Affecting Public Property.

The case of Toucray against Dodge county is something of a peculiar one. Louis Spear was clerk of the district court of Dodge county

and left nine books of the records of the court

Corporation Property Cannot Be Sold.

Question of Jurisdiction.

ported by the clear weight of evidence

Any grocer can supply you with Quail rolled oats-delicious for breakfast.

FROM 'ROUND ABOUT US.

Netirusica.

The alliance is to buttd a mill and elevator

A man in Dix dropped 140 feet of pipe

The general store of J, N. Peal of Callaway

H. L. Lewis, who has been the B. & M.

agent at Friend, has been transferred to

The house of Widow Brown of Geneva

was destroyed by fire, but the contents were

The public schools of Humboldt have been

The Osceols Grand A-my post has paid the last dollar of debt against the hall and the

While repairing the water tower at Fair-mont, the workmen found a live of bees which had stored up 100 pounds of honey.

It is reported that W. B. Roberts, formerly

a respected citizen of Tekamah, has departed permanently, leaving his creditors in the

Thomas Petit of, Crab Orchard while put-

ting a new wheel on a shaft had his sleeve caught and he was wound up. His arm was broken in two places and badly crushed.

Seward county was a veteran of the Twenty-second Iowa infantry and settled in Seward county in 1868. He had thirteen children,

The first official document sent to the

Omaha Indians, dated in 1806, was introduced as testimony the other day in the

Wayne-Thurston county seat contest, It is

J. W. McMullin and M. M. Harney, two J. W. McMullin and M. M. Hatter, in ulliance candidates at the last election in Buffalo county and who were defeated in a contest for the offices of county clerk

a contest for the offices of county clerk and sheriff, have appealed their cases to the district court. McMullin was defeated by

four votes, and Harney tied with the reput lican candidate, but was defeated by lot.

Sheriff McGrew, the successful candidate, is very ill and doubts are entertained of his

The Methodists of Nevada will build a

Marshalltown ladies raised \$285 for the

From six to twelve car loads of grain are

Mrs. W. Byron Elliott of Grundy Center.

old \$105 worth of eggs from 100 hens last

Jesse Davis of Alexandria was found on the

cle between that place and Warsaw almost frozen to death.

George Brown, a young farmer of Center township, Sioux county, fell from a windmill

The town clock in Dubuque was seven

minutes slow the other day, and dozens of people missed their trains because of it.

Leonard Ryan, a Dubuque moulder, had his hand and arm so badly burned with molten iron that the bones were exposed.

There are 108 regular teachers in Daven-port's schools, of whom seventy-two are graduates of the High school in that city.

Joseph Dow and Willis Downs lived oppo-

site each other in the same street at Daven port. They were born on the same day, died

on the same day and were buried on the same

Frank Fetter narrowiy escaped death at Ireton. His hand became caught in a belt and he was whirled aroung the shaft a num-

ber of times. His arm was broken in two

A romantic Fort Bodge girl, 17 years of age, packedher satchel and started for Chicago without the knowledge or consent of her parents At Boone the sheriff intercepted her course and sent her home.

A Miss Mitchell was just leaving a car at Clarinda when a kerosene lamp exploded over her head setting fire to her hat and clothing. The dangerous flames were ex-tinguished with little damage to the young

A brakeman fell from a freight train near Wesley, and after the entire train had

passed over his legs lay upon the ground an hour, with the mercupy at 10° below zero before he was discovered. Both feet were frozen solid and had to be amputated.

A Sioux City correspondent of the Journalist has this to say off one of the brightest young newspaper melv in the west: "The position of editor-in-chief of the Journal, during the absence in Washington of George D. Perkins as a member of congress, is capably filed by E. P. Heizer, the paper's able editorial writer during the past eight years."

Louis Reidsel, living near Charlice, met.

Louis Reidsel, living near Cherokee, met with a serious accident while working around a power sheller. His coat sleve was caught by a knuckle of the tumbin rod and his arm was wrapped around it and broken in a number of places. It was some time before the horse power could be stopped, and Reidsel's body was whipped against the ground in an unmerculal manner. The doctor who was

an unmerciful manner. The doctor who was called to attend the injured man says there is

not a bone above the elbow to exceed two inches in length but whot is proken, but he is going to try and save the arm.

"Bill" Nye Coming. Early in March Edgar W. Nvo and N. P.

Burbank will be in Omaha and give one of

their peculiar entertainments for the benefit of the Press club. More details of the affair will be announced later on.

Use Union soap. Use Union soap.

ady's person.

tower and was seriously injured.

being shipped from Manson every day.

wned by the Winnebago fire chief.

members are consequently happy.

