AFFIRMED THE KORTH CASE

Defaulting Treasurer of Pierce County Must Serve His Term.

EDWARD F. MOREARTY GETS A NEW TRIAL

Leave Was Given the Plaintiff in the Welty Versus Norris Contest Cace to File Quo Warranto Proceedings.

LINCOLN, Jan. 10 .- (Special.)-The supreme court has affirmed the decision of the district court of Antelope county in the case of the state against Carl Korth, taken there on change of venue from Pierce county. Korth was tried on the charge of embezzling the funds of Pierce county during the time he was treasurer. He was convicted and took an appeal.

Korth invested his own money in various speculations, which proved unfortunate, and the county funds were also entangled in the same enterprises. When the time for settlement came he turned his property over to his bondsmen for the benefit of the county. The court, in passing sentence, gave him a short term in view of this fact.

The supreme court reversed the decision of the lower court in the case of Edward F. Morearty, convicted before Judge Scott of forging an order for a trunk.

Leave was granted the plaintiff in the con-

test case of Welty against Norris to file quo warranto proceedings. By this, Judge Welty of the Fourteenth judicial district asks Judge Norris, the present incumbent of the judge-ship, to show cause why he holds the office for which Welty is a contestant. The mo-tion of the attorney of Barney McGinn for a rehearing of his case was overruled, as was also that of the application of young Pat Ford. The court adjourned today until

ROUTINE PROCEEDINGS. January 7, 1896.—Court met pursuant to law. E. E. Carr, esq., of Hamilton county was admitted to practice. LeHane against State, leave to plaintiff to file amended petition and transcript in-

Moore against Scott, motion for additional time to file briefs overruled. Midway Loan and Trust company against Barnes, Thompson against Spooner and Iowa

Midway Loan and Trust company against Rarnes, Thompson against Spooner and Iowa Loan and Trust company against Stimpson. Motions to dismiss overruled. Leave to appellants to file additionad transcripts. Pankers' Life Insurance company against Robbins, motion to dismiss overruled. City of Harvard against Stiles, Irave to file amended transcript.

Russell against Lavender, leave to file affidavits.

Gerber against Jones, referee ordered to feport by January 21.

German National bank against First National bank, Hastings, leave to withdraw bill of exceptions.

The following causes were dismissed: Ternney against Kloman; Estabrock against Earmer's Loan and Trust company; Keedle against Lindbeck,
The following causes were argued and submitted: State ex rei Marquett against Baushausen, on motion; Moore against Scott; City National bank against Thomas; Argabright against State, on motion; Shepard hands of Sutton against Grosshans, on motion; Coy against Miller, on motion; Eigutter against Missouri Pacific Railway company, on motion; Omaha Fire Insurance company against Lyttle, on motion; Nebl-surance company against Lyttle, on motion; Nebl-surance company against Thompson, on motion; Hoyt against Lyttle, on motion; Nebl-surance company against Lyttle, on motion; Nebl-surance company against Endekoft, on motion; Plemmon against Davis, on motion; Omaha Fire Insurance company against Lyttle, on motion; Nebl-surance company against Lyttle, on motion; Nebl-s nagainst Davis, on motion; Deminding against Davis, on motion; Howy against Hompson, on motion; Hoyd against Lytle, on motion; Omaha Consolidated Vinegar company against Briggs, on motion; Omaha Burns; Isseit against Dewey; Gould against Armagost; Goble against American National bank; Zittle against Brown against Trenton; State ex rel Spurgin against Trenton; State ex rel Spurgin against Trenton; Romberg against Hedigar; Romberg against Fokken, McCormal against Redden; Calland against McMarska Exposition association against Kent; Nebraska Exposition association against Townley; School District No. 1, Harlan county, against Bishop; McEvoy against Nebraska and Iowa Insurance company; Keens against Robertson; Glierest against Nantker; Sheesley against Keens; McKinney against Hopwood; Berker against Davies; Hickman against Layne; Crooker against Smith; Van Biten against Coburn; Sharpless against Hopwood; Berker against Bollman; Johnson against Reed; Monroe against Hanson; First National bank, Wilber, against McKinney; State ex rel Marrow against Martin; Hansbank, Chadron, against McMinney; State ex rel Marrow against Martin; Hansbank, Chadron, against Mortiney; State ex rel Cooley against Spirk, advanced; Eiguiter against Miller; Hoyd against Little and Omaha Firs Insurance company against Spirk, advanced; Eiguiter against Miller; Hoyd against Little and Omaha Firs Insurance company against Martin; Hansbouri Pacific Railway company, and Missouri Pacific Ra

notice of appeal; Carlton against Woodworth, appellant to give additional security in appellant to give additional security in thirty days.

January 8, 1896—L. W. Hague, esq., of Kearney county and M. L. Acheson of Douglas county were admitted to practice.

Macfarland against West Side Improvement company, plantiff to file counter affidavits in twelve days.

The following causes were argued and

leave to enter appearance of Charles L. Schell; First National bank, Sutton, against

Grosshans, leave to redocket and for alias

The following causes were argued and submitted: Specht against Stevens; Burling-ton & Missouri River Railway company against Martin; Utah National bank against Burke: Thomas against Carson: Beatrice Paper company against Beloit Iron works. January 9, 1896.—Wakefield against Bac-elor, appellant ordered to return record. In re-Edward Petry, writ of habeas corpus

Tillson against Benschoter, leave to plaintiff in error to prosecute appeal and dismiss petition in error.

