COUNCIL BLUFFS.

Delivered by carrier to any part of the city.

H. W. TILTON, Leures. TELEPHONES-Business office, No. 43; hight

MINOR MENTION.

The Treubund has arranged for a picnic at he driving park tomorrow.

Girl wanted for general Housework. Mrs. H. W. Titten, 627 Fifth avenue. The Woman's Relief corps desires to express thanks to those who co lowers for use on Decoration day.

A marriage license was issued yesterday to William F. McCune of Omsha and Al-

Fers 41 and 22. The ball game yesterday between the Neolas and the Merchant Marcons of this sity resulted in a victory for the latter by

Prof. Chatelaine gave a recital last evenmg at Hoyal Arcanum hall. A fine pro-pram was rendered, and one that merited a much larger attendance.

The case of Creighton against Redick, myolving the ownership of Courtland Beach, was submitted and taken under advisement by Judge McGes yesterday. The meetings held in the Fifth Avenue

Methodist church the past week have been steadily increasing in interest, and it has been decided to continue them next week. The Rock Island pay car has been disconlinued for the present, and hereafter the monthly dues will be dished out by the station agents under directions from the main office at Chicago.

Regular meeting of the American Rallway union this evening in Patriotic Order Sons of America hall at 8 o'clock. All railway men of the city invited to be present. Edward H. Ott, setretary.

On account of the searchty of money in the bridge fund the supervisors have decided not to build any more bridges this year excepting such as may be ordered by majority vote of the board. The Merchant Marcons left yesterday for

Neola, where they played a game of base ball with the club of that place in the afterboon. Today they play at Panama, Sunday at Earling, and on Tuesday at Manning. Frank Jones was tried in the district court yesterday on the charge of breaking into William Asmussen's shoe store on Lower Main street and stealing about \$40 worth of goods. The case was given to the jury just before the hour of adjourn-

Officer Covalt of the police force is rejoicing in the possession of a quart box of corn salve, presented to him as a prize for being the homeliest man in Council Bluffs by large number of friends who attended an Indian show on West Broadway.

Charles Wilson, the colored dog catcher, was fined \$16.80 in police court resterday morning for using obscene language in the presence of Dan Carrigg and carrying con-cealed weapons. He could not muster up the cush, and there is a temporary vacancy on the staff of the poundmaster general.

A petition is on file with the county board, migned by fifty attorneys, asking that the clerk's office in the court house be moved to the second floor and the desk and railing be moved to the east side of the court room so as to make easy communication between the two places. It has been hanging fire since the last meeting and has not yet been disposed of.

The meeting of traveling men this evening for the purpose of arranging to appro-priately celebrate on July 4 will be held at their rooms, 115 Pearl street. Let every traveling man in Council Bluffs interest himself in this demonstration to make it of the most successful gatherings that this country has ever witnessed. Bring

your chums along City Assessor Hardin filed his report of the saloons in Council Bluffs yesterday with the county auditor. According to it there are sixty-four saloons in the city. thirty-three saloon keepers have so far filed the necessary bonds, and it is under-stood that a dozen or more have gone out of business since June 1. The county treasurer was instructed by the board to the taxes from the entire number at once.

to have your fire insur ance in old and tried companies, like the Glens Falls and Imperial, than in those which are new and untried. Lougee & Towle, agents, 235 Pearl street.

Lake Manawa Railway Time Card.

Commencing Saturday, June 9, trains will leave Council Bluffs for Grand Plaza, Bathing Beach and Picnic Grounds at Lake Manawa as follows: No. 1, 9 a. m.; No. 3, 10 a. m.; No. 5, 11 a. m.; No. 7, 12 m.; No. 9, 1 p. m.; No. 11, 2 p. m. Trains will run every twenty-two minutes

thereafter until 10 p. m. Return trains will leave Manawa on the half hours up to 10:30, when they will return every twenty-two minutes.

Evans Laundry Company. 520 Pearl street. Telephone, 290. How far will a \$ go? Long ways at S. A.

Pierce & Co.'s shoe store. Washerwomen use Domestic soap. PERSONAL PARAGRAPHS.

O. P. McKesson has returned from a Wis-Mrs. F. G. Horton and daughter of Wichita, Kan., are visiting friends in the city.

Dr. T. B. Lacey has returned from Cedar Rapids, where he attended the Masonic grand Mr. and Mrs. John T. Stewart and daugh-

ter. Miss Bessie, have started for a tour in Europe. J. B. Sampley has received a telegram an-

nouncing the sad news of the death of his mother in Rome, Ind. Mr. and Mrs. A. G. Johnson, who visited their son, A. W. Johnson, in this city, have returned to their home in Chicago, Mrs. Mahoney and niece, Miss Mamie Hardy, of Missouri Valley, are guests of

Hardy, of Missouri Valley, are guests of Mrs. William Garner on Fifth avenue. Mr. and Mrs. Arthur Cowles of Des Moines, who have been visiting old friends here, left yesterday for Hamburg, Ia., to visit Mrs. Cowles' sister, Mrs. Beach.

Henry E. Tagger is planning to start on a bicycle trip to Davenpart about the last of this month. He is making himself a large sall with which he expects to harness the winds and make them do the bulk of the work of propelling the machine.

Secretary F. M. Wright of the Young Men's Christian association has returned from Red Oak, accompanied by his bride. They will reside at 722 Mynster street. On enturing his home Mr. Wright was sursed at finding a carved oak com book case and writing desk, a testimonial from his friends in the association.

Excursion to Lincoln.

The Burlington route has arranged for an excursion to Eurlington beach, Lincoln, Neb., Sunday, June 10. Lincoln's Coney Island. Round trip \$1.10. Special train leaves Omaha at 9:30 p. m. O. M. BROWN, Ticket Agent, Council Bluffs.

The Treubund lodge, No. 55, will give a picale at the driving park Sunday, June 10. Foot races, sack races, ball game and other Best Council Bluffs music. Everybody invited.

Gas cooking stoves for rent and for sale at

Domestic soap breaks hard water. Gun Ciub Shoot.

The following is the score of the Council Pluffs Gun club's shoot at blue rocks fast Thursday: Campbell, 84 out of 106; Miller, 80 out of 100; Camp, 64 out of 75; Bereshuren, \$1 cut of 75; Pyper, 62 out of 75; Kingsbury, 51 out of 75; Hart. 34 out of 50; Sargent, 34 out of 50; Everett, 50; Everett,

43 out of 50. No fake advertising or false promises at Pierce's shoe store, but real bargains.

Meyers-Durfee Furniture company, 336-335 Broadway. Bargains in fine furniture, For cobs go to Cox, 10 M un street. Tele

Everybody knows Davis sells drugs.

THE DAILY BEE. NEWS FROM COUNCIL BLUFFS

DFFICE - . NO. II PEARL STREET City Council Holds an Open Session to Herman Schurz, third base. Transact Business.

MANAWA ELECTRIC ORDINANCE AMENDED

Five-Cent Fare and Life of the Franchise Limited-Laid Over Until the Next Session-Library Board Vacancy Filled.

The city council held a meeting last evening. An ordinance providing for a ten-inch sewer on Oakland avenue was peased.

The ordinance granting the Council Bluffs perta Brinkeroff of New York. Their ages | and Lake Manawa Electric Motor company was amended so as to provide for a 5-cent fare for the whole length of the road, and to limit the life of the franchise to ten years. Keller was opposed to the immediate passage of the ordinance, and so were Righton and Spetman. The mayor was in favor of acting at once, but the aldermen finally decided to let it go over until the next meeting, which will be on Tuesday night.

The ordinance granting the Postal Telegraph company a right of way over certain streets and alleys not covered by the original grant was passed.

Troutman was elected to fill the vacancy caused by the resignation of James Patter-

A Slaughter in Silks Today - 1,000 Yards Summer Dress Silks 12 1-2:-Read Particulars. Big sale Saturday evening. 500 pairs ladies

RIBBONS NEARLY GIVEN AWAY. Thousands of yards of all silk ribbons, all colors, at Lc. 10c and the yard, worth in any

G-inch silk such ribbons, worth 50c, at 15c

Now is the time to buy ribbons. SPECIAL CORSET SALE.

1,000 cakes tollet soap Saturday 14c cake.

3 cakes in a box, at 25c box. 3-pound bar of Kirk's castile soap, 25c bar.

SPECIAL NOTICE. Saturday evening for two hours, 7 to 9 p.

Spend your money where a dollar goes BENNISON BROS. Council Bluffs.

But the County Supervisors Say "No" to the

Smallpox Victims. The last reminder, perhaps, of the smallpox scare which Council Bluffs suffered last winter turned up yesterday in the meeting of the Board of Supervisors, when Mr. Hoffman, J. F. Dill and others brought in their bills for property which had to be destroyed in order to disinfect the patients and the place where they had been confined. Dill's bill amounted to about \$100, the largest part of which, \$63, was for clothing. Among the items were an album, valued by the owner at \$5, and a large bible, \$8. Hoffman's bill was drawn up on the same principle, and although the supervisors were at first stagalthough the supervisors were as that way gered a little, they did not stay that way long. This is the resolution passed: "In county for their proportions of the expense of the quarantine, be it resolved, that the amount due from the claimants to the county is far in excess of the value property destroyed by the Board of Health of the city of Council Bluffs, and that it is the sense and understanding of the board that the claimants are largely indebted to the county, after allowing full value for the

It is generally supposed at times difficult to introduce something new to the public such a stock of merchandise as is carried by the BOSTON STORE the result is too easily obtained. This time it is umbrelias. NO-TICE EAST SHOW WINDOW display and prices. Every umbrella in our stock offered

line of our last invoice of ready made wrapis much larger and prices lower than ever of our stationery, toilet articles and nons, among which are to be found at all times the latest and best articles the mar-

FOTHERINGHAM, WHITELAW & CO.,

while walking down Main street dropped into a well known men's furnishing establishment and asked to be shown something "right up to date" in men's shoes. The dealer handed down several pairs of the giddlest things he had in stock, and the young man after carefully inspecting them elected a pair and inquired the price. Upon being told that he could have his choice for \$3.50 he lost no time in putting his foot into it. Just such things happen every day at 919 Main street, and it only goes to show that T. B. Hughes is selling men's furnishings and shoes cheaper than any one in the city. Call and be convinced.

the city. The graduating class is composed as fellows: Minnie May Bartholomew, Pal-Pottawattamie county; Ross Murdock, Edwin ence, Buchanan county; Charles Albert Loes, Cascade, Dubuque county; Alvin Jasper Fre. Point, Linn county; Walter Oldfather, Brush Creek, Payette county.

A few of the celebrated Hurd apartment

widths and styles. Prices always the low-est. Also upholstery a specialty. Council Bluffs Carpet Co., 407 Broadway. Tele-

price \$19.00. This week,

Mrs. Niles, m'f'r stamping patterns. The laundries use Domestic scap.

Ball Game Today. A game of ball will be played this afternoon at 2:20 o'clock at the driving park by

cials. The attorneys' team: G. S. Wright, shortstep: E. Schurz, catch; C. C. Hoskitz, left field; Exercit, right field; Harvey Oures, center field; A. W. Askwith, pitch; D. E. Stuart, second base; J. J. Shea, first base;

Summer Opening at Manawa Today. The season at Manawa opens today, and for the next three months the beautiful lake will be the objective point of all who desire o get out of town for a brief breathing spell. There have been many important improve-ments made for this season and the old habitues will scarcely recognize the place when they see it. The new bathing beach is by all odds the finest at the lake. Go down today and see it and then take your family down tomorrow. Round trip tickets for excursion and picnic parties on all foremoon trains only 10c.

Legal Difficulties.

The Council Bluffs and Lake Manawa Electric Motor company ran up against a snag yesterday in the effort to get a franchise from the county board over the land chise from the county heard over the land lying between the corporate limits of Coun-cil Bluffs and the town of Manawa. All the members of the board stated their wil-lingness to vote to grant the franchise proding there were no legal difficulties in County Attorney Organ was enthe way. County Attorney Organ was en-gaged in the trial of a case in the district urt, and so could not advise the board as the legal status of the case, but will do so this morning. In conversation with a reporter, however, he stated that the law only gave the board the right to grant a franchise over a street 100 feet in width or more, and that in order to make such ac-tion legal it would be necessary to condemn therry-four feet of land along the entire strip of ground, three-quarters of a mile in

pany on this side of the river, claims that the law referred to by the county attorney only has reference to railroad companies, and the much vexed question whether or not an electric line is a railway company comes up again.

The proposition to condemn property and widen the street does not meet with much favor with the company, even though the The east side of the street is bordered by the Kansas City railroad's right of way, which is not subject to con-demnation. The land would consequently have to be taken in a lump from the west side property owners, which would in all probability work them up to a pitch where they would demand heavy damages from the railway company. Just how the matter will terminate is hard to tell, but it will in all probability be settled before the supervisors adjourn today.

Grand Plaza, Lake Manawa. Grand Pinza will be open to free admission every day up to noon. From noon until midnight an admission fee of 10 cents will be charged, which will admit to grounds and to concerts and all entertainments. No

return checks will be given.

No person of questionable character will be permitted to enter the grounds. No admittance to Grand Piaza will be charged to persons who desire to rent boats or bathing suits.

Toe cream and refreshments served in the pavillon of Grand Plaza.

Entertainment for Grand Army. The committees selected to ascertain the

number of guests the people of Council Bluffs are willing to feed and lodge during the coming Grand Army of the Republic enampment will please report progress to C. DeHaven at his store on Broadway. by Monday evening next. We desire to learn how much has been done in each ward by the time mentioned. Committee on entertainment.

Watch the Eagle laundry for the improvements of the day. A new sleeve and yoke ironing machine is the latest. Telephone 157. After June 1 we will close our store at 8 o'clock, except Saturdays and Mondays. S. A. Pierce & Co.

I have two of the choicest lots in Morninglide that I will sell for \$350 each, cash. E. H. Sheafe.

Will Fix the Saloon Limit.

City Engineer Etnyre has been instructed to measure the distance of all saloans in the city from neighboring churches and school saloons are outside the 300-foot limit from We want everybody to know that Morgan

sells paints and drugs. 134 and 742 Broadway. There's only one bargain shoe store in Council Bluffs, and it's Pierce's.

Domestic soap outlasts cheap soap.

Hanged for the Murder of Lottle Rowe. STAUNTON, Va., June 8.-Blacksmith Lawrence Spiller, convicted of the murder of Lottie Rowe on April 28 in the suburbs of this city, was hanged today. Death seemed instantaneous.

See the big star at Courtland beach? TELEGRAPHIC BREVITIES.

A heavy rain is reported from Oakley and Garden City, Kan. Senator McPherson of New Jersey is se-riously ill with stomach trouble. Ex-Councilman Boole of Cleveland, a prominent steel manufacturer, died yester-

day.

Edward R. Howe, on trial at Chicago for swindling Harvard graduates, was convicted yesterday. A cable dispatch to the Navy department innounces the arrival of the San Fran-cisco at Colon from Elluefields.

Emil Hoberkorn, once the husband of the actress, Margaret Mather, died yesterday of consumption in Los Angeles.
Receiver Niblack of the Columbia National bank at Chicago announces he will bring suits against the stockholders. Charles Taylor, a student at Lake Forest university, Chicago, has returned to his home in Galesburg sick with smallpox. John H. Crittenden, a mail carrier at Frankfort, Ky., has been arrested for steal-ing letters. He is a son of General Crit-tendon.

The Illinois apportionment case was argued yesterday before the supreme court.

A decision will probably not be reached for several days.

In attempting to arrest James Spicer of Galeton, Pa., for illegal selling of liquor Spicer fired at Constable Higgins. The lat-ter returned the fire and killed Spicer. The republicans of the Third Indiana dis-trict nominated Robert J. Tracenell of Corydon for congress. The populists of the Eleventh district nominated A. J. Bension. The senate committee on appropriations has agreed upon the diplomatic and consular bill. As agreed upon it carries \$1,-378,48, an increase of \$88,000 over the house

The house committee on interstate and foreign commerce yesterday decided to re-port a Nicaragua canal bill very similar to that introduced in the senate by Mor-No information has been received at the

Treasury department concerning the loss of the revenue steamer Hear, and the opin-ion prevails that some mistake has been Francis Murphy of Denver was killed yesterday by his landlord, Christopher Achram, in a quarrel over rent. Murphy was stabbed through the heart with a

hisel.

Mrn. Sophia Dwellinger of Foster, Ill., lied yesterday from drinking coffee supposed to have been poisoned. A number of neighbors drank of the coffee and are se-

Ex-County Clerk Perry of Denver has returned from a year's trip in Europe. After he left it was claimed he was short \$17,000. He claims he can show the shortage in the office was not his fault. The National Furniture association, in session at Indianapolis, yesterday elected officers and passed a resolution protesting against the duty of 10 per cent placed on looking glass plates by the tariff bill. Officials reports have been received from Admiral Walker at Honolulu. He says the survey of Pearl harbor is progressing favorably. He also states the British ministes, who has never been friendly to the provisional government, is about to return home.

home.

Irving Moscott, superintendent of construction of the war ship Monterey, confirms the story that there is defective armor on the vessel. He says it was known at the time it was put on, but as there was liability of trouble with Chili at that time it was not thought advisable to delay the completion of the vessel.

day ice cream sods with 56c purchase or over at the Morse Dry Goods Co.

SUPREME COURT PROCEEDINGS.

On Tuesday, June 4. the supreme court of Nebraska met pursuant to adjourement. Robert E. Evans, chu, of Dakota county. Richard S. Horton, esq. of Douglas county. and E. H. Crowder, esq. of Douglas county

Moore against Waterman, leave to file amended transcript; Bell against Beller, leave to file amended transcript; Krehnavy leave to file amended transcript, Krehnavy against state to rel Berser against whither, state ex rel Berser against Whithey, order of reference Shicale, Harrison & Haward Iron company, against Affections Water Works company, dismissed state ex rel Lee against Humphrey, continued.

The following causes were argued and submitted Meredith against Omaha, on motion; Ragioss against Cuning county on motion; Smiley against Verlandid, on motion; Omaha against Hichards on motion; Omaha against Hichards on motion; Charles against state on motion; Van Dorn against Mengelicht, patterson against state; Clarke against state; Alken against state; Clarke against state; Alken against Dorn agenist Mengedoht; Patterson against state; Clarke against state; Atken against state, Cooley against state, on motion; Gal-ligher against state, on motion; state es rel Bank against Owen; Thomas against Franklin; Hermsmeier against Hermsmeler, on motion; Omana Loan and Trust com-pany against Hanson. On June 6, 1884, court met pursuant to adjournment.

on June 6. 1884, court met parsuant to adjournment.

Holsworth against O. Chandler, motion for additional security sustained, now bond to be given within thirty days. Hages against Cuming county, motion to advance overruled. Smiley against McDonaid, advanced. Cooley against State. Guiligher against state. Guiligher against state, plaint. It's Nefe's stricken from files.

The following causes were argued and submitted: Williams against Hogan, on motion, Ackerman against Ackerman, on motion, Beatrice against Brethren church. On June 7 court met pursuant to adjournment. Connecticut Fire Insurance company against O. Fallon, motion to dismiss overruled Graham against France, leave to file amended petition. Ackerman against Ackerman, motion to discharge writ of groublition systained. Williams against Horan, dismissed. Sandwich Manufacturing company against Feary, leave to file motion for rehearing in lifecen days. State company against Feary, lenve to flution for rehearing in bifeen days. State rel Christiensen against Ambrese, writ mied Meredith against Omahn advanced binsen against Alken, desmissed. Dura

against Baker, ten days allowed to file mo-tion for rehearing. Motions for rehearing were overruled in the following cases: Munson against Car-ter, Fremont, Elkhorn & Missouri Vailey Railroad commany against Car-Rallroad company against CarRallroad company against Rates, Heatt
against Kincald, Miles against Martin,
Schields against Horbach.
The following causes were argued and
submitted: State ex rel Stull against Bariley, Botsch against state.
Court adjourned to Wednesday, June 14
Following are the syllabil of doubter
rendared.

rendered:
Chlosgo, Burlington & Quincy Railroad company against Hitchcock county. Appeal from Hitchcock county. Appeal from Hitchcock county. Affirmed. Opinion by Justice Post.
By section 38 of the revenue law personal property of a railroad company outside of its right of way is required to be listed for taxation by the authorities of the counties in which it is situated without regard to the use for which it is designed.

is designed.

Mallard et al agninst the First National bank of North Platte et al. Appeal from Lincoln county. Affirmed. Opinion by Jus-

The act of registering as a voter is not The act of registering as a voter is not conclusive upon the question of the residence of the party registered in an action to relieve a piece of real estate of the lien created by the levy of an attachment writ on real estate claimed as a homestesa, but is a fact to be considered as any other portion of the testimony in the case and to be given such weight as it seems entitled to under the rules governing the consideration of evidence, and especiality is the to under the rules governing the consideration of evidence, and especially is this true in this case, where it is a disputed point in the testimony as to whether defendant appeared in person before the board of registration and effected the registration or it was done by some other than the rules of business, duly presented to the bank on which it was drawn and by it paid and which it was drawn and by it paid and whereal to the account of the land owner.

person.

2. In order to establish the abandonment of a homestead there must be an intention to change the residence and an actual ange: 3. The evidence examined and held suffi-dent to sustain the finding and judgment

cient to sustain the finding and judgment of the court.

Hanover Fire Insurance company against Gustin. Error from Buffalo county. Affirmed Opinion by Commissioner Ryan.

The statement in an application for the issuance of a policy of insurance on a plansing mill that "a watchman is kept on the premises during the night and at all other times when the works are not in operation or the workman present" should receive a reasonable construction, and therefore the mere temporary absence of such watchman within the time contemplated did not necessarily relieve the insurer from household the prisoner being on trial for the alleged completed during such absence.

2 Where the insured was orally examined as to the loss by an agent of the insurer, whose duty it was to look after and adjust its losses, and such examination was by such agent reduced to writing and morting to have been gained by personal porting to the leave to the gain that any one of such instruc

adjust its losses, and such examination was by such agent reduced to writing and by the assured subscribed and sworn to in the belief that such statement was a satisfactory compliance with the requirement of proof of loss, the question whether or not the acts or language of such agent induced such belief and excused the making of other proof with technical predetermination.

3. The provisions of chapter xivili of the session laws of 1889 empower the courts of this state, upon rendering judgment against an insurance company on any policy of insurance on real property, to allow plaintiff a reasonable sum as an attorney's fee, to be taxed as part of the costs of the case in which interests the costs of the case in which in the costs of the case in which in the costs of the case in which in the costs of the case in which is the costs of the cos

plaintiff a reasonable sum as an attorney's fee, to be taxed as part of the costs of the case in which judgment is rendered. Hewitt against Commercial Banking com-pany. Error from Fugnas county. Affirmed. Opinion by Justice Harrison. "An assignment of error, as to the giving enmasse of certain instructions, will be considered no further than to ascertain that any one of such instructions is properly given." Hiatt againt Kincald, 58 N.

W. Rep. 700.

erly given. Hiatt againt Kincaid, so X.
W. Rep. 700.

2 "An assignment in a petition in error that the trial court erred in refusing to give a group of instructions asked will be considered no further when it is found that the refusal of any one of such instructions was proper." Hiatt against Kincaid, supra.

3 An assignment of error as to irregu-

Kincaid, supra.

3. An assignment of error as to irregularities of the trial court in the preparation and giving of instructions, which assignment does not specifically designate the instruction or instructions complained of, the only allusion made thereto being by affidavits attached to the motion for a new trial, which were not further authenticated nor incorporated in the bill of exceptions, will not be considered by this court.

court.

4. Fraudulent intent in the execution of a chattel mortgage on a stock of goods whereby certain creditors were preferred is a question of fact and not of law, and one to be submitted to the jury for determination.

one to be submitted to the jury for determination.

5. "An intention to defraud cannot be inferred merely from the fact that a preference was given to a certain creditor." Jones against Loree, 55 N. W. Rep. 256

6. "A debtor in falling circumstances may lawfully prefer one or more of his creditors and secure such creditors by mortgage or conveyance absolute, provided the transaction is in good faith and not made with intent to defraud other creditors." Costello against Chamberlain, 36 Neb. 45.

7. The evidence examined and held sufficient to support the verdict.

Siavton against Fremont, Elkhorn & Missouri Valley Railroad company. Error from Brown county, Affirmed, Opinion by Commissioner Ryan.

Where the evidence showed without question that torpedoes necessary to the operation of its rullenal were deposited and

Where the evidence showed without question that torpedoes necessary to the operation of its railroad were deposited and kept in defendant's untenanted section house, all of the doors and windows of which were securely fusiened shut, and that access to and the removal of these torpedoes were effected by children, who unfastened and opened one of the windows, for those, among other improper purposes; held, that the defendant is not liable for an injury caused by the subsequent explosion of one of said torpedoes procured and removed as aforesaid.

2. The trial judge should, without hestiation, direct a verdict for the defendant when there is no evidence to support plaintiff's alleged cause of action.

American investment company against Nye et al. Appeal from Brown county. Dismissed.

Dismissed.

The district court has the power to ap-

The district court has the power to appoint some proper disinterested person other than the sheriff of the county as master commissioner to make the sale of real estate under a decree of foreclosure. Such appointment rests in the sound discretion of the trial court, and its ruling will not be reviewed where no abuse is shown.

2 The ruling of the district court denying plaintiff's application for the appointment of a special master commissioner to make the sale of the mortgaged premises is not reviewable in this court prior to the rentition of a final decree of foreclosure.

German Insurance company against Davis. Error from Colfax county. Reversed and Error from Colfax county. Reversed and remanded. Opinion by Chief Justice Nor Under a policy of insurance that no as-

struction of the war ship Monterey, confirms the story that there is defective armor on the vessel. He says it was known at the time it was put on, but as there was liability of trouble with Chili at that time it was not thought advisable to delay the completion of the vessel.

Free from 2 to 5 and 7 to 19 p. m. Saturday ice cream sods with 56c purchase or over at the Morse Dry Goods Co.

See the big star at Courtland beach?

