally circulation of The Dally BLE for the month of June, 1800, was 10.30 (copies; for July, 1890, 20.02 (copies; for August 1800, 20.750 copies; for September, 1800, 20.870 copies; for October, 1800, 20.752 (copies; for November, 1800, 20.752 (copies; for Dec mber, 1800, 21.471 copies; for January, 1801, 28.440 copies; for February, 1801, 25.312 copies; for March, 1801, 24.063 copies; for April, 1801, 25.292 copies; for May, 1801, 25.840 copies.

Sworn to before me and subscribed in my presence this 2d day of June, A. D. 1801, N. P. Fell., Notary Public.

BOARD of education proceedings as recorded are not always faithful to the proceedings which have actually taken place.

PRINCE GEORGE of Greece has consented to be interviewed along his route homeward, but he has not succeeded in saying anything new except in his first conversations with the attending re-

IT IS to be hoped the butter furnished the insane hospital at Hastings by Steward Liveringhouse's creamery was neither as bad as the steward's memory nor as strong as the case made out against him in the investigation.

ALTHOUGH the infant daughter of the duchess of Fife is barred from succession to the throne of her grandmother she will be obliged to carry through life the weight of her name which is Alexandra Victoria Alberta Edwina Louise.

WHEN the Standard oil company offects a combination with the Russian producers and dealers it will have the petroleum world under its exclusive the opportunity to einch the other monopoly when it attempts to fence in the earth.

Dr. Test appears to have been less equivocal in his conversations with the ladies of the Hastings asylum than in the making up of his vouchers. At least, there was no misunderstanding their meaning or misapplying their purpose. It may be added also that in neither case was the doctor's conduct creditable.

For half a century we have been gradually reducing our great American desert until finally it was consigned almost to oblivion in southern California, where it sunk below sea level. Nature has at last concluded to wipe it out entirely, and has sprung a leak from the Colorado river and will very soon convert the desert into a lake.

MAYOR CUSHING would have set a good precedent for future executives of the city if he had selected, a republican for the board of public works. This body should be nonpartisan to the extent at least of containing representatives of both the great political parties. The mayor's appointment of a democrat to succeed Mayor Furny makes the membership of the board entirely democratic, which is wrong on general principles.

PAROUT one hundred and fifty republican citizens of Pennsylvania have published a protest against the leadership of Matthew Quay. Mr. Quay will probably treat the address with his accustomed silence and proceed as before to wreck republican prospects in an effort to vindicate his popularity and political prestige. The gentleman ought, however, by this time to be convinced of his entire unavailability as a leader of the Keystone republicans.

PLATTSMOUTH covered her progressive little self with glory at the laying of the corner stone of her new \$80,000 court house. Our prosperous neighbor below the confluence of the two rivers has for years suffered because of the uncertain tenure by which she retained possession of the court house. The new building settles that old controversy beyond all question and Plattsmouth will continue in the future as in the past to be the official and commercial center of one of the most fertile and populous counties in

Nebraska.

Today the weather bureau will be transferred from the war to the agricultural department, as provided for by the last congress. It is not expected that this will necessarily improve the service, though it may do so, but the change was ordered by congress in response to a general sentiment that the business of making weather predictions was wholly out of place in connection with the war department. It is to be noted that for a short time past the bureau has done better work than formerly, and unquestionably Secretary Rusk can be depended on to get the best service possible from it.

IT IS TIME TO ACT. THE BEE feels called upon to again

say to the officials who constitute the state board of transportation that the producers of Nebraska are anxiously hoping and expecting that they will speedily take action for reducing freight rates. The time is short until the movement of the crops will begin, and a schedule of rates cannot be formulated in a day. Past experience has shown that it is a good deal of a task, or at any rate is made so, and if the commission were to enter upon it at once it might be several weeks before an acceptable schedule could be framed. A board whose members were unanimously in favor of reducing rates so as to give relief to the producers, while not depriving the railroads of a fair profit, could undoubtedly arrive at an agreement in a few days, for there is ample data immediately available as a basis for a just adjustment of rates, but, unfortunately, there is reason to believe that there are members of the Neoraska board of transportation who are not at all anxious about helping the farmers of the state in this way, and who would put every possible obstacle in the way of the framing and adoption of a schedule which would materially lessen the exactions of the railroads and in equal measure increase the profits of the producers. There is strong ground for believing that some of the officials who constitute the board are determined that there shall not be any action in this matter, and it is beginning