Sexton Drug company against Naulterns, State ex rel Spurgin against Thompson

Demmon against Davis, dismissed. Sexton Drug company against Naulterns

Shepard against State, reversed.

Shepard against State, reversed.

State ex rel Bartow against Eastman, order allowing referee's fees.

The following causes were argued and submitted: Hall against Eccles; Campbell Printing Press and Manufacturing company against Dyer; Wendell against State; Martin against Miles; Hall against Hooper; Waugh against Graham; insurance companies against Buckstaff Bros. Twenty-four cases on metion.

SYLLABI OF DECISIONS. Home Fire Insurance company against Berg & Stery, Error from Adams county. Affirmed. Opinion by Chief Justice Post. New matter constituting a defense in whole or in part is not available under a general denial, but should be specially

pleaded.

2 Information voluntarily entrusted to an atterney at law, where the relation of atterney and client does not exist, is not a privileged communication under the provisions of the code of civil procedure.

Lawhead against State. Error from Buffalo county. Affirmed. Opinion by Chief Justice Post.

falo county. Affirmed. Opinion by Chief Justice Post.

Different criminal acts constituting parts of the same transaction, such as burglary with intent to steal particular property and the stealing of such property, may be charged in the same indictment or count thereof. Aiken against the State, 41 Neb., 23. It is not error in a prosecution for ceny to charge that "the proof is deemed be beyond a reasonable doubt," when

the evidence is sufficient to impress the judgment and understanding of ordinary prudent men with a conviction upon which they would act in their own most important affairs or concerns of life. Polin against the State, 14 Neb., 540. Willis against the State, 14 Neb., 540. Willis against the State, 14 Neb., 162.

3. Where the jury have been fully advised respecting the distinction between grand larceny and peth larceny, it is not error for the trial court to add that they have nothing to do with the question of the penalty, and that it is their duty to render a verdict in accordance with the evidence without regard to its effect upon the accused. Ford against State, —Neb.

4. Certain instructions therein embraced, having been given by the court on its own motion in language quite as favorable to the accused.

5. Evidence examined and held to sustain

5. Evidence examined and held to sustain the conviction on the charge of larceny.

State ex rel Welly against McFadden.

Mandamus. Writ allowed. Opinion by

the conviction on the charge of larceny.
State ex rel Welly against McFadden.
Mandamus. Writ allowed. Opinion by
Judge Norval.

The duties of canvassers of election returns are ordinarily purely ministerial, and
as a general rule they are not clothed with
either discretionary or quasi judicial powers.

2. Where it appears that an unauthorized
alteration has been made in the return of
the vote after the return has been delivered
to the county clerk, the canvassers should
disregard the alteration and make the count
according to the original and true return.

3. The returns of an election consist of
the whole election proceedings which the
statute requires to be entered upon the
poil books and taily list, viz: The certificate
of the election officers, the list of those
voting and the taily list of the number of
votes cast for the different persons; and
from these the abstract of the vote is to
be made.

4. In case a discrepancy exists between
the certificate and the taily list as regards the number of votes cast for a particular person, the canvassers must determine
which is correct after comparing with the
ist of votes returned, and declare the result
accordingly.

5. Where a board of canvassers has made
a canvass, declared the result and
accordingly.

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Baker against Killinger. Appeal from
Madison county Affirmed. Opinion by
Commissioner Ryan.

The questions involved in this case are
the same as those involved in Farmers'
Loan and Trust company against Killinger
et al. It follows that the judgment in this
case rendered by the district court should
be, and therefore it is, affirmed.

Bartam against Sherman. Appeal from
Gage courty. Appeal dismissed, Opinion
by Commissioner Ryan.

An order to be final and reviewable on
error or appeal must dispose of the merits
of the case and leave nothing for the
further judicial determination of the court.
No provision of the code makes an order
dissolving or modifying a temporary inj

MORARITY GETS A NEW TRIAL.

county. Affirmed. Opinion by Judge

iaw for holding persons to answer for criminal offenses on information of a public prosecutor.

4. In a criminal case "the accused shall be taken to have waived all defects which may be accepted to by a motion to quash or a plan in abatement, by * * pi-ading to the general issue." (See section 44, Criminal Code), and if a plea to the general issue has been entered and has not, on leave obtained, been withdrawn, a plea in abatement need not be entertained.

5. Where a transcript of the proceedings at the preliminary, examination and the information upon which such examination was had were lost or mislaid from the files of the district court, an order for the substitution of another transcript of such record and copy of the information was proper and not cromeous.

6. The record of the proceedings in the examining court disclosed that a complaint was filed, which contained a charge of the crime for which plaintiff in error was tried in the district court, and that he was arraigned thereupon and walved examination. Held, sufficient to show fuffilment of the requirements of section 585 of the Criminal Code in regard to preliminary examination.

7. A number of separate and distinct

requirements of section 585 of the Criminal Code in regard to preliminary examination.

