GATHERING EARTH'S WEALTH

Wyoming's Rich Oil Fields Find a Practical Outlet to the East.

PIPE LINE UNION WITH A WATER ROUTE

Gold Fields in Colorado and Utah-A Big Strike in New Mexico-Montana's Coal Mines - General Western News.

A company, composed mostly of St. Louis capitalists, has been organized and will file rticles of incorporation in a few days, to ay a pipe line to run oil from the Salt 'reek oil fields through Orin Junction to ort Laramie, says the Wyoming Derrick. 'rom there the oil will be shipped in barges own the Platte and Missouri rivers to St. Louis, where it will be treated and put upon he markets of the world.

It is only 135 miles from the Salt Creek il wells to Fort Laramie, and Orin Junction. ighty miles from the wells, is on a direct ine between the two points, thus giving in outlet over the Union Pacific for oil going west. If arrangements can be made with the Cheyenne & Northern (the Union Pacific ystem) tanks will be erected at Orin or heyenne for the western market.
If no arrangements can be made with the

Union Pacific officials then the oil will all be run to St. Louis. It was first intended to pipe the oil to Casper and from Casper by water, but it was found upon investigation that the rapids in the Platte river at Fairbanks were an insurmountable obstacle.

Then it was decided to run the line from the wells up Salt creek to its source and thus be able to connect with all the wells hereafter to be drilled in that valley without laying more pipe. When at the head of Salt it is a down hill pull all the way to Fort Laramie and on to St. Louis.

It is surmised by some that the Pennsylvania Oil company is the power behind the throne. Others say it is known that the l'ennsylvania company is now negotiating for better rates with the Northwestern railroad, and while their negotiations are pending, they would not take a hand in any other

It is certainly the most feasible and practicable plan yet suggested to get oil out to the world, and will result in the thorough development of central Wyoming's vast oil GILT-EDGED MONTEZUMA

Montezuma county, which is in the south western corner of Colorado, is one of the best, if not the very best, agricultural, mineral and stock raising countles in the state say nothing of its many other resources writes a prominent mining expert and corre pondent of the Denver Times.

Here the winter is over and spring is here Plowing and the putting in of crops by the farmers has commenced. Grass is springing up; the stock has wintered well with but little loss and is in good condition. Pros-pects were never better for a good harvest of everything planted and every farmer is making an extra effort to increase his acre age and crops in anticipation of a greater demand for farm products, owing to the in-flux of emigration which is sure to come Many will come on account of the rich gold fields at the head of the Mancos river and its branches, and the unsurpassed mineral wealth of the La Plata mountains, especially in gold and the rich placer mines along every stream leading from them. Rich dis-coveries are occurring in the Ute mountains, which seem to increase as development

progresses. There are also the most inexhaustible placer fields of the San Juan river, from the mouth of the Mancos river to the Colorado river, where shipments of placer gold are even now being made daily, notwithstanding the primitive methods by which the gold is being recovered. With the new and im-

The La Plata gold fields, situated in Monte zuma and La Plata counties, are unquestionably among the richest in the world. Certainly they are the most extensive and con tain the largest gold deposits in the state Here are large deposits or contact veins of free gold ore and innumerable mines of auriferous sulphides, arsinical-phyrituous and tellurium ores, the latter often rich in values per ton, but pockety, the former averaging from \$10 to \$40 per ton. Arrangements are now being made for the introduction of the choloric system and a mill will be erected as a demonstration can be made that this process can treat these ores suc cessfully. This demonstration will be made by shipping a quantity of the La Plata ores to a plant now in operation, which will de rmine the value of the process for the La Plata mines.

IMPORTANT DISCOVERIES. Two discoveries, which have just become

public, are of vast importance to Cripple Creek, as they not only extend the region far north of its previous supposed limits, but, being widely separated, prove that the mineral bearing belt is fully as wide in this locality as further south.

Prospec ors who recently arrived brought

news of an immense strike of free gold at a point one mile east of in a gold bearing lode. mile east of the Midland station other strike is in the Ruby mine. which is two miles west of here. The ore is reported to run \$250 to the ton. It was

encountered at a depth of 32 feet, and an assay of twelve and a half ounces was re turned by Hersey of Leadville. A carload of the mineral is ready for shipment to Denver.

CAMP FLOYD PROSPECTS.

Some very substantial and gratifying news comes from Camp Floyd, Utah's great gold Messrs. Sherman & Jacobs have struck a body of pay ore, one and one-half miles southeast of the Glencoe property and about five miles southeast of the famous which enlarges this rich district wonderfully, and verifies hopes and predictions of men experienced in mining. ples of this ore have been brought to this city, and it is almost identical in appearance with the Mercur and Marion ore, says the Salt Lake Tribune. It carries cinnabar, and an average of a dozen assays shows that it runs from \$2 to \$7.60 in gold. body is being developed by double and is about four feet in thickness. double shifts strike is an important one for the district, as it shows the vastness of the field, and is an indication that the prediction made that it will prove the most wonderful gold belt ever discovered is about to be verified by tangible results. Messrs, Sherman & Jac have done a great deal of prospecting in the district since last November, and the strike the first commercial ore found by them. They are Colorado men and will endeavor to make the most of the golden opportunity presented to them.