Abraham Wallick, who re-

welve of whom are living.

because the teachers are all down with

has been closed under a chattel mortgage.

lown a 240 foot well and lost it.

saved.

he grip.

recovery.

venr.

low church this year.

poor by their charity ball.

opinion as follows:

company's earnings.

## SENSATIONAL LINCOLN CASE

Chief of Police Dinges Accused by Gamblers of Robbery.

THEY THINK HE GOT THEIR MONEY

Exciting Scenes of Last Fall Revived in Which the City Officers and Constables Narrowly Escaped a Battle-Other News Notes.

LINCOLN, Neb., Jan. 27 - Special to THE Ber. |-The most sensational trial that has taken place in Lincoln for many months occurred today before County Judge Lansing, the case being that of the State against O. P. Dinges, chief of the Lincoln police. Mr. Dinges was arrested last week upon a warrant sworn out by Dennis Hammond, who charged him with the lurceny of \$35. The case is one of the number resulting from the famous raid upon the gamblers last September. On the 10th of that month police, acting under orders of Mayor Weir and Chief Dinges, raided the gambling dens of the city. Among the places was the resort known as the ivy Here Dennis Hammond and other gamblers were arrested and the implements of their "profession" confiscated. The gam blers replayined their property upon a writ issued by Justice Foxworthy, but the chief refused to surrender it. Thereupon the constables undertook to break into the vault where the property was stored. They were promptly arrested, but afterwards were released. Yesterday they brought an action against the chief for making an improper return of the writ of habeas corpus served upon him, but the case was dismissed.

## Chief Dinges Accused of Larceny.

Dennis Hammond, one of the gamblers, in a desire, as he expressed it, to "get even" last week had Chief Dinges arrested on the charge of larceny. He founded his charge upon the assertion that in one of the tables confiscated by the chief was \$35, which the chief had taken out and appropriated to us own use. The case was set for trial today and the county court room was crowded with interested spectators who had gathered to hear the testimony in what aromised to be the most sensational trial of the year.

Ex-Police Sergeant Splain, who participated in the raid, testified that he had seen Chief Dinges take the money from the drawer of the table and transfer it from his right hand to his left. W. B. Baird testified that he had examined the grawer after it had been taken to the police station but that it was empty. Anson Fullington swore that he had placed the \$35 in the drawer previous to the raid and his testimony was corrobo rated by Robert Bracken. Chief Dinges' Defense.

For the defense the first witness called was Captain Miller. He testified that he was present when the raid was made. He was positive that Chief Dinges took nothing from the drawer of the table out a Colts revolver and some silver money. He helped to gather up the chips, etc., and from where he stood would have noticed any bills in the drawer had there been any there. From where Splain and Yeomans stood they could net have seen the contents of the drawer as

Malone's testimony fully corroborated that of Captain Miller in particular. Ex-Officers Ratliffe and Carter also testified substantially to the same effect.

It Was a Complete Refutation. Chief Dinges took the stand in his own efense. He denied emphatically that he took the money. He disputed the testimony of Yeomans to the effect that he had entered into any arrangement whereby the gamb lers were to be permitted to run during fair week unmolested. His testimony was a complete refutation of the charges made against him. At the con-clusion of his testimony the case was submitted to the judge without argument. Judge Lansing at once dismissed the case in the grounds that there had not been suf-

ficient evidence to make a case against the Explodes a Sensation.

Byron C. Yeomans, a detective formerly in the employ of the city, took the stand and unlooked for. He swore that previous to the raid Chief Dinges had informed him that he had entered into an arrangement with the gamblers by which they were to be per-mitted to run their places undisturbed dur-ing fair week. In consideration for this lenlency upon the part of the chief, he (the chief) was to receive one-third of the proceeds, Yeomans testified further that Chief Dinges had requested him to go to the gamblers and close the deal. He streed that he called upon the gamblers as requested but was unable to make any such arrangements. On cross-ex-amination Mr. Yeomans admitted that he himself received \$100 from the gamplers, but that it was for services which he had ren-dered for the fraternity before he had been employed as city detective. His testimony on this point was to the effect that before he entered the service of the city he had been employed by the gamblers at a salary of \$5" per month. He had consulted with Chief Dinges and Mayor Weir in regard to the propriety of taking the money and they advised him that it was all right. He was not present at the raid.