Under a policy of insurance that no action thereon can be maintained unites commenced within six months after the firm and that the damages should be payable starty days after satisfactory proofs of loss shall have been received by the company, an action upon the policy is not barred if commenced within six months from the expiration of the sixty days. German Insurance company against Fairbanks. 12 Nob. 750; Fireman's Fund Insurance company against Buckstaff, 38 Neb. 150.

2 Where the premises were occupied by tenants of insured at the time the risk was written, and the policy so specified, a

by Commissioner Ragan.

There is no rule of law which requires an action by injunction for equitable relief to be brought within any given time. Whether the bringing of an action in equity has been untransonably delayed and whether the compainants therein have been guilty of laches in not bringing it seefer are questions to be determined from the facts and circumstances in the case.

2. The defense of estoppel by inches or universonable delay in the bringing at a suit in equity is of itself an equitable defense, and cannot be successfully maintained when it appears that the delay complained of as unreasonable was caused by or contributed to by the party interposing the defense.

ine defense.

3. The payment of a tax, like any other fact, may be proved by the best evidence.

paid but such presumption is by no means a correlative one.

LA collector of taxes has no authority to receive in payment thereof anything but lawful money of the United States, and may refuse to accept a bank check or draft in payment of such taxes, but if a collector accepts such check or draft in payment of taxes and afterwards receives the money thereon such receipt operates as a payment of the tax, although the collector fails to make an entry of the payment of such taxes in his books, never issues to the party paying the tax a statitory receipt therefor, and embezzles the money.

The owner of certain lands brought a suit to enjoin a county treasurer from selling the same for taxes, which he alleged to be delinquet thereon, the owner chaming in his petition that such taxes had, in fact, been paid. It appeared from the evidence that in March, 1880, the owner made and delivered to the then county treasurer his check on an Omaha bank in

whose character is in question, as general reputation of such individual dmissible.
4. The action of the court in sustaining

objections of counsel for the state, to ques-dons put to a witness on behalf of plain off in error, examined, and held, not erro

duced in evidence." Maithews against the state, 19 Neb, 200.

8. An affidayit which it is claimed was used in the hearing of a motion for a new trial, but the record does not disclose whether it was used or presented at the hearing of the motion, cannot be considered for any purpose in this court unless presented by bill of exceptions and thus made a part of the record in the case.

8. The evidence examined and held sumclent to support the verdict.

Norfolk State bank against Murphy. Appeal from Douglas county. Affirmed. Opinion by Chief Justice Norvai.

A judgment of a district court in an action commenced prior to the term at which it was rendered, except a judgment by confession, is a her upon the lands and tenements of the judgment debtor within the county from the first day of the term, no matter on what day of the term it was actually pronounced, and where a mortage on the real estate of the defendant is executed and recorded during the term but before the rendition of such judgment, the lien of the judgment is superior to that of the mortage.

Commissioners Ryan and Ragan dissenting.

Davis against Hilbourn. Error from Gage

ing.
Davis against Hilbourn. Error from Gage county. Affirmed Opinion by Commissioner Irvine.

A chattel mortgage is not void as con-A chattel mortgage is not void as constituting a prohibited assignment for creditors solely for the reason that it is made to secure the payment of debts to third persons as well as to the mortgages. Hamilton against Issaes, 34 Neb. 70s; Jones against Loree, 37 Neb. 81s, followed.

2 The discretion of a trial judge to set aside a verdict as not sustained by the evidence is greater than that of an appellate court. Where a verilet has for its support substantial, competent evidence and the trial judge has refused to set it aside as being without support this court will not disturb the verilet, although the evidence, upon examination, may seem of doubtful credibility.

3 The objection that the trial judge failed The objection that the trial judge failed instruct the jury upon the law of the se is not raised by the assignment that a court erred in giving such instructions

subjects to which they related being cor-

Stubborn tendencies to digestive troubles in children will always Syield to a mild dose of

Pills

80:0000000 · 08

row from Douglas county. Affirmed. Optaion by Commissioner Hyan.

Sections I and a of chapter by of the
session laws of 1891 having provided, in
effect, that for all classes of mechanics,
servarits and laborers, excepting those engaged in Larm or domestic labor, a day's
work should not exceed eight hours, and
that for working any employe over the
prescribed time the employer should pay
extra compensation to increasing greenetrical progression for the excess over such to
hours, the rate of payment for the eighth
hours, the rate of payment for the eighth
to recken such progression; held, that these
greyislons are amountalituitorial; best beconstitutional right of parties to contract
with reference to compensation for services
is denied.

2. It being apparent from an inspection of

Surely a Mistake.

cently said:
"In my opinion Warner's Safe Cure is
the king of all remedies. It worked wonders for me. Of course, it cannot renew
my youth, for I am new 74 years old, but Poor Mike was very ill-almost as ill as he was short, and what that meant those who know him can best say, for physically he living. For six years previous to 1889 I suffered with disease of the liver and kidwas hardly more than a dwarf, says Harper's Drawer.

name which appeared to strike terror to "Act phwat?" said she.
"Actinomycosis," rapiled the dector.
"Him?" cried Mrs. Mike. "Ah, docther,
"Him?" cried Mrs. Mike. "Ah, docther,
of ut. how can yez say thot? A little man like Moikel coulden't hould the name of ut,

much liss th' disage that goes wit mit!



