## IT WAS LEFT OFF THE BOOKS

Agems County Was Not Credited with All Her Funds.

INVESTIGATING THE ALLEGED SHORTAGE

Deputy Trensurer Fist's Preliminary Examination at Hastings is Attracting Considerable Attention-Explana-Jons by Those Concerned.

HASTINGS, Neb., Jan. 28 .- | Special to THE BRE. |-Emanuel Fist, late deputy treasurer of Adams county, was given his proliminary hearing before Judge Burton this morning. The trial was held in the court room, to accompdate the crowd who wished to hear the trial. The state was represented by County Attorney Chris Hoeppusr and Gen eral A. H. Bowen. Mr. Fist was defended by M. A. Hartigan and George W. Tibbets. There were fourteen distinct charges of embezzling and aiding in embezzling the funds of Adams county. To each count be pleaded not guilty.

Charles Biglow, county clerk, was the first witness called. He testified to the election of Charles H. Paul as treasurer in 1887, and of the approval of his bond. Next, Fist's appointment as deputy, the fling and approval of his official bond and Paul's re-election in 1889 were established. Jay Cherry, who was tax collector for Hastings township in 1889, was next called. He identified a number of receipts given him by E. Fist, deputy treasurer, for taxes collected by him and turned over to the deputy treasurer to the amount of \$30,826. On cross-examina-tion the fact was shown that all the checks

were endorsed by Treasurer Paul.

James R. Rateliff, the expert, who is now examining the books of Adams county, testified that he had not found these items entered that he had not lound these items entered against the treasurer. A. L. Clark, president of the First National bank and one of Treasurer Paul's bondsmen, gave the de-tails of Fist's confession, which was made on January 6 or 7. Fist told Mr. Clark and John M. Rogan, another bondsman, that the Cherry tax collections had never been credited to the county on the books according to a request of Mr. Paul, Charles H. Paul, ex-treasurer, was sum-

moned by the prosecution. During the month of January, 1889, Mr. Fist had entire charge of the books. He was present when Fist's confession was made. Paul at that time denied the fact that he had instructed Fist to leave the Cherry matter off the books. Mr. Ragan interposed as he saw that the deputy and treasurer were about to come to words. He had no knowledge that these items were left off the books until the middle of January, 1891, when Fist told him of the transaction. Fist said that there were certain school warrants which could be credited; "the balance," Fist said, "they will never get

Bondsman John M. Ragan was called and testified to the confession made by Fist. Fist said he couldn't sleep at night on account of the deficiency on the Cherry accounts. Ragan had a meeting with Paul on the following morning and Paul said that the \$22,000 was the only deficiency of which he

had any knowledge.

The accounts, according to a rule of the office, were not journalized as they were paid in but reserved until a final settlement with township collector to settle, on Paul's suggestion, claims Fist, the Cherry items were left off and never put on the books.

The state here rested and the evidence for the defense was deferred until tomorrow morning. The trial has been attended today by a largo number of persons who were oy a large number of persons who were anxious to get any insight into the solution of the mystery which has perplexed all Adams county for the last month. Treasurer Paul's interests were watched after by At-torneys McCreary and Judge Smith.

## NEBRASKA EDITORS AT FREMONT.

Twentieth Annual Convention of the Stat Press Association in Session.

FREMONT, Neb., Jan. 28 .- | Special Telegram to THE REE. |-The twentieth annual met in this city this afternoon. The first session was held at 4 o'clock, with the larg est number of editors present ever in attendance at a meeting of the association. President Simmons' address empodied a number of important recommendations for the benefit of Nebraska publishers. The secretary's report showed the association out of debt and funds on hand.

A public meeting was held tonight at the Women's Christian Temperance unton temple and a large audience was present. The oration was delivered by M. A. Brown of the Kearney Hub. He was followed by a historical sketch by Ed A. Fry of the Nio-brara Pioneer and a poem by A. L. Bixby of the Columbus Sentinel. An address of wel-come was delivered by Mayor Fried, to which Mr. Corell of the Hebron Journal responded. Mrs. Fred Nye sang a couple of solos and Miss Nellie McPherson gave two

OSCEOLA, Neb., Jan. 28 .- [Special to THE BEE. ]-Dr. L. M. Shaw has received the appointment of physician of the Board of Insanity for this county in the place of Dr. S. O. Whaley, who has been one of the members of the board since the organization of the county. The last republican has been relieved from duty in the offices about the

DeWitt's Little Early itisers; only pill to cure sick headache and regulate the bowels. DROPPED THE OTHER SUIT.

Real Estate Owners Association Opposition to Tribane's Bill Withdrawn The Real Estate Owners association held a meeting yesterday afternoon in its quarters in the Lite building. Most of the time was devoted to a discussion as to whether or not the injunction suit restraining the county from paying the Nebraska Tribune \$1,500 for printing the delinquent tax list should be withdrawn.

