a, he is guilty of the crime of having er

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Co., he is suilty of the crime of having emperative of the whole or the greater part of the same of the sum of the sum

sum which Wiman on the flay manned appropriated by means of forwery to his own use.
The Campbell Printing Press and Manufacturing Company Case: A few days before the Hullinger case just related, viz.; On the 24th day of January, 1823. Wiman committed another forgery under clucum stances very similar, on that date R. G. Dan & Co. owed the Compbell Printing Presses and Manufacturing company the sum of 5.380 for two printing presses, purchased in May, 182. Wiman procurse from the cashler of R. G. Dun & Co. a check to the order of Oglen Brewer, treasurer of the Campbell company, on the pretext that by desired to pay the account. Theremen he went to the Campbell company, and Belling them that R. G. Dun & Co. were short of under account instead of their account. On Mr. Brewer acquiescing he made two notes to them in his own name and delivered them to blim. He then forced the mane of Oglen Brewer on the back of the mane of Oglen Brewer on the back o

Lun did not submit the proof of

bit his assets have amounted to almost nothing. Mr. Dun did not submit the proof of Wiman's crimes to the authorities on first discovering them for several reasons. In the first place he was moved by considera-tion of sympathy for Mr. Wiman, with whom he had been on terms of friendship for many years, and by the plicous up-peak for mercy which Mr. Wiman made to him in the letter herewith submitted. In the second place, he then had no appecta-tion of the extent of Wiman's embezzle-ment nor of the length of time , lasting many years, during which he had systemat-tion of the extent of Wiman's embezzle-ment nor of the length of time , lasting many years, during which he had systemat-terist reposed in him. The whole story of his wrongloing had to be uncarthed from the voluminous rec-ords of the ousiness of four or five years. It has required a vast amount of labor and time to find all of these irregularities by which he embezzled so large a sum of money, and the whole account, with the his increase on Staten island that it was possible to realize something substantial for his increase on Staten island that it was possible to realize something substantial for has upon himself, and the contriction that a more severely than Mr. Dua. The view of the fraud practiced upon them as well as upon himself, and the contriction that a min of Wiman's close intracter-ext man in this community and as an ad-viser and exharter of youth and out of a sense of obligation to the mercantile world, with which he is so closely identified, he as decided that his duty requires him to over to the authorities, that he may be deat with as the law directs. How HIS FAMILY BECEIVED IT. The distressing news, was not long in

HOW HIS FAMILY RECEIVED IT. The distressing news was not long in reaching the home of Mrs. Wiman, which is situated at Tompkins avenue, or as it is better known, the upper Terrace, St. George, Staten Island. When she heard of bore up with greater calmness than was expected. This was due to her implicit

n- or ue or	CUT RATES ON CERTIFICATES	ern Pac its bill amendm
10 17 10 19 19	Western Passenger Association Amends Its Rules on Excursion Privileges.	defendat the cont tracks o
1- (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	TRANSMISSOURI AND COAST BUSINESS	Schedul DES M

Muddle Over Differentials and Arbitraries Growing Worse and the Prospects for a General Bate War Steaduly Improve.

CHICAGO, Feb. 21 .- At today's meeting of the Western Passenger association the rules were so amended as to allow a reduction of rates on the certificate plan. When 100 or more people wished to attend a convention or meeting heretofore the association has required an attendance of 250 people in the

territory cast of the Missouri river and 150 west of It. The old executive committee, consisting of General Passenger Agents Heafford of the Chicago, Milwaukee & St. Paul, Sebastian of the Rock Island, and Thrail of the Northwestern, has been retired. The new committee consists of Passenger Traffic Manager White of the Atchison, and General Passenger Agents Eintis of the Burlington and Lord of the Great Northern. Tomorew the association will take up the transcontinental

rate trouble General Passenger Agent Lomax of the Union Pacific held a long conference with Mr. White of the Atchison and Chairman Caldwell today upon the attitude of the Union Pacific toward the emigrant clearing house. Nothing was definitely settled, but at the close of the meeting it was announced that an ad-justment of troubles was nearer than at any time during the last two weeks. The settle-ment is a long way off, for all of that. The Rock Island today put the reconcliation aside for a time by announcing that it will not gree to the demand of the Union Pacific that 2.50 per passenger be allowed it as its share f the emigrant clearing house business. The Rock Island claims this is practically allow-ing the Union Paicfic a differential of \$2.50,

proceeding which it cannot and will not allow. The Atchlson has issued a reply to the circular recently sent out by the Southern Pacific, announcing a boycott on the Atchison tickets via Harstow and Los Angeles to points on the Southern Pacific north of Mojave. The Atchison requisits all connections to take no action on the notice of the Southern Pacific, saying that prior to March 1, the date for the inauguration of the boycott, it will give full information as to the manner in which it intends to protect its California traffle.

SOUTHERN PACIFIC'S POSITION.

#### Not Likely to Suffer from a Transcontinental Rate War.

The Southern Pacific is out in a circular to all general passenger agents of connecting lines stating that on February 26 they should discontinue selling single trip tickets via Barstow and Los Angeles to points on the Southern Pacific company's roads north of Mojave. And also after the same date they are notified not to sell round trip tickets from or via the Southern Pacific ompany's roads reading via Barstow or Los

Angoles. This action of the Southern Pacific shuts the Atchison out of San Francisco business entirely except via its Mojave route, which is hardly to be considered. The Atchison has retorted that if the Southern Pacific shuts it out of San Francisco via Los Angeles it will also proceed to do the "brother act" by shuting the Southern Pacific out of Los Angeles via the Frisco

route, thereby joining issue. Not content with this opening gun the Southern Pacific has notified connecting lines don. by wire that it would not participate in Midwinter fair rates after February 28, and would discontinue selling tickets at present rates on that date. This puts the Santa Fe on the defensive again as it can't afford to have the arbitrary between Los Angeles and San Diego taken out of the rate on account

in the United States court. The Chicago Great Western companies nts on account of the losses under tract by which they use part of the the Northern Pacific.

