Here's a New One. Some men are self-made-Some men are school-made -Some men their start made-Through a little want's aid-- Wally. 17 words or less for 25 cents, one time, after that it's only a cent a word. Published in the morning as well as in the evening edition.

SPECIAL NOTICES.

Advertisements for these columns will be taken until 12:30 p. m. for the evening and until 9 p. m. for the morning and Sunday

Advertisers, by requesting a numbered check, can have answers addressed to a numbered letter in care of The Bee. Answers so addressed will be delivered upon presentation of the check only. Rates, 1 1-2c a word, first insertion, 1c a word thereafter. Nothing taken for less than 25c These advertisements must run consecu

WANTED-SITUATION.

WANTED-MALE HELP.

WANTED-A FEW PERSONS IN EACH PLACE to do writing; send stamp for 159-page boo of particulars. J Woodbury, 127 W. 42d street N. Y. City.

WANTED-500 MEN AND TRAMS TO SELL, our feed grinders. Salary \$75.09 to \$450.00 per month, according to ability. The Litchfield Mfg. Co., Webater City, Ia. B-M88315* BOY WANTED-ABOUT 12 YEARS OLD. BOS-ton Store, jewelry dept.; \$2.00 week. B-547-5*

WANTED, FIRST-CLASS TRAVELING MEN.
Best references. The Dr. A. P. Sawyer Mediche Co., 161 Colorado avenue, Chicago, III.
B-M545 5*

\$900.00 AND EXPENSES PAID COMPETENT men first year or large commission, selling by sample staple goods to merchants; no peddling; experience unnecessary. For scaled particulars send stamp. Household Specialty Co., 73 4th street, Cincinnati, O.

BARD COMPTENT OF THE COMPTENT

WANTED-FEMALE HELP.

A GIRL FOR GENERAL HOUSEWORK, 170 WANTED, YOUNG LADY FOR GFFICE work; must write plain, quick hand and be accurate in figures; state salary expected in own bandwriting. P. O. box 25. C-M523 19* WANTED, GIRL FOR GENERAL HOUSE-work Mrs. D. H. Goodrich, 1117 Park avenue. C-M525 5* WANTED, FIST-CLASS COOK. CALL S. E. Cor. 24th and Howard.

GIRL WANTED FOR GENERAL HOUSEsman ramity. Apply 1921 Wil WANTED, GIRL FOR GENERAL HOUSE work; easy place; moderate wages. 2401 Jack son street. C-M560 6*

WANTED, GIRL OR WOMAN IN WHOLESALE house; give age, experience, married or single Address E 64, Bee. C-M557 L* WANTED, A GIRL FOR HOUSEWORK. 222 Spruce. C-M555 6*

FOR RENT-HOUSES.

HOUSES, F. K. DARLING, BARKER BLOCK D-352 O. F. Davis company, 1505 Farnam. D-353 HOUSES; BENAWA & CO., 108 N. 15TH ST D-255

FOR RENT-HOUSE NINE ROOMS; FUR Bace, bath, etc., at \$23 and Farnam, \$27.90 also cheap houses, \$5.90 and \$10.60, differen parts city. Dexter L. Thomas, 401 Rec building D-357

FOR RENT-5-ROOM COTTAGE, IN GOOD RE-pair, city water, \$19.90 per month to good partics, 119 N. 27th, 1 block from Farnam car line, Inquire at Stoetzel's stove store, next to postoffice. 420.00; EIGHT-ROOM HOUSE; BATH ROOM and furnace. John R. Webster, Board Trade building. D-359

COTTAGE OF SIX ROOMS, ALL CONVENI-ences, desirable location, three blocks from opera house. Enquire on premises, 642 S. 17th st. T. J. Fitzmorris. MODERN 10-ROOM HOUSE, 2019 BINNEY. D-M020J13

8-ROOM MODERN HOUSE FIVE MINUTES walk from court house, vacant December 24th, G. L. Green, room 28, Barker block, D-168 FOR RENT-S-ROOM COTTAGE; ALL MOD-ern conveniences, 212 California st. Milton Rogers & Son, 14th and Farnam. D-198 FOR RENT- CHEAP FOR THE WINTER, one 8-room house, \$10.00, three 5-room cottages, \$5.00. J. A. Scott, Omaha Nat'l bank.

D-M212

FOR RENT-NEW 8-ROOM BRICK HOUSE; furnace heat; newly papered, 218 N. 23rd, D-M295

EASILY HEATED 8-ROOM HOUSE, ALL modern, 5519 Jones, \$25.99; also 8-room modern house, 2015 Mason, 127.50. S. K. Humphrey, 928 New York Life, D-M92 7* BIX-ROOM MODERN COTTAGE; FUR-nished H. H. Harder & Co., Bee Hidg. D-Mi24 6

FOR RENT-FURNISHED ROOMS. FURNISHED ROOMS; HOUSEKEEPING, 202 8t. Mary's avenue.