Attorney Cathers, for the association, was opposed to the withdrawal of the injunction suit on the grounds that the paper had not compiled with the law. He and Sol Davidship the statement of the union of the paper.

sohn, manager of the paper, got into a hot discussion, but the other members of the board settled the matter by voting to with-draw the suit and let the county commis-sioners and treasurer pay the bill as they had sone in the case of the Bohemian paper. The Phænix Foundry and Iron works at Bedford pince made a proposition to the effect that the company desired to enlarge its works by adding a car wheel industry to its foundry. It wanted \$3,000 to do this, and on

motion of Mr. Cathers the president will ap-point a committee of three to solicit the \$3,000 fund from property owners in the im-mediate vicinity of the works. The property owners will be the ones benefited by the im-

It was also stated that a tannery was necessary here to make leather of the hides from South Omaha. The secretary was instructed to communicate with some tanner in the east with a view of having him locate in Omaha. Next Monday the annual meeting of the association will be held.

Gessler's Magic Headache Wafers cures a beadaches in 30 minutes. At all druggists.

James A. Garrigues, district attorney of the Eighth judicial district of Colorado, writes Chief Seavey and asks him to be sure and hold Jim Huff, now under arrest here, until the arrival of an officer from Denver. In case the man is released on haceas corpus the attorney wants him rearrested by the chief or some of the sheriff's force. He states that an officer is on the way with requisition papers and will be here today or tomorrow.

DeWitt's Little Early Risers; best little ills fordyspepsia, sour stomach, bad breath

Commissioners Chauge Their Mind. The county commissioners have come down off their high horses and have given up the deaof looking horns with the court to deter-

mine the right of possession of the jury room on the main floor of the court bouse.

One of the commissioners stated yesterday that as soon as court convened the room would be vacated. The original idea, he said, was to have a quiet place where the five wise men who hold the floir of the county government could go and commune, one with another. None of the time did they intend to interfere with the workings of the court, but simply intended to use the room when it was not otherwise occupied.

## MRS. FRAZAR'S TOURS.

London and Paris Sights Shown a Party of

Omaha People.

Mrs. M. D. Frazar of Boston, whose lectures of foreign travel delivered at the St. Mary's Avenue Congregational church some two weeks ago were so well received, continued her talks at the Lininger Art gallery last evening.

The party, under Mrs. Frazar's leadership, started on the tour of London and Paris at the lord mayor's mansion, and after viewing that magnificent residence of London's chiaf executive journeyed on to St. Paul's cathedral, the second largest church in the world. This grand structure with its tall spires and massive dome was built from the tax collected on coal. An interior view showed the crypt in which lie the remains of the duke of Wellington and Lord Nelson. Westminster abbey, where the English soversigns are crowned and the English sovereigns are crowned and buried, was next visited. The tombs of Mary, Queen of Scots, and Queen Elizabeth were shown, as was also the pure white marble monument erected to the memory of

Major Andre.
A splendid view of the Parliament build fronting on the river Thames came These great buildings cover eight scres of ground and contain something over

The jewel house in the White tower, where

the crown jewels are kept, was visited and the many valuable articles exhibited there were described by the speaker. Next came a trip to the great bridge of London over which 8,000 people pass each nour, and then the journey was continued down to the Tnames embankment where stands Cleopatra's Needle which was presented to Great Britain by the Egyptian government. Trafalgar square, in which stands the beautiful monument erected in memory of Lord Nelson, was then visited and then the party hurried on to the National Art gallery, after a hasty view at some of its famous works of art, emerging upon Rotten Row. This boulevard is the fashionable drive of the great city, and between the hours of 4 and 6 every afternoon during the season the Row is crowded with London's

beauty and fashion.

The Albert memorial monument, built by Queen Victoria in memory of her husband, was visited and greatly admired. Then came a trip across the English channel, which is a trip across the English channel, which is generally dreaded by all continental voyagers, and Mrs. Frazar's party landed on the soil of sunny France. The sightseeing in the gayest city of the v rid began at the palais of justice, on the banks of the Seine, and was continued up and down the river until every point of interest had been visited. A statue of Gambetta, the idol of the r'rench people, was shown. This magnificent work of art stands in front of the garden of the Tuilleries. Then came a visit to the palace of the Louvre and the great to the palace of the Louvre and the great

art gallery built by Napoleon.

The old palace of the Tuilieries, the favorite home of Empress Josephine, was shown and some interesting anecdotes of the exempress told by the speaker.

A trip to the famous Champs de Elysee was made at the hour when the boulevard looked its brightest and was filled with the wealth and fashion of the world. The Eiffel tower was shown and described. Next the party visited the Church of St. Louis which contains the tomb of the great Napoleon An interior view showed the magnificent sprophagus of gold and marble beneath which rest the bones of the first Napoleon Around this great monument are fraped th colors of France, while the last words of the dead emperor are carved in the white marble on one side.

marble on one side.

The Grand opera house which cost \$6,000,000 was visited and its massive marble staircase and gilded foyer shown.