BLACK DIAMONDS OF MONTANA. Next to the gold mines of Montana the coal deposits are today attracting the most attention. It has been known for years that Montana has extensive deposits of coal of excellent quality, but it has only been during the last five years that capital has been interested and has gone systematically to work to develop them. Wher-ever this has been done the investment has paid, and as a result the coal deposits of the state are today more nearly apprecia-ted at their true value than they have ever been before, says the Helena Independent. In fact conservative men say that at the present rate of increase in production the mirring of coal will soon make up for the stagnation in the silver mining in-dustry, and that in the next five years the coal output in Montana will reach a value that few unacquainted with the subject would betteve. There is no reason why coal mining in Montana should not have as great a growth as in Colorado, where it has increased from 375,000 tons in 1883 to 4,-200,000 tons in 1893. The coal output in Montana in 1893 was 500,000 tons, the principal producers being the Rocky Fork Helena & Livingston, Sand Coulee and Timberline mines. All the big mining companies of the state, such as the Anaconda, Butte & Boston, Boston & Montana Parrot, the works owned by W. A. Clark and a number of others, are using coal, and the consumption of this fuel by the mining companies will increase very rapidly from

is equal both in heating and cooking capacity to the coal produced both in Wyoming and Colorado. Montana imports thousands of tons of coal every year, but this will not long continue, and in a few years every pound of coal burned in this state will come out of Montana mines. The larger the railroad mileage in the state the more valuable do the coal fields become and the more anxious are capitalists to invest.

GOLD MINES AT CREVASSE. Lawrence Link of Cinnabar, who is in-terested in gold properties at Creveasse, Mont., believes that will be the liveliest camp in the state during the coming season. He says that the Montana Mining and Milling company are only running from five to ten stamps of their mill at present owing to a scarcity of water, but they contemplate the construction of a water ditch this summer which will furnish all the water necessary to run the mill at its full capacity-twenty stamps. This ditch will tap Knowles' creek, will be about four miles in length and will cost in the neighborhood of \$25,000 Link also says that the Campbell claim has been bonded to a syndicate who will erect a mill on it this season, and that within the past few days William Snearley has bonded a valuable claim for \$7,000 to another syndicate who will also erect a mill this session. He believes that a cus om mill at Creveasse would be a good investment, as the Crevasse company does no custom work, and there is a large quantity of ore in small quantities awaiting treatment.

RIO GRANDE PLACERS. E. H. Durgin of this place returned from the newly discovered placers on the Rio Grande sixteen miles east of Tres Piedras, ringing with him at least \$1 worth of gold the result of panning seven shovels full of gravel. It is all coarse gold, says a special to the Denver Republican. Among the lot is a nugget worth at least 25 cents. The gold is found in a bed of gravel on either side of the Rio Grande. It underlies the malpl and volcanic rocks, and its extent up and

down the river is as yet not known. It is beyond question a rich placer district and unlimited water privileges to work it. There they held a meeting and passed mining laws and named the district Meigs camp, in honor of R. S. Meigs, the discoverer of the gravel strata. W. A. Gipson and E. W. Hiff, old Creede miners, acted as chairman and secretary of the meeting, which passed resolutions that no stake should hold a claim more than ten days without bons fide work being done on the ground; also, that no claim should cross the Rio Grande, making the center of

he stream the dividing line between the en is THE DAKOTAS.

of claims.

The ice gorge in the Missouri above Cham-perlain has broken. The river is completely filled with running ice, and is slowly rising. At a meeting of the Lake Madison Vet-erans' association, held at Sloux Falls, it was decided to hold the annual district encamp of this organization in Sioux Falls, June 19, 20 and 21.

Four gentlemen, forerunners of a large Danish colony from Wisconsin, have looking over Roberts county lands with a view of settling. They express themselves as greatly pleased, and say that about 100 ilies will be hear in the early spring and buy deeded lands.

The Missouri river bridge engineers are still at work sounding the river bed at Yankton for bridge plers. There are twelve men in the gang and they will be employed at this work until April 15. Recent devel-opments indicate that the bridge is to be uilt for the Great Northern road exclusively.

Insurance Commisioner Cudhie has issued n advance statement of the insurance business done by the fire and marine companies in the state during the past year. This statement shows that the losses incurred in the state during that time have amounted to \$1,219,802.80. The total losses paid during the past year amounted to \$1,179,660.85.

The artificial rain committee of Brown, Marshall and Spink counties met at Aber-deen and effected a combina ion of interests. Each delegation guaranteed that ample funds could and would be raised for the pro posed test. A committee was appointed from each county to go to Goodland, Kan., and treat with Jewel and other alleged rain

A Montana miner named Nelson has stirred up considerable excitement at Devil's Lake, N. D., over the discovery of what he calls rubies. The gems found are very pret y and are claimed to be genuine rubies. Specimens have been found by several re-cently in the vicinity of the lake. Mr. Nelson, not content with prospecting on the north side, crossed over to the reservation, where he found gold-bearing quartz.

Governor Sheldon has issued a proclamation quaran hing southern cattle from ex-port into South Dakota. The boundaries of the district quarantined are the same as adopted by the department of agriculture and the restrictions about shipment of cattle from infec ed districts is the same. The quarantine holds good from March 15 to December 1 of this year. The state Board of Health and the state veterinarian and his leputies are charged with the execution of the proclamation.

COLORADO.

Three new strikes of gold ore are re-ported in the Bear creek district, Idaho

The city waterworks at Greeley are being mproved by the addition of a new pump with a capacity of 1,500,000 gallons daily. The Carr mine, Gilpin county, shipped seventeen cars of gold-iron ore to the smelters last week, which netted \$100 per ton. A party of Denver men, among whom is Judge Yeaman, will develop the Phenix mine, Boulder county. Stamps will be used.