FURNISHED ROOMS, SOUTH PRONT. 192-Douglas street. E-M310-11* THERE HANDSOMELY FURNISHED FRONT fooms, with all conveniences: location very de-sirable. Apply at 293 Harney street. E-Mi91 14*

FURNISHED ROOMS AND BOARD. ELEGANT ROOM AND BOARD REASON able. 2406 Cass. F-MILLIST

NICE WARM ROOMS, WITH GOOD BOARD rates reasonable; modern convaniences. The Rose, 2020 Harney. NICELY FURNISHED ROOMS AND BOARD 1813 N. 19th street. F-MI41 1'3*

FURNISHED ROOMS AND BOARD Continued. RIVATE FAMILY WILL RENT TWO DESIRnble south rooms to man and wife and give board if desired; no ohter boarders. 294 Dodge street, F-M548 6*

UNFURNISHED ROOMS TO RENT

FOR RENT-STORES AND OFFICES FOR RENT-THE 4-STORY BRICK BUILDING. 516 Farnam street. This building has a lire-proof, cement basement, complete steam heat-ing fixtures, water on all floors, gas, etc. Ap-ply at the office of The Bec. I-910

AGENTS WANTED.

SALESMEN OR AGENTS MAKE MONEY easy selling suits to order \$13.50, pants \$3, shirts \$1, mackintoshes \$5. Hunter Tailoring Co., Cincinnati, O. ANTED, GOOD MEN TO ACT AS LOCAL agents in every township, putting on weather strips; can make \$5.99 per day; send 10c in stamps for particulars, sample block, etc., to Common Sense Weather Strip Co., Cedar Buffs, Neb. J-M529 6* AGENTS WANTED: \$5.00 DAILY; NEW INvention; retails 25c; 2 to 6 sold in a house, vantle free, Forshoe & Makin, Cincinnati, O. J.—M551 5*

WANTED-TO RENT.

WANTED, 3 OR 4 UNFURNISHED ROOMS, with modern conveniences, for light house-keeping, Address E 62, Bee. K-M549 6*

STORAGE.

BEST STORAGE BUILDING IN OMAHA, U. S. gov. bonded warehouse. Household goods stored Lowest rates. 1013-1015 Leavenworth. M-392 STORAGE FOR HOUSEHOLD GOODS; CLEAN and cheap rate. R. Wells, 1111 Farnam. M-364 STORAGE, FRANK EWERS, 1214 HARNEY, M-303

WANTED-TO BUY.

WANTED, S SECOND HAND UPRIGHT planes please state price, make and where it can be seen. H. B. Scott, room 430 Ramge block. CITY & CO. CLAIMS. PRITCHARD 1712 FAR'M. N-361

WE BUY AND SELL HOUSES (TO BE moved), H. W. Barnum & Son, 1124 N. 18th. N-M521 F2* FOR SALE-FURNITURE.

FOR SALE AT A SACRIFICE, CARPETS, chades and furniture which have been but little used and almost new; also house for rent, Inquire 409 S. 25th ave.

O-M955 FOR SALE- HORSES, WAGONS, ETC.

FOR SALE-MISCELLANEOUS.

YOU BUY, BUY THE BEST; MACKIN toshes, rubber boots, arctics, syringes of a kinds, gas tuting; all best quality. Omah Tent and Awning Co., 1311 Farnam st. Q-367 WEGMAN PIANOS, BRIDGEPORT ORGANS Woodbridge Bros., 117 So. 17th. Q-268

CLAIRVOYANTS.

MASSAGE, BATHS, ETC. MADAM SMITH, 502 S. 13TH, 2D FLOOR room 3; massage, vapor, alcohol, steam, sulphurine and sea baths. T-M456 5*

MASSAGE, MADAME BERNARD, 1421 DODGE, T-M507 15*

PERSONAL.

DR. T. W. STONE, 810 N. Y. LIFE, TEL, 641 U-371 MACKINTOSHES & RUBBER BOOTS. 1311 FAB. DIAMOND PHOTOS. 75C A DOZEN AT PROC tor's, 616 S. 16th st. MATRIMONIAL PAPER WITH 1,600 ADVER-

tisements and photos of marriageable peoplemany righ, malled free. Address box 345, Brooklyn, N. Y. U-Missign.