WESTERN BASE BALL. le of the Games Arranged for the **Coming Season** MOINES, Feb. 21.-The Western Base

Ball association, after adopting a constitution and a schedule, has adjourned. The constitution is unchanged from that of the old Illinois-Iowa league, with the salary limit at \$800. One hundred and twenty-six games are scheduled, beginning May 5 and ending September 23. The castern clubs open in the west and vice versa. We clubs are in the east Decoration day Westerr and eastern clubs in the west July 4. The as-

sociation refused to admit any additional clubs and it remains an eight-city or-ganization. The following schedule was adopted: (Ropfed): At Omaha-Des Molnes June 8, 8, 16, July 6, 8, Aucust 24, 25, 25; St. Joseph June 12, 13, 4, July 9, 10, 11, September 2, 3, 4, Lincoln June 1, 2, 3, July 20, 21, 22, September 4, 5, 8; Seek Island May 5, 6, 7, June 22, 25, 24; Quincy May 15, 16, 47, July 3, 4, 5, August 15, 18, 19; Seoria May 12, 15, 14, June 26, 27, 28, August 16, 14, 12, Secknonville May 6, 10, 11, June 29, 20, 105 f, August 14, 15, 16, Eleven Sundays, eight Jarnad.

5. September 4, a. 6: Jücksonville Julie 3, J.
 July 12, 14, 15. August 24, 25, 25. Eleven Sundays, nime alternal.
 At Peorla-Omnha May 25, 26, 77. July 31. August 4, 2, September 10, 11, 12; Des Molnes March 22, 25, 24. July 27, 28. 29. September 13, 14, 15; St. Joe May 29, 30, 31. August 2, 4, 5. September 21, 22, 25; Lincoln May 18, 19, 20. August 7, 8, 9. September 16, 17, 19. Rock Island June 5, 5, 10. July 13, 14, 15; August 27, 28, 29; Quincy June 11, 12; 13, July 16, 17, 18. September 7, 8, 9; Jackkon-yille June 1, 2, 3, July 8, 19, 10, September 2, 3, 5. Eleven Sundays, nime abrond.
 At Jacksouville-Omnha May 22, 27, 24, August 25, 26, 27, July 31, August 1, 2, September 17, 18, 19; St. Joe May 18, 19, 21, August 7, 8, 9
 September 19, 11, 2; Lincoln May 25, 29, 21, July 27, 28, 20, September 20, 21, 22; Rock Island Jung 25, 26, 27, July 61, 47, 18, September 4, 5, 6; Quincy June 15, 16, 18, July 24, 25, 26, August 27, 27, 29, 30.

Don't Want to Fight in America. LONDON, Feb. 21 .- The Sportsman says learns on the authority of a friend of one of the participants, that Jackson and Corbett have no idea of attempting to settle their contest in the United States. They do They do not care to be badgered by clubs and authori-ties as was the case in the Mitchell-Corbett match. The event is almost certain to be settled at the National Sporting club in Lon-

AMUSEMENTS.

when the efflorescence of the arts and litera

Venice, the pearl of Italy, as Henri Taine in one of his incomparable letters describes the "pride of the Adriatic," is made the locale of Henry Guy Carleton's drama, "The locale of Henry Guy Carleton's drama, "The in the world and this height is regarded by the committee as all the United States

Susan B. Anthony Leads an Onelaught of

the Devoted Hosts. And the second s

CURTAIN LECTURES' TO' REPRESENTATIVES

Delegation of Female Suffragists Waits on Members of the House Judiclary Committee and Presents Its Views -What Was Sald.

WASHINGTON, Feb. 21 .- Twenty-five ladies, the remainder of the woman suffrage convention which has been in session in Washington for a week past, appeared before the judiciary committee this morning. Among those in the party were: Susan B. Anthony, Rev. Anna H. Shaw, Rev. Ida Hultin of Illinois, Mrs. Greenleaf of New York, Mrs. Howard of Georgia, Mrs. Harriet Taylor Upton of Ohio, Miss Jennie of Ohio, Mrs. Ketchum and Mrs. Stansbury of Colorado and Mrs. Pickler of South Dakota.

But four members of the committee received the delegation-Representatives Goodnight of Kentucky, Broderick of Kansas, Boatner of Louisiana and Wolverton of Pennsylvania. The speechmaking was begun by Susan B. Anthony, who, after a short talk, introduced Rev. Anna Shaw, minister of the Protestant Episcopal church.

Mrs. Shaw took eloquent exception to the system which confers suffrage upon all men not idiots. She averred that the male half of creation had resorted to every device of demagoguy to bar the female half from her rights. Rev. C. Hultin of Illinois declared that

men should dignity women by conferring upon them political rights. Mrs. Virginia C. Young of South Carolina described the of women under the present system. Miss Lavinia Hatch of Massachusetts spoke of the injustice of taxation without repre-sentation and was followed by Mr. Henry Blackwell, a Massachusetts ploneer of th

Prof. Jennie Gifford of Buchtel college, Akron, O., urged that all property owners should have a voice in the government wife of Representative Waugh of Indiana was introduced by Miss Anthony with the re-mark that since man and wife were one, and that the one might be the wife, in this instance it could be considered that Mr. Waugh was speaking.

