# THE OMAHA DAILY BEE NEWS FRON COUNCIL BLUFFS T 13 COUNCIL BLUFFS. OFFICE. . . NO. 12 PEARL STREET Omaha Men Arrested as the Result of a

### THE COUNCIL BLUFFS.

OFFICE, - - NO. 12 PEARL STREET

Delivered by carrier to any part of the city.

H. W. TILTON, Lease. TELEPHONES-Business office, No. 43; night editor, No. 13.

MINOR MENTIONS.

Grand, Council Bluffa, E. F. Clark, prop. Mayne Real Estate agency, 539 Broadway, The regular monthly meeting of the city council will be held this evening.

The next incetaing of the Merchants' and Manufacturers' association is to be held at the Grand hotel, Wednesday evening, May 29. A banquet will be served.

City Assertor Hardin is just about com-pleting his assessment of bicycles, which he has valued at from \$10 to \$20 each. He ex-pects to have the work finished in the next day or two.

Council comp No. 14, W. O. W., will meet in their hall on middle Broadway tonight at 8 o'clock sharp. A full attendance is desired. Work in the protection degree, All visiting members cordially invited.

Invitations have been issued to the marriage of Harry Walter Pramer to Miss Anna Casady this city. The wedding will take place ednesday evening. May 15, at the residence place of the bride's mother, 400 Glen avenue,

#### BENNISON BROS.

May Clearing Sale. Commencing Monday, May 6, greatest bar-gains ever effered over a retail counter, look to your own interest, spend your money with

us during this sale. Lawrence LL muslin, Sc yard. 50 places standard dress prints, 31/2c yard. American light shirting calleo, 31/2c yard. To and So white shaker flannel, 3%c yard.

100 pleces of Jaconat Duchess, beautiful , 10c yard. 15c quality printed dimitles, 8%c yard.

26-inch dotted curtain swiss, 12½c yard. 60c quality, black and grey moreon skirt 39c yard.

These prices will save you mon y. 1 case 27 inch Soutch figured lawns, colors warranted fast, 5c yard.

15 pieces of half wool challies, 9c yard. SPECIAL SILK SALE.

All our Kai Kai wash silks, 29c yard. All our 75c chick Taffety silk, 29c yard. \$1 novelty silk, for waists, 69c yard.

7-Inch \$2.50 black satin Duchezs, \$1.59 quality black satin Duchess, 89c yard.

You can save money by buying your slik-nd dress goods of us. CARPET AND CURTAIN SALE.

As long as they last, real Brussel net lac curtains, worth \$5.50, at \$1.98 pair.

Curtain shades, with fixtures complete, 15c. Jointless Jap matting at 15c, 20c, and

25c yard.

Cotton warp, 45c matting, 29c yard. If you need rugs, carpets, matting or curtains, see us. We guarantee to save you money. Mail orders filled.

BENNISON BROS. Council Bluffs.

#### PERSONAL PARAGRAPHS.

George Gerner has gone to Cleveland, O fine Egyptian yarn, reduced to 1216c each. Our regular 50c lisle vests for 35c, or 3 for \$1.00. to attend an optical school. Mrs. Dillon Ross has returned from month's visit with her relatives in Peters-

burg, Ill. I. M. Treynor leaves May 14 for St. Louis as delegate from Fidelity council, Royal Arcanum, of this city, to attend a meeting of the supreme council

Rev. T. H. Cleland, formerly pastor of the STRIVING STRONGLY FOR SINNERS First Presbyterian church in this city, now In Duluth, Minn., was in the city yesterday, Religions Workers Keep the Churches visiting his many friends.

