MINOR MENTION.

The Grand hotel, Council Bluffs, High class in every respect, Nates, \$2.50 per day and upward. M. F. Clarke, proprietor. The Women's auxiliary of the Young Men's hristian association will hold a special Christian essociation will hold a special meeting in the association parlors this aftermoon at 2.30. This will be an important meeting. All members are urged to attend. Every member of Canton Pottawattamie No. 6, Patriarche Militant, is requested to meet at Independent Order of Odd Follows hall in fatigue uniform Saturday evening, May 3, at 8 o'clock, sharp. By order of the

Iwo train loads of business men went to Like Manawa yesterday on cars equipped with the McLaughlin brake. All were pleased with the operation of the invention. Further excursions will be run in a few days, and then a railroad train will be equipped for a thorough test of the brake under circumstances of regular railroad services. comstances of regular railroad service.

The Nash-Paul case seems only to have en fairly begun to the district court, connection with the case was the ruling donnection with the case was the ruling of Judge Smith that the first part of Paul's counter claim against Nash should be taken away from the jury (1) the grounds that Paul was not a citizen of Iowa.

The boy burglars, Frankle Merritt and Harry Langdon, who were caught to the act of robbing Gailagher's grocery store, were arraigned before Judgo McGee yesterday morning, and took a change of venue to During the aftern Justice Cook's court. their parents presented satisfactory bonds for their appearance for trial and they were liberated from the city jail. Gallagher has refused to prescute them, and the information was signed by Officer Beswick.

Mr. and Mrs. J. S. Getzer and their little parrowly escaped serious injury in a runaway accident at 8 o'clock last night. They were driving up Broadway when a runaway horse dashed into their buggy and runaway horse upset it. Mrs. Gretzer and the boy were thrown out. Mrs. Gretzer's head striking the She was stunned momentarily, evening. She was stunned momentarily, but escaped serious injury. The child escaped entirely, and Mr. Gretzer came out with a few mimor bruises and scratches. The buggy of the runaway was badly wrecked, and Mr. Gretzer's rig somewhat damaged.

Bill Hulbert, the young man who drove through the door yard of Mrs. Burns on Avenue A, near Eighth etreet, a week or more ago, and tore down her clothes line and trampled its burden of newly washed clothes into the mud, ventured in town aga'n yes terday. He was promptly arrested and thrown into the city jail. His sister, Joyle Hulbert, who assaulted and brutally beat the Widow Burns when she protested again the outrage, will be arrested the first time she comes across the river. She is now located

For Rent-Five unfurnished rooms, Excellent location. W. S. Cooper, No. 10 Main. Housekeepers are in despair when they visit the Durfee Furniture company. All the new things are so handsome and so cheap that they want the whole store.

We offer you only clean, crisp, snow white laundry work and best delivery service at Eagle laundry, 724 Broadway. Teleprone 157.

Hoffmayr's Fancy Patent Flour makes the best and most bread. Ask your grocer for it. HOME INDUSTRY THEIR FIRST DUTY

Merchants' and Manufacturers' Asociation in Session.

The executive committee of the Merchants' and Manufacturers' association held a meeting last night for an informal discussion of the matters that will demand the consideration and attention of the association dur-

ing the coming year.
While no definite action was taken the sociation discussed a number of matters that will be taken up and acted to during the next few months. Attention was called to next few months. Attention was called to the war that is being made upon the de-partment stores in Mirrospolis and other cities, and the suggestion made that Council Bluffs merchants should take some action to the education of the people in regard to the evil effects upon business of the depart-ment stores. One member suggested that local merchants should advertise their bar-gains more and thus convince the consumers gains more, and thus convince the consumers that there was to occasion for going away from Council Bluffs to do their trading. It this connection a suggestion was made that the school teachers of the city should be requested to spend their money at home in-stead of chasing to other cities immediately after every pay day and spending the money secured by them from Council Bluffs tax-payers in swelling the profits of business payers in sweiling the profits of business men outside of Corocil Biuffs. This matter was discussed at length, and a letter will be framed, calling the attention of the teach-ers to their manifest duty in this respect. Another meeting of the association will be held at an early date for the consideration of further plans, for the year's work.

of further plans for the year's work. Epworth Sunday school will give an en tertainment on the evening of May 19. program in part will be vocal solos from Mrs. Roff and Miss Sims and a young ladies' tamborine drill. Come and enjoy a pleasant

Wall paper cleaned, new process, with patent right at Miller's, 108 Main street. Dr. Cleaver's office moved to 600 Broadway

Pasturage at Union Driving park.