### WHALEBACKS NOT SUITABLE.

#### Objections to Capinin McDongall's Vessel for Naval Purposes.

WASHINGTON, Feb. 21 .- The naval board appointed to consider the merits as embryo warships of Captain Alexander McDougall's new "whaleback" vessel will probably make its report to Secretary Herbert at the end of the week. There are indications that the board will find that as at present constructed the vessels are hardly adapted to naval uses. the vessels are hardly adapted to naval uses. Captain McDougall's plan for the armament of the vessels is to have two guns mounted below the water line on an incline so that they may be run up into position to fire when needed. An armored shield will be placed over the guns. But this involves a large addition to the framing of the vessel and an increase of weight generally in construction that would make the ships uneconomical for commercial purposes and even were these alterations made the gun would be so close to the water line as to be unserviceable in any but the smoothest water. In addition it would be necesary to turn the whole ship to

point the guns. Secretary of the Navy Herbert was before secretary of the wavy instant affairs yester-day on the naval appropriation bill which is rapfally nearing completion. Some mis-apprehension has arisen in naval circles over a report that the committee would urge the abolition of the various naval apprentice stations, but no such\_step is contemplated. The bill as at present framed makes no with the ships now authorized the United

cific, filed an amendment today to in the United States court. The ent makes the Baltimore & Ohio WOMEN SUBMET THEIR CASE (the following cases: Joseph Parker, con-victed of adultery in Utah; B. M. Lewis, convicted in Utah of adultery. Nelson, Morton's Mills, Montgomery: Daniel Smith, Clayton; Jacob Law-rence (deceased), Union, Hardin, Original

## COLONNAS ARE INTERESTED.

Their Little Family Quarrel Affected by a Supreme Court Case. WASHINGTON, Feb. 21 .- It is said by the

legal authorities about the United States supreme court, that the status of the contention between Prince and Princess Col. onna may be materially affected by a case to be heard before the court soon. The differences between the prince and princesa have recently attracted attention on both sides of the Atlantic, and have been intensified by the princess' escape with her children from France to this country.

The case soon to be heard in the United States supreme court is as to the extent to which the judgment of a French court can be enforced in the United States. The case involves a judgment for about \$400,000, given by the French court against Hilton Hughes & Co. of New York. The French judgment is being contested on the ground that the case should have been tried in this country, where the American defendants could have received a full and fair jury hear-ing. It has also been urged that the French courts give no recognition to the decrees or judgments of American courts, and that an American wants redress in France.

he must go to France to get it. Should the supreme court sustain the judg-ment, it is said that a precedent will be established governing the Colonna case and other international litigations. Prince Col-onna has the decree of a French court favorable to his custody of the Colonna children, but the princess has removed the children from the jurisdiction of the French court If, however, the precedent is established that foreign decrees can be certified to the courts of this country and then enforced, it would permit the French decree as to the Colonna petition to be given effect in this country It is said that this is only one of a number of cases involving international domestic entanglements which would be affected by a ruling favorable to enforcing the judgment and decrees of foreign courts.

### REVISED PENSION RULINGS.

Certificate to Be Exhibited at the Execution of Each Voucher.

WASHINGTON, Feb. 20 .- General instruct tions concerning enforcement of revised suits for executing pension vouchers have been sent to the various pension agents. The most important changes are embraced in the following provisions:

1. The certificate must be exhibited to the nagistrate at the execution of each voucher. This shall be the first evidence of a pen sioner's identity. When the certificate cannot be exhibited to the magistrate, the voucher may only be executed on the exhibition of a permit properly issued by the commissioner of pensions.

2. Permits to execute vouchers in the absence of cortificates may be issued by the commissioner by application of the pensioner, who should be under oath and fully state to the satisfaction of the commissioner the facts connected with his or her inability to exhibit the certificate.

When the pensioner signs the voucher the certificate of the officer before whom the voucher is executed, or in whose presence it is signed, shall be sufficient attest, but when they sign by mark the voucher must be at-tosted by the signatures of two witnesses in their proper handwriting. But in every case the signature of pensioner to each receipt attached to the voucher must be attested by at least one witness in proper handwriting. It shall be competent for the officer before whom the voucher is executed to attest the signature of the pensioner to execute. When payment is made to the pensioner in person neither the pension agent nor any clerk employed by him shall appear as a witness on either the voucher or the duplicate.

## APPLIES ONLY TO CONSTRUCTION.

### Ruling of Secretary Smith on Right of Way Over Public Lands.

WASHINGTON, Feb. 21.-Secretary Smith rich on motion. Opinions in the following cases from has approved the draft of a circular which will soon be issued governing applications

Douglas county were handed down: Bank of Commerce against Goos. Error

Elkins, Error from Douglas county, Reversed and remanded. Option by Irvine, C. Where a witness is shown to be absent Daniel Smith, Clayton, Clayton; Jacob Law-rence (deceased), Union, Hardin, Original widows, etc.--Mary A. Miller, Dubuque; minor of James M. Knight, Brush Creek, Fayette; Mary Muller, Davenport, Scott; Hattle A. Kane, Muscatine, Muscatine; George Epperly (father), Letts, Louisa; Eva A. Griffith, Des Molnes, Polk, Reissue--Mary Brady, East Des Molnes, Polk, Mex-ican war survivors: Increase-Albert S. Me-Kinley, Clinton, Original-Samuel H. Elfrom the state, his testimony given at a former trial of the cause is admissible in if otherwise unobjectionable, Ragan, C., dissenting.