A NICE. MOTHERLESS BOY, 8 YEARS OLD, wants a home with a respectable family. Ad-dress E 59. Hee. U-M556 0* PIMPLES, BLACKHEADS, LIVER SPOTS, freekles, wrinkies, course, desp pores, dry. rough skin and all facial blemisics cured. Superducus hair, moles, warts, wens desireyed without pain with the electric needle by the Curapathic institute, 1792 Dodge atreet Hours. 5 to 4; Sundays, 19 to 1.

SWEDISH MOVEMENT CURE FOR LADIES.
1816 Chicago et.; consultation, scientific, facial
and obesity treatment free Mondays, January,
U-M210122*

STOLEN TYPEWRITERS OFFERED FOR sale abould make you suspicious; funny they are mostly Smith's. Try one and you will understand why. Full line of supplies. Smith-Premier Co., lith and Farnam, Islephone 1284

CITY LOANS. C. A. STARR, 515 N. Y. LIFE. VERY LOW RATES MADE ON GOOD LOANS. J. W. Squire, 248 Bee bldg, W-284 J. W. Squire, 218 Bee 100g.

LOANS ON IMPROVED & UNIMPROVED CITY
property, \$1,000 and upwards, \$ to 7 per cent; no
delays. W. Farnam Smith & Co., \$250 Farnam.

CITY AND FARM LOANS AT LOWEST rates. Puscy & Thomas, First Nat'l Bk, bldg.

MONEY TO LOAN ON IMPROVED OMAHA property. Fidelity Trust company, 17e2 Farnam. W-386

MONEY TO LOAN-REAL ESTATE. ANTHONY LOAN & TRUST CO., 218 N.Y. LIFE, loans at low rates for choice security in Nebraska and lowa farms or Omaha city property.

W-377

LIFE INSURANCE POLICIES LOANED ON or bought. F. O. Chesney, Kansas City, Mo. W-378

MONEY TO LOAN AT LOWEST RATES, THE O. F. Davis Co., 1505 Farnam st. W-380

MONEY TO LOAN-CHATTELS. J. B. HADDOCK, ROOM 427, RAMGE BLOCK MONEY TO LOAN ON FURNITURE, PIANOS, horses, wagons, etc., at lowest rates in city; no removal of goods; strictly confidential; you can pay the loan off at any time or in any amount.

OMAHA MORTGAGE LOAN CO., 306 S. 16th street. X-288 MONEY TO LOAN ON HOUSEHOLD FURNI-ture, planos, horses, wagons, or any kind of chattel security at lowest possible rates, which you can pay back at any time and in any amount. Fibellity Loan Guarantes Co., Room 4, Withnell block. X-389

BUSINESS CHANCES.

WANTED, A MAN WITH A STOCK OF DRY goods or money to join with a stock of greeners. Good location and trade established John Ledwich, Aveca, Iowa. Y-M344 INCREASE YOUR INCOME; SEND FOR FREE book, "How to Trade Successfully in Grain on Small Margins." Perkins & Co. 24 Rially, Chicago.

Y-M445 J29*

WRITE BOX 874, SHENANDOAH, IA. EXPERIENCED BUSINESS MAN WILL INvest 45,000.00 to 410,000.00, with services, in established and good-paying wholesale, banking or manufacturing business. Address E 61, Bee. Y-MS31 6*

FOR SALE, GOOD NEW HOTEL, IN LIVE lown, or will trade for good farm; for particu-lars address box 142, Carroll, In. Y-M545 13 FOR SALE, DRUG STOCK IN NORTHWEST Iowa; good territory; about 11,800.00, Address Smale & Wilson, Meville, Ia. Y-M556?*

FOR SALE REAL ESTATE.

BARGAINS, HOUSES, LOTS AND FARMS, sale or trade. F. K. Darling, Barker block. FOR SALE, NEW 4-ROOM COTTAGE; CEL-lar, cistern, city water; cor. 39th and Sahler; \$1,250.90; long time. Inquire 1318 Farnam. Sam-uel Burns. RE 391 MODERN 12-ROOM HOME CHEAP 2919 BINNEY RE M943 J13

EXCHANGES AND SALES; CITY PROPERTY farms, merchandise. Garvin Bros., 219 N. Y Life. RE-302 BARGAINS, SALE OR TRADE, IN HOUSES lots and farms. J. N. Frenzer, opp.P. O. RE-M852 JS

IRRIGATED FARMS NEVER FAIL; FRUIT potato, grain and stock farms for sale on easy terms; correspondence solicited. E. H. Palmer, room 306, People's bank, Denver, Colo.