#### All Men Have a Hobby.

Every person you meet is a crank on some particular subject, and we believe all you and the announcement brought out a crowd would have to do to make a dumb man talk that filled every seat in the auditorium and would be to strike him on his especial hobby. One of the greatest hobbies in town is posplatform was well filled with a male chorus, sessed by Tom Hughes, the down-town gent's which assisted in the musical parts of the furnisher. His hobby seems to be neckwear. You can find anything in that line from a exercises. A few ladies, whose curiosity got column 5c Windsor to the gaudiest scarf, and the better of them, were noticed loitering common 5c Windsor to the gaudiest scarf, and the funniest part of it is he doesn't seem to about under the windows, and were probably fully as much interested in the remarks of strong. If you are down in the neighborhood of 919 Main street, drop in and have him show 'em to you.

the hook and several yards of the line, and then started by an air line for Crescent City. Mrs. Baldy had a determination to land the Cut-Off Island Row. buffalo which was not lindered by any fears for the consequences, and she clung to the TOOK A SILOON MAN'S BUILDING AWAY for the consequences, and she clung to the pole with a grit that deserved a better re-ward. She very soon found hereif in the water, and it took the hardest work any of the party had done for years to get her back into the boat. The buffalo, at last accounts, was trying to digest the fishing apparatus, and had gotten as far as the big end of the pole. Last Move in the Trouble Between Julius Peterson and J. Weishartinger

Transfers the Building Across Several Acres of Sand,

The spring meeting of the Union Park Rac-W. H. Harde and Constable W. H. Mc ing association will be given, commencing Kenzle of Omaha were arrested Saturday May 22, and continuing ten days, beginning afternoon at Cut-Off as a result of the diffiat 2 p. m., each day. Five good running culty of several weeks ago between Julius races each day. Peterson, a Cut-Off saloon Resper, and J. Weishartinger, who bought the building and

officer from Council Bluffs visited the place

and arrested the two men. But while they

MAY SALE.

Desirable Merchandise at a Sacrifice.

gains in dress goods, silks, white goods, do-mestics, notions, hosiery, underwoar, ladies

Our entire stock of Kaiki wash sliks, worth 45c, also a big line of checkel taffeta sliks, always sold at 50c, to go in one lot at 31c

58c to 75c printed Japs and China silk re-

45c French serge, in all colors and bluck, o go at 25c a yard.

to quality all wool suitings reduced to 19.

A big line of high grade novelties, worth from \$1.00 to \$1.50, reduced to 89c a yard.

DOMESTICS. Lawrence L. L. muslin, 3c a yard. Fruit cambric, worth 121gc, at 9c a yard. Berkley No. 80 cambric reduced to 7c a

Marseilles bed spreads, worth \$1.50, reduced

Big reduction in ladies' capes and wrap-

At \$3.87-Over 100 colored capes that sold

from \$4.50 to \$7.50, all in one lot, at \$3.87. All silk ribbons, worth 5c to 10c a yard, re-

Ladies' ribbed vests, 5c each; 1214c ladies' eits at 9c, or 3 for 25c.

19c quality ladies' vests, in white and ecru,

FOWLER, DICK & WALKER, 401-405 Broadway, Council Bluffs, Ia.

19c curling froms reduced to 5c each. 25c and 33c belts go at 5c each. 33c and 45c hand bags, 25c each.

Gents' ramon a bargain, at 25c each. BOSTON STORE, Gents' random and balbriggan underwear,

Crowded at Special Meetings.

A meeting for men only was held last

evening at the First Presbyterian church,

duced to ic a yard. 10c dress shields, Sc a pair.

See show windows for prices. DRESS GOODS AND SILKS.

Big reductions in all summer goods. Bar-

to Weishartinger's lot.

sapes and wrappers.

uced to 50c a yard.

vard.

ard.

ard.

See them.

9Sc each.

S. M. Williamson Sells the Standard and Domentic sewing machines; also agent for Standard in Omaha. 106 South Main street, moved it off Peterson's lot while that gentleman was under arrest for resisting an officer. Peterson had gotten possession of the build-Yes, the Eagle laundry is "that good aundry," and is located at 724 Broadway. ing again, and was striving to keep it, but

faundry," and is located at 724 Broadway. If in doubt about this try it and be convinced. Saturday afternoon was overcome by a Don't forget name and number. Tel. 157. superior force, with Harde and McKenzie at Garden hose, big stock, good and cheap. New York Plumbing Co. the head. Peterson rushed to this side of the river and swore out an information, charging the two men with malicious mischief. An

Fence Posts. 100 carloads white oak fence posts, 5 cents each, by the car load, A. Overton, Coun-cil Bluffs.