Troubles of the Dog Catcher. Complaints have already commenced come in concerning the illegal actions of Poundmaster Sam Dobson and his corps of dog catchers. All of those that have been investigated, however, have proved to be without foundation. Poundmaster Dobson without foundation. Poundmaster Dobson is running three wagons, but has them all working in the same neighborhood at the same time so that he can personally supervise the actions of his men. He pays the pervise the actions of his men. He pays the men by the day, and not a percentage of the fees for captured dogs. He has given his men instructions on no account to invade a dooryard or trespass upon private property in the discharge of their duty. Any man who goes inside a yard to capture a dog will be discharged. He says he understands the law fully and will abide by it conscientionsly. Up to last night there were only 161 dog licenses taken out. The practice had generally been to collect about 300 licenses and let the thousands of other curs run at large and in peace. Dobson says he is going to enforce the collection of the license for every dog in the city, but is going to do it legally.

Hot Bed Sash.

We have 1,000 hot bed sash which we are going to close out. They won't last long. How many do you want? We will make you a price that can't be duplicated. C. B. Paint, Oil and Glass company, Masonic Temple Council Blues. ple, Council Bluffs.

We Do the Framing!! Our prices are right! Our goods will please you! H. L. SMITH & CO.

See our \$2 pressure water filter. Nothing cheap about it but the price. Absolutely high grade. Stephan Bros.

Potter is in Colorado

George Potter, salesman for the Hawkeye Broom factory, created a little sensation some time ago by leaving a dead herse and an empty wagen on the readside, a few miles east of town, and disappearing. It was thought for a while that he had been robbed and perhaps murdered, but later inquiries proved that he had only sold his goods. proved that he had only sold his goods, stolen his employer's money, killed his horse and left the country. Francis Smith, proprietor of the broom factory, has received word that Potter is located in Colorado. A short time after he disappeared, his wife and family quietly left the city. They was family quietly left the city. They were traced to a town in Colorado. Smith has not yet decided to bring the fellow back prosecute him for embezzlement. He however, strongly tempted to do so, was the second time Potter had guilty of emberzling the broom fac-

Gas ranges and service connections at half price for fifteen days. Call at company's office for full particulars. 210 Main and 211

Dinner and supper will be served by the Woman's Relief corps at 19 Pearl street, formerly Bushnell's store, Saturday, May 9. Good meals, 15 cents.

DETAILS ARE VERY MINUTE DITTER BATTLE OF THE ELEMENTS.

Specifications Governing the Pearl Street Paving Quite Strict.

METHOD OF PAYMENT A FEATURE

City Connell Settles the Matter and Devotes Several Hours to Arranging Routine Business of Some Importance.

The city council held a special meeting ast evening for the purpose of adopting the plans and specifications for Pearl street and other brick paving ordered. The specifications were unusually full and much more chief occurrence yesterday of interest in stringent than any that have ever governed brick or any other kind of paving laid in the city. The members of the council have realized that the foundation is of as much importance as any portion of the paving, and able and permanent pavement. The matter will come up again at a meeting to be held on Monday evening, and the clerks will be instructed to advertise for bids. The question of fixing the method of payment so as to avoid any misunderstanding between the city and the contractors will also be settled. Property owners who desire to pay each for the pavement will be given the privilege of doing so at a discount of 5 per cent from the contract price of payment in certificates. The bids will all be based on certificate payments, and this will not permit any misunderstanding on the part of contractors in making their bids.