Gulf railway officials will assist the Cheyenne county commissioners to construct a good wagon bridge across the Platte at

The question of issuing \$25,000 in bonds to construct a sewer system will be submitted to the voters of Grand Junction at the municipal election in April.

The Camfield reservoir system near Crow creek is nearing completion, and it is ex-pected that work will al, be done in about thirty days. The system's capacity is about 800,000,000 cubic feet.

The sheep men are beginning to realize that the Plateau valley in Mesa county is no place for them, and are fast with-drawing their flocks, while the settlers are organized against any new comers. Durango, says the Herald, is fast filling

up with strangers, and by the time snow disappears in the La Platas there will probbe several thousand people ready for spring campaign among the hills of southwestern Colorado.

The excitement over the gold fields at Canon City is still at fever heat, and several prospecting outfits have left there for the new camp. Two town sites have been laid out. It is claimed that one claim which is down ten feet shows wire gold. Prospectors are coming in from other places and from present indications Cripple Creek

has got another rival. The Florissant Beacon states that last week while out driving with her father, Miss Mae Frost discovered some very fine jasper float. They traced it to a lead which showed a vein running from five to twentyfive feet in length, and showing for over a quarter of a mile. Miss Mae located the claim and has named it the Sadie D., and will immediately begin developing it.

A party of seventy Swedes has arrived at Las Animas to examine the agricultural lands of the Arkansas valley. They were taken in charge by Manager Cooper of the Calorado Farm, Land and Irrigation npany, who provided carriages and drove through the farms of the north side. are all favorably impressed with the lands and quite a number of them have already expressed their intention to invest and make their homes in the valley.

WYOMING. Arrangements are being perfected for the onstruction of a creamery at Laramie,

The Seventeenth infantry, which has for seven years been stationed at Fort D. A. near Cheyenne, is now expecting

orders to be transferred. Ranchmen about Saratoga have been doing a thriving business this winter pois-oning coyotes, the hides from the same commanding a good price on account of the excellence of the fur.

Buffalo hopes soon to have better connecthis on, as wood is growing scarcer every year and the contractors are compelled to go every season farther and farther away from the railroad after their supplies.

In quality the coal produced in this state each way every day. The distance is thirty

Four Crow Indians passed through the town of Otto last week, going to the Arapa-hoe mission on a visit. They came over the Bald mountain route, and claim to have been forty-one days on the road. They lost fourten ponies, and one squaw froze to death. They said that they had nothing to eat for ten days.

OREGON. Another party of ten explorers have started for the Josephine caves.

The democrats of Oregon propose a fusion with the populists. They believe that they can in this way elect Pennoyer to the senate, There is a regular stampede of miners toward Elliott creek on account of the news that a new colony of eastern settlers includes seventeen pretty girls.

Jack Wilson, who shipped for a sealing ruise on the Lily L., writes from Honolulu o his parents in Curry county, under date of January 25. He enjoyed the trip down, which was made in fourteen days. They had killed eighty seals up to that date, Jack holding his own with the other boats. None of the other sealers had put in an appearance

The Foot's creek placer fields, the larges placers in southern Oregon, are in full blast with the advantage of an unprecedented water supply. A number of good mines are running day and night, and will have a sea son from six to seven months. Besides these nines, quite a number of gulches, heretofore ot having much water, are being ground sluiced by ranchers. The season's gold output on Foot's creek this year will probably be doubled, and reach over \$100,000. WASHINGTON.

The crow's nest cut-off, by which the Canadian Pacific will gain direct entrance to Spokane and other Washington cities,

will be completed this year. During the year ending March 5 there were more rainy days than clear ones at Seattle, Wash. Rain fell on 193 days, leaving 172 on which no rain fell. Old Fort McDowell, A. T., is becoming a health resort. The conveniences afforded by

he old government buildings attract those ecking a quiet, comfortable place to stop. From reports presented at the session of he Idaho Wool Growers at Boise, which has just closed, the value of the flocks of that show a decrease during the year of

The Spokene Review devotes a long editorial to the John Day fossils, strongly de nouncing the apathy which has suffered these treasures of geology to be scattered throughout eastern states.

\$1,750,000.

The Snake river fruit crop for the coming season promises to be the largest and finest ever grown in the valley. The yield will be extra heavy, and the spraying will insure a crop free from blight.

A new form of faith cure, administered by the "Come-Outers" is monopolizing the entire attention of Tennesssee Flat, Whit-man county. Hands are laid upon the maimed, halt and blind with reputed wonpeople's tabernacle The Spokane

given out 22,360 meals, furnished lodgings

9,050 times, aflowed 3,792 men the privi-lege of bathing and washing, and dispensed 2.155 garments. This has been done at a small expense to the city and county. A debating tournament of unusual interest and magnitude has just been brought to a highly successful close at Davenport.

The contesting parties were republicans versus populists, democrats being on the jury. Of course the populists won. The meetings were crowded, and no phase of current politics was left untouched. Mayor Powell of Spokane has vetoed an ordinance prohibiting minors from playing billiards in "any saloon, fruit stand or other room." "If they will limit to saloons or make the age limit 18 years, I will sign it," he said. "If a young fellow of 19 or 20

cares to play billiards, away from evil in-fluences, I don't see why he should be denied the privilege.' MISCELLANEOUS. Montana has established a state reform school at Miles City.