The trip concluded with a visit to several
of the famous villas in the suburos. This
evening the party will continue their journey and visit Geneva, Pisa and Rome.

## BOUND TO FIGHT.

Farmer Bruner and His Little Load of Riotous Whisky. A rather seedy looking specimen of humanity, claiming to be a farmer and giving his name as J. E. Bruner, got himsel into considerable trouble yesterday afternoon

by trying to buck against the authority of a blue coated guardian of the peace.

Bruner filled up on red eye until his back teeth were floating; then he started out to pick a fight. He saw a newsboy on the corner of Sixteenth and Dodge streets and attempted to assault him. Officer Foley hap-pened to be around and took a hand in the matter. It didn't make much difference to whom he had a fight with, so the pair went at it.

Foley got his clothes torn and his shoes full of mud before he was in it to any ex-tent. Then the officer took his turn at the bat and landed a straight hit on the farmer's forehead with his locust. The patrol wagon played the second act and Dr. Towne the last. Bruner was sewed up and held to square matters with Judge Berka today.

## TURNED OVER HIS HOME.

Charles W. Keith Settles the Case of the Deering Company Against Htm. The Deering Implement firm has evidently settled its case against Charles W. Keith, who was the firm's Omaha manager and who was sometime ago accused of embezzlement. The case charging him with having em bezzied quite a sum of money belonging to the Deering people, while acting in the capacity of manager for Nebraska and Iowa, was dismissed in police court yesterday afternoon on account of the illness of County Attorney Mahoney and the nonappearance of witnesses for the prosecution.

The evident settlement of the case is per haps due to the fact that there was, a few days ago, filed in the office of the register of deeds, an instrument of conveyance from Mrs. Kittle M. Keith and Charles W. Keith to William Deering of Chicago, conveying to Mr. Deering all of the real estate owned by Mr. and Mrs. Keith in Omnha and Douglas county, including their home in this city.

A very small pill, but a very good one. De Witt's little Early Risers. PERSONAL PARAGRAPHS.

H. L. Day of Fremont, Neb., is at the Millard. John F. Norton of Sioux Falls is at the M. D. Welch of Lincoln is registered at

C. M. Densmon of Stanton, Neb., is stop-C. F. McGrew, a Lincoln banker, is stopping at the Paxton. Albert P. West and J. P. Davis of Villisca,

Ia., are at the Arcade. G. C. Postwait and wife of Odell, Neb., are stopping at the Murray. C. P. Shur, a real estate dealer at Kearney is registered at the Paxton. R. R. Greer, one of Nebraska's World's fair commissioners, is registered at the Pax-

Dr. C. T. Burchard and G. W. Reed of Falls City are at the Dellone J. H. Wheeler and wife of Chadron, Neb.

Stuart Robson, wife and six members of his company are at the Millard. J. W. Goodherd and James Bergman of Elkhorn, Neb., were at the Dellene last

D. A. Campbell, clerk of supreme court, Lincoln, is in the city and called at Fig Beg H. E. Sanford, representing Frederick Paulding and "The Struggle for Life," is in

W. D. Skinner, son-in-law of Colonel Hooker of this city, is at the Paxton. He is registered from Des Moines. William M. Croan of the late Iowa Nor

mal college is at the Paxton with his wife. They are registered from Shenandoan. J. N. Whitney, George N. Galbraith, B. E. Chapman and W. H. Beckworth, cattlemen of Evanston, Wyo., are at the Paxton.

T. E. Bradway of Chadron, route agent for Wells, Pargo & Co.'s express, is in the city. Mr. Bradway had charge of the Black Hills business for years before the railroads

## SUPPORTED BY THE PEOPLE

Lincoln's Police Chief Encouraged in His Fight Against the Gamblers.

CONCLUSION OF A SENSATIONAL CASE End of the Litigation Growing Out of the Raid Made on the Local Dens Last

September-Dennis Hammond

Managed to Escape.

LINCOLN, Neb., Jan. 28 .- [Special to THE BEE. |-In all probability the Lincoln public has heard the last of the cases growing ou of the raid on the gambling resorts las September. No event in the municipal his tory of the city within the past year has been more prolific of sensational developments. The city authorities have been up held in their efforts to rid the city of the gambling fraternity. Every effort made by the gamblers themselves to create prejudice against the chief of police and his assistants has failed. The last of the cases growing out of the event came up befor Judge Lausing today when Dennis Ham mond was arraigned upon the charge of vagrancy. The complaint was found to be defective and the prisoner was discharged. Another warrant, calculated to defy the technicalities of the law, was immediately sworn out but before it could be served Hammond had disappeared. Up to this evening he had not been found. He will be rearrested on the charge of vagrancy as soon as his whereabouts is discovered.