Mrs. P. Lacy called attention to the fact that the city had neglected to fulfill its promise to keep the taxes paid on the lot owned by her, now used rent free for a have torn his eye from the socket. dog and stock pound. She asked the city to Barstow attended him. Several s pay the taxes on all three lots, but the aldermez discovered that this was not a part of the agreement. The mattetr was referred to the judiciary committee. W. S. Amy asked to have fifteen yards of earth removed from the alley in the front of his barn, on mid-dle Benton street. The earth has been de-posited there by a recent cave-in of the bank. The request was granted. Ezra Soar and wife asked to have a tract of forty-five acres of land lying within the mey discovered that this was not a part of

of forty-five acres of land lying within the city limits, but used by them as a homestead or agricultural and gardening purposes, exempted from city taxatica. Refere

Henry Toller was granted permission to eighteen feet of Tenth avenue, moving his present wooden store building upon it while he constructed a brick buildng on the site.

Mayor Carson called the attention of the council to the many serious accidents that had recently occurred from the habit of throwing banana peelings on the sidewalk, and sug-gested that an ordinance be drawn making such an offense a misdemeaner. The city attorney was instructed to draw such an ordinance, fixing the penalty at \$5, and to report it at the meeting of the council on Amother nuisance was also ordered abated when the marshal was instructed to notify all property owners whose stop boxes for water pipes leading from the street mains to their property to lower them to the sidewalk level. In many places they stand several inches above the walk and make dangerous obstructions.

The county supervisors notified the coun cil that they had opened a road at the city imits to connect with North Twenty-fourth street, and asked the council to make the proper connection between it and the street. The matter was referred to the committee

of the whole. Sidewalks were ordered by ordinance Sidewalks were ordered by ordinance as follows: Four-foot plank walk on north side of Avenue A, from Eleventh to Fourteenth streets; west side of Seventeenth, from Avenue E to G; on south side of Avenue D, from Eleventh to Thirteenth streets; west side of Twelfth street, from Avenue C to D; Avenue A, in front of lots 1, 2, 3, 4 and 5, block 16, Highland Place; north side of Seventh avenue from Seventeenth to Nineteenth streets, except lots 13, 14 and 15, block 8, Pierce's unddivision; on Eighth avenue, on lots 4, and 6, block 34, Everett's addition; on bouth side of Sixth avenue, from Twentythird to Twenty-fifth streets; on north side of Tenth avenue, from Tweifth to Seventeenth streets; on Fifth avenue, south side, between Thirteenth and Fourteenth streets. Three-foot walks were ordered on Flemming avenue, from Harrison to North Benton streets; south side of Knepher street, from Damon to First streets. Brick or cement walks were ordered on the east side of Sixth street, from Broadway, north to the bridge. third to Twenty-fifth streets; on north side street, from Broadway, north to the bridge, twelve feet wide; brick or stone, full width of payement on north side of Willow avenue, from Main street to Pearl street; a four-foot brick walk on west side or North Benton,

from Cross street; a six-foot brick walk on west side of Seventh street, from Mynster street to south line of Mithen lot.

A communication was received from the Workingmen's Friendly club asking for a small appropriation for the purpose of pur-chasing seeds for the Pingree farmers. The sum of \$15 or \$20 was asked, and the statement was made that a large number of them had the ground prepared, but were without had the ground prepared, but were without seed to plant it. Potatoes, corn and beans were the seeds principally desired. The aldermen were favorably disposed toward the request, but Alderman Shubert thought it was setting a bad precedent, and said he would rather contribute one-eighth of the amount than to vote for the appropriation. It was finally agreed to ask for denations of corn, potatoes and beans, to be left at the city building by Monday afternoon. Several of the councilmen obligated themselves to