the board. If the transportation rates in Nebraska are allowed to remain as at present, instend of being reduced to a fair proportion of the Iowa rates, it will mean a loss to the producers of this state of several million dollars during the next year. It will mean a deliberate gift to the corporations of a large sum which should go into the pockets of the farmers, to be by them disbursed for the general good, It will mean that while the railroads are permitted to increase their gains by injust charges the producers will be rendered less able to meet their obligations by the amount of the exaction. It will mean a curtailment of the prosperity of every interest in Nebraska except that of the corporations, resulting necessarily in damage to the general welfare and in retarding the progress of the state, for one effect of excessive freight rates on produce is to check agricultural development. People will not buy farms in Nebraska with the knowledge that an unreasonable share of the returns of their industry must be paid to the railroads.

to be feared that these are a majority of

It ought to be sufficient to point out the practical injury certain to result from a failure to reduce transportation rates in order to induce the board having the authority to make a reduction to take action. But it may be well to consider, also, the political consequences almost equally sure to ensue from a neglect of the party in power to redeem its pledge to the people in this matter. It ought to be obvious to every intelligent republican that the party cannot regain and retain supremacy in this state unless it shall make good its promise, repeated year | certain to succeed in 1896, control. The barb wire trust will have after year, to give the producers just and reasonable transportation rates. This is the plain "path to salvation," and unless the party walk therein it must be prepared for a repetition of the experience of last year, so far at least as state affairs are concerned. Now is the opportunity to reinstate the party in popular confidence, and the officials who constitute the board of transportation have it in their power to do this while at the same time conferring a vast material benefit on the state

RECIPROCITY ADVANCING.

It is announced that a reciprocity arrangement has been made with Santa Domingo which will go into effect within a few months. It is understood that an arrangement with Venezuela is certain to be concluded, the delay in effecting it being possibly due to the pending controversy between that country and England, in the settlement of which the United States may ultimately be called upon to take part. There is favorable intelligence, also regarding the outlook for reciprocity with Mexico, and a recent dispatch from Madrid settled all question respecting the success of the negotiations for a commercial treaty with Spain regarding Cuba, the convention having been signed and the stipulated time for it to take effect being September 1. It would thus appear that it belongs to the class of agree ments which do not require to be ratified by the senate, simply needing the executive proclamation to make it op-

This is gratifying progress for a period of little more than half a year since the authority was given by congress to negotiate reciprocity agreements, and the aggregate advantages which are reasonably expected to accrue to the United States will be great. Before the present year is ended there ought to be realized a material increase in our export trade with Brazil and Cuba, and if our manufacturers and merchants take such advantage of the opportunity as is to be expected from their energy and enterprise, there will be. There is nothing more heard of opposition in Brazil to the treaty, and though it is quite possible that some exists it is probable not of a character to exert any influence. If we can meet the requirements of the Brazilian market doubtless there will be no difficulty in enlarging our commerce with that country, As to Cuba there is every reason to believe that her people will give the preference to the United States for everything they need which this country can supply them. They were extremely anxious that a treaty of reciprocity should be negotiated and they will be likely to offer every inducement

for its permanence. It has been remarked that even if no further progress be made the results of the state department's diplomatic work are sufficiently large to justify the action of congress in adopting the reciprocity clause of the tariff law. But it is safe to predict that further progress will be made. The unfortunate illness of Secretary Blaine has doubtless retarded or prevented the settlement of the controversy over

again actively resumed. There are other countries than those with which agreements have been made or negotiations set on foot that will desire closer trade relations with the United States. Meanwhile it is in order to remark that the policy thus far has been so successful as to have aroused the anxiety of several European nations and to have given the republican party a claim to the support of the country which the very difficult to overcome,