Itig Bace Meeting.

were being taken to the justice's office the Get prices on wall paper at the Boston rest of the gang continued its work, and in Store. a short time the building, which has been the ause of so much trouble, was navigated down

All kinds of plants and flowers. J. R. Mc-Pherson, green houses 1250 E. Pierce st. Telephone 244, night or day. Hurrleane in Council Bluffs in hardware prices at closing out sale of Dungan & Son's.

Freemason's housekeeper, and of setting fire to the house to hide his crims. When the for the house to have his crimis. When the fire was discovered the building was almost enveloped in flames, but neighbors succeeded in dragging the body of Mrs. Walls from the house. By the side of her body lay the knife and hammer with which she had been murdered. They were secured. The evi-dance against Richia is only circumstantial

THE OMAHA DAILY BEE: MONDAY, MAY 6, 1895.

ceptions. 5. To the district court and not to this, has been entrusted the power to impose sentence for the commission of offenses against the laws of the stats and the judg-ments of that court will not be interfered with on the ground that they are excessive in the absence of a clear abuse of discre-tion.

Eastman against Cain. Appeal from buglas county. Opinion by Justice Harri-

on. The district courts and judges are vested eith jurisdiction by statute. to hear and etermine applications for the appointment of receivers in cases then pending in such ourts, and also, after appeal on the merits

f receivers in cases then pending in such ourts, and also, after appeal on the merits o this court. 2 The district courts and judges being dothed with such jurisdiction, it is con-sonant with the better practice to present such applications to them, and exc pt in such cases where sufficient reasons exist therefor this court will not entertain and determine original applications for the ap-pointment of receivers. Mitchell against Jones, Error from Buf-falo courty, Allimed, Opinion by Commis-sioner Ryan.

oner Ryan. Where the sole question contested was

Mitchell scaling Jones. Error rom Buf-do contry. Altirmed. Option by Commis-graden hose, big stock, good and cheap.
 MET DEATH IN CHIAN'S SERFICE Gerhard Krohn, American Commander of the Neuho Yoes. Kited by a Shoil.
 MET DEATH IN CHIAN'S SERFICE Gerhard Krohn, American Commander of the Neuho Yoes. Kited by a Shoil.
 PHOENIXVILLE, P.a., May 5.-Chauneer Krehn of the Phoenix from works of this brother, Commander Gerhard Krohn of the phace has received Intelligence that have a sereaved intelligence that has a guin. The group of the sereaved in the guil of Pe-Chi-Li, near Port Arthur, in February. Before he was wounded a guin. The leutenants to man a guin. The leutenants to man a guin. The leutenants to man a guin. The leutenants of this inter of the defendant althraptic project, when ad-mined avored to rally his men. But still they erised to one of his lieutenants to man a endeavored to rally his men. But still they refused to one of the lineet of the state of the state one of the lineet of the state of the state of the state fruntion, and atting the state.
 The one of Main inself on the state of the state one of the lineet of the state of the state fruntion, and atting the guilt of the state of the state of the state fruntion, and atting the guilt of the state of the state of the state fruntion, and atting the guilt of the state of the state of the state fruntion, and atting the state of the state of the state of the state fruntion, and atting the guilt of the state of the state of the state fruntion, and atting the state of the state of the state fruntion and atting the state of the state of the state of the state fruntion and state the state of the state of the state fruntion and state the state of the state of the state of the state fruntion and state the state of the state of the state of the state fruntion and state the state of the state of the state of the state fruntion and state the state of the state of the state fruction of the state state

2. Where a written instrument is altered by one not claiming under it the party claiming under it may still enforce it so ong as its original character is susceptible of proof.

of proof. 3. Therefore, where, after an appeal un-dertaking had been approved by the jus-tice of the peace some of the sureties erased their names therefrom, this did not release them from liability, and conse-quently did not release their co-sureties, the obligee not knowing of or consenting to the Ryan

CHANCE FOR A COMPROMISE TRANSFORMER STREET American Loan and Trust Company Said to Further Statistics Be Willing to Settle.