## Permanent Home Desired.

The Congregationalists of Neoraska are looking for a permanent home for Deane college now located at Crete. At a meeting of the State association held last fall at Fremont it was decided that but one college should be maintained in the state. Donne college was founded at Crete over twenty years ago, and until recently has enjoyed the united support of the church in this state. Gates college, located at Neligh, has been trying for the past few years to get recognition as a Congregational college. Gates has many friends in the northern part of the state, and at the Fremont meeting made a hard but unsuccessful fight to obtain recognition. The association passed a resolution that it would maintain but one college, and appointed a commission to look up the matter should be maintained in the state. Donne appointed a commission to look up the matter of relocation and report at a future meeting of the association.

TiAs commission met at the Congregationa This commission met at the Congregational church at this place yesterday. The members of the committee present were Rev. Mr. Findlay of Weeting Water, Prof. Hort of Franklin, Rev. Mr. Powell of Chadron, W. H. Russell of Omaha, F. S. Knapp of Bertrand and Rev. Mr. Cochran of York. After perfecting the organization, the following resolution was unanimously adopted:

Resolved, That a committee of five be ap-

resolution was unanimously adopted:

Resolved, That a committee of five be appointed to receive and report at a future meeting proposed donations of property for the location of a central college for the state, and that said committee also report at the same time the amount of property held by Doane and Gates colleges that can be transferred to a new location; also that same committee receive proposals from both Crete and Neligh upon the same basis as from other places.

An inventory was recently made of the property now owned by Doane college at Crete, which amounted to \$194,000. Should this institution be taken away it would most likely retain its present name of Dosne and an academy started at Crete would be called the Crete academy. Judge Field and Mr. Boggs took the committee out to one of the suburbs of Lincoln to show them some property, and in case of a transfer of the college Lincoln will make a bard fight too the erty, and in case of a transfer of the college Lincoln will make a hard fight to get it. Both Crete and Neligh have many friends who will work hard to have the college located in their respective towns, but there is danger of such a bitter feeling being engendered between the rival! towns that a third city is liable to walk away with the plum. Rov. George Hindley of Weeping Water is the charman of the committee appointed to receive bids from competing cities. Belva A. Lockwood of Washington is in the city. She criticises President Harrison's message and is strongly opposed to war with Chili. She will run for president if unanimously tendered the nomination by the equal suffrage party.

Bold Attempt at Robbery.

## Bold Attempt at Robbery.

A footpad made a bold and desperate at-tempt to rob F. E. McLaughlin, a Wells-Fargo express matter tempt to rob F. E. McLaughlin, a Wells-Fargo express messenger tate last night. After the Rock Island passenger train had arrived from Omaha, Mr. McLaughlin was at work transferring express packages from the platform to his wagon when some unknown man slipped up behind him in the darkness and cut the strap attached to the leather pouch in which the valuable packages are always placed. The enterprising footpad had failed to notice the fact that the pouch was held by a strong but light

chain as well as by a strap, consequently his effort was a failure and he escaped in the darkness.

In the Police Court. George Miller and Frank Kelly were ar-rested upon suspicion of being connected with some of the recent robberies. Kelly was identified as being the companion of the man who stole a pair of pants at his store.

Kelly's partner was arrested this afternoon and gave his name as John Conners. Fagan, Cloughley and Swalley, the alleged safe blowers, will have their trial tomorrow.

Three boys, George Bluevelt, Harry Vickers and Joe Smock, were arrested this afternoon charged with stealing a lot of candy from an East Lincoln store Monday night.

Narrowly Escaped Death. F. H. Thompson of this city had a narrow and as a result he is lying at his room at 980 P street with painful injuries. He is a brake passing through Ashland this morning was passing through Asthand this morning was knocked from the top of the cars by a pro-jecting chute from the coal sheds. He struck the frozen ground upon his head and was picked up unconscious. For a time it was leared that his injuries would result seriously, but later examination gave his friends hopes for his speedy recovery.

Be sure to try the Quail rolled oats and take no other.

### SPRINTING FOR SPEARFISH.

Two Railroad Companies Running Lines Through the Black Hills Country. Mr. A. E. Dale of Deadwood is in the city on business connected with mining interests in the Black Hills, and brings interesting news of railroad operations in that section. tle reports two engineering corps out

by stage is about stateen miles. It is understood that the surveying parties are in the employ of the B. & M. and the Elkhorn, and it is believed in Deadwood that one or both lines will be constructed the coming season. Spearfish is a likely town already, and has a fine water power which it counts on to belo make it a milling

surveying routes between Deadwood and

Spearfish. The distance between the places

center after it gets railroad facilities. Mr. Dale reports work actively in progress in midwinter on the Dakota, Wyoming & Missouri River railway. A line about thirty ive miles long has been surveyed from Rapi City on the Elkhorn westward to Mystic on the Burlington. About twelve miles have been graded, and it is expected the road will

be in operation by August 1.