The Utah Beet Sugar company, whose plant is at Lehi, has just declared a 15 per cent dividend. Ensenada, Lower California, experienced first snowfall in the history of the town during the storm that swept over the south a

Advices brought to Victoria by the steamer Danube say there has been an unusual snowfall up north and that the signs indicate a good salmon run. The slimes of the Eureka and Morgan mills

on Carson river, Nevada, have been sold to a Chicago corporation. It is proposed to work them over by leaching. The coal output in Montana in 1893 was

500,000 tons, the principal producers being the Rocky Fork, Helena and Livingston, Sand Coulee and Timberline mines. The Santa Fe Board of Trade has raised \$1.200 to shorten the stage road from that city to the new Cochiti gold fields. A ferry

will be started across the Rio Grande. Two mountain lions were killed by stockmen riding in the hills along Grand Ronde river, a short distance above where its waters mingle with those of the Snake river. The altar in the Catholic cathedral at Los Angeles is made of marble and onyx and cost nearly \$9,000. It was the gift of several wealthy members of the con-

gregation, among whom was ex-Governor The story of an extensive exodus of Mormons to Mexico is revived. The church is said to have purchased 3,000,000 acres of land in northern Mexico, on which it will locate 20,000 Mormons. The tract is situated in the Degolido district of northern Chihuahua, about 120 miles south of New

Since the discovery of rich placer beds at Torres, Mexico, many prospect borings are being sunk. The gold comes up on the augur as large as grains of wheat, and the soil gives evidence of being as rich ground as was ever discovered in Mexico. Native and American prospectors are flocking in by the hundreds, and many are meeting with good results, although they are jealously watched by the Indians.

Efforts are being made to have the reser-ation of the Mescalero Apaches in New Mexico opened for settlement. There are 575,000 acres in the reservation. It is south and east of White Oaks and Fort Stanton, and about ninety miles above El Paso. considerable portion of it, probably as much as two-fifths of it, is covered with timber, and on some portions the growth is very heavy and dense. There are some 500 In dians on the land, and if the heads o families, 125 in number, are allowed 160 acres each, the amount would be 20,000, acres each, the amount would be 20,000, thus leaving 555,000 acres to be thrown

An Excellent Medicine. Our druggists sell a preparation for rheunatism that has performed some remarkable cures. Frank Shepardson, an engineer on the Southern Pacific railway who resides at Los Angeles, Cal., was troubled with rheumatism for a long time. He was treated by several physicians, also visited the Hot Springs, but received no permanent relief until he used Chamberlain's Pain Balm, which is the medicine referred to above. He says it is the best medicine in

the world for rheumatism. THE SUNDAY SALOON.

Chief Seavey Issues an Order Touching the Little Side Door. The chief of police yesterday issued the

following order: March 23, 1894—Special order No. 6: Captains and sergeants in command at police headquarters will instruct their patrolmen and mounted men to watch particularly every saloon they may pass during the Sabbath day and report in writing every Monday morning concerning each saloon. day morning concerning each saloon on their beats.

day morning concerning each saloon on their beats.

The captain or sergeant in command of the day force will file a complaint against any person connected with saloons who may be found violating the Sunday law, and until further notice will detail four men in citizen's clothes to report to the chief detective at central station each Sabbath day at 8 o'clock a. m.

The chief detective will have his men detailed for day service, report at his office at 8 a. m. each Sabbath morning, and unless more important service is required will detail them to look after the saloons of the city and see to it that the Sunday law is enforced. He will report to me in writing the Monday following, the result of his investigations. By order of W. S. SEAVEY, Chief of Police.

Sweet breath, sweet stomach, sweet temper? Then "se DeWitt's Little Early Risers. THE SAD STORY OF TWO-FACE

A Faithful Friend of the Whites, He Dies by the Halter.

RECOLLECTIONS OF A NEBRASKA PIONEER

The Stirring Times of the Early Sixties-Indian Raids Trailed with Blood-Hospitality and Its Reward.

It is generally admitted that Hon. D. P. Rolfe of Nebraska City has the best command of stories of any of the pioneer settlers of Otoe county. As he relates them they preserve a crisp freshmess that is delight fully entertaining. This cannot be reproduced at second-hand and so the writer will not attempt it, but many of the stories are so valuable from an historical point of view that it would be a loss to the community if they were not preserved, imperfect as the attempt must necessarily be.

One of these stories of early days was related to a Nebraska City Press reporter ecently. It is as follows: Early in the '60s John and Jed Gilman kept a ranch at Cottonwood Springs on the

Platte river. Both were known far and wide throughout this country, and John died only a few years ago in this city. Jed is the jovial farmer who lives just west of the city and has even more friends than he One winter's night in the early '60s, during

a severe and driving storm, an Indian came to the ranch and asked for lodging. He was sick and almost dead from exhaustion They took him in and made a pallet of skins for him near the fire and there they kept him for several days, taking good care him until he quite recovered from his sick-

That Indian's name was Two-Face. He was a half-breed, Ogaliala Sioux and Cheyenne, but none of his friends among the white men will ever tell you that his name was significant of perfidy. Notwithstanding the end to which he came later, and which I shall narrate, he always acted honorably toward the settlers, and were it not for his generous issistance many a white man would have bit the dust, who lived on to grow rich at the expense of the Indians.

