### THE OMAHA DAILY BEE: "THURSDAY, MAY 4, 1893.



with the Present Situation --Gaid in Circulation.

WASHINGTON, D. C., May 3 .- Secretary Carlisle was at the Treasury department at an early hour this morning, and from the crowd of visitors which was present in his room during the day it was apparent that the public was well acquainted with the fact of his return. The trip which he took was evidently beneficial to him, for he appeared bright and free from the expression of care which was noticeable when he left the city. Probably the information which he obtained on the gold situation was pleasing to him and relieved him considerably. A reporter asked him today whether, after looking over the condition of gold in the west and his conference with the Chicago bankers, there was anything to say regarding the financial situation. Mr. Carlisle replied : "There is nothng to be said, as affairs are in a most satisanxious. There is plenty of gold, which can be utilized."

be utilized." "No," he added, "I made no absolute ar-rangement while away for the acceptance of gold by the treasury." The secretary said this in a tone of confidence, which was sig-nificant that the administration was well observed by the treasury similar and for pleased with the present situation, and felt that it could meet whatever domands might be made on it.

An official statement of the gold in the treasury made to Secretary Carlise for use at the cabinet meeting showed. Gold in the treasury, \$97,401,000; gold in transit, \$556,000; total, \$97,957,000.

There is some talk of Secretary Cariisle roing to New York for another conference with the bankers there, but nothing positive can be learned about it. The total gold in the country, as estimated by the treasury effect discutions attement approximates sflicial direntation statement, aggregates \$613,000,000, of which \$518,000,000 is in circu-tation.

### CHINESE REGISTRATION.

### Constitutionality of the Geary Law Will Soon Be Passed Upon.

WASHINGTON, D. C., May 3 - The proceed ings to test the constitutionality of the Geary Chinese exclusion act are being prosecuted by the Chinese Six Companies of San Francisco. The conference of the federal authorities to expedite the hearing was secured by the Chinese legation through the Departments of State and Justice. The Chinese residents of the United States, to a very large extent, are subservient to the Six Companies, and followed the advice given by its officials in all matters. The given by its officials in all matters. The companies advised the Chinese not to register, as required by the Geary act, and the Chinese minister ad-vised the subjects of his government to respect the law. Within the past two days there has been a breaking away from the Six Companies to some extent and the anniheants for registration at San Fran. the applicants for registration at San Franclaco are more numerous than can be ac-commodated by the present force. The col-lector has asked the Treasury department for additional help. As was stated yester-day, there will be no arrests made for violations of the law until after the supreme court has passed upon the measure. Should the law be sustained, it is said there can be nothing like a general enforcement until congress makes an appropriation to meet the

The question of the constitutionality of the exclusion law will come up for argument in the supreme court a week from today (the 10th list.) For the Six Companies Mr. Choate of New York and J. H. Ashton will comment for the community Soliditor Com appear; for the government, Solicitor Gen-eral Aldrich.

Why Were They Not Invited?

WASHINGTON, D. C., May 3 .- A prominent democratic secretary was yesterday inquiring of the officials here why it was that the ex-president and the ex-vice president of the United States had not participated in the naval review and the opening of the World's fair. The senator called attention to the fact that it has always been cus-tomary to invite ex-presidents and ex-vice presidents to national affairs of this sort, and recalled the circumstances that Mr. Cleveland and Mr. Hayes, as expresidents, participated in the Columbian exercises in New York last October, and that Mr. Cleveland was invited to the dedication of the World's fair but declined, Whether Mr. Harrison or Mr. Morton were invited to the naval review or the opening of the World's fair is not definitely known here. The facts, of course, are plain that neither of them attended either ceremony. The query is, why then?

WASHINGTON, D. C., May 3 .- The president late this afternoon, after the cabinet meeting, settled the Philadelphia postmaster controversy by appointing William W. Carr controversy by appointing william w. Carr postmaster at Philadelphia, vice John Field, resigned. Mr. Carr was strongly recom-micnided by Chairman Harrity of the na-tional democratic committee. His chief opponent was Mr. John Huggard.