RE-M920 WE HAVE FARMS FOR SALE IN ALMOST every county in eastern Kansas and southwest Missouri; it will pay you to investigate our "cash rent plan" of selling farms. We can give you better terms than anybody; farms improved; possession soon, J. H. Brady, Crawford bldg., Topeka, Kan. RE-M926 J12*

FOR SALE, A 129-ACRE FARM, 15 MILES northwest of Omaha. Address E 37, Bec. RE-M339 J28* FOR SALE-WILL TAKE CLEAR VACANT lot in good location as first payment on house and lot, and require no cash payment; balance monthly. A. P. Tukey. RE-M495 REAL ESTATE AGENTS NOTICE-PROP-erty 39th and Dodge withdrawn. Wm. Fleming. RE-M179-6*

\$250.00 CASH AND \$15.00 PER MONTH WILL buy cozy home, large lot, on 20th street boulevard, near two car lines and only \$1,400.00. In ordinary times this property will sell for \$2,500.00 easy. \$550.00 will buy nice cottage and lot. \$250.00 will buy a fine vacant lot. We ofter nothing but genuine snaps. Houses and stores for rent. Clear, improved land for trade. H. E. Cole Co., 106 N. 15th.

R E-514-15 TWO LOTS IN NORTH SIDE; 6-ROOM HOUSE \$290.00; 8-room house, \$300.00 down; Charles E Earnum, 1124 North 18th street. RE-M522 16*

LOST, A NEW SILK UMBRELLA IN THE Board of Trade restaurant New Year's morn-ing; liberal reward for its return to H. B. Payne, Commercial club, whose name is on handle.

ELECTRICAL SUPPLIES.

ARMATURES AND CONVERTERS REWOUND; storage batteries recharged; electrical and gen-eral machinists; superior work guaranteed, Omaha Electrical Works, 617 and 619 S. 16th st. 412

UNDERTAKERS AND EMBALMERS SWANSON & VALIEN, UNDERTAKERS AND embalmers, 1701 Cuming st., telephone 1920, 234 M. O. MAUL, UNDERTAKER AND EM-balmer, 1417 Farnam st., telephone 225. 285

W. BAKER, UNDERTAKER, 613 S. 16th ST

office to 209 S. 16th st., Brown block. 401 SHERIDAN COAL, EXCELLENT SUBSTITUTE for hard coal, and \$3.50 ton cheaper, 1605 Furfor hard coal, and \$3.50 ton chomper. 1850 r.s. nam street; main entrance Board of Trade. 402

HORSES WINTERED.

WILL CARE FOR A FEW HEAD OF horses for the winter at 11 per head per month, Horses sent for and returned at 12 each. None but healthy horses taken, and only from responsible parties. I can give best of references. Address, M. J. Welch, Gretna, Neb., 158, 117.

HOW TO GET A HOME OR SECURE GOOD interest on savings. Apply to Omaha L. & B. Ass'n. 1704 Hee bldg. G. M. Nattinger, Sec. SHARES IN MUTUAL L. AND B. ASS'N PAY 6. 7, 8 per cent when 1, 2, 3 years old, always redeemable. 1704 Farnam st., Nattinger, Sec. 409

OMAHA BICYCLE CO., 223 N. 16TH ST.

A. L. DEANE & CO., BICYCLES, HIS FARNAM 174 Jis DAMAGED MIRRORS RESILVERED, 719 N. 16

TYPEWRITER 3.

Men's Suits.

MEN'S WINTER-WEIGHT SUITS-GOOD linings and strengly sewed-

MEN'S ALL WOOL WINTER SUITS-in the new leagths and weaves, and most carefully made up--MEN'S CLAY AND FANCY WORSTED SUITS artistic in workmanship, all sizes

810.00 MEN'S FINE WORSTED AND CASSI-MERE SUITS—in every and any style gar-ment—equal to any \$25 custom made suit— 812.00

Men's Ulsters. MEN'S ULSTERS-cut long, plain or check

MEN'S HEAVY DARK ULSTERS-lined with flannel, large collar, cut extra long-MEN'S HEAVY GRAY AND BLACK CHEVIOT ULSTERS— with great big collars to go over your ears—

MEN'S FINE ALL WOOL FRIEZE ULS-TERS-magnificently trimmed, cut 55-in 812.00

M. H. Cook Clothing Co.,

13th and Farnam.

DRESSMAKING. DRESSMAKING IN FAMILIES, 4316 GRANT M-188 JIS* DRESSMAKING IN FAMILIES. FIT AND Style guaranteed. Address E 46, Boc. M430 13*

AUCTION. BUSINESS SOLICITED IN JEWELRY AND merchandise of all descriptions; twenty years' experience; satisfaction guaranteed; best of references; sales made in and out of city. Call on or address J. D. Lewis, office 214 S. 15th street, with John Daumer, Omaha. M526 F2

STOVE REPAIRS.