THE NATIONAL CONVENTION. The time has arrived for active work if Omaha hopes to secure the next republican national convention. The situation is very encouraging if we shall awake to the importance of taking advantage of our opportunities. Chicago will not get the convention merely because Chicago is the largest city in the interior. She must make an aggressive fight or lose it. Omaha, Minneapolis and San Francisco are all in the field. Minneapolis is especially active. The report sent out in the interest of Chicago that she would not make any effort has stimulated her citizens to intense activity and enthusiasm. Her committees are appointed and at work arranging plans for presenting her claims to the national committee, securing funds for the proper entertainment

accommodate them. The first thing to be done after the Iowa convention has declared in our favor is to create an executive committee of perhaps seven members, three of wnom should be residents of Council Bluffs. To these gentlemen should be confided all the incidental preliminary preparations. They ought to be empowered to appoint committees of business men to investigate and report upon the hotel and other accommodations; to solicit funds for carrying forward the enterprise; to correspond with influential republicans throughout the union; to attend republican state conventions in behalf of Omaha, and finally to press our claims at the meeting of the national ommittee.

of the people who attend and canvass-

ing for facts to show her ability to

To accomplish anything funds will be necessary. In Minneapolis subscriptions are taken to be paid upon condition. Ten per cent is set aside as a skirmish fund, one-half of this amount being paid on demand and the other half on or about the time of the meeting of the national committee. The remainder is payable only in case the convention is secured. In this way no oppressive tax is laid upon the business men and a sufficient fund is provided for the immediate wants of the promoters of the enterprise. The earnestness with which Minneapolis is striving should stimulate this city. The prize is worth striving for. We gain a great deal if we lose the convention. If we are fortunate enough to secure it next year there can be no estimate placed upon its value to Omaha. If we fail this time we shall be almost

THE immense engine of the American waterworks company is a creditable monument to the enterprise of this corporation. It is also a mark of the confidence the capitalists composing the company have in Omaha's future. President Underwood entertains a justifiable pride in the immense engine and the entire plant. The pumping capacity of this monster is 18,000,000 gallons of water every twenty-four hours. The Holly engine with which it stands at the great pump house pumps 14,000,000 gallons a day. The two engines therefore are able to supply to this city 32,000,000 gallons during each revolution of the globe, or twice as much as is at present required. It will pay citizens of Omaha to drive out to the Florence plant and see the enormous engine and the other improvements made at the pretty northern suburb.

THERE can be very little question about the intent of the school law with regard to the election of a secretary of the board of education in this city. He is to be elected annually. The teachers and janitors are elected annually. The appropriations are made annually. To elect the teachers in January would be unwise, because it would demoralize the schools in the midst of the school year. The secretary is the executive officer of the board. To make a change in the office in the midst of the school year would be harmful. It would tend to confusion at a time when the school work should proceed harmoniously and without disturbance of any character. The time to elect the secretary is clearly at the beginning of the fiscal and not the calendar

year. CORONER, Harrigan's business methods are peculiar. He was called to Waterloo yesterday, In his absence two unusual deaths occurred. No one had been deputized to act for him and no one appeared advised as to his whereabouts. When the coroner is in demand at all his presence is required immediately. When he is absent from the city a deputy should act in his stead or the sheriff should be notified so that in case of an emergency some officer will be authorized to perform the coroner's duty.

THE Fourth of July will carry a pardon to one of the oldest convicts in the state penitentiary, a former citizen of Omaha who has done time for 20 years for murder. The old man may again refuse liberty as he did a year ago, preferring the penitentiary to the poor house. He is a "trusty" and has considerable liberty, but the spectacle of a life convict refusing a pardon is nevertheless ancommon, and the motive which prompts the refusal pathetic.

ALL over the union the fact is being announced in the newspapers that Omaha will cross swords with Chicago in the fight for the national republican convention.

WHEN the council convenes tonight let it take some definite steps toward other negotiations, and it is fire hydrants between the city and the

to be expected that as soon as he returns | waterworks company. The proposition to his post of duty, which it is promised | that when a hydrant is once located it may be at an early day, the work of must remain there for twenty years or pushing forward reciprocity will be so whether it is ised or not and the city must pay an annual rental of \$60 for the blessed privilege of having a useless hydrant is too absurd to be tolerated.

IT was hardly fair on the part of the board of education to fail to elect teachers for the engling year, especially when the meeting. Monday night was called for the purpose. The teachers are entitled to know their fate before departing for their usual vacations. It opposition cannot deny and will find it | is certainly as easy to settle the matter in June as in July or August.