### A Child Enjoys

The pleasant favor, gentle action and sooth-ing effect of Syrup of Figs, when in need of a laxative, and if the father or mother be ostive or bilious, the most gratifying results ollow its use; so that it is the best family emedy known and every family should have a bottle

This is the night of Crane's lecture. SUPREME COURT SYLLABL

Commissioners Hand Down Several Opinions in Feuding Cases. LENCOLN, Nob., May 3 .- [Special to THE BER |-Today the supreme court commission

ave out the following decisions: Ariold vs Badger Lumber company, Error from Lancaster county, Reversed in part and affirmed in part. Opinion by Ryan, C.

After answer day, if a defendant files a pleading, in the nature of a cross petition, against his co-defendants who have not ap-peared in the action, such co-defendants can be concluded in respect thereto only by their appearance, or after the service on them of a notice in the nature of a summons as to such identified. londing

Riverside Coal company vs Holmes. Error from Lancaster county. Affirmed, Opinion by Irvine, C.

Opinion by Irvine, C. The statutory assignment in a motion for **a** new trial of "cross of law occurring at the trial and duly excepted to" is sufficient to present for review the ruling of the court upon a denarrer ore terms interposed before the in-troduction of any evidence. 2. In an action for damagns for refusing to deliver goeds in pursuance of a contract of sale, where no consequential dimages are claimed, it is not necessary to allege the mar-ket value of the goods. 3. The failure of a jury, in assessing the amount of recovery, to allow interest upon a sum due upon contract is not presented for re-view by the assignment. In a motion for a new trial, that the verdict is not supported by suf-ficient evidence.

lelent evidence

Palmer, Richman & Co. vs Rice, Error from Douglas county, Affirmed, Opinion by Ryan, C.

A contract to accept drafts, thereafter to be

A contract to accept drafts, thereafter to be drawn upon certain conditions, can be made the basis of recovery by the payer of such drafts only upon showing full and exact com-pliance with each of said conditions. 2. A party who contracts in writing to accept and pay such drafts as shall be drawn by a party named, be favor of another party named, upon compliance with certain condi-tions, is absolutely liable upon drafts drawn as contemplated, traspective of the condition of the general account between the drawer and the drawer at the time such draft is made. Phillips vs McKaig, Appeal from Lan-

Phillips vs Mcičaig. Appeal from Lan-caster county. Reversed and remanded with instructions to enter decree in favor of appellant as prayed in his petition. Opin-ion by Ragan, C.

Henry & Coatsworth company vs Starr.

(Two cases.) By the commission. These two cases present precisely the same ques-

tions and were submitted upon the same bill of exceptions and briefs as Henry & Coatsworth vs McCurdy, and are affirmed

for the same reasons Jones vs Stevens. Error from Douglas county. Affirmed. Opinion by Ryan, C.

county. Affirmed. Opinion by Ryan, C. When a real estate broker is employed to procure a purchaser of real property, he is en-titled to computsation when he has seenred a proposed purchaser ready, able and willing to buy the property on the terms and conditions upon which the said broker was authorized to procure such purchaser. This right to compensation will not be impaired by the subsequent hability or unwillingness of the owner to consumate such a sale on the terms prescribed.

terms prescribed. 2. The preskiling hudge, of necessity, is vested with a sound judicial discretion as to limiting the cross-examination of a witness, and where the same question has been three lines propounded, it is not error to prohibil a like question to be again acked, under penality of forbilding further cross-examination. No exception thereto having been taken, there is in this court to reviewable question presented. Margard vs Van Duyn. Error from Lances.

Maggard vs Van Duyn. Error from Lancas ter county. Affirmed. Opinion by Irvine, C.

An appeal from the county court to the dis-trict court should be dismissed upon proper motion when the transcript was not field within thirty days from the date of judgment and no reason is shown for the delay. 2. Affidivits used on the hearing of a motion in the district court cannot be considered in the supreme court unless embodied in a bill of exceptions.