7. A number of separate and distinct felonies, all of which may be tried in the same manner, which are of the same general character, riquire for their proof evidence of the same hature, may be charged in separate counts of one information, and the party thus charged may be placed on trial for all such counts at the same time. The question of whether the state will be required to elect between the several counts if a motion is made by defendant that it be so required will rest in the sound discretion of the trial court, and unless it appears that there has been an abuse of such discretion in overruing the motion it will not be available as error.

8. In the case at bar the defendant was charged with embezzlement of the funds of a county while he was its treasurer, in an information containing several counts charging several and distinct embezzlements. He made a motion that the state be required to elect upon which several counts of the information it would prosecute him. The trial court withheld its ruling upon this motion until the close of the introduction of the state's testimony in chief, at which time the motion was sustained and the state riquired to elect under which count of the complaint. It would further proceed. Hold, so far as the record disciones, there was no abuse of discretion in the action of the trial court.

9. It is not an error to refuse to give an instruction when the main purpose sought to be effected by giving the instruction is clearly and fully embraced in and accomplished by other instruction read to the lurry, and it appears that no prejudice could have resulted to the rights of the complaining party by reason of such refusal.

The act of the legislature of 1891, entitled "An act to provide for the deposition of state and county funds in banks." did not repeal so much of section 124 of the Criminal Code as is in relation to loaning county funds and constitutes such loaning by an officer entrusted

CITY ENGINEER'S

Showing of Work Performed During the Year Just Closed.

ASPHALT PAVING MATTERS REVIEWED

Viaduets Have Been Repaired, Yet to Insure Safety They Will Require Constant and Careful Watch-

cropswalks, \$10,955 10; street cleaning, \$6,-631.72; paving maintenance, \$18,218.89; viaduct repairs, \$2,916; engineering department, \$17,134.96; total, \$174,643.99.

A number of sewers allowed to be constructed by private parties were designed and their construction supervised by this department. Among these is the sewer in district No. 209, constructed by Mr. Huse, and a newer constructed at the expense of the state from the Mute Institute to the North Omaha main rewer, having a total length of 9,230 feet, or about one and threefourths miles. In addition to these sewers, about 35,500 feet, or nearly seven miles, of pipe has been laid by Heensed drain layers for house connections. All this work was done in conformity with plans outlined by the department and was laid out and con-structed in conformity with stakes set by men specially armigned for such work and subject to what is known as the light test. WATER WORKS.

Aside from thie work, reports, plans and estimates on the much needed enlargement of our water pips system in the business center of the city were prepared by the department and after a long, acrimonlous controversy were mutually agreed to by the water requirement and the city and water company and the city, and with the exception of a small portion of the work rendered inadmirable by cold weather, has been carried out. This work was estimated to cost in the vicinity of \$85,000, inclusive of the material and labor of pipe laying and the renewment of the transparent. laying and the repayement of the trenches. It embraces in the vicinity of ten miles of new pipe, ranging from eight to sixteen inches in diameter, the greater portion being twelve-inch pipe. The difference in the pressures will not, as some believe, be very

great during normal service, but it will become strikingly manifere at a fire, when ten or more hose lines will be in use. The difference in the relative capacity of a six-inch and a twelve-inch pipe is as 1 to 5½, but the friction loss in delivering similar quantities of water for in delivering similar quantities of water for like distances is as 32 to 1; in other words, to deliver three first class fire streams through 3,000 feet of pipe the friction lose in pressure through the twelve-inch pipe will be about one and three-fourths pounds, whilst in the same length of a stream inch whilst in the same length of a six-inch pipe the loss would be about fifty-five pounds. It is for this reason that the outlying districts should have a system of pipe mains commensurate with their length to meet the equirements of the city's contract for hydrant service.

SURVEYS. donment absolutely or else making occu-pancy dependent upon definite leaseholds. Maps of these surveys have been completed and are now on file for reference.

ASPHALT PAVEMENT RESURVEYS. The original ten year contract for the maintenance of all asphalt pavements laid up to 1889 at 8 cents per yard was heretofore annually paid for upon a record of quantities made at the date of said contract. The original balance was used by me li-certifying to balances until after a carefu xamination material errors were discovered whereby it was found that about 5,000 more yards was being annually paid for than was ctually embraced in the contract. In con equence the department has made a com-plete resurvey of all streets embraced in the contract and prepared a duplicate set of maps showing in detail every district, with the actual number of yards it contains. The amount paid in excess since 1889 was also reported to the Board of Public Works and

educted from this year's accounts. All other records hitherto neglected kept in scattering stray notes liable to lors have been properly compiled, indexed and brought to date. The same has been done with all progress maps of sewerage, pave

ASPHALT MAINTENANCE CONTRACT. The contract to keep in good condition of repair all asphalt pavements laid prior to 1889 was the subject of much contentio owing to difference of interpretation as to what was meant by good repair. In 1893 1 found, upon examination, that over 100 hole from one to fifteen square feet each, with numerous large and small cracks, could be seen at any period on the contract area. Protests against such neglect were of no avail. The bills of the Barber Asphalt company were the only regularly attended feat-ure of this contract. After refusing to sign the semi-annual certificates as to areas of work on the ground that such certificates were used as quasi endorsement of the woritself, an ordinance was prepared and submitted by me to the council requiring the city engineer to make monthly examinations and reports of the actual condition of all asand reports of the actual condition of all asphalt paved streets under contract for maintenance. This, though opposed strenuously by the company's manager on the floor of the council chamber, finally passed. As a result plats were prepared showing every square foot of surface, with the eize and depth of all holes, and also the general cracks. This made a record that could be used in the court in cases of disallowance of bills. Within one year from the inauguration of this system the streets presented as ration of this system the streets presented an entirely improved appearance. The street repair force had been trebled at first and large areas were completely resurfaced. Since that period the asphalt maintenance contract has been substantially compiled with. COMPETITION IN ASPHALT PAVING.

