

MOSHER CASE UP AT LINCOLN

Litigation Growing Out of the Wrecked Bank Before Judge Shiras.

STATE COURT WILL HAVE NO VOICE

Motion to Remove It from the Federal Court Overruled as Laws of Congress Are Involved.

LINCOLN, Oct. 14.—(Special.)—Judge Shiras in the federal court this morning rendered orally his decision on the motion to remove to the state courts the cases brought against C. W. Mosher and the directors of the Capital National bank by depositors. He overruled the motion. These cases were first brought in the district court to recover from the directors losses alleged to have been sustained by plaintiffs because of false statements of the bank's condition made by officers and directors. At the instance of defendants they were removed to the federal court. Attorneys for plaintiffs had moved to have them remanded on the theory that they presented no federal questions. Judge Shiras holds that they involve questions of law arising under the constitution and laws of congress. The cases are brought by Thomas Bailey, Isaac Holt, the Jones National bank of Seward, the Bank of Staplehurst, the Bank of Uta and Henry Garner.

The first case called before a jury in the federal court this term is that in which Dwight S. Allen and Fordyce R. Marion, of this city, sue the Capital National bank and Safe Deposit company to recover \$4,000 on collateral notes held by the bank, the plaintiffs claim wrongfully, and \$5,000 damages, \$8,000 in all.

The students of the State university were addressed this morning by Prof. Thurber of the Chicago university. His remarks were short, but were listened to with great interest by the students.

Dr. T. J. Steele of the Hastings Asylum for the Insane, who is the guest of Superintendent Abbott of the Lincoln hospital, is arranging for the removal of about twenty insane inmates patients from Lincoln to the Hastings asylum. This afternoon Dr. J. L. Greene, late assistant superintendent of the Lincoln hospital for the insane, left for Indiana, where he will visit friends. From thence he goes to the Atlanta exposition, and probably to Europe.

Omaha people in Lincoln: At the Lindell—George S. Vason, H. C. Brown, S. T. Dorney, M. Meyer. At the Capital—E. G. Thomas, H. E. Fredrickson, Russell Condon, N. P. Chamberlain, A. F. Wilkins. At the Lincoln—W. Little, Jr., Frank Irvine, W. A. Piskey, J. G. Sherman, Jr., H. B. Corry, J. C. Eberhart, C. K. Denman, E. Z. Potter, J. L. Lvesey, H. Mulhall, C. H. Ball, M. A. Hall, Lewis Leslie.

Funeral of J. F. Myers Arranged. PENDING, Neb., Oct. 14.—(Special Telegram.)—The funeral of J. F. Myers and W. S. Garrett, who were arrested Saturday for resisting and interfering with the Indian police, comes up for hearing tomorrow before Justice Lindholm at Winnebago agency, United States District Attorney Sawyer arrived here from Omaha this afternoon and at once drove over to the agency to assist the prosecution.

Reception to Governor Holcomb. GRAND ISLAND, Neb., Oct. 14.—(Special.)—Commandant Wilson of the Soldiers' home will give a reception to Governor Holcomb, Congressman W. E. Andrews and the state officials at the home next Monday, the event being in celebration of the twentieth anniversary of the opening of the home.

Two Wayne Citizens Hurt. WAYNE, Neb., Oct. 14.—(Special.)—Just after crossing the railroad track this afternoon, Drayman Johnson's team became frightened, and as the driver carelessly stepped down on the trolley, he was killed and the team started to run. In a moment the

wagon was wrecked. A little further up Main street the team ran into the buggy of James Harbour from the rear, demolishing the buggy and throwing Harbour into the road, one of the horses falling over him. Neither of the men were severely injured.

GOSSIP FROM THE STATE HOUSE

Warden Ledlich Belongs the Penitentiary Matter Before the Court. LINCOLN, Oct. 14.—(Special.)—Today Attorney J. S. Kirkpatrick, for Warden Ledlich, appealed to the supreme court for permission to file a petition in mandamus to compel the Board of Purchase and Supplies to order paid over to the warden some of the appropriations voted last winter for maintenance of convicts at the penitentiary. Warden Ledlich applied to the Board of Pensions and Buildings some time since for money, but it was refused him.

Today afternoon Attorney W. H. Thompson and Ed P. Smith, for the plaintiff, C. I. Phelps, filed the following notice with the clerk of the supreme court: To John A. Ames and W. H. Ashby: You and each of you are hereby notified that C. I. Phelps has commenced his action against A. J. Piper, secretary of state, in the supreme court, and that the object and purpose of said action is to restrain said secretary from certifying to any of the convicts of the penitentiary, Nebraska, the names of T. J. Mahoney, John H. Ames and W. H. Ashby as candidates of the Democratic party.

Accompanying this notice is an affidavit signed by Low Herdman, C. J. Smythe, Ed P. Smith, J. P. Donnan and W. C. Conner, giving in substance the matter incorporated in the stipulation which the secretary of state refused to sign and claims to be the only recognized officers of the democratic state central committee of Nebraska.

The court will meet at 9 o'clock tomorrow. Governor Holcomb today granted a full and unconditional pardon to Albert Atwood of Omaha. Atwood was convicted of having assaulted William Cullen, a fellow workman, on July 1, 1893, with an iron bar with intent to do great bodily injury. On March 15, 1894, he was sentenced to two years in the penitentiary, but has never been in the penitentiary. He is a member of various clubs and societies in Omaha and other cities in the state and by ten members of the republican central committee of Nebraska. Atwood received a gold medal for saving seventeen lives on the ill-fated steamer Climber. The case was taken to the supreme court on error and dismissed September 18, 1895.

FIFTY YEARS OF WEDDED LIFE.

Mr. and Mrs. Robert Furnas Celebrate Their Golden Wedding Day. BROWNVILLE, Neb., Oct. 14.—(Special.)—Hon. Robert W. Furnas and wife will have been married fifty years on the 23rd of the present month and they have decided to celebrate the event by a reception to their friends. Today handsomely engraved announcements were sent out as follows:

Cincinnati, O., October 23, 1845, Robert W. Furnas and Mary E. McCoombs. Gratefully recognizing the preservation of Mr. and Mrs. Robert W. Furnas will hold in remembrance their fiftieth marriage anniversary at Brownville, Nebraska, October twenty-ninth, eighteen hundred and ninety-five.

No invitations. No presents. Mr. and Mrs. Furnas have been residents of Brownville since 1856. Mr. Furnas in that year became a citizen of the Territory of Nebraska and immediately upon his arrival established the Brownville Advertiser. His home in the outskirts of Brownville is one of the most picturesque in this part of the state and it will be the center of a notable gathering upon the occasion of the celebration of the golden wedding.

McCook Elevator Burned.

MCCOOK, Neb., Oct. 14.—(Special Telegram.)—A four-story elevator was burned to the ground tonight about 10 o'clock. Origin of the fire unknown. Loss on elevator and machinery, \$2,000; insurance, \$1,000.

Fire at Gresham.

GRESHAM, Neb., Oct. 14.—(Special.)—This morning at 4 o'clock fire was discovered in the heavy barn of Lancaster & Mauer, but was so far advanced that it was impossible

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Pair and Warmer with Variable Winds for Nebraska.

WASHINGTON, Oct. 14.—The forecast for Tuesday is: For Nebraska—Fair; variable winds; warmer in the western portion. For Iowa—Fair; variable winds; warmer in the western portion. For South Dakota—Fair; winds shifting to easterly; warmer.

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