> ANOTHER youth loses his life in an unfilled lot where the water gathered from the recent rains. The city council should not require further argument to cause the immediate filling up of these unsightly holes where disease is generated at all times and danger to life is frequently imminent.

THE Fifth ward assessor was near ighted enough to overlook \$55,000 worth of real property belonging to the Union Pacific railway company. It is strikingly strange that the eyes of assessors should be most seriously afflicted in regard to property of corporations.

ASSESSOR FRANKLIN of the Fifth ward admits about one hundred errors in his assessment lists. He confesses the truth of what every other assessor in the city feels but does not care to confess. The whole system of assessments is rotten.

THE new waterworks engine is a monment to the genius who designed it, a compliment to the growth of Omaha and a stalwart token of the enterprise of President Underwood and his strong orporation.

WILL the electric light plant at the foot of Jones street be assessed for its value in proportion to other property-in the ward or will the favoritism of the assessor to that corporation be allowed to stand?

THE approach of the time for the election of a secretary and superintendent accounts for the irritability of the Omaha board of education.

A Pair of Winners. Springfield Republican. McKinley would better be defeated, in the opinion of THE OMARA BEE, than that Sherman should fail of reselection.

Gorman's Improved Smile.

Senator Gorman is accused of utilizing s horny-handed smile when he discusses the approaching Maryland campaign.

Solid for Omaha.

Namna (Itaho) Leader. Omnha is making a strong pull for the republican national convention. The Gate City is fully capable of caring for the crowd, and we believe the northwest will be solid for the plucky town on the Big Muddy.

Don't Get Gay.

Kansas City Times. If the government of his Teutonic majesty becomes too gay in its dealings with the Standard oil company, Mr. Rockefeller is quite capable of crossing the water and buying out the whole concern, divine right

Equal to All Emergencies.

Nampa (Idaho) Leader Last Friday The OMARA BEE started on its twenty-first year, and celebrated the event by publishing a fac simile of the first paper taken from the press. Rosewater has the faculty of "getting there" when the eccasion demands it.

Educational Points in Montana.

G eat Falls Leader. The grammatical fossil of the Tribune, whose ordinary conversation is full of "have wents" and who is always more of a Missourian than a grammarian, has to divide a sentence of the Leader to make it appear ungrammatical. If the old fossil's mind could grasp the whole sentence he would find it in accordance with the rules of grammar.

The Daty of Iowa Republicans. Philadelphia Press (rep

The democrats of Iowa undoubtedly intend to make their best effort this year. If they can re-elect Governor Boies they will make the state doubtful in the campaign of 1892 and will demand a place on the presidential ticket. They hope to accomplish their objects by advocating free trade, free silver and free whisky. It is the duty of the Iowa republicans, however, to see that the democrats do not succeed.

Humanity's Debts to the Dude.

St. Louis Republic All arts, science, invention progress, everything the human race has yet been able to accomplish, it owes to the dude. And he is its hope for the future. Let him hold his head up and keep right on to his destination. But he must reach his destination soon, for of all the insufferable animals ever created and distorted from the purposes of their creation the dude above the age of thirty years is most insufferable.

College Notions of Morality. New York World.

The mind of the college youth draws some pretty fine distinctions in the matter of mora,ity. Only a few months ago the Yale sophomores refused to read Piautus because of his indelicacy. Yet here are two Yale honor men devoting their commencement orations to Francois Villon, the early French poet, whose "Ballade de la Grosse Margot" is rather the uncleanest thing in all lyric verse. Villon esides being a poet was a drunkard, a burglar and almost a manderer, a "bird of the bitter bright gray golden morn" whom Swinbourne hails as "first of us all and brightest brother." It is a fact of interest that only the other day a fine church was dedicated or the hill of Montmartre, near Paris, where Villon saw the gallows erected that ended the lives of his partners in guitt.

IN THE CETY IN JULY.

Browning King & Co.'s Monthly, In July You and I Vainly try To not fry. In July You and I Nearly die We're so dry. And the sky Hot and high seems too nigh, in July. We fret, fry, We sob, sigh We sweat, cry, In July. We would fly Could come nigh Comes too high, Hence we fry In July.

PASSING JESTS.