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TRACTS are not only the strong-

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The Truthful

Test

exceptions.

against Mary A. Allely. Gray vs Disbrow. Error from Douglas county. Affirmed. Opinion by Ragan, C. In order to review the proceedings in the trial of an equity case by a petition in error a motion for a new trial must be filed, as in an action, at law. Carlow vs Aultman, 28 Nat. 679 habitants. The trustees elected are J. E. Hutcheson, Charles S. Sabenhagen, C. F. Bullard, H. B. Kepner and George Anderson. Neb., 672. Henry Coatsworth vs McDurdy, Appeal from Lancaster county, Affirmed, Opin-John Stetson's Boston Globe Theater com-pany, which has been presenting "The Crust of Society," disbanded here today, the season having closed. The performance last evening was somewhat of a buriesque, ion by Irvine, C.
In a sult to close a mechanic's lien where other incumbrancers by answer deny the facts necessary to create the lien, it is necessary for the mechanic's liener, in order to establish his lien as prior to such other incumbrances, to prove such facts, including the time of commencing labor, or of furnishing material.
The omission in a petition to forselose a mortgage of the averment that no proceedings have been had at law for the collection of the debt secured thereby, must be raised prior to the rondition of a decree, as it relates to materia that have been had at law for the collection of the debt secured thereby, must be raised prior to the nondition of a decree, as it relates to matering the validity of the mortgage.
Whether a petition may at my time be attacked because of the omission of such averment by another facumbrancer, seeking to foreclose his lien in the same aerion quarer.
Henry & Coatsworth company vs Starr. ion by Irvine, C. which is perhaps explained by the fact that in some of the more serious parts the pop-ping of campaign corks in the wings could be distinctly heard. The members of the company continued the celebration after the show, and departed today for New York. Piles of people have piles, but De Witt'

Thieving Hackmen Sent to Jail in Default of Bonds. HELD UP A PATRON IN THE SUBURBS

CRIMINAL RECORD

Salaries of Members of the Police and Fire Departments Will Probably Be Increased-Recent Recommenda-

tions of Mayor Weir. LINCOLN, Neb., May 3 .- [Special to THE

BEE.]-Tracy and Kennear, two hackmen, charged with having driven A. Osterlow of Havelock, a passenger, out into the suburbs, knocked him down and robbed him of his

roll, were arraigned before Judge Brown this morning. Osterlow was intoxicated at the time, and after they had secured his money he grabbed it, and in the struggle two \$5 bills were torn in two. The convincing part of the testimony was given by Chief Cooper, who said that when approached concerning the robbery Kinnear told the officers that If they would go down

with him to the house of a female friend, he would get the money and repay Osteriow the amount that had been taken from him. He claimed at the time that Tracy had put up the job and was the chief executor of it, but as he had turned over part of the torn bill the court held him along with Tracy in \$300 bail for trial at district court. They went bail for trial at district court. They went to jail in default. Deputy Sheriff Langdon returned last night with Andrew Dibble, allas Charles E. Brunner, the young fellow who secured \$27 from J. H. O'Neill, a plumber of this city, on a draft he had evidently stolen from the mails and which had been sent from North Bend to Charles E. Brunner of Omaha. The foregoes was not discovered for several days.

Bend to Charles F. Brunner of Omana. The forgery was not discovered for several days, and Dibble had taken the opportunity to fly. O'Neill happened to be in Wichita on busi-ness the other day, and was talking to a business man in his office when Dibble walked in. The recognition was mutual. Dioble took to his heels and ran with O'Neill

in pursuit. After dodging through several alleys and streets he was overtaken, and came back without giving any trouble. To Raise Saiaries. At the meeting of the city council last evening Mayor Weir submitted a communi-cation recommending that the salary of night captain of police be increased from \$65 to \$55 a month, sergeants from \$65 to \$75, patrol-men to remain at \$60. That the salary of chief of the fire department be increased from \$100 to \$125, captain at headquarters from \$100 to \$125, captain at headquarters

from \$70 to \$85, other captains from \$65 to \$75, with several minor increases, firemen to receive \$65 a month. He thought the change would be beneficial to both the fire and police forces, as better men could be secured for

Water Commissioner Percival's conduct has as yet held no meeting. The charges as made so far are to the effect that he conmade so far are to the effect that he con-verted city lumber to his own use, used workmen paid by the city to repair his own house and discharged an employe of the de-partment for voting for a member of a politi-cal party opposed to that of the commis-sioner. The city attorney having reported that the city could appropriate money for the purpose an expert bookkeeper will be employed to go over the books and make a report on the finances of the department.