Home Industry in Lincoln. The Home Industry Association of Lincoln has been perfected for the purpose of pro-moting the manufacturing, jobbing and re-tail industries of the city and to encourage the consumption of Lincoln productions and the consumption of resident mechanics and laborers. The following officers have been elected: President, C. T. Boggs; secretary, W. B. Howard; treasurer, L. C. Humphrey, A vigorous canvass for membership is being

Writ of Habeas Corpus Denied. Harry Smith and Walter Clarke were grought before Judge Lansing on a writ of labeas corpus today. Their attorney asked habeas corpus today. Their attorney asked for their release on the grounds of a defective complaint, alleging that it did not state that the articles enumerated were picked up at the same time. Judge Lansing declined to grant the writ and refused to reduce their bail. They were bound over to the district court.

rosecuted today.

From the Police Court. Harry Smock, Joe Vickers and George Bluevelt, the three young lads who roused an east Lincoln candy store last Monday night, will repent in the reform school. Martin Smith and George Miller were entenced to twenty days each in the county

ail for vagrancy.

Mrs. Molly King, who has figured in police court several times of late, was again ar-rested at midnight with her paramour. They were fined \$15 and \$20 respectively.

B. A. Monthany was fined \$1 and costs for creating a disturbance in a saloon.

George Cox is being held to answer to a charge of assault and battery.

DeWitt's Little Early Risers for the liver Was the Wounded Burglar. A man stopped Tuesday night at a Four eenth street lodging house, and after his de-

parture a lot of clotted blood was found in the bed he had occupied.

The clerk said that the man was noticeably weak as if from loss of blood.

It is supposed that he was the burglar who was shot Saturday night by Mrs. P. F. Murphy while in her house. 2623 Dodge street. A description of the fellow was observed and the action was tabled out the action was replicated for him. street. A description of the reliew was tained, and the police are looking for him.

THE SIGHTLESS SCULPTOR.

Bemarkable Work of the Blind Artist of

Tarrytown. The latest work of the blind sculptor of Tarrytown is attracting a good deal frame house on the biuff near the river road where the sculptor lives, with its wide porch and low widdows, has an unusual number of visitors, and the sculo tor himself is forever conducting stran gers to the rough board shed middle of the garden which he calls his studio. In that studio is his statue, a colossal figure of Washington Irving, seated. Many are the expressions of admiration which it provokes, for it is dignified and impressive, and many more are the exclamations of surprise complex and so excellent.

that a blind man could make a thing so The sculptor's name is John Marchant Mundy, says the New York Sun. He is not totally blind, as one would suppose from the talk of his townspeople. If he uses strong opera glasses at midday he can distinguish the expression of a portion of a human face within a couple of feet of him or can make out coarse In this way he was able to study the features of Irving's face in several pictures which he obtained before he began work on his statue. He can even write a letter with the aid of his opera glasses on note paper lined in black

But he is practically blind, nevertheess. Without opera glasses he can only distinguish light from darkness. one who ever saw him feeling his way about town with his cane or studying his statue by rubbing it thoroughly with his hands would ever imagine that he was other than stone blind. Indeed, he might almost as well have been, so far as the construction of his statue was concerned, for he has used the sense of touch almost exclusively in its formaion. He did much of the work on it after dark, with no lamp in his studio. Mr. Mundy is no novice in sculpture. He has done much excellent work with the modeling stick and chisel, but he has been heard of little of late years because his growing blindness has interfered with his work.

Personal Appearance,

Mr. Mundy is nearly 60 years old. He is, a man of gentle and thoughtful face, who impresses and attracts one about equally. He is much respected in the town where the people are accustomed to see him feeling his way about the streets with his cane. with a pleasant word for all who speak The soldier's monument in Sleepy Hollow cemetery is his work. He was not so blind when he modeled that as when he began his statue of Washington Irving. But he could see very little then and depended more upon touch than sight to complete the monument. That was regarded as a great feat, but not nearly so great as the accom-plishment or his latest work.

The trouble with his eyes began when he was a mere boy, and, in spite of the constant dealings with oculists ail his life, has steadily increased. When only 14 years old he suffered from blindness at night, one of the earliest effects of the disease known as retina figmentism. For years he was unable to go out after dark unattended. Dimness of sight then began to encroach upon his daylight hours, cutting off twilight first, then early morning and afternoon, narrowing his field of vision continually. The hours when he could work lessened perceptibly year by year. As the disease continue I, its progress became more rapid, and in 1883 his left eye was completely veiled The right eye still had some sight left, but cataract unexpectedly developed and so aimmed this that he was forced to abindon his pursuits. He has lived at Tarrytown since 1885, at the home of his sister, Mrs. George Rockwell, the wife of a clergyman. Mr. Mundy's life of darkness is best told in his own words. "I found idleness insupportable," said he to a Sun reporter who visited him at

his home. "I had always been so busy, in spite of my growing dimness of vision, that now to be cut off from any employment whatever was something awful for

me. I could not read more than, say, a page of coarse print in a quarter of an hour, and that only by the use of powerful opera or field glasses, in a strong light, and with the utmost exertion. 'I thought about my modeling continually, and at length I was driven by the irksomaness of my con-dition to attempt modeling by the sense of touch. It was for one rea-son a much harder task for me than it would be for a man blind from his birth for I had never used the sense of touch

in the apprehension of visible objects. At the same time, having had my sight for so long, I was able to make a mental picture of objects, as no man long blind could do. And I had thoroughly learned my art. 'So my brother-in-law had this studio

built for me in the back yard. He was fond of fashioning articles in wood, and wanted a workshop. He built a workshop and studio together, dividing our domains by a board partition. Let us go inside, and there I will tell you the