OREGON SHORT LINE CASE MAY BE DROPPED

and Egan as Joint Receivers

for the Overland,

ST. PAUL, May 5 .-- An attempt was made

o settle the Union Pacific receivership trou-

he American Loan and Trust company, as

born's decision will be announced later.

Receiver S. H. H. Clark was seen at the

Millard hotel inst evening and shown the

foregoing dispatch. Mr. Clark read it care-

"I am not at liberty at the present time," said Mr. Clark, "to say anything in regard

to the proposition alleged in the telegram to have been made by the attorney for the

fully, but declined to discuss its contents.

Plaintiff Company Submits a Proposition Looking to the Appointment of Clark

SUPERING COURT SYLLAME.
SUPERING COURT SYLLAME.
Wright against State. Droor from Platte county. Affirmed. Ophibos by Justice Post.
All presumptions existing favor of the guarments of courts of scoreral jurisdiction, and her who asserts the analysis of the judgments of courts of scoreral jurisdiction. And the who asserts the score of a court of the record.
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The difference of an information was not her record of the proceedings in the face.
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An objection and the strong that the alleged.
The the complaint upon which as a conviction under fection 219. Convinction under fection 219. Conviction with the form of a bill of the power of bill of the bill any basine of the the substrate of the form of a bill of the proceeding and state for the purpose of a conviction.
The final finite form of a bill of the form of a bill of the bill any billing the form of a bill of the proceeding and state for the bill any billing the form of a bill of the form of a bill of the bill any billing the form of a bill of the purpose of proceeding and state for the bulk any billing the form of a bill of the billing and such terms of the decree of the billing billing the billing the billing the billing the billing billing the billing ble cut of court yesterday, but it is believed that the effort has failed, although nothing positive is known. Mr. Hyde, attorney for the trustee for the bendholders of the Oregon Short Line, submitted a proposition that de; unless the decree on which said ord sale is based expressly authorizes if the former receivers were discharged and sale

S. H. H. Clark and John M. Egan appointed as joint receivers of the two systems, they would agree to such an appointment and would not ask for a separate receiver-hip for the Oregon Short Line, the argument or which petition had been heard during the week. Judge Sanborn agreed to allow all parties to meet to consider the proposition. and they met yesterday afternoon and held

a long conference, but so far no agreement was reached, and all interested in the case left for their homes last night. Judge San-

erty, and to sallefy which such sale was made, unless the decree on which said order of sale is based expressly authorizes a sale on credit. 7. A burchaser of property sold at judicial sale, who, after its confirmation, accepts a conveyance for said property executed in pursuance of such sale its confirmation and the order of the court, and who applies to and obtains from the court an order for a writ of possesion for such property, thereby waives all errors and irregularities which occurred in the making of such sale, and all objections and exceptions to the court's order of confirmation. 8. The finding of a district court made on conflicting evidence, like the finding of a jury, is binding on this court, if such find-ing is supported by sufficient evidence. 9. Certain real cystate was incumbered by wortgage brought a suit in equity to fore-close, obtained a decree, and at a sale there-under, purchased the property. The holder of the first mortgage was not made a party to the foreclosure suit. After obtaining his decree, but before the sale the holder of the second mortgage purchased and took an assignment to himself of the mort-gage. Held: That his ownership of the first mortgage did not of itself entitle him as against the mortgage to a decree of the sale to the foreclosure suit. After obtaining his decree, but before the sale the holder of anylying the surplus proceeds of the sale to the second mortgage purchased and took an assignment to himself of the mort-gage methy of integrating from the sale of the mortgage did not of itself entitle him as against the mortgage proceeds of the sale to the property and remaining after satisfac-tion of the mortgage being foreclosed, and the decree rendered so provided. The mort-gage, though personally served, did not appear in the case until after a sale of the mortgaged property, when he applied to the court for an order to have \$200 of the sur-tion of the mortgage being foreclosed, and the decree rendered so provided. The mort-gage, though personally served American Loan and Trust company." In reply to the question whether he had had my intimution of the proposition before read ng the telegram Mr. Clark still declined to was entitled to the order. (2) That the question of the homestead rights of the mortgagor was not involved, nor liftgated in the foreclosure suit. (3) That the decree rendered in the foreclosure suit was not a bar to the mortgagor's application to have the surplus paid to him in lieu of his home-stead. (4) That the judgments were liens upon the real estate before the bringing of the foreclosure suit, such liens were sub-ject to the mortgagor's homestial rights in the property. (5) That the decree in the foreclosure suit finding the judgments were liens and ordering thim paid out of the surplus should be construed as if it read that they were liens and should be paid out of the surplus subject to the mortgagor's homestead rights. (6) That the mortgagor's homestead rights. (6) That the mortgagor's homestead rights had been converted by a decree of the court into money, nor did not lose his homestead exemption be-cause the real estate had been converted by a decree of the court into money, nor did the judgment criditors acquire by the decree any greater liens upon or right to the money than they had against the property. (7) That the mortgagor might claim the sur-plus money in lieu of his homestead exemp-tion at any line befor such surplus was finally distributed by order of the court. Seigwick against Durham et al. Error from York county. Opinion by Commis-sioner Irvine. The procedure in county courts, in regard