In my former report I presented an abstract of the numerous reasons why specifications for asphalt paving should be so drawn as to admit of the widest latitude to competition bared upon a suitable guaranty system. Since then the contract for the pavement of Sherman avenue and Sixteenth street with California (Alcatraz) asphalt by Mr. Hugh Murphy was carried out with Mr. Hugh Murphy was carried out with satisfactory results, so far as the material and paving is concerned, and a saving financially of nearly \$11,000 to the taxpayers.

From more careful and studious observation of all the features of asphalt paving I am more than ever convinced of the correct. am more than ever convinced of the correct ness of my former conclusions that the dif-ference in results from using asphalt in paving is not so much due to chemical dif-ferences as is usually claimed, but to me-chanical skill. I have seen pavements in Omaha, Peoria and other cities accomments in Omaha, Peoria and other cities produced with land asphalts far superior to many 10-called lake asphalt products and equal to any of the hest of them, the results being due to more skillful and careful workmanship,

SEWERAGE. Over two years ago I referred to the im-portance of the beriodical examination of the interior of our brick sewers and making timely repairs to avoid damaging breaks. A timely repairs to avoid damaging breaks. A plan showing the various storm sewere in need of immediate attention was prepared and a copy filed with the Board of Public Works. Nothing has, however, been done in reference to this matter. I repeat, therefore, that the wear of constant flow on the inner surface of sewers, together with tedebris in storm periods, amounts to considerable in the course of from ten to fifteen years and renders timely attention even more imperative than the repairs of streets, whose surface condition is constantly in

REPORT view. The sewers of the city, after completion, are entirely in the hands of the sewer commissioner and the Board of Public Works; the responsibility, however, of any

break, whether by neglect to make timely repairs or otherwise, is usually attached to the engineer. It is for this reason that I renew my caution on the subject of proper maintenance. maintenance.

There is still incompleted a section of the

There is still incompleted a section of the Chicago streat eyeer, between Eighth and Tenth streets, under the railway tracks. This work was studiously avoided by the contractor, who sect is to have sought the intervention of the railway companies to relieve him from an expansite portion of his contract rather than proceed in good faith until stopped in a legitimate manner. Should any heavy storms occur next spring the ing in the Future.

City Engineer Rosewater has filed his annual report with the mayor and in it he says:

The contract work of 1895, including the cost of the engineering department, briefly summarized, is as follows:

Sewers, \$14,869.56; grading, \$10,565.67; curbing and paving, \$93,352.09; sidewalks and crosswalks, \$10,955.10; strest cleaning, \$6. features of the contract after it was signed. If he has lost money through unlooked-for difficulties after securing a contract in this manner, he certainly has no right to ask relief from its honest execution. VIADUCTS.

The engine ring department was called upon to make plans for a new viaduet on Sixteenth street and for repairs on Eleventh strict, but though plans and specifications have been prepared, no work was done. The demand for traffic upon Sixteenth street finally regulted in a compromise between the city and the railway companies, whereby the old work was agreed to be patched up with a view of putting off new construction for a few years more. The designing of these improvisions was done against the expressed judgment of the city engineer, and now that the work has been done, I deem it proper for the benefit of those who succeed me to apprise them of the need of constant watching of the floor system of the superstructure. especially of the trusses, as this part is of old material and the other portion is new. The construction of the promised fron viaduct over South Fourteenth street by the railway companies has now been deferred for nearly three years, and at a conference with the officials of the B. & M. and Union Pa-cific Railway companies about two months ago, early action was promised.

SPECIAL RECORDS. In view of the difficulty of accertaining from the records the legal status of streets opened, closed, widened or narrowed by ordinance of the city, the department as oppor-turity offered has in the past year prepared plats from a thorough review of the ordinances of the city, and under authority of the council, placed them upon the county records, thus making them accessible for parties in search of realty titles and obviating future omissions of private realty and illegal assessment of public streams.

HOUSE NUMBERS. In pursuance of a resolution of the council passed about two months ago men were detailed from this office to examine all building numbers upon the streets, with a view of noting errors and causing their correction. An examination was also made of the house number plat books with a view to correct errors in the system. The data collected is now ready for comparison, and, with a few weeks work, can be utilized in the arrangement of the system.

SIDEWALK AND OTHER TAX LEVIES. In the latter part of the summer the department was presented with a request from the Board of Public Works to work up. In addition to plans, etc., for an improved fire service, the department has made extensive detail surveys of nearly every section of the city to show the condition and present occupancy of public grounds with a view of preventing future squatter title a view of preventing future squatter title to public property and enforcing such abanwhen presented to the department monthly for tax levy purposes, but when piled up by neglect for periods of elx months it le impossible to even approximate a reliable tax list. There is something radically wrong plank or a few pennics worth of nails.

in the system that will incur advertising and other bills for an expenditure of a 5 cent The engineering department has thus been called upon to perform work for nearly every branch of the city service, and in the past two years has done more office work of that and than any four previous years.