The blind man felt his way with his cane to the door of the studio and ushered his visitor in. It was a small room, pare of any furniture except a woodbottomed arm chair, and lighted from a window facing the north. There were no ornaments on the walls, only a dusty cast or two upon stone shelves and a few simple tools lay on a shelf in the corner. In another corner was a smail, shabby stove. The center of the room was oc

cupied by the statue of Irving.

"There is my statue," continued Mr.
Mundy after a pause. "It has taken me
many months to bring it to its present state. It is done so far as I can do it It is to my liking, except in some de-tails of superficial finish. But before it is cast I shall have some competent sculptor, with good eyes in his head. come up here and go over it thoroughly. He will give the clothes texture, worl the buttonholes, smooth the skin and in a general way put on the finishing

"The head is done in clay, the rest of the statue in plaster. I could not do all in clay because it took me so long that the clay would harden before I fairly began. So I made the framework of the figure out of gas pipe and laid on plaster, modeling it first in the nude, of course, and then putting on the clothes. Then set the head on. I made that first t took me about six weeks.

"I undertook to model Irving because much admired the great writer, and because I was in his own country and would find it easy to gather data. There has never been a full-length statue of Irving before this. I made my studies from the Ball Hughes bust, which was modeled about 1835, and these portraits: A full-length sitting portrait by F. O. C. Darley, 1860; a photograph from a da-guerreotype taken about 1855;an engraving from a portrait by Jarvis; an engrav-ing from a drawing by Wilkie, made at Seville, 1828; an engraving from a sketch by Vanderlyn, made in Paris, and two others whose origin I am not now able to name. All these pic-tures, though taken at widely separ-

ated periods, present characteristics peculiar to Irving throughout his life. Yet they differ so essentially in their aspects to a cursory observer that no one of them can be accepted as trust-worthy. They all influenced me, but after much consideration I established the Ball Hughes bust, the daguerreo-type head and the full length by Darloy as the basis for my work, and I find it is generally adjudged that the head of the statue presents a fortunate combination of the three, showing Irving at something over 50 years of age. I also had many talks with personal friends of Mr. Irving and his living relatives.

"Having at length conceived my obect I set to work upon the head in clay. Much of it I did by the sense of touch alone, but in the bright nours I studied the expression with the help of my pow erful glasses. The trouble was that I was never able to see all the face at once. I can only make out a disc, say the size of a tea plate. However, managed to take in the whole face by moving the glasses, after much discouragement, many failures and the most painstaking labor. I got an expression of repose to the features which satisfied me. I aimed to picture Irving seated in his easy chair, talking to a friend upon a favorite subject, his face brightened by the kindly feeling and lively interest which characterized it during such times. It has been with the rarest pleasure that I have heard friends of Irving tell me that I have indeed caught the expres-

sion for which I longed. "Then I began upon the figure. took me many months. I made the chair first, laying plaster over an iron frame which I contrived myself-for so dear to me is labor in the darkened world it which I live that I did everything possible with my own hands, even to ing my tools and mixing my plaster. The chair was designed after an actual chair of the period. For that matter, so were the clothes. A niece of Mr. Irving's lent me one of his shoes as a

"Although I occasionally used the glasses when the day was bright to take a general survey of my work, I depended almost wholly on the sense of touch For instance, I used to sit in this chair for hours, teaching my fingers to re-

place my eyes, thus."
Mr. Mundy seated himself in the wood bottomed chair beside the statue, assuming its posture. He carefully his left arm to the angle of that of the statue and then laid his right hand upon it, following it from shoulder to sleeve with his fingers, dwelling upon every fold of the cloth.

Studying Details. "I used to sit here hour after hour," he said, "my mind bent upon the sleeve, my fingers diligently learning it. I wore for the purpose a coat which belonged to Mr. Irving, which I have copied in the statue. When I felt that my fingers had learned the bends and wrinkles and creases of the sleeve then I climbed up to my statue, and, with plaster and tool in hand, carefully reproduced the details. It took many trials to bring the arm to something like perfection. I followed the same plan in regard to be very detail of the figure. I learned the folds of the trous-ers from feeling those of my own trous-ers over and over again. "But I made my brother-in-law act as

my model, too, many times. He is just about Irving's build. I dressed him in the coat, seated him in the chair in the posture of the statue, and taught my lingers lessons from his person. But, of course, my long experience in modeling and a life spent in observing and studying the human form and the disposition of drapery and clothing upon it assisted me enormously.