from York county. Opinion by Commis-sioner Irvine. The procedure in county courts, in regard to bills of exceptions is governed by the law relating to justices of the peace. 2. The provisions of section 57a of the Code of Civil Procedure, authorizing the certifica-tion of the original bill of exceptions, are confined to proceedings in the supreme court reviewing judgments of the district courts. The original bill of exceptions can-not be certified from a county court to the district court.

not be certined from a county court to the district court. 3. The manner of preserving exceptions in county courts and before justices of the peace is provided by sections 383 and 1,685 of the code. The exceptions must be entered upon the docket of the justice or county judge, and be presented to the district court by a transcript of that docket. Green against Hall. Appeal from Douglas county. Reversed. Oplaion by Commissioner Ryan. feminine voices; and the lady dismounted and took from her trousers pocket a man's matchbox and plenty of matches, my matches and cigarettes at home," said I, as a subtle feeler; but she did not offer me a cigarette. Perhaps she also had left hers in her other clothes—in her fencing trousers, perhaps.

therities will not compel the unloading and inspection of cattle here, which have but six hours before gone through the same proceeding at Denver. Northern Fac fic Beags Fall. TACOMA, Wash., May 5 .- The resignation of James McNaught, general counsel of he Northern Pacific road, will be followed by the resignations or dismissals in several ther departments, said an official of that oad yesterday. He states that Assistant Jeneral Superintendent Dickinson would robably be next to go out. A change in probably be next to go out. A chang the legal department of the road is expected. One Man's I sperience. I was out bicycling the other night and my lantern blew out in a dark street, writes Julian Ralph in the Providence Journal Just then a man came along on a wheel and I called out: "I say, can you give me a match?" "Certainly, sir," said the softest of



ing on or using DR. C. W. PANCLE'S HERBAL MEDICINES.

The only Physician who can tell what ails a person without asking a question. Those at a distance send for Question Blank, No. 1 for men, No. 2 for women.

3

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It's a Mistake

To think that one plane is

there are good points in any 3

A. HOSPE, Jr.

just as good as another. If

plano, you'll find them all in the Kimball. Easy monthly

G.W.PANGLE, M.

The Good Samaritan. 20 Years' Experience.

READER OF DISEASES OF MEN AND

WOMEN. PROPRIETOR OF THE

WORLD'S HERBAL DISPEN-

SARY OF MEDICINE.

payments.

Music and Art. 1210 Douglas

All correspondence strictly confidential. Medicine sent by express. Address all letters

G. W. PANGLE, M. D., 555 BROADWAY, COUNCIL BLUFFS. Enclose 10c in stamps for reply.



There are lots of new things in vapor stoves for the public to experiment on. Don't waste your money that way. Buy a Quick Meal or a Reliable of Cole & Cole. They have been tried and tested for years and are safe and right.

Ladies desiring employment will find just Ladies desiring employment health goods manufactured by the Iowa Mfg. Co. Real manufactured by the Iowa Mfg. Co. Real live agents can clear from \$5 to \$10 a day. Write for terms and territory. Address 810 Ave. B. Council Bluffs.