Its promoters have just succeeded in float ing first mortgage bonds for \$630,000, which it is thought will leave a profit of \$150,000 on the construction. Rapid City has also voted to bond for \$100,000, ostensibly for water works but really, it is said, for the benefit of the railroad. A legal limitation prevented the voting of bonds directly, but through the medium of William I. Cond. who is regulated to the relieval and ing first mortgage bonds for \$630,000, which T. Coad, who is president of the railroad and the representative of the water works com-pany, it is represented to Mr. Dale, that obstacle is to be circumvented. The people who want the railroad very much, are not going to make a microscopical investigation as to how much of their bonus is spent on

Rapid City expects big things of the new road. Its business men complain that the Elkhorn railway has taken advantage of their helplessness and has not given them conces sions they thought they were entitled to.
They count on the connection with the B. &
M. to give them the benefits of competition, . Dale found a strong sentime favor of pledging all business possible to the

Burlington to secure its favor.

Rapid City also counts on the development of the rich mining district along the route. The new smelter at that point will need 175 tons of ore a day to run it at full capacity. It now has to look to Deadwood for its ore, but expects the new railroad to open up another source of supply.

The railroad from Rapid City eastward toward a connection with the Milwaukee at Chamberlain on the Missouri river is at a

stand still. It was backed by local capital, which was exhausted after grading ton or twelve miles. An effort is now being made to consolidate the enterprise with the com-pany building west from Rapid City and to enlist eastern capital, but the outlook at present is not very flattering.

Union soap is made of wes tern products-try it.

Says He is Persecuted. Gert McCoy called at this office and com plained that the police are continually arresting him on the charge of vagrancy and having no visible means of support.

McCoy says that he is willing to work, but as soon as he gets a job some member of the police force make a point of arresting him as he comes from his work. His mother, Mrs. F. C. McCoy, says that she is able and will ing to support her son while he is out of work, but that she does not want him driven out of the city. She asserts that if the malicious persecution ceases her son will be able to obtain work.

Over 3,000 merchants handle Union soap in the west.

Gone After an Omaha Offender. Detective Haze left for Lincoln yesterday to get requisition papers, and will proceed from there to St. Louis, where Julius Schlup, who is wanted here for larceny as bailee and embezziement, is under arrest. Schlup secured possession of a team of horses valued at \$300, on a house building deal, and is alleged to have unlawfully converted them to his own use.

Van Houten's Cocoa-The original, most

## Union soap is king of soaps.

German Theater. Arrangements have been perfected for three performances by a prominent German dramatic company at the Grand opera house on the evenings of February 5, 6 and 7. The company is an excellent one, consist-ing of eighteen members, and will produce a number of leading German dramas.

Gessler's Magic Headache Wafers cures a beadaches in 20 minutes. At all druggists. Union soap, guaranteed to please.

PERSONAL PARAGRAPHS. C. E. Pratt of Hastings is at the Paxton.

C. C. Morse of Lincoln is at the Murray. T. E. Farrell of Hastings is at the Arcade J. D. Draper of Marion, Ia., is at the Del-J. E. Boone of Wood River, Neb., is at the

Parton G. A. Bush of Lincoin is registered at the L. W. Walker of North Platte is at the

T. E. Sedwick of York is registered at the Millard. A. C. Rowell of St. Paul, Nob., is at the E J. Alien and wife of Lincoln are at the

H. M. Crane of Bloomington, Neb., is at the Arcade. J. M. Cox of Hampton, Neb., is registered at the Arcade. A. D. Sears of Grand Island is stopping at

the Murray. J. E. West of Rushville, Neb., is domicited Frank C. and J. S. Cullom of Beatrice are at the Delione.

E. J. Fenner of Grand Island is stopping at the Dollone. George E. Donington of Falls City, Neb., is at the Miliard. E. M. Cowell and wife of Hebron, Neb.,

Jacob Fisher of Humphrey, Neb., is stopping at the Arcade. W. H. H. Bonebrake of Lancoln is regis-ered at the Murray. J. M. Brett, a stockman of Wood River, is stopping at the Paxton.

are at the Murray.

uncle at the Paxton.

Hon. James M. Wood, capitalist, politician, cattle king and mayor of Rapid City, S.D., is registered at the Paxton. Miss Bertha Kespohie daughter of a whole-sale dry goods man of Quincy, Ill., and niece of Henry Oerter of Omaha, is visiting her

Mrs. Libbie B. Hoel of the Home for the Friendless at Lincoln was in the city yesterday and attended the meeting of the Nebraska Home for the Aged.

DR. GAPEN'S CASE IN COURT

Quo Warranto to Oust Dr. Somers Commenced at Lincoln Yesterday.