"As my fingers grew more delicate in their touch, and more and more able to replace my eyes. I wasted less and less time. Then I used to work at night. Indeed, I did a good deal of work at night. I used to come out to my studio directly after breakfast and work all day, at midday observing my work through my opera glassos. I used to through my opera glasses. I used to take a short time off for dinner, and after supper I came out and kept at it till 9 or 10 o'clock. For night, you know,

It is Declared Unconstitutional in Scott County District.

INTERESTS OF FOREIGNERS SECURE Existing Treaties Establish Relations Which

No State Legislature May Restrict-Text of the Decision-Creston's Sensational Divorce Suit.

DAVENPORT, Ia., Jan. 28 .- [Special Tele gram to Tag Beg. |- The lowa alien law met its first defeat in the Scott county district court at this place today. A year ago, the will of Ralph H. Heath was contested, but sustained. Today County Attorney Heinz filed a petition in the case of the state of lows against the devisees under the will asking that the estate be forfeited and escheat to the state of Iows in accord with the law The devisees demurred and, in a lengthy oral opinion, Judge Charles M. Waterman sustained the demurrer. The heirs of Heath are mainly residents of Ireland, and Judge Waterman ruled, as has been done in Illinois and elsewhere, that the rights of these aliens are fully secured by the existing treaty and that the law is unconstitutional and void.

SENSATIONAL DIVORCE SUIT.

Prominent Creston People Involved in the Litigation-Details of the Affair. CRESTON, Ia., Jan. 28.-[Special to THE BEE. |-The case of W. H. McCleilan against Eliza T. McClellan in the district court in this city is a decidedly sensational one, which has occupied the attention of the court and a large audience for the past two days. The case excites more than ordinary interest because of the prominence of the parties, who are well known in Union. Adams and Madison countres. The de fendant, Mrs. Eliza T. McClellan neo Ben ton, is a very prepossessing lady of about 40 years of age, while the plaintiff is a few years her senior. They were married in Madison county December 31, 1868. In 1872 they moved to Adams county, residing there

ing in Union county.

The plaintiff charges in his petition that his wife has committed adultery with Samuel Gibson, another prominent citizen. On the witness stand the husband testified that his witness stand the husband testified that his wife commenced attending protracted meetings about a year ago. At these meetings she met Gibson, and the latter, through Mrs. McClellan's influence, was converted. Gibson would come home with the plaintiff's wife nights. Some nights it would be as late as 12 or 1 o'dock refere they arrived. Howas 12 or 1 o'clock before they arrived. How-ever, the husband thought nothing of this until one night during the summer the wife, at a late hour, was heard by him leaving the house. Quietly the husband hurriedly dressed and followed her, fluding her and her alleged paramour in a grove of willows back of the house. Part of the testimony is unfit for publication. Mrs. McClellan has filed a cross bill al-

leging cruelty on the part of the husband. On the witness stand today she narrated a pitiful story of cruel and dishonorable conduct on the part of McClellan. She denies any criminal intercourse with Gibson. The only child, a bright, intelligent youth of 10, testified and his evidence favored his father's accusations. Upwards of twenty witnesses have been examined—all prominent citizens. The sentiment of the community seems to favor the plaintiff although pretty evenly divided. Each contestant has employed the leading attorneys of the city and the case is being hotly contested.

Work of Iowa's Legislature, DES MOINES, Ia., Jan. 28 .- [Special Telegram to THE BEE. | -In the senate today a resolution ordering the governor's message and maugural address printed in the various languages was adopted by a party vote. A large number of bills were introduced. among which were the following: Conferring on women the right to vote at all elections; to abolish superior courts; pro-The senate concurrent resolution asking an investigation for the relief of the suprem court was adopted. Adjourned till tomor-

The house this morning was deluged with petitions for a change in the exemption laws. A great deat of time was spent discussing joint resolution asking congress to aid the starving Russian peasants. The committee on elections reparted favorably on the Norris Australian pallot bill. Among the bills in-troduced was one to regulate the employment of persons acting as police officers or de tives. This is designed to prevent the tives. This is designed to prevent the om-ployment of Pinkerton men by corporations.

Prepared His Own Monument, CEDAR RAPIDS, Is., Jan. 28.- | Special Tele gram to THE BRE. ] - Something of a sensation was caused here by the firing of the will of Caspar J. Hart, who died a few days ago. After bequeathing to his two sons, two sisters and brother each \$1,000, the will says the balance of his fortune of \$50,000 shall be used for the erection of a monument to his own memory, with a soldier on dress parade on this monument. The will, after naming the location of the monument, grants said lot with the monument thereon to the city of Cedar Rapids, on conditions that the city for ever keep the monument and the grounds be longing to it in good order. In default of the city complying with the conditions, the property is to pass at once to the First English Evangelical Lutheran church of this city. The lot is to be used in no case for any other purpose than as a location for the

CRESTON, Ia., Jan. 28. - | Special Telegram to THE BEE. |-The most extensive real estate deal ever recorded in this county was consummated today, whereby John Gibson, president of the Iowa State Savings bank, president of the lowa State Savings bank, sold his handsome farm of 1,500 ucres, three miles east of this city, for \$50,000. Dorn Bros. of Des Moines are the purchasers. They will establish here in the near future the largest sheep rauch in Iowa.