STOVE REPAIRS FOR 40,000 DIFFERENT makes of stoves. Water attachment and con-nections a specialty. 1297 Douglas street. Omaha Stove Repair Works. 406

NEBRASKA HAY CO., WHOLESALE HAY, grain and mill stuff. We are always on the market to buy or sell. 1402-4-6 Nicholas st.

HAY AND GRAIN.

 1:05am
 Eastern Express
 5:30pm

 4:00pm
 Yest/builed
 Limited
 9:40am

 6:55am
 Mo. Valley
 Local
 10:30pm

 5:45pm
 Omaha
 Chicago
 Special
 2:15pm

WEST.

......St. Paul Limited...... \$:40am eaves | SIOUX CITY & PACIFIC. | Arrives Omaha Union Depot, 19th & Mason Sts. | Omaha Leaves | WABASH RAILWAY, Arrives Omaha Union Depot, 18th & Mason Sta | Omah

INSTRUMENTS placed on record January

WARRANTY DEEDS.

W M Ryan and wife to Annie Bowes,
78x12812 feet at point 20 feet s of nw
corner of lot 2, Barriegi's add,
William Kunold to August Krele, e 4, of
lot 3, block 3, Improvement Association
add, DEEDS!

DEFIS.

Sheriff to Omaha Lean and Trust company, 30x165 feet in lot 17, on Twentieth street, in ne sw 23-15-13

E Clapp administrator, to S J Blackburn, lots 46, 47 and 43, block I, Birkhauser & B's gabdiy

Special master to Omaha Lean and Building association, n & of lot 3, block 10, South Omaha

Same to A A Havemeyer, lot 21, block 17, Orchard Hill

Oregon Kidney Tea cures all kidney trou-

On and after Sunday, November 4, the Chicago, Milwaukee & St. Paul "electric lighted limited" will leave Omaha at 6 p. m., arriving in Chicago at 9 a. m. Remember this train carries dinner a is carte.

C. S. CARRIER, Ticket Agent, 1504 Fernaus St.

bles. Trial size, 25 cents. All druggists.

Saline county. Affirmed. Opinion by Chief Justice Norval

A judicial officer, acting within his juris A judicial officer, acting within his jurisdiction, and in a judicial capacity, is not liable in a civi action for his judcial acts. A mere error of judgment does not subject him to an action for damages,

2. A ministerial officer is not liable in an action for false imprisonment for the arrest of a person under a warrant lawful on its face, and issued by proper authority. If such officer exceeds his authority and acts oppressively in the execution of the process he will not be protected therein.

Kelman against Calhoun. Error from Otoe county, Reversed, Opinion by Justice Post.

market to buy or sell. 1602-4-6 Nicholas st.

CARPENTERS AND BUILDERS.

C. E. MORRILL, CARPENTER AND BUILDER, paper hancing and signs, brick work and plass tering. Office 409 S. 14th st., telephone 48s.

WHOLESALE COAL.

JOHNSON BROS., WHDLESALE DEALERS IN all kinds of coal. Correspondence solicited. 1998 Farnam street.

DENTISTS.

DR. PAUL, DENTIST, 5000 BURT ST. 415

MUSIC, ART AND LANGUAGE.

G. F. GELLENBECK BANJOIST AND guilar teacher, 1811 Carpet and the teacher. 1811 Carpet street.

WAN SANT'S SCHOOL OM SHORT HAND, N. Y. Life, Omaha, Asia for circular, 411

BUREAU, SUES & CO., Solicitors, Bee Building, OMAHA, Neb. Advice FREE.

RAILWAY TIME CARD

BUREAU, SUES & CO., Solicitors, Bee Building, OMAHA, Neb. Advice FREE, Ballond, Daly of the Misses, and the street of the friend of the mind.

Leaves BURLINGTON & MO. RIVER, larrives Omaha, Union Depot, 10th & Mason Sts. Omaha (1856). The bare belief of one assaulted that he is about to suffer death or great belief at the corrupt intention of fact for the fury.

Leaves CHICAGO, BURLINGTON & Q'Arrives Omaha, Union Depot, 10th & Mason Sts. Omaha (1856). Local (except Sunday), 1135437. Signm. Lincoln Local (except Sunday), 1135437. Signm. Chicago Vestibule. 9:50am 2:50am. Chicago Vestibule. 9:50am 2

Atwood against Atwater et al. Error fron

85.00

88.00

85.00

86.00

87.50

Post.