SLOCUM LAW HELD TO BE CONSTITUTIONAL

Habeas Corpus Asked by Liquor Seller Whit of Boone County Denied-Validity of Seward County's Bonds-Other Supreme Court News.

LINCOLN, Neb., Jan. 27, - | Special to THE BEE, ]-Dr. Clarke Gapen of Omaha proposes to settle the dispute between himself and the powers that be in Omaha by an appeal to the supreme court. Yesterday his attorneys called upon Attorney General Hastings and requested him to bring proceedings in quo warranto to oust Dr. Somers from the office of commissioner of health in the name of the state. This the attorney general declined to do unless an indemnifying bond was put up. Dr. Gapen's attorneys then withdrew their request. Today an information in the nature of quo warranto proceed ings was filed with the clerk of the supreme court by Dr. Gapen, who prosecutes the case in his own proper person. The petition, stripped of its legal verbiage, sets forth that on April 28, 1891, Dr. Gapen was duly appointed commissioner of health for the city of Omaha, as provided by law, and his appointment was confirmed by the council. His term of office was to continue two years. But on January 16 the defendant, Dr. A. B. Somers, did invade the office of re-lator and without warrant of law did usurp and assume the rights and functions of the office of commissioner of health. Dr. Gapen asks that Dr. Somers be declared not entitled to the office, but that he (Dr. Gapen) be vested with the rights and privileges he is now deprived of. Liquor Law Constitutional.

Among the important opinions is that of the application of D. A. White for a writ of habeas corpus. White alleged in his petition that he was being uniawfully held a prisoner by Sheriff Ferris of Boone county, he having been arrested upon the charge of unlawfully keeping for sale malt and spirituous liquors. He applied for a writ of habeas corpus on several grounds, prominent among which were: That chapter xxxiii of the laws of 1889 under which he was arrested is uncon stitutional and void for the reasons that it is amendatory of chapter 1 of the compiled statutes of Nebraska and is not complete in itself and does not contain and does not repeal the said chapter lof the compiled statutes; because the said chapter xxxiii of the laws of 1889 amends section 11 of chapter 1 of the compiled statutes of Nebraska and does not contain nor repeal said section so amended; and because the subject of said chapter xxxiii is not clearly expressed in its title. The supreme court denied the appli-cation for a writ of habeas corpus, Chief Justice Maxwell delivering the opinion to the

following effect:

The original jurisdiction of the supreme court in habeas corpus proceedings is conferred on the court and not on the judges singly. There is no authority, therefore, for a judge of the court alone to grant or hear a writ of habeas corpus.

Second. Ordinarily the proceedings should be instituted in the county where the unlawful restraint is alleged to exist, and the proceedings may be reviewed on error.

Third. The compiled statutes having been published under authority of law, and being supposed to contain all the laws in force at the date of publication may be amended by a proper reference thereto, and if the amendatory act clearly points out the portion of the statute amended, the objection that the amendment is of the compiled statutes will be unavailing.

unavailing. Fourth, Under the title of "An act amendatory of and supplemental to chapter I of the compiled statutes of 1883, entitled liquors," additional matter germane to the purpose of chapter I may be added.

Fifth. The legislature has the right to choose the title of any act passed by it and although that chosen may not be the most appropriate, yet unless the act is not within the title, or contains two or more subjects, or otherwise violates the constitution, it will not be desired unconstitutional.

be declared unconstitutional

Another Important Case.

A case of importance to every county in the state was handed down by the supreme court today. A brief history of the case is One hundred thousand dollars of bonds were voted by Seward county in about 1874 to aid in the building of the Midland Pacific railway. The bonds were refunded in 1884, The refunding bonds are now owned by the Board of Educational Lands and Funds. The state has \$100,000 invested in them. In June, 1891, Seward county again refunded the bonds. They were refunded under chap-ter xxix, session laws 1883. Section 2 of this chapter provides that the act shall apply to and include bonds that have been held to be a valid and binding obligation against the county by a court of competent jurisdiction. This law has never been construed by the court, and the state having \$100,000 of school funds invested in the bonds, the attorney general advised the auditor of public accounts not to advised the auditor of public accounts not to register the bonds and asked Seward county to apply for a peremptory writ, in order that the court of last resort would have to construe the law under which the bonds were refunded. If the court held the refunding was properly done under the 1883 act, it would remove all doubt as to the security of the investment. If the court should hold the other way, the bonds the state board now holds are regular and valid. The original issue of \$100,000 in bonds are owned by the permanent school fund and draw 6 per cent interest. The relunding bonds draw