Two-Face recovered toward spring from his sickness, but he did not leave the man ranch. He acted for them as a trader among the Indians, and for about two years went back and forth from the ranch to the tribe with merchandise and furs, often having in his possession many hundred dollars worth of goods. And in all of his ransactions he was found honest and faith-

In the winter of 1863-4 Two-Face told the people at the Gilman ranche repeatedly that there was an Indian uprising im-minent, and that it would break out with the opening of spring. He warned them to make all needful preparations and to be on their guard; and the actions of the Indians seemed to establish the truth of what he said. They had already toward the end of winter begun to make raids upon the ranches and to drive off stock. One night in August, 1864, a runner came to the Gilman ranche from Two-Face. The

Indians were ready for the attack, and then on the way toward the valley to fall upon the white settlers. warning had not come any too Believing implicitly in the word of Two-Face, John Gilman took his family and field to Fort McPherson, fifteen miles west of

the ranche, and there they were afforded protection. Jed Gilman and two or three men, one of whom was H. W. Angell of city, remained behind to do what they could to protect the property and the cattle. They corralled all the stock in the stockade, and with their guns in their hands awaited the coming of the Indians. Jed says now, when reminded of the time, that both he and Angell were so scared that they wouldn't have bled a drop if their heads had been cut off. Well, the Gilman ranche was not molested

except only that a few cattle were driven off, very inconsiderable loss, but the other settlers in the neighborhood were almost exterminated. Only a short distance below the Gilman ranche five men were killed. This was the beginning of what has been known ever since as the Platte Valley Sloux war. Many ranchmen and their families were massacred, their ranches burned and their cattle driven off, and others escaped only by flight. During all the latter part of the summer the business of overland transportation was impeded, and the few trains that crossed

the plains after that time did so only under Two-Face, the faithful Indian who saved the lives of the Gilmans and many other settlers at that time, was afterwards hung at Fort Laramie at the order of Major Baumer, after whom the Grand Army post in this city has been named. He was accused of complicity in other Indian depre-He was dations, yet those who knew him best be lieved him innocent, as he himself claimed. His friendship and gratitude to the white man dated from the time he was taken in and cared for at the Gilman ranche, and just before he was hung he called several of his red brethren about him and made them a speech, as only an eloquent Indian can. With protests of innocence he said that he had always been a friend to the white man, yet this was his reward. He advised them not to follow his example. And who shall say that the stinging rebuke of Two-Face at the injustice and perfidy of the white man, that went on ringing in the ears of his Sioux comrades, was not one of the incentives to the greater uprising of 1876, which culminated in the massacre of Custer's

Croup and Whooping Cough.

"I have three children who are subject to croup, and have found that Chamberlain's Cough Remedy will cure them quicker than anything else I can get. If you do not believe that this remedy will cure the croup, do as I did, try it, and you will soon be con vinced."—R. M. Chatman, Dewey, Ill Whooping cough is also deprived of all danconsequences when Chamberlain's Cough Remedy is freely given. There is nothing equal to it for either of these all-ments. For sale by druggists.

SUPREME COURT SYLLABI.

Points Covered by Decisions Rendered by the Judges at the Last Session. Following are the syllabi in the cases decided by the supreme court at its last ses-

McKnight against Thompson. Error from Hitchcock county. Reversed and remanded, Opinion by Chief Justice Norval. Ordinarily a mere misrepresentation of the value of real estate, which is the sub-

ject matter of the contract, is not action-

able, although falsely and fraudulently made by the seller and relied upon by the buyer.

2. The rule is otherwise where the pur-2. The rule is otherwise where the por-chaser resides a considerable distance from the location of the land, is ignorant of its value, and is prevented from examining the property or from making inquiries as to its condition and value by trick or fraud of

Newton, Error from Antelope Affirmed, Opinion by Chief Justice

Norval.

A court or magistrate, upon entering judgment in a criminal prosecution against a prisoner, may order that he shall stand committed until the fine and costs are paid, or secured to be paid;

2. Imprisonment for the nonpayment of fine and costs is so part of the punishment, but is merely one of the menus of enforceing compliance with the order of the court.

3. Where the offender is unable to pay the Cmount adjudged against him he may obtain relief under section 528 of the Crim-

4. Under section 324 of the Criminal Code

4. Under section 224 of the Criminal Code a defendant in a criminal case, in order to appeal from a judgment of a magistrate to the district court, mast, within twenty-four hours after the rendition of the judgment, enter into a recognizance, as required by said section.

Merrill against Jones et al. Appeal from Lancaster county. Affirmed. Opinion by Justice Harrison.

In an action to foreclose certificates of tax saie, when during the litigation and before trial or decree in the case the party owner of the property covered by the lien of the taxes, evidenced by the certificates in suit, tenders to the plaintiff in the case, owner and holder of the certificates, the total amount of the principal debt, interest and costs then accrued.

Held, that the plaintiff was not entitled

to an award of any sum as an attorney fee to be taxed as a part of the costs in the case, as provided by section isl, chapter ixvii, Compiled Statutes of Nebraska, entitled, "Revenues."

Garneau, jr., against Moore, auditor of public accounts. Error from Lancaster county. Affirmed. Opinion by Commissioner Ryan.

On appeal to the district court from the

public accounts. Error from Lancaster county. Affirmed. Opinion by Commissioner Ryan.

On appeal to the district court from the disallowance of a claim by the state auditor, such claim must be presented and acted upon, upon the same proofs as were submitted in support thereof when the action of the auditor was had thereon.