Where in an action on a promissory note by an indorser thereof the defense interposed is fraud in the inception of the note, the burden is upon the plaintiff to prove that he is a bona fide holder for value; but where the only defense is a failure of consideration the burden is upon the defendant to overcome the presumption that the note was transferred before due for value in the usual course of business. Violet against Rose, 39 Neb., 669.

2. Evidence examined and held not to

county treasurer for collection is the source of his power and authority to resort to the proceedings provided by statute for enforcing the collection of taxes when it becomes necessary so to do. If no warrant is so attached he lacks the authority to compel the payment of the taxes

2. Where the tax list was prepared by the county clerk by transcribing the assessment into two books and the warrant directing the treasurer to collect the taxes contained in the list was attached to but one of the books, and it was admitted that the two books constituted the tax list for the year, the warrant attached to the one book was sufficient authorization to the treasurer to collect any taxes in the list as shown in either book, in any manner provided by law.

3. The taxes assessed on personal property upon which they are assessed, but are a lien to the property upon which they are assessed, but are a lien upon all personal property owned by the person assessed, during the existence of the tax list to the county treasurer for collection.

and contest the treasurer's right to take the property, the legislature having failed to provide any means or remedy, the right to persort to the proper legal proceeding is implied, and replevin being the proper action, he may maintain such an action and have his right to possession adjudicated.

5. The liens of the taxes held superior in this case to the liens created upon the property by chattel mortgages executed subsequent to the delivery of the tax list to the county treasurer.

Reynolds against McMillen. Error from Dawes county. Reversed and remanded. Opinion by Justice Harrison.

The determination of this case is controlled by the decision in the case of Reynolds against Fisher et al. filled at this time.

2. The lien of the taxes held prior and paramount to the liens of levies of attachment writs which were made subsequent to the delivery of the tax list to the county treasurer.

Butler against Fitzgerald. Appeal from Lucas county. Affirmed, Opinion by Commissioner Ragan.

The statute of this state prescribing in what real estate of the husband a wife shall be entitled to dower is but declaratory of the common law.

2. When lawful marriage of a man and

be entitled to dower is but declaratory of the common law.

2. When lawful marriage of a man and woman and the ownership of real estate by the former concur an inchoate dower right attaches in the nature of a charge or incumbrance upon the real estate of a husbrand, and when such right has once attached it remains and continues a charge or incumbrance upon the real estate unless released by the voluntary act of the wife or to be extinguished by operation of law and is consummate upon the death of the husband.

Lancaster county, Affirmed, Opinion by Commissioner Ragan.

The facts and the questions of law involved in this case are the same as in Butler against Fitzgerald; and on the authority of the latter case the Juliament of the district court rendered in this case is affirmed.

Continuous Continuous

Curtis against Allen, Appeal from Otos county, Affirmed, Opinion by Commis-

defense must be pleaded in order to be availing.

3. The only objection to the introduction of a written instrument was that it appeared upon its face to have been altered in a material part. The objection was overruled by the district court, and neither the copy of the instrument in the bill of exceptions nor the other evidence therein disclosed such alteration. Held: That error did not appear.

4. In such case an affidavit not used on the hearing in the district court, but attached to the record here, is incompetent to show that the original instrument appeared to be altered.

5. In reviewing cases in this court the

show that the original instrument appeared to be altered.

5. In reviewing cases in this court the transcript here filed is the sole conclusive and unimpeachable evidence of the proceedings in the district court.

6. Where a stranger filed a petition in a case asking to be made a party, and thereafter filed pleadings, but obtained no order of the court making him a party, and the party appealing did not answer his pleadings, but on the trial cross-examined his witnesses, and the court, without special objection thereto, entertained the case of such intervenor and rendered a decree thereon. Held: That the appellant could not for the first time in this court urge that the intervenor had not in fact become a party. a party.

7. Where averments in a cross-petition are not denied, proof to establish them is unnecessary, and a decree will not be set aside because the proof offered was in-

anticipated in order to authorize the appointment.

Piper et al against Woolman, Error from Hitchcock county. Reversed and remanded. Opinion by Commissioner Ragan.

The deacons of a church made a written accusation against a memb r ther of—a clargy man —charging him with repeats thy and persistently uttering statements that are contrary to the truth; we charge him with giving way to violent and unchristian temper; we charge him with defaming the sool name of members of this church. The clergyman then sued the deacons for libel, making these accusations the basis of his suit, Heid:

(1) That the publication was libelous per contrary to the publication was libelous per conference was held to any between the representatives of the Union Pacific on one

making these accusations the basis of his suit. Held:

(1) That the publication was libelous per se.