Fourth coming events cast their crackers

Washington Star: You've got to raise the wind if you want to be a heavy swell at the

Boston Heraid: Bank Teller-Will you take it as presumption, madam, if I offer yo Miss Caramella Golddust-I don't know

m. sfr. Bank Teller-I am aware of that; but you are the only woman in the history of the bank who ever endorsed a check on the right

Bill Nye: Hitch a two-year-old heifer with a claybank mule, and then on the lead put a lavender jackass, and if you are a careful driver you may take your children to Asheville, but if not you will surely be short two or three on the way home. Lots of North Carolina families have only eleven or twelve children left out of a possible twenty, owing to the condition of the roads. This reckless outlay of children, it seems to me, if nothing clse, should teach us to improve our roads."

A CUTE ANSWER CATCHETH THE SILVER. St. Paul Pioncer Press.

Patient: "It seems to me the bill should be Proportionate to the work;
A dollar and a half seems rather high For giving a tooth a jerk.

"When you see the bill as Itemized 'Tis none to large, I vow; There is fifty cents for jerking And a dollar for knowing how."

Puck: Miss Vernon-Mr. Crook is a fine Doesn't he look as if he was born horseman. Do in the saddle? Jack Belvidere-Yes; particularly when you see him walking on the street.

New York Telegram: Wyde Pladd, the tailor (meeting his friend Stiffem, the under taker, at the gate of the cemetery)-Ah, Bill, like me, delivering goods, I see. Saturday Herald: "Just look at that mes-

senger boy sitting there fast asleep!"
"H'm, well, he's fast asleep, but I doubt if
he could be fast asleep." WHEREIN HE FAILED. New York Herald. He could pick a flaw in anytning, Or pick a quarrel with a fellow

He could pick a banjo's trembling string Till notes responded clear and mellow. But when he went to Sheepshead Bay He dropped his pile, the luckless sinner, And as he tramped the homeward way Confessed he couldn't pick a winner.

Judge: She-Do you think Ibsen's drama He-Yes, and always will be

Rochester Post-Express: "How did you like our article on the crops!" "Oh, it covered the ground."

Texas Siftings: Miss Birdie McGinnis is considerable of an amateur in her own estimation. It is a fact that she has a very good voice, very often being snort winded.
"What do you think about her singing?" asked her brother of a strager who did not know that Hostetter was related to the fair "I like her singing very well," was the reply. "She has undoubtedly the finest asthma I ever heard on the stage."

New York Weekly: Theatre-goer (looking over diagram)—I will take this seat.

Box-keeper—One of the pillars is directly in front of that seat, sir. Theatre-goer—So I observed. I prefer a pillar to a high bat.

IT SMELLS TO HEAVEN.

Kearney Times: The next thing we expect to hear relative to the Hastings insane a-ylum scandal is that the authorities have been employing inmates to keep the stew-ard's accounts. It certainly looks that way. Midway City Times: Public opinion says that Governor Thayer has made a mistake in not suspending Superintendent Test and Steward Liveringhouse at once in the face of such grave charges as have been brought against them. From what the leading papers of the state have had to say there is sufficient proof to make the most impartial judge exclaim it were better for these gentlement to remain in the background for a time at

Hastings Nebraskan: From the facts brought out in Saturday's hearing of the insane a ylum scandal it would seem that the board have opened up a veritable pandora box in connection with the state institution here and that purgatives and disinfectants should be administered with a hand of iron and heroic doses. What an infernal ness the institution has been in ever since it was opened. It is about time that things ook another tack. One word will express

the whole situation; rotten. Fremont Flail: There have many things happened at this Hastings institution joilousy has not been wanting. According to the testimony Liveringhouse became confident that his wife and Tr. Test were alto-gether too spooney and called the attention of the employes to it. A meeting was held and the thing was fixed up. It developes that the drug expense of the Hastings asylum has been enormous, aggregating \$1,265.91 in seven months while the Norfolk asylum drug oill for the same time was but \$210.11. really appears that there is a nest about the institution that should be cleaned out.