2 When, by reason of the insufficiency of the proof originally made before the auditor as to the allowance of a claim presented, the action of the auditor was justifiable in disallowing the claim presented, and the same has been affirmed in the district court, the rights of the claimant are not thereby adjudicated to such an extent as that he is precluded from afterwards presenting for allowance to the auditor aforesaid his claim, accompanied by proper proofs, entitling him to an allowance of the same.

Cohn et al against Lipson et al. Error from Dawes county, Affirmed. Opinion by Commissioner Ryan.

The discretion of the district court in permitting the joinder of new parties defendant will not be reviewed unless prejudicial error is shown to have resulted from the manner in which such discretion has been exercised.

2 An alleged improper taxation of costs cannot be presented in this court where no motion to rotax the same has been made in the trial court. Following Real against Diamond Crystal Sait company, 36 Nebraska, 90!

Barrett against Provincher, Error from

raska, 901. Barrett against Provincher, Error from fillmore county. Affirmed. Opinion by

Barrett against Provincher, Error from Fillmore county, Affirmed, Opinion by Commissioner Ryan,
After the death of his ward, a guardian cannot commence or maintain an action for the collection of a debt due such ward.
Simms et al against Sumers, Error from Fillmore county, Reversed, Opinion by Commissioner Ryan,
When a contract is to be construed by its terms alone, without the aid of extrinsic facts, it is the duty of the court to interpret it.

2. Where parties agreed to youch for an-222

facts, it is the duty of the court to interpret it.

2. Where parties agreed to vouch for another in the purchase of goods to the amount of \$100 each and soon thereafter each executed to him an accommodation note to the amount named, which notes were taken by him and used in such purchase of goods, the parties thus having loaned their credit were subsequently in no way further liable than as evidenced by said notes, and might purchase his stock of goods from the party whom they had thus accommodated with the same rights and immunities as might any third parties and subject only to like disabilities.

3. A party seeking to avail himself of the terms of the contract between other parties must do so subject to all its conditions and restrictions.

222 Richards against Borowsky, Error from Dakota county. Affirmed. Opinion by Commissioner Ryan. A party cannot be heard to complain that

A party cannot be heard to complain that the trial court gave an instruction embodying only the same propositions of law given by the court at the request of the complaining party.

2. To a review of the taxation of costs in the trial court, a ruling on a motion to retax the same, together with an exception to such ruling, must be shown by the marty seeking such review. Following Real

000

555

tion to such ruling, must be shown by the party seeking such review. Following Real against Honey, filed March 6, 1894, and Bates against Diamond Crystal Salt company, 35 Nebraska, 901.

Sbrimpton & Son against King, Error from Saline county. Affirmed. Opinion by Commissioner Ryan.

This court will not review upon petition in error, alleged errors occurring during the trial of a cause in the district court, unless a motion for a new trial was made in the trial court and a ruling obtained thereon. Following Jones against Hayes, 35 Nebraska, 525. thereon, Follow 36 Nebraska, 526.

36 Nebraska, 526.

Omaha Southern Railway company against Todd, Error from Cass county. Affirmed. Opinion by Commissioner Ryan, When it shall be made to appear to a district court that a fair and impartial trial of a cause cannot be had in the county where brought, then such court has not only the discretion, but it is its duty to send the case to some adjoining county for end the case to some adjoining county for

2. The decision of a district court, made 2. The decision of a district court, made on conflicting evidence, that a fair and impartial trial of a case cannot be had in the county where brought, because of the bias and prejudice existing in such county against one of the parties to such suit, will not be disturbed by this court, if supported by competent evidence.
3. The damages to which a land owner is entitled by reason of the construction of a s. The damages to which a land owner is entitled by reason of the construction of a railway across his farm are:

(b). The actual value of the land taken at the time of the taking without diminution on account of any benefit or other setoff

the time of the taking without diminution on account of any benefit or other setoff whatsoever.

(2). The depreciation in value of the remainder of the farm, caused by the appropriation of a part thereof for railway purposes, and the construction and permanent operation and occupation of the railroad thereon, excluding general benefits.

4. In an inquiry whether, and how much, the part of a farm not taken for railroad right of way is depreciated in value by the appropriation of a part, evidence as to the size of the farm; the purpose for which it is used; the improvements thereon and how located; the direction of the road across the farm; the cuts and fills made or to be made in the construction of the road; the width of the right of way; the height of embankments; the depth of ditches; the inconvenience in crossing the track from one part of the farm to another; the liability of stock being killed; the danger from fire from passing trains, are all facts competent for the jury's consideration in determining the depreciation in value of the remainder of the farm. St. Louis & Southeastern Railway company against Teeters, & Illinois 144; Mills on Emigent Lowein.

eastern Railway company against Teeters, 68 Illinois, 144; Mills on Eminent Domain, sections 162 and 163, followed. sections 162 and 163, followed.

5. Where a number of tracts of land, as described by government surveys, are used together as one farm or body of land, in determining the owner's damage by reason of the location of a railway across one or more of the tracts, the injury to the whole farm or body of land should be considered. N. N. R. R. Co. against Frazier, 25 Nebraska, 42; Robbins against M. H. R. R. Co., 6 Wisconsin, 60, followed.