(2) That the finding and judgment made by the church in the trial of the clergyman on the charges were not competent evidence for either party in the libel suit, and were properly stricken out of the answer of the deacons.

2. The office of a reply is to deny the facts alleged as defenses in the answer or to allege facts in avoidance of such defenses.

3. On the trial of the libel suit the plaintiff called as witness another clergyman, of whom he inquired what effect it would have

called as witness another ciergyman, of whom he inquired what effect it would have upon a clergyman to charge him with repeatedly and persistently uttering statements that are contrary to the truth and with defaming the good name of members of the church. The witness answered that the charge would be detrimental to the clergyman's reputation and usefulness and would destroy his reputation for honesty and qualifications for his office. Held: That the evidence of the witness was a mere opinion and its admission was error.

4. In such libel suit the defendants pleaded "and defendants allege that at said time both they and the plaintiff were members of said First Congregational church of Palisade, Neb., and that they, the defendants, preferred such charges in the manner herein set out; that said charges were so preferred and exhibited in said church by defendants according to the usage and discipline thereof." Held: A good plea of qualified privilege.

lege.

Duggan against Hansen, Error from
Perkins county, Affirmed, Opinion by Commissioner Ryan.

Duggan owned a bull, which escaped from

killed the mare of Hansen. Hansen then sued Duggan for the value of the mare. Held:

(1) That the bull was running at large in the night time within the meaning of siction 14, article iii, chapter ii, Compiled Statutes, 1893.

(2) Although Fachett's conduct in permitting the bull to remain in the pasture with Hansen's mare over night was evidence of such negligence on his part as would have justified a jury in finding him liable for the value of the mare, yet Fachett's negligences was no defense for Duggan.

2. The evidence examined and held to support the judgment of the district court. Risse against Gasch et al. Error from Adams county. Affirmed. Opinion by Commissioner Rasgan.

A new trial is a statutory remedy and can be granted by a court of law only upon the grounds or some of them provided for by the statute.

2. An assignment, "Errors of law occurring at the trial" is sufficient in a motion for a new trial to enable the district court to determine whether it erred in admitting or rejecting evidence; but under such an assignment in a petition in error the suppreme court cannot review anything.

3. The supreme court is not invested with authority by the constitution or laws of the state to set aside the vegicle of a jury having for its support sufficient competent evidence, even though this court may be of opinion that had it been the triers of the case it would have reached a different conclusion.

4. To have disputed questions of fact put

to its citizens.

5. The evidence examined and held to st port the finding of the jury that: "The istrument introduced in evidence in contriversy is not the last will and testament Carl Julius Gasch, deceased."

Dyspepsis s.4dom causes death, but permits its victims to live on in misery. Head's Sar-sapar:da cures dyspepsis and all stomach troubles.

consummate upon the death of the husband.

2. The rule of caveat emptor applies to a purchaser of real estate at a judicial sale thereof on execution, and the conveyance made in pursuance thereof conveys no greater estate than would be a quit claim deed for the real estate executed by the execution debtor.

4. The sale of the real estate of the husband under execution on a judgment against him alone—followed by a judicial confirmation and conveyance—does not extinguish the inchoate dower right of the wife in such real estate, and upon the death of the husband the wife is entitled to have her dower assigned out of such real estate.

5. Real estate which has been seld under execution on a judgment against the husband alone—such sale followed by judicial confirmation and conveyance—is real estate aliened by the husband within the meaning of section 7, chapter xxiii, compiled statutes.

6. The phrase "enhanced in value." found in section 7, chapter xxiii, compiled Statutes, 1825, is limited in its meaning to appreciation in the value of real estate by reason of improvements put thereon by the allenee.

7. In estimating the value of real estate, medical extents. Castellinn says Eze's could not entitled to any movereason of improvements put thereon by the allenee.

7. In estimating the value of real estate, allened by the husband during his marriage, for the purpose of assigning his widow dower therein, the value of the real estate is to be estimated as it is at the time of the assignment of dower, excluding the increase in value of the real estate resulting from improvements made thereon by the altenee subsequent to the date of alienation.

Breed against McCoy, et al. Error from Breed against McCoy, et al. Error from

Lose Their Grip.

Curtis against Allen. Appeal from Otoc county. Affirmed. Opinion by Commissioner Ryan.

The institution for the blind at Nebraska City is one for "educational purposes" within the meaning of section is article votany privilege in the aforesaid institution for the blind except to receive an education, and incidentally such aid and support as thereby shall be rendered necessary. Myers against Makoney. Appeal from Dawes county. Affirmed. Opinion by Commissioner Irvine.