Hoagland agairst Lowe. Appeal from Douglas county. Affirmed. Opinion by Mr. Justice Harrison.

Where a party sells real estate and takes a mortgage for part of the purchase price and postpones the lien of the mortgage to that of another mortgage given to obtain a loan, at the request of the purchaser, in con-sideration of his promise to use the money derived from the loan in making improve derived from the loan in making improve-ments on the premises, such promise being included and expressed in the purchase money mortgage; held, that this did not constitute the mortgagor the agent of the mortgagee in making the contract for the creation of the building, that there was no privity of contract between mortgagee and their lives in the effort to save the crew of the American schoonar Maggie E. Wells and for the relief of the sole survivor of the resthe laborers on or furnishers of material for the building and that mortgagee was not a conneter of the building scheme or operations, and that the mortgage lien would not be subordinated to the liens for labor done and material furnished, the commencement of such labor and furnishing material being of such labor and furnishing material being subsequent to the recording of the mortgage. 2. A person commencing to furnish ma-terial for or commencing to labor on an improvement on real estate, must at the time take notice of the interest and title in the premises of the person with whom he contracted, as shown by public record, as his here for before rematerial axide from as his lien for labor or material, aside from as his lien for labor or material, aside from the improvement itself, attaches only to such interost. Henry & Coatsworth com-pany against Bond, 55 N. W. Rep., 543. 3. Where a party receiving a mortgage for part of the purchase price of real estate takes it subject to a mortgage given for a loan, the consideration for making the interostic parts of the bar mortgage. the mortgage subject to the loan mortgage being the promise on the part of the mort-gager to use the loan so obtained for putting improvements on the premises, and mortgager pays the mortgagee a portion of the loan money on the purchase price as a cash payment, it being shown that the mortgagee had no knowledge that this was done, the mere fact of receiving such money will not entitle the mechanic's lien holders who commenced to perform work and furnish material for the buildings erected

on the premises subsequent to the time of recording the purchase money mortgage, ourt for a writ of mandamus requiring the city council of Omaha to make a levy of 31/2 In a suit for foreclosure of the mortgage mills on the dollar, as requested by the and the liens, to a decree giving the Board of Education, or on failure so to do, to priority over the mortgage, or to have the said mortgage lien postponed or made sub-ordinate to the mechanic's liens in the show cause to the court by March 5 why the liens in the same has not been done. The petition was presented to Chief Justice Norval, who isamount of the sum so paid to the mortgages. 4. Where a party purchaser of real estate sued an alternative writ of mandamus, re-turnable March 5. The petition is on behalf

gives a mortgage to the vendor of such real estate, to secure the balance of purchase of the school board and represents that the fifteen members thereof on the 22d day of January recommended a levy sufficient to price unpaid, and such mortgagee in consideration of improvements being made and buildings crected on said real estate, allows said mortgage to become subsequent in priority to mortgages made to secure a loan The amount was deemed necessary by the board for the support of the schools for the for the purpose of erecting such improve-ments, said mortgage thereby made subaefiscal year of 1894-5, and the board reported quent containing a clause whereby the mortgagor agrees to use all money procured by such loan mortgages in the erection of the estimate and recommendation to the mayor and city council and requested that the levy be made. The council made the ansuch buildings and fails to do so, held, that the lien of the mortgages of said vendor shall nual levy February 6, but refused to make the levy required to raise the sum of \$70,000. The council refuses and the board takes this not be subordinated to the liens of the mechanics and matchial men means of accomplishing its ends. Yesterday the court met pursuant to ad-journment and transacted the following menced to perform labor and furnish material subsequent to the recording of said mortgage.

5. A mortgage on real property in this state does not convey any title or vest any estate either before or after conditions broken, but merely creates a lien upon the mortgaged property, and the mortgagees interest in the property mortgaged is not such an interest as constitutes him an owner within the meaning of the mechanic's lien law, and as a general rule his mortgage lien will not be subordinated to mechanic's liens redicated upon claims for labor and material, the performance and furnishing of which were commenced on a date subsequent to the record of the mortgage pursuant to a ontract with the mortgagor.

### Like Old Times.

The unprecedented run on the dry goods tores, especially that of the Morse Dry Goods company, reminds old residents of the year .88. The Morse's have a very good drawing card in their bankrupt stock of J. Walker & Co.'s of Chicago, and 'though the crowds surge in and out they generally

# THE OMAHA DAILY BEE: THURSDAY, FEBRUARY 22, 1894.

band, and her confidence in his ability to prove his inno

Mr. and Mrs. Wiman's married daughter, Mrs. Norman Walker, is very ill. Harris Wiman, the second son, is employed in the newspaper business, and Frank, his younger brother, is in the office of Vermilye & Co. brokers in Wall street.