Hastings Republican: The asylum investigation is a surprise party to more than one So far Liveringhouse and Test have been tramping a rocky road in sockless feet. It is folly to speculate on the outcome. Nothing but the record of the defense can steal the fact of their guilt or give proof of their innocence. If the parties have anything to say in behalf of themselves it looks as if it is about time for them to speak their little piece. It is evident the state should insti-tute a more perfect system of examining state institutions than to rely on the reports of junketing legislative committees and a vis-iting governor. A state inspector should be appointed with instructions and nowers to woop down onto an institution without notice and to be held responsible for each failure to not see what he has to walk around in order to discharge his duties.

OUR BIRTHDAY.

Rochester Post-Express: The Omaha Bes ecently celebrated its twentieth birthday It is a bright and ably-edited paper and wins success by deserving it. Alliance Grip: THE OMARA BEE celebrates

its twentieth birthday by giving a graphic history of the publication during that time. It is highly interesting and shows great enrgy, ability and enterprise on the part of its managers. Center Gazette-Democrat:

Omaha Bee passed the 20th mile-stone of its existence on the 19th inst. It celebrated the occasion by publishing a few columns of reading and advertising matter fac simile t that published in the first addition of that great paper. The BEE has had phenomenal necess both as a news gatherer and a money

Broken Bow Leader: On the 19th inst THE ONAHA BEE celebrated its twentieth birthday. In a single score of years The BEE has grown from an ordinary little try newspaper to the proud position of one of remost metropolitan dailies in the na-Its position and wonderful success is almost entirely due to the indomitable wil and strong personality of it's editor, Edward Rosewater, and his sagacity in the selection f his corps of able assistants. We are proud of THE BEE as a great newspaper and wish it unbounded prosperity.

WHY NEAL'S DOOM IS SEALED.

Full Text of the Decision Handed Down by Justice Cobb.

THE VAN ETTEN VERDICT ALSO SUSTAINED.

A Long List of Opinions by the Su-

preme Court Justices by Which Many Vexed Questions Are Settled.

Lincoln, Neb. June 30 .- (Special to Tun BEE, -The following is the full text of the syliabus handed down late last evening in the case of Edward Neal, who was sentenced to death in Douglas county for murdering Allen and Dorothy Jones, the opinion being by Chief Justice Cobb:

by Chief Justice Cobb:

The county board of Douglas county not having compiled with the provisions of the net of the legislature entitled an act to provide for the manner of selecting, drawing and summoning grand and betit jurors in counties having a population of seventy thousand (70,000 or more, to prescribe the qualifications of such jurors, to provide for the punishment of persons seeking to serve as jurors or seeking to have other persons selected as jurors, and to repeal sections six hundred and fifty-eight (638), six hundred and (845,-646), six hundred and saxty (600, six hundred and saxty (600, six hundred and saxty (600), six hundred and saxty (800), six hundred s

edure remain in force in that county.

2. Neither a certificate of the cierk of the 2. Neither a certificate of the cierk of the district court showing in what proportion the names of the persons upon the list from which the petit jurors were drawn were selected from the several wards and precincts of Douglas county, nor a certificate of the county clerk showing the number of votes returned as east in the respective wards and precincts of said county, such certificates not having been made a part of bill of exceptions, will be considered in an appellate proceedings in this court.

been made a part of bill of exceptions, will be considered in an appellate proceedings in this court.

3. During the trial the jury were sent under charge of an officer to visit the place where the crime was committed. Neither the judge, the clerk, the attorneys nor the defendant accomparied them. The record shows that "the defendant, having by his counsel in open court and in his presence waived his, defendant's personal presence at the place of the killing during the inspection thereof by the jury, he is (was) taken to jail." Held no ground for reversing the judgment. See the state vs Adams, 20 Kansas, 3il.

4. When two persons are murdered at the same time and place under circumstances evidencing that both marders were committed by the same person and were part of the same transaction, evidence as the circumstances of the murder of one, especially of the finding of the murder of one, especially of the finding of the body and where its condition as to wounds or marks of violence, is admissible on the trial for the murder of the other. See Brown vs. Commonwealth, 76 Pa., S. 519.

SCANDALOUS MATTER MAY BE THROWN OUT. The following is the opinion of Justlee Norval in the case of Van Etten vs. Butt: Error from Douglas county, Affirmed. Opinion by Justice Norval.

This court will not review the action of the district court in overruling a motion for a change of venue where the motion is not included in the record brought up.