#### Want a Pase Poll Park.

W. E. Foster, the new manager of the Council Bluff's base ball team, is looking for some one with enough interest in the national came to furnish a ball park somewhere in the western part of the city. He expects to bring the matter before the motor company In the course of the next few days and hopes to induce it to make the necessary ar-rangements. All that is needed is a strip of ground of the proper size, a board fence high enough to keep young America out and with-out too many knot holes, and a small grand stand. This, it is estimated, could be done with an outlay of \$300 or \$400, and the motor company would probably come out even at the end of the season through the increased patronage of the line. The club now or-ganized contains a number of the members of last year's club, which knocked out almost sverything that came its way, and the people side. of Council Bluffs will undoubtedly see some good games this summer.

#### The Peerless Temperance Drink.

There is no temperance drink in the world that begins to compare with the famous Copps Cheer and Herb Tonic, originated and manufactured by the G. R. Wheeler Brewing company. It is protected by U. S. official analysis, and can be sold anywhere without any form of license.

#### WHEELER & HERELD, Sole Mfgrs., Council Bluffs.

Have you seen the beautiful new novelties splendid bargains at the Meyers-Durfee Furniture company's, the standard furniture house?

Umbrellas repaired neatly, Almy, 146 Broadway.

#### He Smashed Three Windows.

Some unknown party with a desire to see blood flow had that desire gratified Saturday night, but it was his own blood that flowed. He was out for a good time, and sought to He was out for a good time, and sought to smusse himself by breaking windows. At the St. Louis house, corner of Main street and Ninth avenue, he stuck his fist through a large light of glass, and left a hole to match the fist. At Mike Nolan's place, a few doors away, he repeated the operation, and when Officer Coval examined the window yesterday morning, he found a few shreds of flesh and some blood, that showed how the window had received its wound Anthe window had received its wound. An-other window was broken at the Shamrock other window was broken at the Shaharock saloon, 1005 South Main street, by the same man. From there he went down to Sixteenth avenue and several blocks west, leaving a track of blood the entire distance, until his blood was apparently all gone, when the blood was apparently all gone, when the track vanished. The identity of the window smasher is unknown.

#### S. M. Williamson

Carries the largest stock of high grade bicycles of any dealer in the west. Also has the best equipped repair shop in the west, 106 South Main street; telephone, 202.

Hay for sale, by the ton or carload. W. A. Wood, 520 Main street.

A splendid line of men's suits at Metcalf Bros.' for \$6 50.

Dungan's entire stock of hardware will be closed out on Monday, Tuesday and Wednes-day, regardless of cost.

It's getting hot; cool off with reservoir ice Muloholland, 5 Baldwin block, tel. 186.

A splendid line of men's suits at Metcalf Bros.' for \$6.50.

disposed to put on their Christianity one strike among the sheep shearers of this day in the week and take it off the other six place has been amicably adjusted and shearand take a vacation entirely as soon as collars. bigan to will, Satan was pegging away con-

There were three foes with whom Christians had to contend-the world, that is, the external foe; the flesh, the internal, and the devil, the infernal. Satan was in the habit of setting up scarcerows to frighten people away from their duty. His favorite plea against one's adopting Christianity is that "the people will talk," and by it he keeps many back who would otherwise be glad to array themselves on the side of the right. But this really ought not to be such a bug-bear as it is, for most people haven't any-

thing to do besides talk about their bors, and, as a rule, the man who knows least talks most. A moral life, he continued, is not enough. and, as a rule, the man who knows

Just as in law, a man is held accountable for what he intends to do, not what he does, what he intends to do, not what he does not man is to be judged by the intents and pur-poses of his heart. If at the end of his life it is found that he has not led a good life for the Lord's sake his good deeds count for nothing, and his life will be a

stupendous failure. The objection that to be a Christian one must be a namby-pamby sort of a fellow was disproved by calling attention to such men as Stagg, the great pitcher, and half a dozen others he mentioned as having attained fame n foot ball, running and various athletic ines, and had run Sunday schools on the He exhorted his hearers to beware of the drink habit, which is killing a man in this land once every six minutes, and various vices common to mankind.