As soon as word had been received of the Mr. Harris Wiman came to York from Staten Island and went to the Tounds, carrying a small suchel with a change of linen for his father. The keeper of the prison received the satchel and consented to take a note from the young man to Mr. Wiman. In this note young Wiman asked his father if he wished anything done, and if he cared to make any statements. In reply to this mes-sage, Mr, Wiman wrote to his son that he was both cheerful and well; that he had was both cheerful and well; that he had comitted no crimes, but had no doubt blundered, and was willing to stand the consequences. He added he had absolutely refused to accept bail, although offered him by friends. His note concluded with the statement that he had an engagement to speak tomorrow night in Grammar school No. 27 on Forty-second street, and, please

God, he would keep his engagement. The young man was not permitted to see his father. It may be he wished to conceal from his family any despondency he felt and to lead them to suppose that he was confident of acquittal. The subject of his lee ture at the Grammar school is "The Great North Land." It is one of a series he has giving in various grammar schools of

Investigation in financial circles in this city by a representative of the Associated press led to the discovery of what might be a clew to the present prosecution of Mr. Wiman. One of the questions sought to be solved tonight was why a whole year could have been allowed to elapse—it was February, 1853, that Wiman severed his connection with R. G. Dun-before the alleged crime against him—if it is crime—was prosecuted. This inquiry has created a great deal of in

About a month ago a mysierious circular was printed by some person unknown and industriously circulated among prominent merchants of this city. In fact, every one who was likely to make use of mercantile agencies received one. In brief, the ciragencies received one. In brief, the cir-culars revealed many hitherto very dimly understood facts in regard to mercantile agencies and their methods of doing busi-ness. It was a revalation not of the most pleasing character to the agencies and created a great deal of talk and bitter feel-ing. Mr. Wiman was oroundly held reing. Mr. Wiman was promptly held re-sponsible for its authorship. It was argued that very few men were so theroughly acquainted with the details of the mercantile agency business and with all of the facts sublished in the circular so well as Mr. Wiman. Now, as a matter of fact. Mr. Wiman and his friends say that he not only did not write the circular, but was unaware of the fact that it was published. Although totally innocont of the authorship the credit of it has ever since been laid upon his chould be and it is supposed R. C. Dan & Co. had ever since left embitiered against him on this account.



2

of the present low tariff. The Southern Cal-ifornia demands an arbitrary of \$10 on the present round trip of \$65.50, tickets which the other roads are not inclined to give, the upshoot of the whole affair being no doubt that the Santa Fe will continue to do San Diego business though the lions roar.

naugurated.

San Diego.

Angeles.

fornia.

when the very stones, as Ruskin says breathed an atmosphere filled with glorious Mr. Charles Kennedy, talking of the posent, though the inquisition ubilities of a rate war, said: The Southlike a pall over the fair municipality that rn Pacific sceningly holds the key to the situation, as nearly all the roads in Calllater became under the doges a monarchy of the basest sort. In this atmosphere fornia, the ferries and possibly the street Mr. Carleton has cast his play, "The Lion's cars pay tribute to this corporation. It is a " which was introduced to an Omaha Mouth fact that the Southern Pacific made more public last night. Around the story of this money during the last transcontinental fight than at any similar period in its history. depository for accusations which were acted upon by the council of the inquisition the Local rates in California remained the same author has written a wonderfully clever and the low rates to the coast brought thousands into California that would not drama, melodramatic in its tendency, but a dracta that cannot by the very nature of things be considered an enduring work. Everything under the brilliant setting given have otherwise gone into the 'land of sun-shine.' Recognizing that low rates will make the Midwinter fair a big success and the play and its location seems out of the recalling the prosperous time the Southern Pacific had several years ago I feel pretty conventional. Every habit of the eye seems reversed and one sees here with surprise ertain that an old fashioned war will be augurated. San Francisco people demand and delight visions of oriental fancy, graft ing the full on the empty instead of the ow rates and the Southern Pacific, I believe mpty on the full. Men and women talk in rounded phrase, but the anxious to give California a boom that will pull the state out of its present depresphrase is stilled at times and the situations strained, yet withal the intellectual thought sion. These are the reasons for the rate war that seems imminent. So far as the Rock Island is concerned the war will not is always uppermost, and one sits and listens to the blank verse in which the play is written, thankful that there has been one Rock Island is concerned the war will not ninke a dollar's difference to us." At the request of the Southern Pacific the Union Pacific has issued a circular to all agents calling off its round frip tickets man brave enough to get away from the accepted school of melodrama, and even though the vehicle be not to the liking of

bination.

to San Diego, effective February 28, because of the \$10 arbitrary rate demanded by the of those who sit in front. The story, and they never vary, is one of love and uthern California (which is a part of the liate, self-abnegation and selfishness, Sante Fe system) between Los Angeles and now and then a comedy side light thrown full upon those who work out the motif of As for the Southern Pacific's throwing the drama. usiness away at this time, as is intimated Two actors of uncommonly good reputation

n the dispatshes from Chicago, it may not so out of place to remark that the Southern play totally opposite parts, one a manly, heroic lover sworn to avenge his father's Pacific is not given that way. The road in murder, the other the leader of the "Ben-edetti," a group of lawless men who live by question reasons, and very properly, too, that all business at this time is toward San stealing and other crimes. Mr. Frederick Warde has a most congenial role in that of rancisco, with final destination at Los Should passengers desire to go be-Rinaido, an exile, and the righteous heir t ond that point they would have to pay local area to destination. In the light of this construction the Southern Pacific is not sufthe chair of state. He is picturesque in his garb of prince and gondolier, and plays with consummate art, for Warde is essenfering, but getting the Midwinter round trip rates, \$65.70, without having to give up the rbitrary domanded by the Southern Cali-

### FINDS FOR THE ROAD.

North & South Railway Project Backed By Eastern Capitalists.

WICHITA, Feb. 21 .- Eastern capitalists net representatives of the Gulf & Interstate rallroad today and made a proposition to furnish funds to put in the first sixty miles of read and take in return transportation ertificates and income bonds at actual cost, roylded they can have one-fourth interest othe townsites along the route. The ex-scutive committee most here tomorrow to take action in the matter and to submit a proposition to the Wichita Board of Trade,

Won Damages from the Roasi.

Made Parties to the Sult.