6. On the trial of an appeal from an award made by commissioners amounted award made by commissioners amounted

6. On the trial of an appeal from an award made by commissioners appointed to assess the damages sustained by a land owner by reason of the appropriation of a part of bis land for railroad purposes, evidence as to what such land owner paid for the land is incompetent. Dietrichs against L. & N. R. R. Co., 12 Nebraska, 225. Prentice Brown Stone company against King et al. Two cases. Appeal and error from Cass county. Appeal dismissed. Error affirmed. Opinion by Commissioner Ragan. The judgment of the district court, pronounced in an ordinary action at law, can only be reviewed in this court on a petition in error. tion in error.

2. An appeal from an order dismissing a

2. An appeal from an order dismissing a suit in the nature of an equitable garnishment, brought to restrain the defendant from paying money to an alleged debtor of the appellant, during the pendancy of his suit at law against such debtor, will be dismissed without an examination on its merits when it appears that appellant failed in his suit at law in the courts below to establish his claim, and the judgment in such case has been affirmed by this court. Chicago, Burlington & Quincy Railway company against Landauer. Error from Lancaster county. Reversed. Opinion by Commissioner Ragan.

By the statutes of this state a common carrier is made an insurer of the safety of its passenger, except as against the gross negligence of such passenger, or his violation of fome rule of the carrier brought to such passenger's notice.

2. Common carriers of a passenger should be held to the strictest accountability and be required to exercise the highest degree of care and forethought of which the human mind is capable. This rule is founded on principles of public policy and enforced by the courts for the protection of the traveling public.

3. When the proof shows that one was passenger of a common carrier, and thile such passenger was in the passenger was in the passenger was the passeng such passenger's notice. 2. Common carriers of a passenger should

3. When the proof shows that one wa a passenger of a common carrier, an while such passenger was injured, the law raises the presumption of the carrier's lia billity from the fact of the injury; but the presumption is not a conclusive one; it is such a presumption as in the absence of all evidence as to the cause of the passenger's injury would render the carrier liable. And in such case, when the carrier liable. And in such case, when the carrier liable. And in such case, when the carrier shows that the passenger was injured by stepping from its running train, the presumption of liability raised by law against the carrier is overthrown, and it then devolves upon the passenger to show some instifiable reason for such action to relieve himself from the imputation of gross negligence; and the supposition or belief of the passenger that the train was standing still when he took the step which injured him is not competent evidence from which the jury may find that the passenger was not negligent, unless accompanied by evidence tending to show circumstances rendering this supposition reasonable or at least excusable; as in the absence of such evidence no reasonable mind could honestly say that the passenger was not guilty of

passenger would be without evidence to sustain it.

4. The former opinion in this case, reported in 36 Neb., on page 642, adhered to.
Ward against Spelts & Klosterman, Error from Seward county, Reversed and remanded Opinion by Commissioner Ragan.
A contract for the sale and delivery of corn at a time, place and price therein mentioned is not wanting in mutuality because it is signed only by the vendor; by the acceptance of such contract by the vendee therein he becomes bound to accept and pay for the corn on its delivery as therein provided; as much so as if he signed the agreement, and it provided, in express terms, that he would accept and pay for the ceri on its delivery.

2 In a suit for damages for failure of the defendant to deliver 3,000 bushels of corn to the plaintiff as per terms of a

COMPELLED TO QUIT.COMPELLED TO QUIT.COMPELLED TO QUIT. COMPELLED TO QUIT.COMPELLED TO QUIT.COMPELLED TO QUIT. COMPELLED TO QUIT.COMPELLED TO QUIT.COMPELLED TO QUIT.

We do the business

Compelled to Quit. Every known inducement we are making to enable us to get out of the business quickly. Prices no object, Everything must go. Anything at any

250 MEN'S SUITS IN ALL THE DESIRA-BLE SHADES, WELL MADE AND TRIMMED, OUR REGULAR \$8.50 SUITS, COMPELLED TO QUIT AT..... ABOUT 130 MEN'S SUITS THAT WE WOULD ORDINARILY SELL FOR \$9.00

AND EVEN \$19.00. GO NOW, BECAUSE

WE ARE COMPELLED TO QUIT, AT. 75 MEN'S SUITS, ELEGANTLY MADE AND TRIMMED, A PERFECT GEM FOR THE PRICE, WORTH \$10.00 AND \$12.00, COMPELLED TO QUIT AT..... 100 CHILD'S 2-PIECE SUITS, IN ODD SIZES, WORTH UP TO \$3.50, ARE COM-PELLED TO QUIT AT

100 ALL WOOL CASSIMERE AND CHE-VIOT SUITS, AGES 4 TO 14, WE AL-WAYS GOT \$5, THEY'RE COMPELLED TO QUIT AT ... THE FINEST KIND OF CHILDREN'S IM-PORTED CHEVIOT SUITS, DOUBLE BREASTED OR SINGLE, ELEGANTLY TRIMMED, WORTH UP TO \$8, COM-

PELLED TO QUIT AT 50 MEN'S BLACK CHEVIOT SACK SUITS THAT WOULD BE VERY CHEAP AT \$10.00, BUT GO NOW, BECAUSE WE'RE COMPELLED TO QUIT, AT...... 80 MEN'S SQUARE CUT BLACK CHEVIOT SUITS, CORDED, NONE WORTH LESS THAN \$10.50, GO IN WITH THE

100 MEN'S BLACK CORK SCREW SACK SUITS THAT WE USED TO RETAIL FOR \$12.50, GO NOW BECAUSE WE ARE COM-PELLED TO QUIT, AT.....