2. Scandalous matter or language disrespect-2. Scandaious matter or language disrespectful to the court contained in a pleading or affidavit filed in a cause may be stricken out.

3. To review a ruling of the district court in striking from the files an affidavit claimed to contain language disrespectful to the trial court, the affidavit must be incorporated in the bill of exceptions, and if the trial judge refused to do so, he will in a proper case be compelled by mandamus to include the same in the bill of exceptions.

4. A party cannot wait until after verdict in the bill of exceptions.

4. A party cannot wait until after verdict and then for the first time compinin of the ansence of material witnesses, when their absence was known before the trial commenced.

5. Objections to jurors not made in the trial court will not be considered here.

6. Affidavits used on the hearing of a motion for a new trial must be preserved by bill of exceptions in order to become a part of the record of a case.

7. The evidence sustains the verdict.

MUST KEEP HIS PROMISE.

MUST KEEP HIS PROMISE, The case of Hale vs Ripp, error from Platte county, has been reversed and remanded by Justice Maxwell. He rules as follows: The questions of fact involved in the case should have been submitted to the jury, and the court erred in directing a verdict. 2. Where a party makes a promise to another for the benefit of a third, such third person may avail himself of the promise and bring an

n thereon, although the consideration did not move directly from him NEED NOT BE INCORPORATED. Justice Norval has handed down an in

portant decision in the following case that has ever vet been passed upon: Exchange National Bank vs Capps, error from Adams county, reversed and remanded The maker of a note payable to a bank can in an action on the note raise the questic of the incorporation of the bank. At common law a corporation may si and be sued by the corporate name without a averment of the act of incorporation, and the cole has not changed the common law in that

MISDESCRIPTIONS NOT FATAL The following opinion by Justice Maxwell settles the squabbles that have arisen because of the misdescription of insured prop Phœnix insurance company vs Gebhart, Error from Buffalo county. Reversed and remanded. Opinion by Mr. Justice Max-

well. A misdescription of the land on which prop erty insured is situated will not of itself pre-vent a recovery in case of loss of the property by fire, nor is it necessary to reform the pol-lcy to entitle the insured to recover. THE KEARNEY ELECTION CASE

The Kearney election case is finally set tled, the supreme court affirming the decision of the lower court. The following is the Barnd vs Hunt. Error from Buffalo

ounty. Affirmed. Opinion by Mr. Chief Justice Cobb. Justice Cobb.

The stipulation of the parties set out in the opinion held to have submitted to the trial court, only the twenty-one scratched bailots and the questions arising as to counting or rejecting them, confined to the form and substance of the ballots at the time of fling the stipulation by the parties.

The finding and judgment of the trial court, held to be in accordance with the provisions of sections 89 to 1.0 inclusive, chapter 25, compiled statutes, in the absence of any record ovidence to the contrary.

Supakhe Coult Decisions.

SUPREME COURT DECISIONS. Worthington vs Worthington. Appeal from ancaster county. Aftirmed. Opinion by Mr. Justice Norval. Clendenning vs Perrine. Appeal from Cuming county. Affirmed. Opinion by Mr. Justice Norval. Hibbard vs Talmage. Appeal from Buffalo county. Affirmed. Opinion by Mr. Justice

Flannagan vs the State. Error from Da Affirmed, Opinion by Mr. Nickolis vs Barnes. Error from Gage county. Affirmed. Opinion by Mr. Chief McGee & Co. vs. North American cattle

company. Error from Antelope county. Re-versed and dismissed. Opinion by Mr. Justice Norval. THE EDNEY-BAUM CASE. Mr. J. E. Baum, the defendant in the well known Edney-Baum cause, is very much astonished at the statements made by Mr Cunningham, the attorney for Mrs. Edney, published in Sunday's BEF, and declares

that there is no grounds whatever for such allegations and he cites the decision of Judge Tibbitts in overruling the motion for a new trial as evidence of the falsity of the statemont. ODDS AND ENDS.

While W. M. Campbell of Springfield. Kan., was attempting to board an afternoon train that was in motion he fell under the

Highest of all in Leavening Power. - Latest U. S. Gov't Report.

wheels and had his left foot cut off at the ankle. Ten more new motors have arrived for use on the lines of the Lincoln street car com-

Next Saturday the Lancoln musee and the Nebraska City baseball nines will play a match game of baseball.