JEFFERSON, O., Feb 21.- The damage

in account of its effectiveness and the stately minuet danced under the night orb Few in Attendance. high above the horizon, with brilliantly CHEVENNE, Wyo., Feb. 21-Because of colored Venetian lamps about the grounds; adding their softness to the scene, made a the indement weather only a few Union Parific employes have arrived to attend the ost charming ensemble.

The company supporting Messrs. Warde and James is in the most part meritorious, mass meeting tomorrow. Neither President Debs of the American Railway union nor the head officers of the other organizations are essisting not a little in the development of "The Lion's Mouth," which is a most am-itious effort, not only upon the part of the yet here. It is therefore impossible to as-certain tonight what business will be brought before the meeting. It is presumed that the concessions the heads of the various organizations will be authorized to make othor, but upon the stars as well.

## LOCAL BREFITIES.

while Marcolla, a sweet ingenue part, was

cceptably rendered by Miss Fanny Bowman

The play was magnificently staged, the

garden of the doge's palace being a picture of stagecraft that one likes to remember

Woodmen of the World will give a ball and supper this evening at their hall in the Continental block. President Johnson of the Wyoming State aniversity will lecture on "The Coming

Society" before the Chautnuqua college this evening in the First Methodist church. Washington's birthday will be fittingly ob served this evening at the Unitarian church. eventeenth and Cass streets. Supper will served by the ladies from 6 to 8 o'clock, followed by music of a patriotic nature Susan Johnson, who was charged with har-

1889, his engine and two freight cars plunged through a high trestle over Coon creek, in western Pennsylvania. Ellis received injuries boring Ellen Palmer for immoral purposes, and for whom a warrant was sworn out to his spine which made him a cripide for life. He much for \$60,000. some time ago, was arrested yesterday. She hud a trial and her case was continued. Mrs. Clark of the Open Door has taken CHICAGO, Feb. 21.—The Farmers Loan Mand Worden and Ellen Palmer in charge and Trust company, upon whose foreclosure and will send them both to the Millord Home for Falten Women.

ation against providing for new ships has night at Boyd's by the Warde-James com-Venice in the sixteenth century narrowed the naval appropriation for con-tinued work for ships already begun and the ture was most pronounced, and the artistic outine appropriations. The total of the ill is struck and while it is not public the nembers say it is little short of the naval appropriation of last year. This is due mainly to the great increase for supplies required for the augmented navy. It neces-sitates an increase of sailors and a very material increase in the item of coal.

# FARM ANIMALS STATISTICS

### There Are Fewer Horses in the Country Than There Were a Year Ago.

WASHINGTON, Feb. 21 .-- Figures on the number and value of farm animals, as well as compilations made by special agents, are included in the report of Statistician Roberts of the Agricultural department for January and February. The total number of horses has decreased 125,663 as compared with the returns of a year ago, although there was an increase in thirty of the states. The total number of horses last January was 16.081.319. Prices have declined in all the territories except Rhode Island and Idaho The number of mules in the country in January was 2,352,231. There was a slight incroase in the number and value of milch cows. The number at present is 16,487,400, as against 16,424,087 a year ago and an average value of \$358,998,661, against \$357,299,785 There was an increase in cattle from 35. 554,196, valued at \$547,882,204, last year, to 36,608,160, valued at \$536,789,747. The number and prices of both sheep and swine have declined. The total number of farm animals last month was 161,783,453.

It is stated that in the total number of these farm animals the average annual rate of increase during the decade of 1870-1880 was 1.67 per cent. In the following decade it rose to 3.17 per cent, and between 1890 and 1893 there was an average annual decrease of two-tenths of 1 per cent.

The comparative averages of cotton crops are given by states as follows: Virginia, 94; North Carolina, 95; South Carolina, 82; North Carolina, 95; South Carolina, 82; Georgia, 93; Florida, 106; Alabama, 96; Mississippi, 104; Louisiana, 90; Texas, 84; Arkanaas, 94; Tennessee, 84; Missouri, 81. The general average is slightly over 92 per ent

"MADE IN GERMANY."

#### this Sign and Extension of the Empire's Trade Due to Export Unions.

WASHINGTON, Feb. 21.-Consul Monighan at Chemitz, Germany, suggests that American merchants may find a valuable ruide when seeking for foreign markets for their products in the perfect working of the German export unions, These unions, extending all over the empire, are societies organized to encourage colonization and export trade. They establish agencies in forign countries for the display of German manufactures, and enlist the services of emigrants and German residents in those emigrants and German residents in those countries to push the German productions. In the case of Bulgaria, the union, since 1887, spent \$23,000 for traveling agents, etc. It has sent out 135,000 printed circulars and 94,000 letters, and 15 preurn received 7,000 sample orders, amounting to \$1,071,000. In spite of the strained relations with Russia during the past intermetics Germany man. juring the past nine months Germany managed to beat her last year's record in the sale in that country of drugs, iron, mathinery, leather, silk and woolen goods by \$11,424,000. The consul says that as a resull of the operation of these unions every-where, even in England, "Made in Geris found on 100 kinds of articles many" is found offered for sale.