BECAUSE WE ARE COMPELLED TO ALL THE DARK GRAY, SILK AND FANCY SLEEVE LINED SPRING OVER-COATS THAT SOLD FOR \$8.00 ARE COM-

PELLED TO QUIT, AT..... ANOTHER LOT OF MEN'S SPRING OVERCOATS IN DARK BROWN, NICELY FINISHED, SILK LINED, WORTH \$10.00, COMPELLED TO QUIT, AT.....

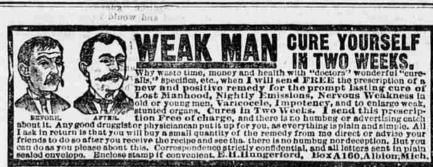
REST AT THE COMPELLED TO QUIT

A LARGE LINE OF MEN'S CLAY WORSTED SUITS THAT ARE WORTH DOUBLE THE PRICE WE ASK, GO NOW

CLOTHING 13th and COMPANY, Farnam.

555

COMPELLED TO QUIT. COMPELLED TO QUIT.



written contract, the defendant pleaded, and his evidence tended to show, that he contracted with the plaintiff's agent to deliver the plaintiff sufficient corn at 23½ cents per bushel to amount to \$52.50; that he, the defendant, could neither read nor write; that plaintiff's agent reduced the contract to writing and fraudulently inserted in said contract 3,000 bushels, and that defendant, supposing the writing embodied the contract actually made with the agent, signed it by making his mark. In bodied the contract actually made with the agent, signed it by making his mark. In such suit between the original parties to said contract the court instructed the jury as follows: "The defendant, having admitted signing the contract under which the plaintiff claims, before he can avoid said written contract on the ground of fraud practiced upon him because he could not read it he must satisfy you that he

or to be told what the contents of the writ-ing were, but so affixed his signature there-to on request of plaintiff's agent without anything further being said or done to in-duce him to sign it, then in that case he should be held to have duly made said con-tract and should be bound by the terms thereof." Held, (1) that the defendant's negligence Held, (1) that the detendant's negligence or carelessness in affixing his signature or mark to the contract did not estop him from denying his liability thereon; (2) that if the written contract which he signed en-braces the contract which he made, he was liable upon it, and if it did not embrace the contract which he made he was not liable thereon; (3) that the instruction was erroneous.

not read it, he must satisfy you that he was not negligent or careless in affixing

his signature by mark to said writing; and that if he made his mark thereto without

asking to have the contents read to him or to be told what the contents of the writ-

a. The doctrine that the carclessness or estops him from afterwards disputing the ontents of such writing is not applicable n a suit thereon between the original parties thereto, where the defense is that such writing, by reason of fraud, does not em-brace the contract actually made.

Short Police Stories, Thursday a suit of clothes was stolen from the line in W. D. Clark's yard, 1436

North Twentleth street. The Chicago city council has offered a reward of \$500 for the arrest of Frank Grahan. Last July Grahan killed Frank Ryan and escaped. Complaint has been made to the police that small boys throw stones at passers by and break windows on South Tenth and

From the 1st to the 15th of March the city detective force made sixty-three areither conviced or bound over to the district court. A few nights ago the store of J. H. Derby Co., Bellwood, Neb., was burglarized and large amount of clothing solen. The

South Thirteenth streets.

irm offers \$200 reward for the capture of the thieves. B. J. Madson, 3121 Burdette street, has reported to the police that Lilly Madson has been missing from her home since the 9th of March. The girl has run away from

home before. Tramps sleeping in the brick yard at Sixth and Hickory streets greatly annoy the owner, Alex Gunther, as they burn up coniderable lumber trying to keep warm, nounted police will look into the mat Mrs. Mollie Herman of Cincinnati writes th police to learn something about her husband, William Herman. The latter was arrested some time ago, with Coleman and How for, selling bogus charity ball tickets All of the swindlers are still in the county

fail awaiting trial. President Powell of the Board of Educa has complained to Chief Seavey about distribution of hand bills to the school children. He says the bills are of a some what questionable na'ure. Tomplaint, Mr. Powell says, is The principal Eden musee bills. Sergeant Ormsby has been ordered to notify the managers of the musee that the distribution is a violation of he cly ordinances.

Cook's Extra Dry beats 'em all. Cook's Imperial has a perfect boquet. Cook's Champagne is strictly pure.



Andyan. This extraordinary Rejuvenator is the most wonderful discovery of the age. It has been endorsed by the leading scientific men of Europe and America.

Hudyan 18 Hudyan stops Prematureness of the discharge in 20 days. Cures

DEFORE LOST AFTER MANHOOD Constipation. Dizziners, Falling Sensations, Nervous Twitching of the eyes and other parts. Strengthens, invigorates and tones the entire system. Hodyan cares Debillty, Nervousners, Emissions, and cevelopes and restores weak organs. Pains in the back, losses by day or night are stopped quickly. Over 2,000 private endorsements.

endorsements.

Prematureness means impotency in the first stage. It is a symptom of seminal weakness and barrenness. It can be stopped in 20 days by the use of Hudyan.

The new discovery was made by the Specialists of the old famous Hudson Medical Institute. It is the strongest vitalizer made. It is very powerful, but harmless. Sold for \$1.00 a. package or d packages for \$5.00 (plain sealed boxes). Written guarantee given for a cure. If you buy six boxes and are not entirely cured, six more will be sent to you free of all charges. Send for circulars and testimonials. Address

HUDSON MEDICAL INSTITUTE, 1032 MARKET ST.,