It has been my aim throughout the period of my service to develop some improvement concluding my public services as engineer of Omaha of the four consecutive years just closed, as of the service of twelve years previous, I do so with the conviction that while at times I performed services which some considered as not strictly required. I did so believing it the duty of every sworn officer to promote and protect the public interests whether personally pleasant or not. The popularity which follows inaction and pissive silence in matters where public in-terests antigonize private or ther corporate interests is of a kind that no conscientious man can seek, and at best is always short-lived. A city corporation above all others is at the mercy of its trusted servants,

PROHIBITION A GROWING FACTOR

South Dakota Fight Along This Line Will Be Warm.
YANKTON, S. D., Jan. 10.—(Special.)prohibition question is da'ly growing in importance as a factor in South Dakota politics. Aiready both the republicans and demopops are making preparations for a hard fight, and that it will be a hard one nobody doubts, except those who have paid no attention to the question. The most populous counties of the state would ko against prohibition, and the one great hope that the prohibs have is in cutting down the majortitra in Minnehaha, Yankton, Brown Clay, Union and some of the Black Hills counties and in other portions of the state. The pro-hibition law as it stands upon the statute books is a fa'lure. Not a total failure, however, because there are some places in the state where prohibition is enforced. In Sioux Falls there are twenty-five saloons running Falls there are twenty-five saloons running wide open, and in Yankton Iwenty-two are conducted with open doors. In Scotland there are a dozen. In Yankton and Sioux Falls beer is manufactured—Yankton having two breweries and Sioux Falls one. This beer is sold throughout the state. In the larger towns a license fee is collected monthly, but in the smaller villages the saloon-keeper takes his chances of being indicted by the grand jury. The inconsistency of the liquor traffic was never more clearly shown than when the Yankton county grand jury recently returned indigments against shown than when the Yankton county grand jury recently returned indigtments against two saloonkeepers at Irene, this county, and overlooked the twenty-two that flourished in their own town. The sentiment—the voting population—is with the saloons in Yankton and Sious Falls and it is believed by some that nothing but local option will control the traffic in this state.

Miners Frozen to Death.

SPOKANE, Washr, Jgn. 19.—Richard Soyder, a miner, was brought to the hospital here dying, as a result of six days' exposure in the mountains of northern Idaho. With two companions, Joha Brunson and James C. Watters, he was lost in a snow storm January 2. His companions died, but Snyder succeeded in reaching a small station on the Northern Pacific, exhausted and hadly frozen. There is little hope of his recovery.

NEW YORK, Jan. 19.—The Press yes-terday said: I. Townsend Burdea, whose home was robbed on December 27 of diamends worth about \$5,000 has received a letter from the thieves, in which they offer to return the gens latart, providing Mr. Burden sticks to his promise of immunity from arrest and also give them \$5,000 reward.

Dick Burdish was arraigned on the charge of running a disorderly and disreputable house in the Third ward, but he was not ready for

Refused to Send Girl to Reform School at Father's Request.

Beaten by Stepmother Because She Would Not Lie About Money Spent for Liquor-Parent's Story.

"I want her to go to the reform school. She does not deserve anything else from me," were the hard words that a father addresped to Police Judge Gordon yesterday,

was a continual strife between her and his wife, who is her stepmother. The hearing of the case occurred yesterday. When it was concluded Judge Gordon said that on the showing made he would not place the stamp in the back of the head, knocking him headof criminality upon the girl by sending her to the reform school. He advised the father to place her in some good home if he could not get along with her.

Harvie urged that the girl ran away from home some time ago and for the past few weeks had been staying with a Mrs. Black, who lives in the Murray row at Seventeenth and Harney streets. He said that he knew that she was out every night and visited distributed by the said that he knew a verdiet of guilty. Blore in some way came in possession of fifteen postal notes, reputable resorts. As an indication of the weeks had been staying with a Mrs. Black, character of her surroundings he testified that on one occasion the two sisters of the girl went to the home of Mrs. Black and found a son of Hans Timme, who lives in the immediate neighborhood, hugging the girl. He stated also that the girl had been placed of this case Michael and Mary Tierney of in the crphans' home by him and that she caused a good deal of trouble to those in charge.

The story told by the girl was radically different. She testified that she was illtreated at home. On one occasion she said that she had been confined in a room for a wick and fed on bread and water. She asserted that her stepmother had beaten her because she refused to lie to her father by telling him that the money had been spent for bread and meat, when it had been spent for liquor. She denied that she was ever at night, that she had ever visited places of bad repute or had been hugged by Timme's son. She swore that on the occasion re-ferred to she had cried b cause her sisters had visited her and the others in the room were trying to comfort her, among them being voung Timme.