4½ per cent interest. In the fall of 1890, the board agreed with Seward county to take the refunding bonds, if properly issued. There being a question of the legality of the issue and the further fact that the permanent school fund would be the loser in the event these bonds should eventually be declared invalid, first removed as to their validity. Today Chief Justice Maxwell placed a construction on the law and handed down the following

on the law and handed down the following opinion:

In 1887 the legislature passed "An act to authorize the issue of county bonds in certain cases." This provided for issuing refunding bonds to replace bonds issued to railroad companies or any work of internal improvement. This act was carried in the compiled statutes of 1881 as sections 11, 12 and 13, chapter vi. In 1883 the legislature passed an act to authorize counties to issue refunding bonds at not to exceed 6 per cent interest to replace other bonds previously issued by the county and then payable. Held, that the act of 1883 applied to all bonds previously issued by a county and then payable. Second. The act of 1883 is a complete act, evering the whole of the matter embraced in the act of February 19. 18.7, and repeals the first named act by implication.

Third, in 1885, the legislature passed an act amending sections 11. If and 13, chapter 1xv of the compiled statutes which had been repealed by implication by the act of 1883. Held, that the amendatory act of 1885 was invalid.

Fourth. Under the act of 1883 was invalid.

Fourth. Under the act of 1881 was invalid.

Fourth. Under the act of 1881 was invalid.

Fourth. Under the act of 1883 was invalid.

Fourth. Under the act of 1893 was invalid.

Fourth. Under the act of 1893 was invalid.

Fourth. Under the act of 1893 was invalid are payable, issue other refunding bonds, bearing interest at 6 per cent, it may after such bonds are payable, issue other refunding bonds at a lower rate of interest, as 4% per cent. to replace them.

place them. Two Omaha Cases. The opinion in the case of the Omaha Real Estate ond Trust company against John A. Murphy, which came up on appeal from Douglas county, was delivered by Chief Justice Maxwell. The case grew out of a contract for the sale of six lots in Saunders & Himebaugh's Highland Park addition. Murphy and Peter Woodmanses who is the phy and Peter Woodmansee, who is also a party to the suit, agreed to pay \$900 for the lots, \$30 of the amount to be paid in cash and the balance in monthly installments of \$25 each. Murphy and Woodmansee paid the cash agreed upon and one installment, but cash agreed upon and one installment, but refused to pay more. The trust company sued for the balance and the defendants in their answer that the lots which the company agreed to sell them were not the ones mentioned and described in the contract. The case was tried before Judge Wakeley and resulted in a victory for the defendants. The supreme court affirmed the decision of the district court, holding.

holding.

In an action by a vendor of real estate to enforce the contract for the sate of certain iots the defendants answered in substance that the agent of the plaintiff in selling the same represented that they were high and dry and level, and that they had no knowledge as to the location of the lots, and relied in said representations, and the lots were not high and dry and level, but on the contrary were situated in a low place. Held, that as the testimony was conflicting, and it did not appear that the judgment was clearly wrong, it would not be set as de.

In the case of Hayward Bros. against

In the case of Hayward Bros. against Ramge, from Douglas county, the judgment

of the lower court was affirmed, Justice Norval rendering the opinion as follows: GREAT UNREST IN BRAZIL

val rendering the opinion as follows:

A tenant has no righth devote the demised premises to a business publibled by the lease, without the consent of the owner.

Second. When a tenant is deprived of the use and enjoyment of the property by the acts of the landford, the obligation to pay rent ceased to have that effect the acts of the lessor in interference with the lessee's possession must clearly show that it was the intention of the lessor that, the lessee should no longer continue to hold the premises. A mere trespass by the landform without any intention, of depriving the tenant of the enjoyment of the premises will for constitute an eviction. Discontent of the People Taken Advantage of by the Monarchists.

ATTEMPTS TO STIR UP REVOLUTION

Armed Bands of Republicans Try to Suppress All Evidences of Sympathy with the Old Regime by Brate Force.

and left nine books of the records of the court in the court room nearly four weeks after the adjournment of court. The county had provided an adequate fireproof vauit for the preservation of such books. The books were injured or destroyed by fire while remaining in the court room. The county thereupon expended \$1,321 in the purchase of new books and transcripting from those injured by fire. Special Correspondence of the Associated Press. RIO DE JANEIRO, Dec. 30.-Close observation indicates that the mass of people of Brazil are indifferent to any particular form of government. There are undoubtedly and transcribing from those injured by fire. some sincere republicans and earnest mon-Held, that the county was entitled to recover value of such books and labor and that the questions were fairly submitted to the jury. archists, but the two classes combined form a very small part of the total population. The great danger to the republic, then, proceeds not so much from the strength of the The judgment of the district court for monarchists as from the weakness of the re-Dawson county in the case of the Overton public itself. Under ordinary circumstances Bridge company against Means was reversed and the case remanded with directions to the conservative feeling of the people would compensate for the want of devotion to the enter a decree in accordance with the prayer of the petition. Justice Post delivered the republican cause, but at present this feeling s in abeyance, being supplanted by a wideopinion as follows:

Property of a public corporation, such as a bridle company, which is essential to the exercise of its franchise and the discharge of the duties it has assumed toward the general public cannot in the absence of statutory authority be seized and soid to satisfy an ordinary judgment. The only remedy of creditors in such cases is to obtain the appointment of a receiver and a sequestration of the company's carnings. spread spirit of restlessness and discontent, which, having no particular object in view, judgment in the case of Courtney against Neimeyer from Kearney county was affirmed. Neimeyer & Co. recovered a judg-

may be used for almost any purpose by able chemers who can succeed in controling it.
The overthrow of monarchy in November, 1889, was the result rather of this feeling than of any longing for republican institu-tions. After November 23 the agitation in favor of monarchy became quite active and it was rumored that on the 2nd inst., the emperor's birthday, a revolutionary movement would be attempted by the monarchists. Mutinous behavior on one of the war vessels in port and in the naval batallion, strengthened the belief in the report, and the troops were held in readiness during the day, which,

ment against Campbell and Gibbery upon a joint promissory note and caused an execu-tion to be issued thereon which was levied by the sheriff on partnership property belonging to Campbell and Gibbery. Soon afterwards and before a sale under the execution, Campbell & Gibbery as a firm confessed judgment in favor of McPheehowever, passed off quietly. The Enthusiasm of the Monarchists. The death of the emperor on the 5th, far from dazing the enthusiasm of the monarchley, who thereupon caused an execution to be issued thereon, which was levied by a constable upon the same property as that sts, greatly contributes to increase it. The pathetic circumstances under which it pathetic circumstances under which it ocpreviously levied upon by the sheriff. In an action in equity by Neimeyer & Co., in which they alleged that the debt on which their his memory, appealed strongly to the imagination and caused monarchial feelings, temporarily at least, in many bosoms in which they had long lain dormant. This, togother udgment was based was a firm debt of Campbell and Gibbery, the answer raised with the dissentions among republicans he same question, and upon the issues thus some of whom are bitterly disappointed in the results thus far obtained from the repub formed the court found in favor of Neimeyer & Co.; Heid, that the judgment was suplican government in Brazil, and the prevail ing impression that the present government is weak, encouraged the monarchists to make Second. Where the court has jurisdiction of the subject matter and the parties, and demonstrations, which have been followed by counter demonstrations on the part of the the issues are tried without objection, the court will not on its own motion raise objec-tions to its jurisdiction.

On the emperor's birthday, cries of "Long live the monarchy!" were frequently heard. On the 17th a small steamer engaged in the coast trade entered the harbor flying the imperial flag. When this was perceived, a boat was sent out from one of the ironciads to investigate the matter, and the captain of the steamer, on being questioned, stated that at the last port at which he had touched he had been informed that monarchy was re-es-tablished in Brazil.

Retaliation by the Republicans. On the evening of the previous day, a band of armed republicans attacked a small gathering of monarchists, and after dispersing them proceeded to the office of the Journal do Brazil, which it caused to hoist the repubican flag.

On the morning of the 17th, another band of armed republicans, composed, it is said, principally of roughs headed by cadets from the military school, made an attack on the curbstone brokers and put them to flight, afterwards parading the streets in triumph with shouts of "Death to the monarchy," and "Long live the republic."

Republican meetings were held and pro-tests were made against the monarchical demonstrations, and against the official hon ors paid to the emperor's memory by the French government at his funeral in Paris, and deputations were appointed to call on President Floriano Perxoto to ask him to ake vigorous measures against the enemies of the republic.

Trying to Maintain Order.

The officers of the garrison have passed resolutions promising to maintain order and to uphold republican institutions, and their example has been followed by the officers of troops stationed in other parts of the coun-The chief of police in this city has isued orders prohibiting assemblages in the

These republican demonstrations have offectually cowed the monarchists, at least for the present. The editor in chief of the Bracil, after a long interview with the minister of justice, decided to discontinue the publication of his paper, fearing that his office might be destroyed by a republican mob. The government, it is true, has declared that it will cause the liberty of the press to be respected, but while many persons are con-vinced of the good intentions of the government, no one, in view of the number of print-ing offices that have been destroyed, believes in its ability to keep its promise.

Dr. Aristides Lobo, who represents this city in congress, says that the republics of America should form an alliance against monarchical Europe.