While this service was being held, a meeting for women only was being held in the Baptist church, addressed by Rev. T. H. Cleland, D. D., of Duluth, Minn., and Dr. John Askin of this cliy. A meeting of both sexce was also held at the Broadway Metho-dist dist church, and addresses were made by Rev. L. B. Wickersham of Atlantic and Rev. V. C. Rocho of this city.

#### C. O. D. BROWN.

#### Beats Them All-When it Comes to Good Goods at Low Prices He Makes

His Competitors All HowL In our hardware department we are sell-

ing screen doors 1% inch thick, any size you want th m, at 65c; wire cloth, per foot, 2c; gardin hose, 15c; garden rakes, 15c; wire clothes line, 10c; ladies' hair curlers, 5c; 14-in. lawn mowers, \$2.45; other dealers ask you \$3.50 for the same thing. Two-quart

8%c; dry salt bacon at 7c; compound lard for 6%c; breakfast bacon, 10%c; boiling beef. 4c and 5c per lb.

In our grocery department we have knocked the bottom clear cut of prices for this week We have size a complete line of refrigerators of all sizes. We are having a special sale on them this week only. They are the Peerless, and are pack d with charcoal, and will

save you chough on your ice bill in one sum-mer to pay for themselves. They are on our second floor. Come in and look at them. BROWN'S C. O. D. Gas cooking stoves for rent and for sale.

C. B. Gas company. The Hardman, the piano par excellence.

Davis, drug, paint, giass nan. 200 B'way.

This week will witness the greatest clear-nce sale ever known in hardware and mechantes' tools in Council Bluffs at Dungan's

Largest stock of wall paper in the state Boston Store

Mrs. Baldy Caught by a Fuffalo. Mr. and Mrs. E. C. Baldy. Mrs. Rapalje,

Herb Brown and Miss Gertie Brown formed Miss M. E. Keen, stenographer, 106 S. Main. a party that went to Hawthorn lake last

change. 4. The fact that the justice knew of the erasure was not material. It was beyond his power after approving the bond to de-prive the obligee of his security. Union Pacific Rairoad company against Union Pacific Rairoad company against shorn daily. The output of wool from this place will be very large. The estimated shipment is 4,000,000 pounds. The owners who will shear at the Casper pens and the number of sheep they will shear are as follows:

follows: Number. | Owner. 35,000 Rate Bros.... 25,000 White Bros.... 16,000 P. Sullivan.... 35,000 William Hines... 2,000 William Hines... Number Hanson. Goetz... 

Spud Murphy's Latest Escapade.

SIOUX FALLS, S. D., May 5.-(Special.)-"Spud" Murphy, whose right name is Nickerson, who, together with Johnnie is Nick-eral years ago for attempting with others to hold up the pay train of the Homestake Mining company, and subsequently released on a technicality, has been heard of again. After his release from the penitentiary here he dropped out of sight. A California paper of recent date chronicles the escape of five dangerous criminals from the county jail at Fairfield. Solane county, and among them was "Spud" Murphy. He has become a terror in that vicinity and one night while crazy drunk and painting the town he had been arrested and held until some definite charge could be preferred against him. The prisoners in some way got red hot irons and burned their way out of jail. "Spud" had become so obnexious that the officers have sworn to take him dead or alive. erson, who, together with Johnnie Telford,