### Omitted from the List.

WASHINGTON, Feb. 21 .- Included in the list of nominations sent to the senate yesterlay was that of Martin V. Spencer to be pension agent at Indianapolis, Ind. Owing to an accidental omission in the transmission the nomination was not announced with the

other nominations of yesterday. Pardoned by the Freshdent. WASHINGTON, Feb. 21 .- The president

ias pardoned Robert B. Dolley, convicted of Greenwood, Cass. adultery in Utah and sentenced September 6. lowa-Clinton 1893, to eighteen months in the penitentiary. Applications for pardon have been filed in | Cheever, Webster City, Hamilton; John E.

for right of way over public lands for canals, ditches and reservoirs. The right is held to extend only to construction and no public timber or material will be allowed to be taken or used for repair or improvement. The department ruling on March 21, 1892. holding that naural lakes, already sources of water supply, shall not be used for reserwoir purposes nor rivers be damaged so as to overflow into adjacent country, is overruled. Maps filed must be drawn on tracing linen in duplicate and must conform strictly to the field notes of the survey, which must also be filed. The scale of maps is required to be 2,000 feet to an inch for canals or ditches and 1.000 feet for reservoirs. The circular provides for filing of maps partly or wholly over unsurveyed lands, but approval f these is limited to the portion traversing All persons settling on survey lands. lands to which right of way has attached for a canal, dich or reservoir are required to take them subject to this right.

### TOOK HIS OLD PLACE.

Senator McPherson Resumes His Duties or the Senate Finance Committee.

WASHINGTON, Feb. 21 .- Senator Mills is no longer acting as a member of the senate committee on finance, and Senator McPherson has resumed his place as a member of the committee. The report of this change was noised about the capitol soon after the senate met today and was confirmed by Senator Mills, who, in reply to a question conerning the correctness of the report, said: 'Mr. McPherson has been a member of the mittee all the time and I have never been a member of it. I simply went on tem-porarily to represent him while he was sick and absent. Now he has come back and taken his place."

It is not known yet whether the change in the committee will have any effect in shaping the tariff bill or delaying or hastening its presentation to the committee, but it is not believed that it will cause delay, whatever the effect may be on the character of the bill. It is the opinion that the report the bill. will be made Tuesday.

### EXPIRED BY LIMITATIONS.

### Patents on Revolvers, Rotary Engines and Other Important Inventions Lapse.

WASHINGTON, Feb. 20 .- Patents on a large number of inventions expired by limitation today. Among the more important were the following:

Breech-loading firearms, C. Futebrook Boston; overstitch newing machines, W. A. Palmater, Johnstown, N. Y., assignee to himself and J. S. Sawyer, same place mowers, S. M. Stone, New Philadelphia, O. Dixon, same place; rotary engines, I. S. Knapp, Danbury, Conn.; sewing machines, E. H. Smith, New York; rotary engines, Luigi d'Auria, Italy; threshing machines, John H. Millard, St. Paul, Minn.; speed and distance indicators, G. M. Jesser, Portland, Ore.; clevators, Signund Levi, Cincinnati, O.; and revolving fircarms, Daniel B. Wesson and James H. Bullard, Springfield, Mass.

### White's Successor in the Senate

WASHINGTON, Feb. 21.-Senator White's etirement from the senate will make necessary a change in the membership of several committees. The democratic committee has found some difficulty in the rearrangement of the committees caused by the retirement of Senator Waithall and the election of Mr. McLaurin and, notwithstanding the fact that Mr. McLaurin has now been in the senate for more than a week he has not been assigned to any committee. This is due to the fact that there is more than one aspirant for the hairmanship of the committee on military affairs, made vacant by Senator Walthall's

Bee.)-Pensions granted, issue of February 9

Nebraska: Dickens, Lincoln, Reissge-Samuel Eagy, Max, Dundy, Original widows, etc.-Nellie Hutchison, Omaha, Douglas; Amanda Heims,

> Additional-John E. McDonnell. Reissue-William

from Douglas county, Reversed, Opinion by Mr. Commissioner Ryan. The damages recoverable for the re-

South Dakota: Original-Samuel H. El-on, Bridgewater, McCook.

WASHINGTON, Feb. 20 .- A bill was re-

ported to the senate for the relief of the de-

pendent relatives of the seamen of the

Netherlands steamer Amsterdam who lost

Treasury Cash Balance.

WASHINGTON, Feb. 21 .- The available

ash balance in the treasury today is \$138,-

998,215; national bank notes received for

Internal revenue, \$450,620; customs, \$493,-985; miscellaneous, \$358,148.

Judge Long's Pension.

WASHINGTON, Feb. 21.-The arguments

n the pension case of Judge Long of Michi-

gan against Commissioner of Pensions Loch-

ren were concluded yesterday in the equity ourt. The judge reserved his decision.

First Shipment of the New Bonds.

WASHINGTON, Feb. 21.-The first ship-

nent of the new 1594 bonds was made yes-

erday and consisted exclusively of \$1,000

ASKED A MANDAMUS.

Omaha School Levy Question Before the State Supreme Court.

LINCOLN, Feb. 21 .- Clinton Powell, a

nember of the Omaha school board, arrived

n the city yesterday and with his attorney,

James B. Meikle, petitioned the supreme

aise \$70,000, which, on a valuation of \$20,-000,000, would require a levy of 3½ mills.

Rittenhouse against Bigelow, rehearing

flowed: Stanwood against Omaha, rehearing

allowed; Swanson against Omaha, rehearing

allowed; Union Stock yards against Larson, rehearing denied; Union Stock yards against Conoyer, rehearing allowed, and argument

allowed as to the sufficiency of the evidence

to sustain the verdict; Doane against State

ex rel Barry, cause advanced, set for hearing

bank, leave to file amended answer.