In the district court yesterday answers were filed in the suits brought by John P. Allison of Sloux City, receiver of the defunct Western Home Insurance company, for the collection of nearly \$100,000 of notes and mortgages executed by George F. Wright and wife, D. F. Elccher and wife, F. O. Glearn and wife, Mrs. Sarah B. B. Rohrer and others, fifteen in all. The answers are substantially the same in all the suits. The defendants deny each and every allegation, except the execution of the notes and mortgages, and aver that no consideration, whatever, was given for them. They declare that the notes were delivered to the Western Home company merely as a matter of accommodation, with the understanding and agreement that they were not to be used, cuforced or collected against the defendants. They also deny that John P. Allison is the receiver of the defunct company, and aver that he was never legally appointed or qualified as such receiver, and is not entitled to briazy any suit. They allege that there is no reasonable or equitable necessity for the collection of the notes or realize on them. bring any suit. They allege that there is no reasonable or equitable necessity for the

collection of the notes, or realize on them for the purpose of placing the proceeds to the credit of the estate. They also aver that the alleged receiver, while acting as such, realized and received from the assets of the company, property sufficient to have discharged and paid all of the obligations, debts, demands and claims, and that said property is now in his possesssich or has been converted to his own use; that there is no legal or equitable claims against the estate of the company which can be legally enforced, and that there is no necessity for collecting the notes for the purpose of satisfying demands against the company. They ask for judgment against

Davis, druge, paints and glass; tel. 289. Pasturage. L. P. Judson, 929 Sixth ave.

the plaintiff for costs.

Fire and Wind Against Water and the Latter Wins the Victory.
The efficiency of the Council Bluffs fire department was again demonstrated yesterlay afternoon, when three companies of the department arrested, after a brief fight, a fire that promised to develop into a dangerous conflagration. The fire broke out at 2:10 o'clock, in a barn ke the rear of E. C. and a south wind going with a velocity

Shepard's residence, at 227 Third street. An alarm was turned in from box 32. When the first company reached the place the barn was blazing on all sides. Just north of it were several large frame dwellings, forty miles an hour, was carrying solid sheets of flame across the narrow space and giving the buildings a flery baptism. One of the houses was in the course of being painted, and the eily boards quickly caught, and before the first stream could be turned on it was biazing on two sides. By the time the remainder of the companies arrived several sheds and outbuildings near by, and in the line of the blast, were also blazing For a time it looked as if every building in the block would be destroyed. The chemical was used to good effect, and kept down the importance as any portion of the paving, and blaze until the hose companies could lay the specifications adopted will make a durtheir lines. In a few minutes four inch and a-quarter streams were turned on, and there was a hot contest between the elements, wind, water and fire. Water triumphed, and only the ruins of one barn and the black-ened and blistered sides of two of the dwell-ing houses gave evidence of the firry bap-Ned Shepard's house and the large dwell-

ing of Mrs. Mary McGee escapet with a scorching. An outbuilding, near the barn, belonging to W. S. Cooper, was destroyed. The loss is small, and is covered by insur-

During the progress of the fire Captain Conley of hose company No. 3, met with a painful accident that will lay him off duty painful accident that will ray him of duty several days. While moving rapidly in the discharge of his duties he ran against a spike, eticking out from a telegraph pole. It struck him just beneath the right eye and cut a deep gash an inch or two long. If it had been half an inch higher it would Several stitches were required to sew up the gash.

ABOUT SIXTEEN TO ONE.

White Wing Democrats Have a Walk

The primaries to select delegates to the democratic county convention were held in the two precincts of the Second ward last night. At the caucus on Wednesday night twelve names were placed on the ticket from each precinct of the ward, to be voted on at the primaries yesterday evening. The caucus candidates were evenly divided be-

caucus candidates were evenly divided between the free silver democrats and the
kind called gold bugs.

The primaries were held yesterday evening from 6 to 8 o'clock, the first precinct at
the city clerk's office, and the second precipel at Service, food store on lower Broadcinct at Serviss' feed store on lower Broadway. The result was a complete victory for the free silver candidates in both precincts.

In the first precinct the free silver candidates were elected by 61 votes to 8 for the administration demorcals. In the second the vote was 78 to 7. The delegates elected

First precinct-J. C. De Haven, Ben Marks, J. N. Casady and A. T. Whittlesey. Second precinct-W. H. Knepher, Joe Martin, J. J.

Stewart, and Jason R. Lewis.
Caucauses were held in the other five wards of the city last night, and candidates placed on the ticket, to be voted for at the primaries this evening. Present indicaprimarles this evening. tions are that the free silver democrats will tions are that the free silver democrats will carry every ward and precinct in the city, with the possible exception of the second precinct of the second ward. In any event the county convention, to be held Wednesday, will be overwhelmingly in favor of free cilver. of free silver.

PEDDLING IN DARKEST AFRICA. One Man Made a Big Thing Out of It

and Escaped with His Booty. William B. Walker, a gentleman who moved from the Mississippi valley last fall to settle in Scattle, Wash., told a story Post-Intelligencer.

Early in the 80s Henry Moore lived near Corinth, Miss., and was a shiftless sort of He gathered courage enough to fellow. He gathered courage enough to shift from there, however, and climbing on the end of a railroad train managed to ride bind baggage to Denver. He spent some time in Colorado, then drifted to the Arizona gold fields, lounged in the everlasting sunshine of Mexico for a while, and one day found himself at Galveston. There he drifted on board a sailing ship, and the ship drifted him to the eastern coast of Africa.

dritted on board a saming sing, and the ship drifted him to the eastern coast of Africa.

Here he found there was gold to be had without the digging. When the ship got to Liverpool he spent all his wages in trinkets and worked his way back to Africa on another ship. His exploits from the time he landed the second time throw those of Livingstone and Stanley entirely in the shade. For they went armed with a retinue of followers, with baggage wagons and tents, commissary department and cooks. All alone, with as big a pack as he could carry, he started from the east coast in a direct line for the west.

It was something over a year before he was seen again by one of his race or heard his native tongue. He got back to the coast, but was not carrying his pack. He had a string of camels and donkeys to carry it, and it had grown to a goodly size. There were ivory tusks in it, and gold nuggets and precious stones, and curious things never seen before. All by himself he had gone nearly 1,600 miles into the interior, and "bin doin" a right smart o' tradin' with the coons," he modestly said.

"Meet any savages?" he was asked.

"Mostly all savages," was the quiet reply.

"Yes, they is most all cannibals; but nary a one of 'em ever eat me, an' I'm here to prove it."

This is what he said when he got back

corn, potatees and beans, to be left at the city building by Monday afternoon. Several of the councilmen obligated themselves to furnish five bushels of seed potatoes and as many ears of sweet corn and stray beans as they could find. The prospects are that the plan will produce much more than \$20 worth of seed material.

The pay roll for the last half of the Indian creek excavation, amounting to nearly \$2,500, was passed, and the workingmen will be paid today.

The council adjourned until Monday night.

GIVEN AS AN ACCOMMODATION.

Reply Filed to the Petition of John

In the district court yesterday answers

In the district for the last half of the Indian creek excavation, amounting to nearly \$2,500, was passed, and the workingmen will be paid today.

The council adjourned until Monday night.

In the district court yesterday answers

In the district the properties and an analysis when he gad when he got his goods to the coast was to t

check was drawn replied: "Moore good for \$250,000." Moore has \$500,000 in government bonds and larne accounts with several banks. He is not married, and his tamily connections are all poor people. That is, they were poor before he returned. He has sent his brother's two daughters to a fashlomable boarding school and given each a bank account of \$50,000. He has also taken his brother's boy and sent him to school. To the rest of his family and intimate friends he has also been liberal.

"Thave in my possession." said Mr. Walker, "a piece of seaweed that Moore brought from the Red sea, picked up near the spot where Pharaoh's army tried to cross."

This proves the wonderful remance to be perfectly true.

Large Rubber Mill to Start Up.
WOONSOCKET, R. 1. May 8.—Superintendent F. T. Comes received orders today to start the Alice Rubber mill, employing 1,300 hands, on Monday. The Millville mill, employing 1,000 hands, will be started a week later.

DAWSON GUILTY OF MURDER

Another Chapter in a Sensational Iowa Oane.

WALTER SCOTT'S SLAYER CONVICTED

Jury Requires Several Hours to Ascertain the Degree of Guilt-Prisoner Expresses His

Regrets. DES MOINES, May 8 .- (Special Telegram.)-Samuel R. Bawson, who on Christmas eye shot and killed Walter Scott, his

son-in-law of an frour, was today found guilty of murder in the second degree and his punishment will be equivalent to life imprisonment. The minimum imprisonment salary instead of fees. provided by the statute for such a crime is ten years, and at Dawson's age and in his physical condition he could not hope to last that long. The jury in the district court, after hearing the instructions from Judge Holmes,

went out at 9:15 this morning and returned with a verdict at 5. Dawson was brought from his cell to hear the verdict. He was apparently calm, although very pale, until the announcement was made, when he sank into a chair and began to mean and cry. Later, while his attorneys were consulting with Judge Holmes as to the time of passing sentence, Dawson passed his arm about his wife as if to comfort her and then broke into sobs again as he turned to his little daughter Daisy, saying: "What will become

No one offered any sympathy until his attorneys completed their consultation, when they told their client they would do all possible to obtain a new trial. Sentence will be passed May 16. Dawson said later he had expected no more severe verdict than mansalughter. To his jailer he said;

"I wish I had never recovered my reason." Walter Scott married Clara Dawson December 24 after a sensational courtship in opposition to her father's wishes. An hour after the wedding he went to the Dawson recidence to obtain his wife's clothes. Dawson shot him three times. Dawson's delense was Insan'ty.

TESTING A PECULIAR LEGAL POINT.

Phil Armour Seeking Relief from a Municipal Ruling.

JEFFERSON, Ia., May 8 .- (Special.)-Philip D. Armour, the Chicago millionaire, has a law suit on his hands, and the town of Churdan, north of here, is the defendant in the case. It is a very peculiar piece of litigation, the question at issue never having before been raised in Iowa, so attorneys declare, and of course no conclusions as to the final outcome can be reached. It appears that the assessor of Churdan in scheduling property that would probably come under the head of assessable goods, listed several large cribs, containing many thousand bushels of corn belonging to Armour, which he is storing at Churdan, awaiting an advance in price Of course the local agent was notified of the action of the assessor, and when the Board of Equalization, that meets once a year to listen to grievances and equalize assesments met the local representative, Armour was present and protested against the action of the assessor, and asked the board to give him the assessor, and asked the board to give aim relief, by striking out the amount the corn had been assessed, declaring the listing of the corn by the assessor was illegal and not according to usage. The board asked for the opinion of an attorney in this city, and the the assessor appeared to was informed that the assersor appeared to have not exceeded his authority in assessing the corn. The board applied to State Attorney General Remley, and he supported the opinion given by the Jefferson lawyer. Armour will take the matter to the district court, as the Churdan Board refused to give him any relief in the matter. Inasmuch as the case has never been passed upon and the decision will form a precedent, the outcome of the case will be watched with unusua interest, not only by attorneys, but ware-housemen, farmers and taxpayers. Legal opinion inclines to the belief that the assessor will be sustained; that the corn recently of an old acquaintance of his represents Armour's stock in trade, the same whose experiences in South Africt are of a as though he had established a flour and rather romantic character, says the Seattle, feed store and handled the stuff to retail

RELIGIOUS BELIEF IN IOWA.

More Than Half the Population Pro fess Some Sort of Faith. DES MOINES, May 8 .- (Special Telegram.)-Superintendent Landers of the state census has completed the compilation of the religious statistics. Out of a total population of 2,058,069 the number of church members is given as 572,264 and the number expressing a religious belief as 1,097,388 Following are the statistics regarding the

most numerous decommend	Religious
Adventists 2 565 Baptists 33,754 Catholic 1552,263 Christian (disciples) 30,938 Congregationalist 30,315 Dunkard 2,917 Episcopalian 6,879 Evangelical 11,737 Friends 8,086 Latter Day Saints 4,131	Belief of Individuals. 6944 6944 69.103 191.975 74.160 49.236 3.548 16.619 18.634 11.594 6.308
Lutherans 69,238 Methodist 131,576	264,825
Lutherans 99,288 Methodist 131,576 Prossysterian 46,963 Reformed 7,053 Unitarian 1,185 United Brethren 10,117	16 357 3,170 19,376
Among the other statistics	rie: committee

organizations, 4,862; church buildings, 4,489; value of churches, \$15,105,085; membership Sunday schools, 365,441.

Two Fatalities at Des Moines. DES MOINES, May 8 .- (Special Telegram.) -The 3-year-old son of Joseph Kramer ran before a trolley car tonight and was mangled under the wheels. Death will result. Charles Novinger, aged 33, while unloading logs at Longshore's saw mill, was crushed between two cars and killed,

Iowa Homestead Litigation. DES MOINES, May 8 .- (Special Telegram.) -Henry Wallace, a stockholder in the Iowa Homestead company, today applied for an

What Do You Want?

If it's a nice, pretty Shoe at a moderate price,

Sargent

Has them - All Omaha cannot touch us.

Look for the Bear.

Customers' Shoes Shined Free.

injunction to regrain J. M. Pierce, the man- | Stenburg et al. against State ex rel. Kelaging stockholder, from sending out 15,000 free copies of the paper every week and claiming by that means a total circulation of 31,000. Wallace alleges that the method by which the papers are sent out is in con-travention of the postal laws, and renders the company liable to a fine and to a charge of 2 cents postage on each paper sent out.

Catholic Mission at Stone City. SIOUX CITY, May 5,-(Special.)-Local Catholies are taking much interest in the nission, to be opened here at St. Joseph's church, May 17, by Fathers Sher-man and Mochler, two of the leading Jesuit priests of the country. Father Mochler is president of the Roman Catholic seminary at St. Louis, while Father Sherman is a son of General W. T. Sherman.

Knocked Out Fee Grabbers. DES MOINES, May 8 .- (Special Telegram.) Attorney General Remiey has decided that deputy sheriffs acting as court bailiffs are not entitled to extra pay. This overturns a common method of increasing the pay of deputy sheriffs since they have been given a

SUPREME COURT SYLLABLE

Coburn against Watson. Error from Douglas county, Aftirmed, Opinion by Judge Harrison.

An owner or party entitled to goods which have been converted, who subsequently has

conversion of which the mortgagee was in this action asking a recovery.

8. "Under the constitution of 1875, a party may, as a right, have a cause reviewed either by appeal or on error, in the court of last resort, and the legislature has no authority to impose a penalty of 5 per cent upon the affirmance of the judgment." Moore against Herrion, 17 Neb., 703, followed.

either by appeal or on error, in the court of last resort, and the legislature has no authority to impose a penalty of 5 per cent upon the affirmance of the judgment." Moore against Herrion, 17 Neb., 703, followed.

Twohig against Leamer. Error from Dakota county. Affirmed. Opinion by Judge Harrison.

The evidence of a witness, given or used on the trial of a cause, and who has since died, is competent on a subsequent trial of the same action, and where not in the form of deposition, or preserved in any manner, prescribed or contemplated by law, may be stated by any person who heard it given, and who recollects and can state it substantially.

2. Before a witness can be allowed to give his recollection of the evidence of a deceased witness, it must be shown, as a foundation for the introduction of such evidence in such manner, that it was given or taken for use in a former action between the same litigants, that the party against whom it was given had, from the manner of its reception, an opportunity to cross-examine the deceased witness, that it involved the subject matter, and that the witness called to state it recollects and can repeat in substance the evidence of the deceased witness.

3. Where in a trial before the judge of a district court without the intervention of a jury a witness was allowed to state his recollection of the evidence of the intenduction having first been laid for the introduction of the evidence, in such manner, and the witness making statements in giving his evidence which would have completed the foundation for its introduction, it renders the evidence competent for consideration in the determination of the issues in the action and cures the error; if any, committed by its admission.

4. A void tax deed affords color of title in an action of ejectment in which adverse passession of real estate for the statutory period of ten years is relied upon as a defense.

5. To establish title to real property in this state by virtue of the eperation of the

fense.

5. To establish title to real property in this state by virtue of the operation of the statute of limitations there must have been maintained by the party asserting it an actual, continuous, notorious and adverse possession of the premises under claim of ownership during the full period required by the statute. Gatling against Lane, 17 Neb., 77; Lantry against Parker, 37 Neb., 553.

Neb., 77; Lantry against Parker, 37 Neb., 553.

6. The evidence in this case examined and held to show such acts in respect to a piece of land not suitable to general farming purposes, but fit for grazing, and a portion of which was what is formed "hay land" as constituted actual, continued, notorious and adverse possession for the time required by statute.

Douglas County against Keller, Error from Doughs county, Affirmed, Opinion by Judge Norval.

This case is controlled by the decision in



The first in the field and still unrivalled Invented by the great chemist Justus von Lik-BIG, whose signature is on every jar, and made by the Liebig COMPANY for over 50 years. For improved and economic cookery For delicious, refreshing beef ten

decided herewith,
saarum State ex rel. Keller et
from Douglas county. Afferned,
dudge Nortal,
y board has exclusive original

A county board has exclusive original invisitation to examine and pass upon claims or demands against the county property confidence of audit and allowance, and the forwideline of the district court, as to such is appellate merely.

2. An appellate court acquires no jurisdiction of the subject matter where the tribunal or body from which the appeal was taken possessed none.

3. In the absence of statutory authority one county heard cannot review or reverse the act of a prior board performed within the scope of authority conferred by law.

4. Held, that the respondent had purisdiction to examine and allow relators claim.

5. While boards of county commissioners exercise functions judicial in their natures in the allowance and rejection of claims against the county, such boards are not courts in a constitutional sense, or within the general recognized acceptation of that ferm.

6. Douglas County against Keller et allowed the county against Keller et allowed.

the general recognized acceptation of that term.

5. Douglas County against Keller et al.

44 Neb., 625, adhered to.

7. A judgment by a c art having jurisdiction of the parties and subject matter is conclusive upon the parties thereto and their privies, unless reversed in appellute proceedings. It settles all matters litigated and cannot be assailed collaterally.

8. The code of civil procedure relating to set-offs authorizes such defenses to be interposed before, but not after judgment. A court of equity, where proper grounds exist thereof, may allow a set-off in cases not provided for by statute.

9. A promissory hote without consideration is invalid as between the original parties, and cannot be enforced against the maker in the hands of the payce.

An owner or party entitled to goods which have been converted, who subsequently has them, or a portion thereof, returned to his them, or a portion thereof, returned to his them, or a portion of the of them, is not receives a portion of the of them, is not sale of the converted of his right of action for the original wrongful taking, but proof of such facts, or either of them, will be available on mitigation of damages.

2. The fact that property has been taken from a party who converted it under or by virtue of legal process, an action against him by the owner or person entitled to it for its conversion, unless it further be shown that such owner or person entitled to the property has received it, or the proceeds of any sale which may have been made of it.

3. The measure of damages of personal for which he has received it is decided to the mortgage, or which he has received the advantage, and not in any event to exceed the amount do on the mortgage of any of the property of the former hearing of this case reported in \$6. No. 4, 82, approved and followed.

5. The determinations of questions presented to this court, in its review of the proceedings of an inferior tribunal on the south of the case.

5. In order to present for review the rulings of a trial judge in exclusing testimony, the particular rulings complained of must be referred to in the period to the case.

6. In order to present for review the rulings of a trial judge in exclusing testimony, the particular rulings complained of must be referred to in the period to the case.

7. Held, that there was the best of the case of the property sold by a receiver, and for the case of the property sold by a receiver, and for the cas

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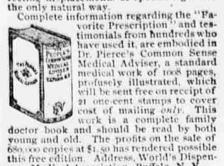
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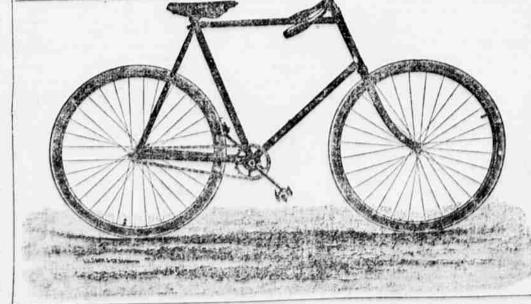
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