nis power after approving the bond to de-prive the obligee of his security.
Union Pacific Railroad company against Johnston. Error from Douglas county. Affirmed: Opinion by Commissioner Ragan. Bills of lading are symbols of property. and when properly indorsed, operate as a delivery of the property itself, investing the indorses with a column tructure electory, which session, and so continues until there is a valid and complete delivery of the property under and in pursuance of the bill of lad-ing to the person entitled to receive the same. Penn. R. Column the bill of lad-tion & Quincy Railroad company, 60 N. W. 533. followed.
2. The delivery of golds by a common car-rier to the consignee thereof is made at the peril of the carrier, unless when made the consignee surrenders the bill of lading either made or indorsed to himself. Gates against Chicago, Burlington & Quincy Railroad company, 60 N. W. 535, followed.
3. A railway company issued to shippers of grain in Nebraska several bills of lading as follows: "Received of —, the name of the ship-per-the following described freight to be transported to —, and delivered at the railway depot on payment of freight charges, together with such charges as have been advanced on the same. "Consignee, Brown Bros. Grain company. "Destination, Milwaukee, Wis." The bills of lading contained the follow-ing notations: "Care Union Elevator, Coun-tor company to clean. Transfer at Council Bluffs," The carrier transported the grain to Coun-cil Bluffs, and there delivered it to the consignees and the delivered it to the consignees and the delivered it to the consignees and there delivered it to the consignees and the delivered it to the consignees and the delivered it to the consignees and the deli

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Ryan.
An alleged agreement to pay an existing mortgage, as part of the consideration for the conveyance of mortgaged premises, is not established by recitations in the deed of conveyance that such deed is subject to said mortgage nor a mere recitation that said mortgage is part of the consideration or purchase price.
2. A binding assumption of the payment of a mortgage by the grantee in a deed which merely recites the existence of such mortgage is a part of the consideration or purchase price.

or purchase price, cannot be established by proof that subsequent to the execution of such deed the grantee therein named, orally and without consideration, promised the ortgagee that he would pay such mort

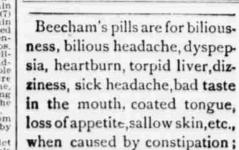
nortgagee that he would put a mortgage to a sage. 3. To entitle the holder of a mortgage to a leftciency judgment against the purchasy of the premises mortgaged, the proofs must be such as would enable such mortgager o maintain against such purchaser an action for the amount secured by said mortange.

gage. Weston against Meyers. Appeal from Otos county. Affirmed. Opinion by Com

ton for the amount secured by said mort-mage. Weston against Meyers. Appeal from Otos county. Affirmed. Opinion by Com-missioner Raga. Appellant in a suit in equity alleged in his petition that he was the owner of cer-tain real estate and entitled to the posses-sion thereof; that appellee claimed an inter-est in said premises by virtue of a tax deed; that "there was no legal and sufficient levy of the taxes" for which said real estate was sold and on which said tax deed was based. He prayed that the tax sole and deed, and appellee's title by virtue thereof, might be decreed vold; that the title to the possession of the premises awarded to ap-pellant. The petition contained no offer to pay appellee any sum the court might find he had paid to purchase the premises at the tax sole or for taxes subsequently paid on the premises. Held: (f) That the averment in the petition that "there was no legal and sufficient levy of the taxes" was a mere conclusion; (2) That the tax levied became by virtue of the statute a lien on the real estate until paid or barred by law; (i) That the appellee by his purchase of the real estate for such taxes, although the sale was an invalid one, becaume thereby subrogated to the right of the public, and this right was a lien upon the real estate for the taxes paid, until paid or barred. (b) That he who asks equity must do equity; and, as the appellant did not offer in his petition by appellee which erand. Opinion by Commissioner Rya. This case there are presented only ques-tions of fact which cannot be examined upon what purports to be a bill of exerp-tions of fact which cannot be examined upon what purports to be a bill of exerp-tions of fact which cannot be examined upon what purports to be a bill of exerp-tions of fact which cannot be examined upon what purports to be a bill of exerp-tions of fact which cannot be examined upon what purports to be a bill of exerp-tions of fact which cannot be examined upon what purports to be a

#### Water ou Will Celebrate

WATERLOO, Neb., May 5 .- (Special.) - A neeting of the citizens of Waterloo wa called last night at the opera house, and a to fitly celebrate the Fourth of July. The ommittee will report May 13.



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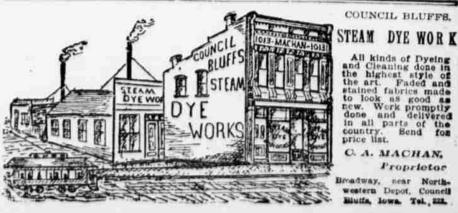


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