The girl's story was supported by a number of with sees, among them being the Timmes and Mrs. Black. They testified that so far as they knew the girl was good, but that she could not get along with the stepmother. Mrs. Black said that the girl had been staying with her for some weeks while she was looking for work and had always behaved well. The entire story, however, was denied by Harvie, who said that his wife never ill-trated the girl and he was ready to take her

After listening to the case Aspistant County After listening to the case Assistant County
Attorney Day said that he was of the opinion
that the father should send the girl to some
institution, or find her some employment.
Harvig was able to do this, as he was earning
\$25 a week and the cost would not be more
than \$8 a month. He, however, demurred to
this proposition.

"I want the girl to go to the reform school," he said. "She does not deserve that I should take care of her." placed somewhere where she would be taken

care of?" asked the attorney. not pay \$8 a month for that?"

Harvie did not like to answer the question but finally said that he would not spend "I will not send this girl to the reform school," announced Judge Gorden. "The evidence shows that she was not treated well by her stepmother. I advise you. Mr. Harvie, to place her in some school or find

her some good employment."
"I will take her home with me," broke
in Mrs. Black. "She is a good girl and
h-haves well." It developed that Mrs. Black was a hardworking washerwoman, who found it diffi-cult to take care of her own group of five children. Judge Gordon said that therefore he could not place an additional burden on her shoulders and the friendly offer of the woman was consequently refused. Mary Harvie, however, walked out with her when the was discharged and in all probability back to the humble home to remain until she found employment.

The Harvies live at 316 South Fifteenth street. BOTTOMS DWELLERS FOR WAR. Two of the Women Call the Police

Judge to Arbitrate. There is war once more in the bottoms in the neighborhood of Tenth and Paul streets. The chief belligerent appears to be Mrs. Craig, the woman who has figured a number of times in police court cases. A warrant has been issued for her arrest, charging that she has been using loud and profane language, fracturing the peace of the neighbor-hood, the complainant being her old enemy,

Mrs. Hodge. Mrs. Hodge owns a house near Mrs. Craig's residence, which she says she wishes she had not bought. The price, however, was so low that it offered a temptation to which she fell a victim. When she re-moved to the new location she found that the cheapness of the property had been brought about by the near proximity of Mrs. Craig, whom she charges with laying awake ghts in the endeavor to devise trouble for

John Welsh, an old man who appears periodically in police court on the charge of dumping garbage where it ought not to be dumped, was up again yesterday. He pleaded guilty to dumping a quantity of garbage on some lots in the northern portion receive permission to do so this spring from the owner. Judge Gordon let him go, with the warning that he had better stop the prac-

Jens M. Hermansen, the alleged slayer of John Starotska, was to have had a preliminary hearing in police court yesterday, but when his case was called his attorney failed to appear. At his request the case was continued until next Wednesday morning at 10 o'clock. The expectation that the hearing would occur brought out a larger crowd than usually assembles in the court room.

SHE LOST HER TREASURE BOX. Mrs. Henry Coburn Misplaces Money Intended to Pay a Mortgage.

For months Mr. and Mrs. Henry Coburn, esiding at 3702 North Seventeenth street, have been practicing the strictest economy in order to save enough money to lift the mortgage upon their home. At last the nacessary amount, \$350, was secured. Yeserday Mrs. Coburn took this money from its iding place, and placing it in a tin box came down town, expecting to pay off the debt. Leaving the Sherman avenue car at Fourteenth street, she went to one of the stores to do some trading. Having made her purchases, she looked for her money, her purchases, she looked for her money, and was horrified to discover that it was gone. Where she lost it she could not tell, as, she had not thought of it after getting on the car, near her home. The box in which the weslih was placed contained \$300 in bills, a certificate of deposit for \$50 on the Omaha Savings bank and some silver change.

HE WAS FREE FOR A MINUTE. COUNCIL Woodhull, the Indian, Released and

Immediately Rearrested. Spofford Woodhull, the Omaha Indian indicted last October for murder, was up before Judge Dundy yesterday, and at the instigation of the United States district attorney, the indictment was quashed. This FOUND SHE HAD BEEN ILLTREATED was done because Woodhull was not charged in the bill as an Indian, and the attorney, fearing that this might be a defect, ordered the indictment dismissed. Woodhull was reatrested and a complaint filed before United States Commissioner E. S. Dundy, jr. In return, the attorneys for Woodhull filed a petition in the circuit court for a writ of habeas corpus, which was denied. The crime for which Woodhull is held was

the killing of Amos La Prentis, a quarter

There was a feud of long standing existing between the parties, and on the day in question they had had several encounters, regarding his 17-year-old daughter.

Mary Harvie was arrested on the charge of incorrigibility, on the complaint of her father, Horace C. Harvie, who decided that he could not control the girl and that there long from the wagon and fracturing his skull. He lingered several days, but finally died and his friends brought about the Indian's arrest, charging him with murder in the first degree. The trial will begin Monday morning.

The jury in the case of E. M. Blore, the Burlington express messenger,

Cavan and S. Evans.

The trial of Frank Barrett, charged with counterfeiting, is now occupying the attention of Judge Dundy. Upon the conclusion of this case Michael and Mary Tierney of O'Neill will be put on trial for a like offense. Sheriff Hamilton of Holt county and Superintendent of the Public Schools Jackson are been as witnesses. here as witnesses.