Cough Following the Grip. Many persons, who have recovered from la grippe, are now troubled with a persistent cough. Chamberlain's Cough Remedy will promptly loosen this cough and relieve the lungs, effecting a permanent cure in a very short time. 25 and 50 cent bottles for sale by dru gists.

FILLMORE COUNTY CANDIDATES. What a Geneva Man Has to Say About Two

Possibilities. Mr. V. C. Shickley of Geneva was at the Paxton yesterday. He is not down on the list of political wheelhorses, but he knows a few things just the same.

"My friend Peter Younger, jr., of Geneva has not fully made up his mind yet about seeking the nomination for state treasurer on the republican ticket," said Mr. Shickley yesterday to a BEE reporter. "He is just in this frame of mind: If he sees that the mapority of the party leaders can unite upon him as an available candidate he will be willing to enter the race. But he will not enter into a personal scramble and contest for the nomination. Mr. Younger is a very capable man and would make a strong candidate."

"Is there any congressional talk in the Fourth district?" "Not much as yet. I have heard one demo-crat-alliance candidate spoken of in that con-nection, and if he should be nominated he would be a difficult man to defeat. I refer to Richard Dobson of Fillmore county. He is a farmer and has a way of getting hold of people that seems to win him a great many friends."

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her back is Dr.
Pierce's Favorite
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CONSUMPTION S

AFTER THE GRIPPE.

The Grippe Responsible for More Deaths after Recovery than During its Course.-How to Avoid the Dan-

Grippe, in itself, is bad enough, debilitating enough, but it is the after effects, the slowness of recovery that give it its great danger. In most cases, the person did not have sufficient vitality to rally after the disease itself had passed. The forces of nature were too weak to contend with the debility which the Grippe had left.

It is sad to think how many died who might have been saved if nature had been properly assisted and fortified after the Grippe had been driven from the rystem Many physicians realized this fact, and assisted their patients over the dangerous after effects by bracing up and stimulating their systems. This was, and can be done in but one way, and that is by the steady and n oderate use of some pure yet powerful stimu lant. There is but one absolutely pure and medicinal stimulant known to the and to the public, and that is Duffy's Pure Malt Whiskey. The most prominent scientists and physicians of the land endorse its purity and value. It is not a new whiskey, it has been before the public for years. It is not a cheap decection, but a pure distillation. It imports a tone to the system possible in no other manner and sends the blood coursing through the veins with renewed vigor. It is aperior in every respect and however much ny unscrapulous druggist or grozer may seek to lead you to believe to the contrary do not be deceived.



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After Years of Unsuccessful Search for a Cure, Martin and rson Gets Relief from the Chinese Doctor-A Voluntary Testi-

OMAHA, Neb., Jan. 18, 1892. To whom It May Concern: This is to certify that I have been a constant sufferer for many years with catarrh, asthma and bronchial affec-

tions of the throat, and tried all the patent medicines and remedies I ever heard of, but with no success. I treated with doctors in various parts of the country, but none of them could do me any good further than giving me short temporary relief. I suffered night and day, and continued to grow worse notwithstanding all the medicine I had taken. I had almost given up my case as hopeless when I was informed by a friend of Dr. C. Gee Wo, the Chinese doctor, and advised to go and see him in the hope of getting relief at least, if not a permanent cure for my trouble. I was slow in making up my mind to make such a radical change 10 my treatment, as I knew a trial with the Chinese docor would bring me, but I finally con-luded to give him a trial, so I called at his office with that intention. I found the doctor a clever, entertaining gentleman, thoroughly posted on my condi-tion, and it took only a very short time to convince me that he was the party I was so long in search of. He told me my case was curable, and that he could cure me, and prepared me a special treatment to suit my condition, and in two weeks I was so much better that I had the fullest confidence in the doctor's ability and committed my case to his treatment. I continued to grow better rapidly and am now entirely well. I owe my cure to Dr. C. Gee Wo, and am not ashamed to admit it. I advise all who want relief from their troubles to call on Dr. C. Gee Wo, and they will be cured. For all particulars apply or write to MARTIN L. ANDERSON, 3121 Cuming St., Omaha, Neb.

DR. C. GEE WO. Rogular graduate of Chinese medicine, eight years' study, ten years' practice. Treats successfully all diseases known to suffering humanity.

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Prices—Parquet, \$1.50: parquet circle, \$1.00 and \$1.50: balcony, 75c and \$1.00; gallery, 25c. Box sheets open Wednesday morning.

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THE GREAT MILITARY P AY. A FAIR | Fannie Gillette as Clairette Monteith. | Edward R. Mawson as Col. Ezra Mason. MATINEE SATURDAY.

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