COUNCIL BLUFFS DEPARTMENT

MINOR MENTION.

Photo supplies and cameras. 541 B'dway.

Mrs. W. D. Bullard of Persia, Ia., is visiting her sister, Mrs. B. N. Waller.

Mrs. Dawson of Atlantic, who has been visiting in this city for some time, has returned home.

The Monday Musical club will meet this afternoon at the residence of Mrs. I. M. Treynor, 608 First avenue.

E. E. Hart is still suffering from a dislocation of the hip. He will be confined to his home until he is completely cured.

Ed Alderson, a conductor on the Burlington road, who was hurt in a wreck at Creston some time ago, is again able to be around.

The Iowa Nonpartisan W. C. T. U. at its recent meeting at Marshalltown elected Mrs. Laura McBride of Council Bluffs state vice president.

A new postoffice has been established about eight miles south of Neola and will be known as Keown, from the new postmaster, William Keown.

Ada Rehan silver statue will be on exhibition at the Boston Store this week. Special bargains will be offered in every department during this sale.

Mrs. E. Latta and little daughter, Blanche, have returned from an extended visit in the east. They have been the guests of relatives at Pittsburg, Pa., Chicago and Stillman, Ill.

St. Paul's chapter of the Brotherhood of St Andrew will hold a reception at Odd Fellows' hall Wednesday evening. Addresses will be made by Colonel Dailey and Dr. Thomas Green of Cedar Rapids.

The following officers have been elected by Star chapter No. 47, Royal Arch Masons: Charles E. Walters, M. E. H. P.; I. M. Treynor, E. K.; A. McMillan, E. S.; M. Duquette, treasurer; J. B. Atkins, secretary.

Council Bluffs Tent No. 32, K. O. T. M., will entertain at the Woodmen of the World hall Wednesday evening. The occasion will be their annual ball and a cordial invitation is extended to all their friends to participate.

A "change" will now be the order of the day. Money wagered will "change" hands. Offices will "change." The administration will "change," even every voter will "change" his shirt and send it to the "only" Eagle laundry, 724 Broadway; telephone 157.

The traveling men in this part of Iowa have been coming in greatly encouraged since the election. They report that in the few days that have intervened since the election trade has been steadily increasing and a general improvement has been noticed all along the line.

At the last regular meeting of Ivanhoe commandery No. 17, Knights Templar, the following officers were elected: George Lipe, E. C.; V. Jennings, Gen.; I. M. Treynor, C. G.; Rev. S. P. McDonald, prelate; C. Konigsmacher, S. W.; J. W. Palmer, J. W.; J. B. Atkins, treasurer; A. McMillan, secretary.

The Woodward Theater company presented "Hazel Kirke" last evening to another large audience. Tonight "The Brothers," a strong comedy drama in five acts. Thursday night the old favorite, "East Lynne." Saturday night a new play, written by Mrs. Anne Richardson of this city, will be presented.

Work on the brick paving on First street is progressing rapidly. The east side of the thoroughfare will be completed this morning and before the week is out the entire street will be open to traffic. Contractor Wickham will commence work on the alley between Main, Bryant and Broadway in the near future.

B. L. Barton, aged 53, died at the Woman's Christian Association hospital of cancer of the stomach, Saturday, at 11 p. m. Deceased was taken to the hospital ten days ago from his home, at Avenue I and Twenty-fourth street. The funeral will be held from Lunkley's undertaking rooms Tuesday at 2 p. m., Rev. DeLong will conduct the service. Interment will be at Fairview. The Grand Army of the Republic, