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Omaha postoffice, 10 to 160 acres, some trad N. D. Keyes, 617 Taxton blk. RE-M327

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AETNA HOUSE (EUROPEAN) N. W. COR. 13th and Dodge, Room by day or week. M282 O9*

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easy payments; we rent and repair. Om Bicycle Co., 223 N. 16th st.

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LOST, WEDNESDAY, BETWEEN MIAMI AND

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20 ACRES CLOSE IN, \$4,500, 23 acres, with house, \$1,500, 40 acres, improved, \$12,000, 190, near Omaha, \$10,000, 20, near Watertoo, \$1,200, 200, near Omaha, \$8,000, 200, near Syracuse, \$6,000, 100, near Syracuse, \$6,000, 50, near Springfeld, \$4,200, C. F. Harrison, \$12 N. Y. Life.

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Rates, 15e a word first insertion, le a word thereafter. Nothing taken for less than 25e for first insertion. There advertisements must run consecutively

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commission. No experience. New tariff bil gives unlimited profits. Active men apply auticity, stating salary and territory wanted. Manufacturers, Rox 5308, Boston. B-M500 2)*

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WANTED, COMPETENT NURSE, WELL EX-

409 South 25th ave. C-519 2) WANTED, FIRST CLASS MILLINERY TRIM mers; 1514 Douglas st. C-50 20*

WANTED, YOUNG LADY, THOROUGHLY experienced in office work; no others need apply; best references required. Address X R., Bec. C-53 19 WANTED, AN APPRENTICE FOR MILLI-nery department, Mrs. H. C. Moses, 303 So. 17th st. C-M572 20*

WANTED, EXPERIENCED BINDERY GIRLS for folding. Reed Job Printing Co., Bee building. C-M501 29

WANTED, GOOD MEDIUM PRICED HOUSES, List your houses for rent with Ames, D-733 HOUSES, F. K. DARLING, BARKER BLOCK. O. F. Davis company, 1805 Farnam. D-735 RELICENNY & CO., R. I, CONTINENTAL BUK.

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FOR RENT, 5 ROOMS, 624 S. 17TH STREET, 8 68 N. 13th street. MODERN AND CHEAP, 10-May-820* FOR RENT-TEN-ROOM HOUSE, N. W. COR. Farnam and Dithe six.; modern improvements; -by Chas. Turner, 2316 Farnam st. D-849 HOUSES & STORES, P.D. WEAD,16 & DOUGLAS, 10-315-39

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FURNISHED ROOMS, 2638 DODGE. E-M488 22* NICELY PURNISHED ROOMS, MODERN 2003 St. Mary's avenue, E-452 22*

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WANTED, HOUSES TO RENT. HAVE MORE calls than I can supply. J. H. Parrotts, 16th and Dodge. K-451 824 WANTED, 2 OR 3 ROOMS, FURNISHED COM-plete, for light housekeeping. Call or address, room 14, Arcade hotel. K-571 19*

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Loans on same asgotiated. Welliver & Co.,

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45 PER CENT PROFITS WEEKLY, WITH \$150 capital. Prospectus, itemized statistics free. Beason & Dwyer, \$24 Broadway, New Y-Mills-05* WANTED, PARTNER, HONEST AND RE-liable, with \$500, to take full control of a lightimate business that will clear \$3,000 per year and be permanent; experience unneces-sary. Address X 27, Noc. Y-M550 20*

FOR SALE, ONE OF THE BEST LOCATED retail cigar stores in the city. For further information and particulars apply to A. Schaefer, care of Max Meyer & Co. Y-Mazo. FOR SALE, CIGARS, TOBACCO, CONFEC tionary and fruit store; good location; cheap rent; good reasons for selling. Address X 32, Rec. Y-574 20*

THE BEST AND CHEAPEST CIGAR STORE on 18th street for sale; will invoice at \$500. This is a good chance for some man that understands the business. Will sell for cash only, Good reason for selling, Address X 35, Bee office, Y-M58S 21* FOR SALE, 23,000,00 DRUG STOCK; LOCATION good; trade excellent; a hargain; don't write unless you have the cash and mean business. Address X 24, Omaha Rec. Y-M532 35

I HAVE CASH, IOWA AND OTHER LANDS to exchange for merchandise. H. A. Wagner, Omaha, Neb. Z-M365 LAND TO TRADE FOR CATTLE OR HORSES.
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Z-ME17 of OMARA IMPROVED AND UNIMPROVED residence property and eastern Nebraska farm land to trade for dry goods. Want to deal with owner. Hox 716, Schuyler, Neb. Z-Mi20 OS CLEAR CITY PROPERTY FOR LAND, WIL-liams & Mittan, McCague building, room 213. Z-M897 01

IMPROVED 120 ACRES IN WYANDOTTE CO., Ohio, and fine residence with ten access ad-joining good town in Hannock Co., Ohio, to Irade for eastern Neb. land or merchandise. Box 585, Schuyler, Neb. Z—M121 O5 TO EXCHANGE—FINE THIRTY-ROOM BRICK steam heated hotel for farm or cheap for cash Address Box at Dunian, In. Z-310-19 A GOOD LOT IN EAST OMAHA TO EX-change for young work horses or mules. Lamoreaux Bros. 256 S. 18th. Z-195 AMERICA'S PRIDE, HAVANA PRECKLES, \$C. 2-Mist 527

D. T. MOUNT HAS REMOVED HIS COAL OF-fice to 200 S. 16th st., Brown block. 155 HOME FOR LADIES REPORE AND DURING confinement, with best of ears; communication confidential. Mrs. K. Vollman, graduated midwife, 461 South Eighth street, Lincoln, Neb. M250 Oct.

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M-509

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HOTEL BARKER, 12:00 PER DAY, 1:0 ROOMS, in the heart of the business houses. Special rates and accommodation to commercial trav-elers. Room and board by the week or month. Frank Hilditch. Mgr. 313 UPHOLETERING VERY CHEAP THIS MONTH M. S. Wallein, 2111 Cuming. Tel. 602. 502

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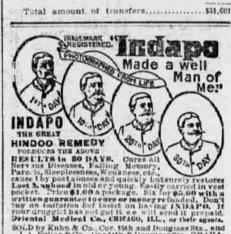
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E A Benson and wife to F E Alexander,
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½ lot 2, block 147, Omaha
Julia Doran to O F Davis company, n 30
feet of s ½ of e ½ lot 6, block 14, Improvement Association add
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RAILWAY TIME CARD

STOVE REPAIRS FOR 40,000 DIFFERENT makes of stoves. Water attachments and connections a specialty, 1207 Douglas street. Omaha Stove Repair Works.

1;05am Eastern Express. 4;06pm Vestibuled Limited. 6;55am Mo Valley Local. 5;5pm Omaha Chleago Special. 10:15am Denver Express 9:35am 10:15am Deadwood Express 410pm 4:35pm Denver Express 410pm 6:50pm Nebraska Local (except Sunday) 6:55pm 8:15am Lincoln Local (except Sunday) 11:25am

10 IIsam. Atlantic Express tex. Sunday) 6.05pm 6.25pm. Night Express 6.40nm 4.40pm. Chicago Vestibuled Limited. 1:25pm 11:25am. Oklahoma Exp. (to C. B. cs. Sun) 5:35am WEST.

| Leaves | UNION PACIFIC | Arrives Omaha Union Depot, 19th & Mason Sts | Omaha 19:00am | Rearriey Express | 2:00am 2:15pm | Overland Flyer | 5:49pm 2:15pm Beatrice & Stromsbig Ex (ex Sun) 2:50pm | Company |

Leaves | F., E. & MO. VALLEY. | Arrives Omaha| Depot 15th and Webster Stz. | Omaha

1:00am. Sioux City Accom. (Ex. Sun.). 1:05pm 0:00am. Sioux City Accom. (Sun. Only): 1:05pm 2:15pm. Sioux City Express (Ex. Sun.). 11:25pm 5:30pm. St. Paul Limited. 2:40am Leaves | SIOUX CITY & PACIFIC. |Arrives OmnhalUnion Depot, 10th & Mason Sts. | Omnha

6:55am.....Sloux City Passenger..... 3:55pm.....St. Paul Express......

SUPREME COURT SYLLABL

LINCOLN, Sept. 19 .- (Special.) -- The folowing decisions were handed down in the supreme court yesterday

Andrew Haas against Bank of Commerce. Error from Douglas county. Judgment accordingly. Opinion by Commissioner Ir-

and there has been an attempt in good faith to organize, and corporate functions are thereafter exercised, such an organization is a corporation de facto, the legal existence of which cannot ordinarily be called in question collaterally,

2 Therefore, where a bank brought an sction upon a note endorsed to it and the

3. The bank of O endorsed to the bank of C certain promissory notes as collateral security to an indebtedness incarred in favor of the bank of C. Among these was a note of H, upon which suit was brought. H claimed that the note had been procured from him by the bank of O by fraud and the evidence tended to prove that fact; held (a), that in the action upon the note H could not not require the bank of C to first exhaust its other collateral; (b) that the fraud being established the bank of C was only entitled to recover to the extent of the unpaid portion of the indebtedness for which the note was piedged; (c) the lank of C having surrendered one of the collateral notes and taken in exchange other notes secured by mortgage, drawn to the order of itself, it was bound to account as if the ouiginal mote had been paid in full.

4. Certain rulings on the evidence examined and held not erroneous.

Kilpatrick-Kech Dry Goods company against Cook et al. Appeal from Douglas county. Affirmed, Opinion by Commissioner Ragan.

No brief having been filed in this case corporate existence.

The bank of O endorsed to the bank of

against Cook et al. Appeal from Douglas scunty. Affirmed. Opinion by Commissioner Ragan.

No brief having been filed in this case by the appellants, the decree of the district court is affirmed without an examination of the record.

Whipple against Föwler. Error from Lancaster county. Affirmed. Opinion by Chief Justice Norval.

Where upon the trial of an action, testimony is admitted without an objection it is not error for the court to permit the pleadings to be amended to conform to the testimony.

2. In a cause tried to the court without the intervention of a jury the admission of incompetent testimony is not reversible error.

of incompetent testimony is not reversible error.

3. Where a mortgagee executes a release of a mortgage and places the same in the hands of a third party to be delivered to the mortgagor upon his paying the mortgage debt, which condition the mortgagor never performed, and the release is placed upon record without the knowledge or consent of the mortgagee, nither the mortgagor nor one who is not a bona fide purchaser without notice will acquire any rights or advantage by the recording of such release.

4. A mortgage of real estate is regarded as a more incident to the debt, which, by the legal transfer of the debt, passes with it to the assignee.

the legal transfer of the debt, passes with it to the assignee.

5. A satisfaction entered on the record by a mortgagee, after he has sold and delivered the notes secured by the mortgage to a third party, will protect a subsequent mortgage in good faith, or bona fide purchaser of the mortgaged premises in case he had no notice at the date of the purchase or the payment of the consideration that the debt was assigned or unpaid, or that the release was unauthorized, but as to all other persons the lien of the mortgage will not be impaired.

not be impaired.
6. In the state of lowa the rule is that
the transfer of one of several notes, ma-turing at different times and secured by the same mortgagee, operates as an awign-ment pro tanto of the mortgage, and that the proceeds arising from the sale of the mortgaged property would be applied first to the payment of the notes in the order of time in which they fell due. But in this state in such a case the several notices are entitled to a share pro rata in the proceeds.

are entitled to a share pro rata in the proceeds.

7. In the construction by the counts of this state of a mortgage executed in Iowa, upon real estate in that state, the lex rei sitae, or the law of Iowa, governs.

Miller against Lewis. Appeal from Gage, county. Affirmed. Opinion by Chief Justice Norval.

This cause having been submitted to the supreme court upon the transcript, without either a brief or oral argument from either party, the decree of the lower court is affirmed. Zimmerman Manufacturing company against Tower, 58 N. W. rep. 931.

Somenschein et al against Bartels et al. Error from Douglas county. Reversed. Opinion by Justice Post.

In all cases where the issue is fraud considerable latitude will be allowed the party upon whom the burden rests, and evidence will be received of collateral facts, including subsequent events, provided they shed light upon the transaction involved and tend to explain the motives of the parties.

2. In determining the relevancy of collateral facts in such cases the proximity in

eral facts in such cases the proximity in point of time to the principal transaction is not the exclusive test, but also whether they are capable of affording any reasonable presumption or inference with reference to such transaction. such transaction.
Guilck against Webb et al. Appeal from
Lancaster county. Affirmed. Opinion by
Justice Harrison.

Gullek against Webb et al. Appeal from Lancaster county. Affirmed. Opinion by Justice Harrison.

Points not argued in the supreme court will be deemed to be waived.

2. Persons who desire to make a joint purchase of the property may enter into an agreement by which one person is authorized to bid on their joint account and for their joint benefit on property about to be sold at sheriff's sale, and such agreement will not be illegal if it does not include the purpose not to compete, or not to bid, or to chill bids, or to prevent competition, or deter others from bidding; nor does the fact that such agreement may indirectly have the effect of keeping others from bidding make it unlawful; to render it illegal it must further appear that the purpose of entering into the agreement was to avoid competition.

3. At a sheriff's sale of real property five holders of liens against such property, none of whom were financially able to bid individually at such sale, entered into an agreement whereby one of their number, by, attorney, bid in the property, which was struck off to him as trustee for himself and the other four lienholders. Held, that this was not such a combination as would of necessity discourage or prevent competition in bidding and was therefore insufficient to sustain the finding and judgment of the lower court in confirming the sale.

4. The evidence examined and held sufficient to sustain the finding and judgment of the lower court in confirming the sale.

Bloedel et al against Zimmerman et al. Error from Sarpy county. Reversel and remanded. Opinion by Chief Justice Norval.

An assignment in a petition in error as to the admission or exclusion of testimony, which does not indicate what testimony out of a great mass is referred to or intended, is too indefinite to be considered.

2. An instruction not excepted to at the time it was given cannot be complained of in the supreme court.

3. Held, that the defendant's first request to charge was not warranted by the evidence, was misleading and should not have

Crooker against Stover, Error from Lan-caster county, Affirmed, Opinion by Chief Justice Norval. caster county. Affirmed. Opinion by Chief Justice Norval.
Objection to the form of a verdict will be of no avail in this court, where the same was not made in the motion for a new trial or petition in error.

2. The evidence in the case examined and held to support the verdict.
Stratton et al against Oldfield. Error from Douglas county. Reversed and remanded. Opinion by Justice Post.
Acts and declarations of conspirators which are parts of the res gestae, and therefore admissible against their ecconspirators, include those only which are done and made during the pendency of the conspiracy and in furtherance of its objects.
Howard et al against Goodrich Lodge Hall association. Error from Douglas county. Affirmed. Opinion by Justice Post. A mere mistake of a fact, for which the appellee is in no wise responsible, will not excuse the filing in the district court within thirty days of the transcript required on appeal from a justignment of a justice of the peace of the county court.
Minneapolls Harvester works against Kaesner. Error from Douglas county. Reversed and remanded. Opinion by Justice Harrison.

The evidence examined and held insuffi-

versed and remanded. Opinion by Justice Harrison.

The evidence examined and held insufficient to sustain the verdict.

McDaniel against Lipp et al. Appeal from Douglas county. Affirmed. Opinion by Justice Harrison.

An action of replevin may be maintained for property which, as between the parties, is personalty.

2. The judgment of the trial court, dismissing the action, approved and affirmed as an examination of the evidence shows that it is insufficient to sustain the allegations of the petition or warrant the issuance of an injunction.

Cain against Boller. Appeal from Douglas county. Affirmed. Opinion by Commissioner Ryan.

Where one by his words or conduct with

county. Affirmed. Opinion by Commissioner Ryan.

Where one by his words or conduct willfully causes another to believe in the existence of a certain state of facts, and induces him to act on that belief or to alter his previous condition, the former is concluded from averring against the latter a different state of things as existing at the same time.

German-American Insurance company against Cover et al. Berne from Language.

county. Affirmed. Opinion by Commissioner Ryan.

This cause was tried upon the same issues and evidence, and argued upon the same briefs, as were submitted in Phenix Insurance company against Otto Covey, and following that case, is affirmed.

Phenix Insurance company against Covey et al. Error from Lancaster county. Affirmed. Opinion by Commissioner Ryan.

Where no prejudice has resulted from the ruling of the trial court upon a motion for a more specific statement such ruling will afford no ground of complaint on error.

2. Where an insurance agent with authority to receive premiums and issue policies exercises such authority with knowledge of the existence of concurrent insurance on the premises the company is estopped, after a loss, to insist that the policy is void, because consent to such concurrent insurance was not given in writing.

Schroeder et al against state ex rel Fillbert, Error from Cass county. Reversed and dismissed. Opinion by Commissioner Ragan.

In a controversy for the custody of an

Ragan.
In a controversy for the custody of an infant of tender years the court will consider the best interests of the child, and and will make such order for its custody as will be for its welfare, without reference to the wishes of the parties, Sturievant et al against state, etc., 15 Neb., 459; Giles against Giles, 20 Neb., 452; state ex rel against Schroeder, 57 N. W. Rep., 207, approved and followed.

2. The right to the custody of an infant

against Schroeder, 57 N. W. Rep., 207, approved and followed.

2. The right to the custody of an infant child which the law confers upon its father is not for the benefit of the father, but for the benefit of the father, but for the benefit of the child, and this right of custody is conferred on the father because the law presumes that he will avail himself of the child's custody for its benefit, but he may forfelt his right to the custody of his child by abandonment.

The Lancoln Street Railway company against Adams. Error from Lancaster county. Affirmed. Opinion by Commissioner Ragan.

A proprietor may not collect surface waters on his estate into a ditch or drain and discharge them in a volume an the lands of his neighbor. Fremont, Elichorn & Missouri Valley Railroad company against Marley, 25 Neb., 138, followed.

Campbell et al against Baxter, Error from Douglas county. Affirmed. Opinion by Commissioner Ragan.

A real estate agent acting for both partles

unless such agent's double employment was known and assented to by both said contracting parties.

2. Money paid by a principal to his agent for the latter's service in effecting a sale or exchange of the principal's property may be recovered back, in an action at law, when it appears that such agent had or was to receive a commission or compensation from the other party to the trade or exchange for his services in bringing it about; if it also appears that at the time such principal made such payment he was ignorant of the fact that his agent was acting for both parties to such trade or exchange.

Farker against Lichtenberger. Appeal from Douglas county. Deeree accordingly. Opinion by Commissioner Irvine.

When negotiable paper is purchased after maturity from an innocent holder for value before maturity the purchaser takes it free from all equities and defenses which existed between the original parties to the paper. Kochler against Dodge, Il Neb., and the control of the paper.

paper. Koel 128, followed. 2.3. followed.

2. It seems to one who takes the negotiable paper of a third person in payment of a proexisting debt is a holder for value.

3. This is certainly true where, by taking the note, the creditor loses or postpones his right to proceed upon the original indebtedness.