In the circuit branch of the court Judge Shiras heard a few minor motions and disred of one small foreclosure case yes-

COUNTY ATTORNEY READY TO ACT. Prosecute Bolln When the Charges Are Preferred.

Assistant County Attorney Day, speaking f the reports about the probable arrest of Henry Bolin, the defaulting ex-city treasurer, said that no action had been taken in the matter. The county attorney's office was This ready at any time, he said, to file a complaint if the necessary information were placed in possession of the office. Since Mr. Bald-rige had been away the office force had been overworked, owing to the resignation of Mr. Slabaugh, and had not had time to examine into the matter in a way that would be necessary to properly formulate charges. Mr. Day expressed the opinion that the county attorexpressed the opinion that the county attorney could not be expected to do detective work, but there would be no delay if the proper information were furnished by any one who possessed it. He understood, he said, that even the experts who had been working on the treasurer's books for the past six months were at a loss to account for some of the conditions discovered, and he did not think the county attorney should be expected to unrayel these sharls. o unravel these snarls.

In conclusion Mr. Day said he fhought that some of the members of the finance com-mittee of the council who had had this inthe county attorney with the information necessary to draw the proper charges. The cred fifty typewritten pages and it was no small job to draw up charges of this nature. Mr. Winter, another assistant county attorney, said Mr. Day had been in charge of the Coulter case and Bolln would naturally come under his jurisdiction. He said that he and Mr. Day had talked the matter over and both thought some of the councilmen

nish the county attorney with detailed information under which to proceed. To Go to a Higher Court. Transcripts on appeal to the suprem ourt have been ordered in the following riminal cases tried at the last term of

who had knowledge of the case should fur-

curt: Fred Pjirrou, an accomplice of Patrick Ford, jr., convicted of highway robbery and sentenced to three years in the penitentiary. Charles Cummings, convicted of manlaughter for killing Judd Vance, and sen-

enced to ten years. tenced to ten years.

Claude H. Hoover, convicter of the murder of Sam DuBois and sentenced to hang.

J. W. Lauder, convicted of assault with intent to commit rape, and sentenced to ofteen vears.

Wants to Get Out of Jail. Judge Baker ordered the issuance of a writ of habeas corpus in the case of William Hike, a resident of Bellevue, who is confined in the county fail on the charge of malicious mischief. Hike was sentenced a justice of the peace of Bellevue to pay a fine of \$1 and costs, the latter amounting to \$36.80, and to be confined in jail until paid. The proceedings are alleged to have been irregular. The writ is made return-

able at 10 a. m. today. Minor Court Matters. McCord & Brady have sued Herman Zeller or \$253 on a note. Robert Pritchard has brought suit against an Honin and Morris Morrison to recover

\$215 on a note.

and tomorrow.

Samuel Frank & Sone have commenced proceedings against Cohn & Harris to recover \$1,000 for goods sold and delivered. Suits continue to pile up against M. J. Resenstock and T. H. Frice, late proprietors of the Omaha Bazaar, the latest being a suit

being for goods delivered. TOLD OF MOODY'S CONVERSION.

Inion Meetings in Kountze Place Continue to Attract Attention. The union revival meetings being held t the Plymouth Congregational church continue to attract attention. Thursday evening the church was filled to overflowing with people who had turned out to listen to the words of Evangelist Pierson. Upon conclusion of the regular services, an after-meeting was held in the lecture room in the basement, at which Rev. Kimball of Boston told of the conversion of Evangelist Dwight W. Moody. At the time, Mr. Kimball was preaching in Boston and Moody was a poor boy, 17 years of age, cierking in his uncle's shoe store. A few years later Mr. Moody was instrumental in inducing Mr. Kimball's son and daughter to accept Christ.

The union resectings will continue today The union recellings will continue today

Cradle and the Grave. The following births and deaths were reported at the health office during the twentyfour hours ending at noon yesterday: Births-J. W. Malvin, 415 South Nine-

teenth, boy; Charles Mayer, 2334 Manderson, girl; John Blomberg, 958 North Twenty-fifth, girl; Askar Fink, 2754 Davenport, boy; fifth, girl; Askar Fink, 2754 Davenport, boy;
John H. Turnay, 2227 Spruce, girl; C. W.
Crum, 1824 North Twenty-eighth, girl.
Deaths—Willis Kulifahl, 2 yeare, 2901
Ohio, croup, Mt. Hope cemetery; Mary McKenzle, 86, 708 North Seventeenth, pneumonia, Forest Lawn; Adolph Vasburg, 42,
St. Joseph's hospital, inflammation of kidneya, St. Mary's. neys, St. Mary's.

Feasted on Cotner's Chickens. Cotner of 4910 Cass street has notified the police that his chicken coop was entered a couple of nights ago. The thieves stole twenty-three chickens,

IS LOGROLLING

Personal Interests Must Have Attention Before Regular Business.

WIREPULLING FOR PLACES GOING ON

What is Being Done to Save Israel Frank-Corporations Backing Hasenil to Fill First Ward Vacancy.