KNOWLEDGE

Brings comfort and improvement and tends to personal enjoyment when rightly used. The many, who live better than others and enjoy life more, with less expenditure, by more promptly miapting the world's best products to the needs of physical being, will attest the value to health of the pure liquid laxative principles embraced in the remedy, Syrup of Figs.

Its excellence is due to its presenting in the form most acceptable and pleasant to the taste, the refreshing and truly beneficial properties of a perfect laxative; effectually cleansing the system, dispelling colds, headaches and fevers and permanently curing constipation, It has given satisfaction to millions and met with the approval of the medical profession, because it acts on the Kidneys, Liver and Bowels without weakening them and it is perfeculy free from

every objectionable substance. Syrup of Figs is for sale by all druggists in 50c and \$1 bottles, but it is man ufactured by the California Fig Syrap Co. only, whose name is printed on every package, also the name, Syrup of Figs, and being well informed, you will not accept any substitute if offered.

in charge of the Sisters of Mercy.

This renowned institution is situated on the high bluffs the crof and overlooking the city of Connell Bluffs. The specious grounds, its high becation and spendid view, make it a most pleasing retreat for the afflicted. A staff of em nent physicians and a large corps of experienced turses minister to the conforts of he patients. Special care given to lady patents. TERMS MODERATE. For particulars apply to

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GLAZED SASH

We have 1,000 Wildows in stock, made by the A. Murphy Manufacturing Company. No bitter sash can be made, which we will glaze with any sind of glass that you want, and sell you for less money than you can buy the noor, sappy sash made in the east for. Let us give you prices and we will get your order.

1 and 3 Fourth St., - MASONIC TEMPLE BUILDING.



and Vigorous In Bedy, "He doesn't look half his ago," said a lady recently when she was told that a bright, active business man was hearly 70 years old. "I have seen many a young

man who was much older in manner and

It was a wise woman who made this remark, for old age is not a disease. There are thousands of aged men and women who daily prove the truth of this by their splended boulth and sound constitutions. There are just as many young people who appear ald before their time. Some people are full of ambition and physical strength; others, for no apparent reason, are weak and gloomy. There is a secret in it, of

infied that for physical allments, and espec-ially those incident to declining years, there is nothing equal to Warner's Safe cure, which

restored and has preserved my health."
Mrs. Saran R. Aken is one of the oidest settlers in Carlisle, Ind., where she is highly

esteemed and respected. This hady re-

it has made the latter end of my life worth

neys, general debility, a tired feeling and more or less backache. I took quite a num-

ber of bottles of the Safe Cure, and as stated

above, it made my life worth living by com-pletely curing me. I now take it for every

kind of sickness and keep it in the house all the time. My husband died of typhold fever

and Bright's disease eleven years ago, and I have since regretted that I did not get the

Safe Cure for him, as there is no question in my mind that he would have been alive to-

Can you not see how easy it is to pre-serve the vitality, even to the later years

cently said:

day had I done so.

The sum of \$3,000 was ordered transferred from the police fund to the special assessment sewer fund, to provide for the payment of bonds about to become due.

For trustee of the free public library E. A.

BENAISON BROS.

black silk mitts Saturday, 124c pair.

house in America 10c to 50c.

100 dozen ladies' extra long waist summer corsets, a 75c quality, Saturday 50c pair. SPECIAL SOAP SALE

500 boxes Kirk's Cashmere Bouquet soap,

m., we offer 1,000 yards of figured China silk, one pattern to a customer, at 121gc yard.

WANT PAY FOR THEIR PROPERTY.

such places. destroyed are liable to the

property so destroyed." Things New and Bepeated.

at a new price during this sale. West show window represents a sample pers, and will REPEAT our sale of a few weeks ago, which will be remembered by all purchasers. This time the assortment offered during any of our previous sales.
Other show windows display a sample line

Council Bluffs, Ia. "Put His Foot in It." One of Council Bluffs' society young men

Commencement at the Institute. The annual commencement exercises of the School for the Deaf will be held next Monday afternoon at the institute south of myra, Warren county; Clara Allie Thoreson, Moorhead, Monana county; Sarah Rosina Hammsl, Dubuque, Dubuque county; Lyman Leroy Glenn, Oskaloosa, Mahaska county; Jode Clayton Rains, Clarkwille, Butler ounty: Hans Chris Hansen, Council Bluffs, lumbus Junction, Louisa county; Charles Edwin Applishy, Hopkinton, Delaware county; Robert Cameron Goodwin, Durham, Marion county; James Ewin McEvey, Chi-cago, Ill.; Henry Lester Smith, Independ-

house refrigerators left at Cole & Cole's, and going at the lowest prices ever offered. Don't fail to price these before buying. As-besios mats for vapor stoves, only 10c at Cole's hardware. Headquarters for window shades in all

Special Millinery Sale. Miss Ragndale, 10 Pearl street, will nell nicely trimmed Leghorn hats for \$1.25, former price \$2.50; best hats at \$5.50, former

the attorneys and the city and county offi-

What the Judges Did at the Sitting Which Ended Thursday.

stipulation in the policy making it vois in case the premises became vacant and unoccupied without the consent of the company is not violated so as to defeat the recovery for the loss by the fact that the evening before the fire, without the knownedge or consent of the insured, such training moved out of the building. Liverpool and Landon and Glote insurance company against functions in a policy of insurance that the insured in a case of loss should forthwith give notice thereof in writing to the company, and within sixty days from date of the fire furnish preliminary proofs of his loss, is valid and bluding upon the leavest, and in an action upon the policy it is necessary for the plaintiff, to prove that such notice and proofs of loss were furnished or that the company waives the same.

were furnished or that the company waived the same.