City in Brief. The grand jury began the work of examin ing witnesses this morning. Auditor Eugene Moore was the first man called, and as he

was accompanied by several books it is sup-posed that Mr. Benton will receive consider-able attention at the hands of this body. Deputy State Treasurer Bartlett was also examined. Judge Lansing this morning overruled a

Judge Lansing this morning overruled a motion of defendant in the mayoralty con-test inaugurated by R. B. Graham against Mayor Weir to make the plaintiff state exactly how many ballots cast for him were not counted, and issued an order that de-fendant answer by May 19. The county commissioners this morning granted the petition of the freeholders of Havelock to incorporate it as a village, hav-ing more than 200 and less than 1,500 in-habitants. The trustees elected are J. E.

commissioner, are not entitled to receive an increased salary, and the appropriation ordinance has been passed allowing their pay at the old rate of \$1.000 per year. Major Balcombe was not in the best of humor yesterday over the council's action in refusing to allow the increased salary, which he understood was to go in along with increased duties. He has not decided what step he will take in the matter, but constep he will take in the matter, but con-siders that he is entitled to the increase and may take steps to recover it. He said it looked to him as if the council was making fish of one and flesh of another, inasmuch as Clork Groves was allowed his increase, while the two members of the board were given only the old allowance.

Piles of people have piles, but De Witt's Witch Hazel Salve will cure them. This is the night of Crane's lecture.

LAST YEAR'S ICE.

### It Was Very Scarce and Hence Comes a Lawsuit.

The continued hot weather of last summer is responsible for the lawsuit of Basche against Weymuller which was on trial Judge Hopewell's court yesterday. in The plaintiff was in the cold storage business in the winter of 1890, and contracted with the defendant, who was at that time a member of the Omaha Ice company, for the furnishing of 2,000 tons of ice. He failed a few months later, and the ice company also turned over its business to another concern. During the following summer ice became very scarce following summer ice became very scarce and the price kept pace with the thermome-ter. A great deal of ice was being shipped out of the city, and Bosche called upon the Weymullers for several hundred tons of ice at the contract price, and the latter de-clined to furnish it as they were out of the business and their successors were held for their contracts, but alleging further that this contract was void because payment had not been made according to its terms for ice already delivered. Suit is brought to realready delivered. Suit is brought to re-cover the difference between the contract price and the price during the hot weather on companied friendity. on congealed frigidity.

### District Court Notes.

The case of Humpert against the Nebraska Savings and Exchange bank still holds a jury in Judge Ogden's court.

The jury in the case of Wheeler vs. Drexel returned a vertice for the plaintiff for the full amount of the claim with interest. The jury in the \$10,000 damage case of Dr

Denise against the city returned a verdict for the defendant after being out an hour. Martha and Anton Sorenson have brought suit against Dr. Ira Van Camp in the sums of \$10,000 and \$5,000 respectively, alleging malpractice on the part of the physician during an illness of the former, which re-sulted in making her cripple for life, besides causing her an immense amount of mental auguish. Anton avers that it has already cost him \$612 for doctors bills and has deprived him of the services of the mother of three children

This is the night of Crane's lecture.

Traveling Men Incorporate. The articles of incorporation of the Omaha

Traveling Men's Social club have been filed with the county clerk. The capital stock is with the county clerk. The capital stock is \$10,000 in 500 shares of \$20 each, which will not be held by any but members and no member shall hold but one share. Business may begin when thirty shares are subscribed, and they are to be fully paid up when issued. The incorporators are Harry S. Weller, James W. Lusk, Dalton Ristey, L. Huggins, M. G. Kibbe, M. M. Gandy and J. W. Buchanan.



### TERRIBLY INCREASING.

The Authorities of the Board of Realth GI ve Some Important Information About the Present Condition of the People.