In an action to foreclose mortgages persons who were made defendants upon allegations charging them with being the owners of the equity of redemption, but against whom he personal relief was sought, cained be heard to complain of a decree affecting merely the land, when by their pleadings they have disclaimed all interest therein. Chadron Banking complany against Mahoney. Appeal from Dawes county, Opinion by Commissioner Irvine.

The filing with a transcript of the record of a paper containing assignments of error will not alone require the court to treat the proceedings as one in error and not as an appeal. To have such effect the instrument filed should possess the essential clements of a petition in error.

2. Whether the grantee of a married woman may defend against a mortgage given by her before the conveyance on the ground that it was given only to secure her husband's pre-existing debt, quare. Such defense must be pleaded in order to be availing.

3. The only objection to the introduction of a written instrument was that it ap-

This postponement, it is said, indicates that the receivers of the Union Pacific, as outlined in The Bee several days ago, mean to contest the application for a separate re-ceiver, E. Ellery Anderson of the receivers being particularly interested in resisting the application. It is also now generally under-stood that Attorney General Richard Olney will take a hand in fighting the divorcement of the Oregon Short Line & Utah Northern. Already an outline has been made of the arguments to be advanced by the Union Pacific interests in opposition to the application, and this outline will be presented to the

receivers next week in New York.

Everything new points to a legal battle of great importance to the interests involved, and the outcome of the application of the American Loan and Trust company will be watched with the liveliest concern, particularly on the part of those who will be most affected directly whould the segregation be affected directly should the segregation be

judicially determined upon. TROUBLES ARE HARD TO SETTLE.

Overland Stands Pat on the Interchange of Pacific Coast Business.

aside because the proof offered was incompetent.

S. The appointment of a receiver is a provisional remedy, and should not be made at the time of the final decree except where an occasion exists whereunder the statute or usuges of courts of equity authorizes such appointment.

9. Therefore, in an action to foreclose mortgages where the petition prayed for the appointment of a receiver pending the action, but the application was not heard until final hearing, the court erred in appointing a receiver upon the final hearing, before the institution of an appeal or an application for a stay.

10. A receiver should not be appointed because a state of affairs is a anticipated which would justify such an appointment. The occasion must exist and be not merely anticipated in order to authorize the appointment.

Bleeve at a grainst Washing Percer from The Atchison-Southern Pacific committee CHICAGO, Jan. 4.- The committee of the

W. W. Cotton, general solicitor for the done by washouts along the Columbia river last year. Mr. Cotton said that the Oregon Railway & Navigation company had a fatwheat traffic last year, but business was at a standstill at present. He stated that Major McNeill had been able to raise \$125,-000 on receivers' certificates to pay interest charges and had still to draw on \$475,000 in receivers' certificates, the court authorizing fectivers certificates, the court authorizing the issuance of \$600,000 to meet interest features and operating expenses. He spoke enthusiastically of the Navigation property and the way it was being managed by Mr. McNeill, who was regarded by the people of Puget Sound as one of the big railroad men of the country.

of the country. Extensions Not Thought Of. General Superintendent C. A. Goodnow of he Iowa division, of the Milwauken system men being to keep down expenses to the lowest possible mark. He anticipated, however,

go into the winter better situated than for a number of years past. As for building any extensions, they are not even thought of so far as I know," said Mr. Goodnow. Judge W. R. Kelly of the law department

of the Union Pacific has returned from Chiattend the funeral of his mother at Glenwood,

W. G. Pearce, assistant general manager of the Northern Pacific, stopped off yesterday en-route west to pay his compliments to General Manager Dickinson. office of the Northwestern announcing the appointment of C. A. Cairns as assistant general passenger and ticket agent of the general passenger and tienet agent of the Chicago & Northwestern, vice W. B. Knis-kern promoted to the position of general passenger and ticket agent. Mr. Cairns, ever since Mr. Kniskern's appointment as ansist-ant general passenger and licket agent, has been acting in the capacity of chief clerk in the passenger department.

a sensation here yesterday by reporting a daylight robbery and last night confessed his ewn guilt, was today bound over in \$2,000 by the United States commissioner. He gave ball. ARKANSAS CITY, Kan., Jan. 4.-Probate Judge-elect D. D. Parry died in this city this morning, agod 54 years. He represented Warren county, Illinois, in the legislature of 1880. He was a prominent member of the

assistant cashier of the postoffice, who created

Kansas Grand Army of the Republic. " 'Brown's Bronchial Troches' are excellent for the relief of hoarseness or sore throat. They are exceedingly effective."—Christian World Lenies For World, London, Eng.

EXPECTANT MOTHERS. MOTHERS FRIEND.