Thinks His Reputation Injured. MONTEZUMA, Ia., Jan. 38.-|Special Telegram to THE BRE. |-Suit was begun today gainst the Montezuma Republican by N. L. Likens of Barnes City for \$4,000 damages alleged to have been done by reason of an article published in the paper last August. J. W. Jarnagin, the editor, and W. R. War wick, a prominent farmer, are made defend

John F. Boyd's Funeral. Last night the Jacksonian club met a

# Flavoring **Extracts**

NATURAL FRUIT FLAVORS.

Vanilla

-) Of perfect purity. Orange - Economy in their use Rose etc. Flavor as delicately and deliciously as the fresh freit

Piso's Remody I'r Catarra is the Best, Ensiest to Use, and Chespest.

Samoset's rooms and decided to join the latter in attending the funeral of the late John F. Boyd. The club will meet at Samoset's rooms at 12 m, today sharp.

The members of the city council will meet at the city hall at 12 o'clock sharp, where they will take carriages and proceed in a body to attend the funeral of John F. Boyd. The funeral will be held at 1 o'clock Friday afternoon at the family residence, 1302 Park avenue. Interment will be at Forest Lawn

### SAFETY APPLIANCES

Legislation Necessary to Abolish Man-Killers on Rallroads, In the February number of the North American Review Congressman Henry Cabot Lodge, writing under the title, "A Perilous Business and the Remedy," strongly urges the adoption of a uniform system of safety appliances on rallroads. What we want," he says, "is an act requiring the adoption of uniform safety couplers by the railroads throughout the country. A reasonable time should be given to enable the roads to make this change, and they ought to have at least five and perhaps ten cars, which is the average life of a freight car, to complete it. Then at the expiration of the time fixed by law the use of uniform safety couplers ought to be compelled under penalty. The question of a type could be left to the railroads themselves, for when the railroads found that they would be forced under penalties to have uniform safety couplers, they would soon agree on the best and cheapest kind. If they did not, further legislation on this point could be easily obtained, vesting the necessary authority in the Interstate Comnerce commission. As to the other prolific source of casualties, band brakes on freight trains, the case is simpler. The heading in the statistics describes these accidents as "falling from trains," which occurs almost wholly on freight trains where the brakeman is required to pass along the top of the cars and to climb to and from the roof in order to reach the brakes. The danger of this work is obvious. Running along the roof of a moving car by night, with the boards covered perhaps with ice or snow, in the midst of storm and darkness, which hide from sight the coming bridge, it is little wonder so many meet

death in the performance of this duty. In this case all that is required is to fol-low the directions of the English Board of Trade defining and requiring train brakes which are worked automatically from the engine, and with which we are already thoroughly familiar in our passenger service. The case is such a plain one that it hardly seems to need argument. No possible political feeling can be involved in it, and no very complicated legislation is required to bring about the desired result without placing a ruinous expense on the railroads. It is simply inhumanity not to take prompt action. The total number of killed and wounded is increasing from year to year, and so is the proportion of oss to the total number of men employed. Uniformity in the case of safety appliances and of train brakes on our reight trains will save hundreds of lives, stop the maining of thousands o men, and preserve the breadwinners to thousands of families. Such uniformity can be obtained only by legislation which will reach into every state and every territory. The congress of the United States alone has the power to pass such legislation, and it is high time that the

power was exerted. THE MIDWINTER GIRL.

New York World. Brave midwinter roses
Bloom red in her cheeks,
Where the wind's kiss discloses
The postes he seeks.

There's a fine facry clangor. A wedding-bell tone, All about her; her languor Of lounging is flown.

"Incedit regina!" Walks with majesty finer, Yet all of her own! Oh, where in all nature Is beauty like ners-A flower-fair creature So bonny 'mid furs!

Somerville Journal: If every man could have everything he wanted, what an uninter-esting place this world would be for the men, and what an unhappy place for the women.



It is not to medals, badges or the insignia of royal favor that the greatest of all specialists, DRS. BETTS & BETTS Owe their wonderful personal and professional popularity. They won their honors by their merits.

In the scientific treatment and success ful cure of over 86,000 cases of those NERVOUS. CHRONIC AND PRIVATE DISEASES which are so formidable to the medical profession in general,

DRS. BETTS & BETTS have proven that they possess extraordinary ability and skill.

list of Private Diseases as well as Stricture. Hydrocele, Varicocele and Rectal troubles, their success has been truly marvelous.

Therefore, they are entitled to wear the emblems of the highest honors, for these they have est honors, for these they have richly won by their own efforts. Send 4c for their new book of 120 pages. Consultation is also free. Call upon or address with stamp.

DRS. BETTS & BETTS 119S. 14thSt. N. E. Coiner Douglas St., Omaha, Neb.