4 A letter by the secretary of a fire insurance company, written after the proofs of loss were due under the policy, acknowledging the receipt of a letter written by the policy holder regarding his chain for loss, and also stating that the matter therein referred to was in the hands of the company's state agent, who would give this attention as early as possible, and

4. A statutory receipt is only prima faci-

treasurer to whom said theck was drawn payable, and delivered, received the money thereon. Bernecker against State. Error from Douglas county. Affirmed. Opinion by Jus-tice Harrison.

"An assignment of error as to the giving

tiff in error, examined, and held, not erroneous.

5. An assignment of error in the following terms: "The court erred in admitting evidence of defendant receiving property at dates subsequent to the receiving on which and for which he was convicted." Held, to be too indefinite in that it is too general and failed to designate any particular or specific pertion of the testimony of which complaint is made.

6. The endorsement of the name of a witness on the copy of the information contained in the transcript of the case raises the presumption that such endorsement was made at the proper time and in the absence of proof to the contrary such presumption will prevail.

7. Where a question is asked a witness, to which objection is made, which is sustained, the party desiring the evidence must offer to prove the facts sought to be introduced in evidence." Matthews against the state, 19 Neb. 200.

Low against Rees Printing company. Er-**©0000000000**

Beecham's

with reference to compensation for services is denied.

2 if being apparent from an inspection of the online act in question that sections I and I thereof fermed an independ to its passage, no part of said act can be sustained as constitutional. Following Trumble against Trumble. If Nob. 36.

Havons against Grand Island Loan and Trumble against Trumble. The section of the said and the said against the said aga

and contract between the scher and the purchaser in the case.

2 It seems that a defendant sund on a contract for goods of a certain quality and price is estopped from interposing the defense that the goods were inferior in quality to those be had contracted for, when it is shown that he, without protest or objection, converted to his own as the goods furnished him under said contract, goods furnished him under said contract, and the defect in such goods was apparent over 86 years of age who find themselves atrong and vigorous in late life. He was strong and vigorous in late life. He was

and the defect in such goods was apparent
on inspection.

3. The evidence in this case examined
and held to support the findings of the
fury that the coal such for herein was to
be delivered at Grand Island and that the
coal delivered was interior in quality to
that contracted to be delivered.

Grimes Bry Goods company against Shaffer Error from Harian county Affirmed.

Opinion by Commissioner Ryan.

Where the existence of a fraudulent intent in making and receiving a transfer
of a debter's property is to be determined
by evidence cohardral to the writing whereby
was effect if the allored fraudulent transfor, such question is determinable alone
by the lury. Following Houck against

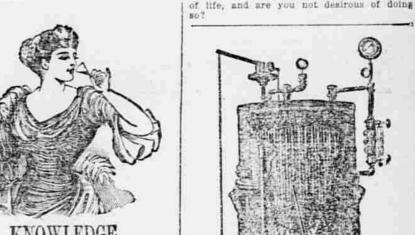
was effected the alleged fraudulent transfer, such question is determinable above by the jury. Following Houck against Heinzman, 31 Neb 483.

2. Where a bill of sale of a stock of goods was made by a debtor in failing circumstances to one of his creditors, who took the bill of sale with the agreement that he was to receive the property, make sales from it, and with the proceeds reinburse himself for antecedent indebtedness due him, and for advances made to discharge levies upon the said stock, and after such telminates ments were complete to return to the debtor whatever should remain of such stock, held, that a verdict sustaining the contention that such transfer was fraudulent, as against existing creditors of the maker of the bill of sale, should not be the maker of the bill of sale, should not be

disturbed.

3. Whether or not the deposition of a witness should be received in evidence must be determined from the facts in existence at the time of the trial, and if at that time it is shown that the witness does not reside in or has removed from the county wherein the trial is proceeding, his deposition otherwise unobjectionable, is receivable in evidence.

The doctor was called in, and after investigation, informed Mrs. Mike that her husband was suffering from actinomycosis,



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Bluffs, Iowa.

BEO. P. SAMFORD. A. W. RICKMAN.

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12,000

One of the pidest banks in the state of lowa We solicit your business and collections. We pay a per cent on time deposits. We will be pleased to see and serve you.

Sealed proposals will be received by Lewis lodge, No. 140, I. O. O. F., of Lewis, In., at the law office of F. J. Macomber in Lewis, In., until 6 o'clock p. m. of June 14, for the erection of a two-story brick structure. Dimensions, 25x30 feet; height of wall 4 feet. for the erectary for the form of the form

Special Noticesi

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PASTURAGE, FIRST-CLASS, FOR 209 HEAD; I miles north of town; good man in charge. L. P. Judsen, 122 Sixth avenue, or 228 Broad-way, Council Bluffs. POR SALE, 10-ACRE FRUIT FARM, WELL improved, cleap. Greenshields, Nicholson

GOOD GIRL WANTED FOR GENERAL housework. Mrs. H. W. Tilten, 527 Fifth avenue.

WANTED, GOOD GIRL FOR GENERAL housework. Mrs. Dr. Jeffries, 28 Fletcher ave.

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