Routine work of the day was: George F. Longsdorf, esq., of Douglas county, Henry C. Laffer, esq., of Sarpy county, A. D. Gibbs, esq., of Furnas cunty and Sanford Parler of Boyd county were admitted to practice.
State against Hill, defendants given leave

to answer by October 1; Cain against Arga-bright, leave to file counter affidavits by Monday; Case against Case, leave to file amended petition; Stratton against Dole, leave to file arrended petition; King against Murphy, Thorn & Hunkins Lime and Cement company against Murphy, Kansas City Terra Cotta company against Murphy, plaintiffs to cotta company against Murphy, plaintiffs to serve and file briefs by October 20 or causes to be dismissed; Carpenter Paper company against Wilcox, leave to make showing by Thursday; Emerson against Kilroy, leave to make showing by Thursday; McClary against Stull, plaintiff ordered to return record in ten days; Gillian against Murphy, defendant to make counter showing in the days.

ant to make counter showing in five days; Creaseman against state, dismissed. The following causes were argued and submitted: State ex rel Ransom against Irey, Jacobson against Van Boening, on motion; Hastings against Foxworthy, Tecumseh Na-tional bank against Head, on motion; same against Saunders, same; same against Smith, same; same against Brown, same; same against Hull, same; same against Young, same; same against Kershaw, same; same same; same against Best, same; South Omaha moti n; Hoagland against Van Etten, on mo-tion; Galligher against state, on motion; Mc-Kinley-Lanning against Aldrich, on motion; on motion; Case Plow Works against Hay-wood, on motion.

Now the is Strong Again. I have been troubled a great deal with a skin disease for over four years. My face would break out and I was tired and worn out all the time. I tried various blood medi-cines, but they seemed to do me no good until I was advised to give Hood's Sarsaparilla a trial. The first bottle seemed to do me no good, but I continued to take it and after I had taken three bottles I felt better and now I am strong again .- Miss Emma Parsons,

Hood's Pills cure sick headache.

PRESENTED IN A NEW FORM.

Bond Question at the General Election. The county commissioners convened yesterday as a committee of the whole, with Mr. Jenkins in the chair, the purpose being for the consideration of the Platte river canal when it was proposed to call a special election for the purpose of voting upon the proposition of granting a subsidy in the sum of \$1,000,000 to the Omaha Canal and Power

company to aid in the construction of a canal from a point on the Platte river near Fremont to Seymour park.

At the meeting yesterday most of the directors of the canal company were present with an amended proposition. The amendments state that the company will not engage in the business of transportation and this right may be granted to other parties for this right may be granted to other parties for a just and reasonable compensation. The company reserves the right to make chapges in the course of the canal in the event that the present surveyed route should be found impracticable, though it is provided that the

outlet shall not be to exceed four miles that the limits of the city of Omaha.

The new proposition also provides that in the event that the subsidy is voted at the November election to be held this year, work upon the construction of the canal shall begin a date not later than January 30, 1895, and the construction of the canal shall begin a date not later than January 30, 1895, wady at a date not later than January 30, 1895, and the whole ditch completed and ready for the delivery of water on or before October 1, 1898. The company agrees to expend \$75,000 by June 30, 1895. In addition to this the company asks that it shall not be compaled and company asks. 000 by June 30, 1895. In addition to this the company asks that it shall not be compelled to furnish power in the cities of Omaha and South Omaha until the two cities have granted the right of way to string wires through the two cities. The new proposition provides that the capacity of the canal shall be a flow of 750 cubic feet per second from the supply source to the storage basin, the measurements to be made at a point three feet below the surface of the water in the canal. Parties taking water shall take it the canal. Parties taking water shall take it from the canal, the company not being re-quired to deliver the water in Omaha and South Omaha. Upon the subject of whether or not the company is fiving up to the terms of the proposition, the county commissioners are to be the sole judges.

are to be the sole judges.

When the county desires to purchase the canal and the rights of the company, the county shall name an appraiser, the proposed purchaser one and the two select the third. The appraisers are to Ceduct from the appraised value a sum equal to the amount donated by the county and not the full \$1,000,000, unless that amount shall have been paid at the time of the purchase.

The horse-power, 20,000, is the same as provided under the old proposition, with the camal ten feet deep and execute feet deep and execute.

canal ten fest deep and seventy feet wide at

It will be several days before the commis-sioners decide upon what they will do, as they propose to go ever the whole proposi-tion, with a view to guarding the fitterests of the county, and to this end meetings will be held from day to day.