Messrs. J. A. Hinkle and S. H. French

have secured a writ of mandamus from the supreme court against the town council of Rulo to prevent that body from allowing Druggist LaBlanche to sell liquors. George Parker and Charles Klien were ar-

rested today on the charge of breaking into a car and stealing a large quantity of plug and fine cut tonacco.

Miss Brunson, assistant state librarian, and Miss Outcalt, stenographer of the suprame court, have returned from Minne-apolis, where they have been enjoying a

pleasant vacation of a month.

The effective efforts of Sam B. Jones of Chicago, formerly of Omaha, are missed in the efforts of the city to secure the Grand Army of the Republic encampment for the

RECOMMENDED FOR PARDON. Murderers Frank and McGrand Will

Probably be Liberated. LINCOLN, Neb. June 30, - [Special Telegram to Tug Berj-Secretary of State Allen, Attorney General Hastings and Land Commissioner Humphrey, the members of the state board of pardons, have recommended to the government that he exercise his customary prerogative of pardoning two convicts on the Fourth of July by restoring to the privileges citizenship Francis Frank and Edward Me-Grand. Both of these convicts were sentenced to the penitontiary for life on the charge of murder.

Francis Frank is the oldest convict, both in years and service, in the pentientiary, He was convicted at Omaha in 1871 of murdering a traveling man known as Prince Charley. Frank ran two hotels in those days, one on Tenth and Jones which is still standing, and the other near the steamboat landing, spot where the Union Pacific by bridge now commences. It is supposed that Prince Charles was too free with Frank's wife, but Frank has always maintained his innocence, Three years ago old Frank was offered a pardon, but astonished everybody by refusing to accept it. He preferred to be a convict rather than a pauper.

McGraud, the other convict, was sentenced

for killing a fellw cowboy near Sidney over fifteen years ago.

MORE STORM DAMAGE. Kansas and Missouri Visited by An-

other Hurricane. Sr. Louis, Mo., June 30.—Brief dispatches have been received from several points in Kansas and Missouri to the effect that another hurricane swept through a wide section of these states yesterday. Emporia, Kan., reports a heavy rain and wind storm which nearly completed the damage done to crops by last Tuesday's cyclone. From Osatomie, Kan., it is reported that it is feared wheat and outs will be almost a total failure. Dispatches from Sedalia and Pettis counties say that standing wheat was aid low, while that which had been shocked was scattered in all directions.

JEALOUSY AND CRIME.

Two Terrible Double Tragedies Caused by the Green Monster. Monrie, Ala., June 30.-From the backwoods of Baldwin county comes the report that Jesse Cartwright shot and killed his brother John and afterwards cut his own wife's throat. Jealousy was the cause. LAWRENCE, Mass., June 30 .- John Baus h his morning shot and killed his sweetheart, Marie Burkett, and then killed himself in

District Court Doing v.

The trial of the case of the state against George K. Morehouse, charged with getting away with property belonging to the Chickering plano company is or before Judge Estelle. This is the case in which General Smith claims that Julius S. Cooley stole thent. The case is going on with Smith look ing after the prisoner's interests. In the la ruage of the street. Cooley is not in it, as he patiently awaiting the verdict of the invesleciding whether or not there is sufficient evidence to warrant recommending a disbar In Judge Estelle's court T. W. Blackburn

was admitted to the bar. Locomotive Boder Explodes. WHITE HAVES, Pa., June 30 .- The boiler of a locomotive on the Central railroad of New Jersey exploded jast night near Neguehoning Junction, instantly killing the engineer, fireman and two brakemen. The men-were buried for a distance of 100 yards and their bodies mangled.

Union Pacific Tea Company. New York, June 30. - Schednies in the assignment of McBride Brothers who did business in nearly every state in the union as the Union Pacific tea company, were filed today. They set forth the liabilities at \$312,000; nominal assets, \$204,000, and actual assets \$189,000.



he country has been flooded with cheap Pianos. They are flimsy affairs, not worthy the name,

and almost worthless for real service. As the purchase of a plane involves quite an expenditure of money, you want to be sure that you receive something in return, which will always be a pleasure and constant satisfaction in use.

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