At no time in the history of New York City have there been so many deaths from pneu-monia as now. The official figures show that nearly twice as many deaths from this cause

monia as now. The official figures show that nearly twice as many deaths from this cause are occurring than for the last five years. This is something terrible. Dr. John T. Nagle. Registrar of Vital Statis-tics, says that this increase is due to the influ-ence of grip. He says that grip may be called epidemic just now, and that in the majority of cases grip is a vital, contributing cause to pneumonia and all dangerous pulmonary troubles. At this time of the year, when we are changing over from winter to spring, there is always a low order of vitality; a reaction from the strains of the season. The blood does not flow so full or rapidly; the strength is less. For this reason grip has a much better chance than at any other season. This is a time of year when people need to be careful and too much importance cannot be placed upon keeping the blood warm and incircuistion. You must bring about a reac-tion if you wish to avoid the pain and dangers of these troubles in time. There is but one way by which a reaction can be brought about and that is by the use of a pure stimu-lant, preferably whiskes. But the great dif-ficuity is that there are few whiskles which are pure. The only really pure and reliable whiskey known to the medical profession or the world is Duffy's Pare Mait. It possesses qualities known only to itself. It will bring about a reaction and prevent cold, pneumonia or the grip where many so-called at indiant would fail. It has saved more lives and re-lieved more suffering than anything of a simi-lar nature which was ever known before to the world

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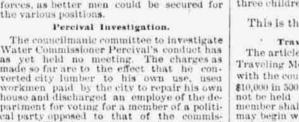
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### Christian Missionaries in Corea.

WASHINGTON, D. C., May 3 -The danger of an uprising in Corea against Christian missionacies in that country has passed. News that mobs of natives in Zeoul had threatened to exterminate the whites, was received by the State department some weeks ago by cable. Protection from the United States government was requested and accordingly the Navy department sent the steamer Alert the Navy department sent the steamer Alert from Shanghai with orders to remain until affairs assumed a peaceful aspect. Admiral Harmony cabled the department that the Alert arrived at her destination April 24. Yesterday another dispatch was received from him stating that the Alert had re-turned to Shanghai. While nothing concern-ing the condition of affairs was contained in the dispatch, it is certain that the Alert would not have left Corea if serious trouble existed.

### President Cleveland Pleased.

WASHINGTON, D. C., May 3 -- When asked tonight for an expression of opinion regarding his visit to the World's fair, President Cleveland, through Private Secretary Thurber, said: "We received a very cordial welcome, and everything that could be done was done for our comfort and pleasure. It was an occasion which I shall always remem-ber with a sense of genuine pleasure. 1 was much gratified at the enterprise, skill and taste displayed in the arrangement and ap-pearance of the buildings, and the results thus far attained bespeak to my mind a great success for the World's fair."

Armed with Bogus Certificates. WASHINGTON, D. C., May 3 .- The health officers at Astoria, Ore., today telographed that the steamer Danube had arrived at that port from Hong Kong with 600 Chinese on board. These Chinese were destined for Portland, Ore. In the course of his medical Pertland, Ore. In the course of his medical examination he also examined their papers, and he expresses the opinion that nearly all of the 600 Chinese have bogus certificates. Assistant Secretary Spaulding at once telegraphed the collector at Pertland, Ore, to exercise the greatest caution in examining the papers of this batch of Celestials.

### It is a Russian Law.

WASHINGTON, D. C., May 3.-It is learned at the State department that the refusal of the Russian consul in New York to recognize the passport issued to Mrs. Schwartz by the State department on the ground that she is a Jewess, is in accordance with the laws of Russia. If Mrs. Schwartz should make complaint to Secretary Gresham, she will of necessity be informed that he could do nothing in the matter, because the rules governing the Russian consular offices pro-liber them for the state of the second second second second second laboratory of the second seco hibit them from countersigning any paper intended for use in Russia by Jews.

Death of a United States Consul. WASHINGTON, D. C., May 3 .- Mr. Hall, the vice consul of the United States at Winnipeg. Man., has informed the State department of the death Friday of Mr. James W. Taylor, consul at that place. Mr. Taylor had been ill for some time. He was appointed consul at Winnipeg from Mianesota in 1870.

Pestered by Office Seekers. Washington, D. C., May 3 -Secretaries Gresham, Lamont and Herbert resumed

### Cut the Majors Down.

has reported that Major Balcombe as street commissioner, and Major Furay as sewer



This is a fact with regard to Scott's Emulsion of Cod Liver Oil. The difference between the oil, in its plain state, is very apparent. In

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