While the new city council has entered apon its official existence, there are several matters that remain to be settled before nembers are ready to go shead with the outine of the year's business. The organization of the committees and the provision for the two vacancies in the First ward are the main questions which are now demanding attention, and as the two are very nearly related, according to the program of the combine, it is expected that when one is settled, the controversy as to the other will be

practically ended. The experience of one councilman illusrates how the game is being worked. This particular councilman has cherished an ambition to get the chairmanship of the committee on viaducts and railways, but his advances in that direction had not left him with the impression that he had any very tight grip on the situation. Very recently he was called up by telephone by a certain party who inquired if he would like to have the chairmanship of that committee. The councilman replied that that was precisely what he wanted and he was informed that if he would go and see a certain other party, who is closely connected with the corpora-tion lobby, he could probably fix it. Ho-went to the person indicated, who informed him that if he would vote for the Hascall to fill the vacancy from the First ward he would undoubtedly get what he wanted.

The corporations are said to be working hard for Hascall and the occurrence mentioned is said to indicate that they are in a position to manipulate the appointment of ommittees in order to further their intentions. It is also stated that the appointments will also be made in the interests of the reelection of Israel Frank as meat inspector. In other words the chairmanships of the committees on sewerage, streets, alleys and boulevards will only be given out to mem-bers who will agree to vote for Frank in the Board of Health.

the Board of Health.

On the other hand it is urged by a councilman who is said to be in touch with the administration, that this plan will not work.

This authority positively declares that Frank's name will not be mentioned in connation with the position. He says Broatch has decided that he will not favor Frank, and as the other two members of the Board of Health are dependent on his favor to hold their positions, he will be in a position to dictate the majority vote of the board and thus overrule any candidate who does not suit his policy. It is further stated that Dr. Saville will be allowed to serve for two months as commissioner of health, but that if he suggests Frank's name his head will go off immediately.

go off immediately.

With all these complications involved, the courcilman who knows what committee he will get is scarce. It is understood that Benawa will be the chairman of the committee on finance, but beyond that rumor is absolutely silent. President Saunders is said to have given all members the same answer, that he had not made up his mind yet, but would give all due consideration. He listens to their hints most urbanely, gives them the impression that their advice will be followed in every particular,

A councilman who has several times endeavored to urge his claims on the new president, jocosely remarked yesterday that Saunders' behavior reminded him of the experience that a number of candidates for the police commissionership had had with General Manager Holdrege of the Burlington. He had listened to their story most court-cously in every case and when they begged him to use his influence with the appointing power in their behalf, he invariably re-plied that he would be most happy to do so, and that in fact, outside his "preferred candidate," there was no one whom he would rather have get the appointment than the particular applicant who chanced to be interviewing him at that time.

As to the general sentiment of the council regarding the numerous candidates for the vacant desks, it is doubtful whether it is any nearer mobilization than it was two weeks ago. It has been quietly given out that the republican majority will caucus on the question this evening at some convenient place where their deliberations will not be exposed to scrutiny and an effort will be made to unite on two candidates. While the idea seems to prevail that the First ward is entitled to the vacancies, Major Wheeler has not raised the siege and it. As to the general sentiment of the coun-Wreeler has not raised the siege and it is understood that the projected caucus. s, to some extent, to his interests.

ANOTHER OLD SETTLER GONE.

Funeral of Mrs. Mary McKenzie at the People's Church. The funeral of Mrs. Mary McKenzie, wife of George McKenzie, was held at the People's church, on North Eighteenth street, at 11 o'clock yesterday, Mrs. McKenz'e was one of the oldest residents of Omsha, and the services were largely attended. A very apservices were largely attended. A very appropriate sermon was preached by Rev. Charles Savidge, who spoke from the text, "Let Me Dia the Death of the Righteous." Mrs. McKenzle was born in Scotland eightysix years ago. She became a Christian when only 13 years of age and united with the church of the celebrated Dr. Kidd of Aberdeen. She was married to Mr. McKenzle in 1848, and two years later settled in Council Bluffs. They came to Omaha in 1856, and for the intervening forty years they have constantly resided in this city.

by John D. Zernitz to recover \$210.93; an-other by V. Heilbrun & Co. for \$315.44, both Samuel Given Another Chance. Sam Morowitz, a 9-year-old boy, was up before Judge Gordon on the charge of incorrigibility again. His father was present to prosecute him in an endeavor to have him sent to the reform school. His heart, how-ever, relented when he looked upon the boy again and he said that he wished to give him another chance to mend his ways.

Judge Gordon said that he would continue the case for a month. If he found that the boy improved at the end of that time he would be discharged. If not, he would be sent to the reform school. The boy promised to be good and said that he would so report when he appeared before the court. He walked out of the room with a smile that

threatened to dislocate his face. They Are Still Counting the Cash. The work of transferring the county funds from the old to the new treasurer is still going on, and the exact amount of the balances in the several funds will not be deter-mined for several days. The money trans-ferred is about \$93,000, but the exact amount vill not be announced until the semi-annual statement of the treasurer is made public, which will be in about ten days.

John Smythe, 522 North Nineteenth street, has been reported by his friends as missing since December 31. It is feared that he has committed suicide, as he was despondent for some time before he disappeared. Smythe is 45 years old and is an old-timer in the city.

To the Highest Bidder for Cash The water works property will be sold by United States Commissioner Dundy on Wednesday, February 19, from the east door of the Douglas county court house, to the signest bidder for cash.

One Minute Cough Cure is a popular remedy for croup. Safe for children and adulta.