The following causes were continued: Ehrlick against State, Whitener against

The following causes were argued and sub-

mitted: State ex rel Ewing against Bartley, Shroeder against State ex rel Fil-

bert, McClelland against Scroggin on motion,

Western Union Telegraph company against Fremont, Hammond against State on motion,

Omaha Brewing association against Wuet-

The consignment was shipped to

redemption, \$276,600. Government reco

Rewards for Rescuing.

oming: Reissue-Isom Branham, Cas-

WY.

per, Natrona.

cuing party.

lew York.

fusal of a bank to pay a check drawn upon it by one who has funds with the bank wherewith to make such payment, should not xceed such amount as reasonably and fairly in the natural course of things would result from such refusal.

2. General damages are such as the jury may give when the judge cannot point out any measure by which they are to be ascertained except the opinion and judgment of a reasonable man. Special damages are such as by competent evidence are directly trace-able to defendant's failure to discharge his contract obligations, or such duties as are

posed upon him by law. 3. When a party litigant has by an evasion of the adverse ruling of the court intention-ally and willfully introduced evidence of facts improper for consideration by the jury it must be presumed that such improper evidence has had a prejudicial effect, and the

verdict should accordingly be set aside. Burlingim against Warner. Appeal from Douglas county. Affirmed. Opinion by Mr. mor Irvine

In cases tried to the court without a jury the finding on questions of fact is entitled to the same weight and the same presumption of correctness as a verdict of a jury The rule is the same whether the case is brought to this court on error or appeal, and

2. Where the owner of land completes egotiations for the sale thereof and the endee takes possension without the consent of the owner and commences the erection of a building, but fails to make the payment of the purchase money, which by the terms of the sale was to be made upon the delivery of the conveyance, and the vendor refuses to make a conveyance or complete the con tract without such payment, no agreemen in writing having been executed, the vendor is not charged with liens for labor an material used in constructing the building. and

3. The vendor, in such a case, when he learned that the building was in progress, warned those engaged in its crection that they were trespassers and that the person with whom they had contracted had no rights In the property, but subsequently visited the premises and complained of the manner in which some of the work was being per-formed. The circumstances did not justify an inference that the mechanics had relied upon his later acts or undertaken or ued their work on the faith thereof. Held That he was not thereby estopped from asserting his title as against the mechanic's

4. A loan and trust company had contracted to lend the vendee money secured

by mortgage upon the premises. The mort-gage had been delivered and by the trust company recorded, but no money advanced. The agreement was that the money should not be advanced until the vendee procured title and had expended a certain sum in constructing the buildings, and that the vendee should furnish the trust company a bond conditioned that the buildings should cost a stipulated sum. The vendor refused to convey because of the vendee's failure to pay the purchase money, and the vende did not furnish to the trust company such

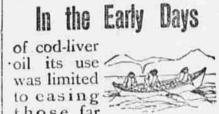
a bond as its agreement required, trust company then executed release its mortgage. Held: That persons claim The his mortgage. Held: That persons claiming liens growing out of the construction of the buildings had no equity by which they could require a conveyance to be made, the releases of the mortgage cancelled and the money advanced therem and applied to the omaha Street Railway company against

Women full of Pains



swoetest, surest, safest and best plaster. Price : age.: fixe, \$1.00. At all druggists or by mail. Fortune Datid amp Chem. Cour., Rosica-

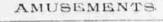
get what they want, and are well pleased with what they get.



those far advanced in consumption. Science soon discovered in it the prevention and cure of consumption.

Scott's Emulsion

of cod-liver oil with Hypophosphites of lime and soda has rendered the oil more effective, easy of digestion and pleasant to the taste. Prepared by Scott \* Bowne, N. Y. Alldruggists,



DYD'S SPECIAL HOLIDAY MAT. Wedneyday, ThursdayFeb. 21-22-23-24. Friday, Saturnay, Mathemes Thursday and Saturday Louis Frederick JAMES. WARDE. Scoule Productions In four Sumptuo Wednesday Night, Chursday Matinee, Chursday Night, The Lion's Mouth. Francesca da Rimini aturday Matinee, Othello. - - -Friday Night. Julius Caesar. - -Saturday Night. Julius OdtSdr. -Prices tolghts-25c, 50c, 75c, \$1.00 and \$1.50. Matinees 50c, 75c and \$1.00.

BOYD'S Four Nights. STARTING February 25 MATINEE WEDNESDAY.

The Sublime Naval Spectacle

THE ENSIGN

Repiete With Realistic Splendors. A vivid story of life in the U.S. Navy, flustrated with a scenic investiture of reat magnificence, and interpreted by a optimized superior merit.

Sale of scats opens Saturday at the usual

15th ST. THEATER || POPULAR DRICES THIS AFTERNOON AND TOXIGHT THE GREAT BIG SUCCESS, 'EIGHT BELLS."

Introducing the world-famous BROS BYINE Everything new. A new last act full of starting schanics1 efforts. Mathees TODAY and Sat-Multipe prices -Any wat in the house 25 cents.

15th Street Theaterl POPULAR SUNDAY MATINEE, FEBRUARY 25.

of the Mascor LOTTIE COLLINS

And Her New Howard Atheneum Specialty Company. MATINEE WEDNESDAY No free list during this engagement.

retirement. Western Pensions. WASHINGTON, Feb. 21 .- (Special to The

# were: Additional-Leopold Polze

tially a melo-dramatic actor, and strong roles like that of Rinaldo suit his perso ality. The author has given to Rinaldo many royal lines, some of them destined to become gems in the literary life of the times. Louis James, and there is no more careful painstaking actor on the stage, was a most neceptable sixteenth century brigan-masquerading under the severe garb of a holy man. The character is one suited t brigand fames' strong individuality and he playe the lurking demon under the sacred robe with fine dramatic conception. Miss Chap man made a lovely and isveable Linera

with