TO WEAK MEN Suffering from the effects of the effec

## HOW TO CURE LA GRIPPE.

Go right about it. Don't waste a minute. For the splitting headaches, racking pains along the spine and in sides and toins, rhead matism of muscles and joints, chills and fever nausea and disinclination for food, you must take three or four of

## Dr. Schanck's Mandraka Pills

he first night, and after that a sufficient nums ber to insure a dally an i free action of the chills and fevers are stubborn on inine in reasonable doses, can be used to advantage with free, the Pills. These pills set your gorged liver cleanse the stomach and bowels, and start up normal secretions. You've scored a big point.
Then, to aid digestion, crash the weakness. and lassitude, drive off the feeling that you'd as leave die as live and give tone and strength to your system, you must take a tablespo-

Schenck's Seaweed Tonic before and after meals. Already you tegin to feel like a new person. But don't forget your lungs. Beware of the terrible tendency of La

pains or a cough, better settle the matter at once by a tablespoonful of Schenck's Pulmonic Syrup taken three times a day, between meals—oft-ener if the cough is troublesome. You can thus surround the very worst case of La Grippe and drive it into speedy surrender.

Grippe toward Pneumonia! If you have chest

DR. SCHENCK'S boo't on Consumption, Liver Complaint and Dys epsia; s nt free. DR. J. H. S HENK & SON, Philade'n ia. Pa.

And you'll do it right away if you are wise, Ask your Druggist for the Dr Schenck Reme-

THE ONLY GURE SAFE, CERTAIN, SPEEDY. HOBB'S MEDICINE CO. BAN FRANCISCO or CHICAGO

FOR SALE IN OMAHA, NEB., BY Rubn & Co., Co., Lith & Douglas Sts. J.A. Fuller & Co., Cor, 14th & Douglas Sts. A. D. Foster & Co., Council Bluffs, Ia.

HORSE BLANKET NONE GENUINE WITHOUT THE BALABEL There are 100 5/A styles, each at its cost the best you can buy,
5/A Baker is Best of All.
6/A Extra Test ranks next to 5/A Baker.
6/A Horse Blankets sold by all dealers.

CUBEB COUGH CURE

One Minute Remedy For all affections of the Throat, Lungs and Bronchial Tubes

EXCEPT CONSUMPTION

25 AND 50 CENTS.

For Sale by Druggists. A GENUINE MICROBE KILLER IS KIDD'S GERM A GENUINE MICROBE KILLER IN KIDD'S GERMA ERADICATOR—ures all deceases because it kills the microbe or germ. Put up and retailed to \$2.55 and \$5 axes, the latter 14 gallons. Sent anywhere pro-paid on receipt of price or C. O. D. Weissue a guar-aniee to cure. The public trade and jobbers sup-plied by the Kins er Drug Company. Omaha; C. A. Melchor, Howard Meyer and E. P. Saykora. South Omaha; A. D. Foster and H. J. Ellis, Council Bluffs

AMUSEMENTS. VATO NEW A SEASON OF DUIU STheater, ELEGANT COMEDY Thursday, Friday, Sat., Jan. 28-29-30

Stuart Robson Thursday and Friday Evenings. SHE STOOPS to CONQUEN Saturday Matinee and Night, | THE HENRIETTA Mr. Robson as Bertis the Lamb.

Prices—Parquet. \$1.30; parquet circl\*: \$1.00 and \$1.50; balcony. 75c and \$1.00; gallery, 25c. Box sheets open Wednesday morning. FARNAM STREET THEATRE. Three Night , Commencing Thursday, Jan. 28, THE GREAT MILITARY P AY.

A FAIR Clairette Monteith.

REBEL. Edward R. Mawson as
Col. Erra Ma-on. MATINEE SATURDAY. FARNAM STREET THEATER. POPULAR PRICES. One Solid Week, Commencing Sunday Matinec, Januar, 31.

MIDNIGHT ALARM. Wati es Wednesday and faturiay. EDEN MUSEE.

Week of January 25th. Retained by request of our patrons. Galetes Sybil.
DeCounce Illusion.
Chicaro Courch Choir Comedy Concert Co.
The Educated Pig and Smith & Fuller and

One dime; no more, NEBRASKA

National Bank. U. S. DEPOSITORY. . . OMAHA, NEB

Surplus ..... 66,500 Officers and Directors—Henry W. Yates, president, R. C. Cashing, vice president. C. S. Maurice W. V. Morse, John S. Collins, J. N. H. Patrick. Lewis S. Reed, Cashier. THE IRON BANK.

Capital ..... \$400,000

PER-CENT INTEREST PAID ONDEPOSITS AT OMAHA-LOAN&TRUSTCO SAVINGS # BANK SECOR. 1619 & DOUGLASSTS. CAPITAL: \$ 100.000.00 ORECTORS: AUMYMAN-E.W. MASH DH. MILLARD GUY-CBARTON-GB. LAK JJ. BROWN-THOS-L. KIMBALL.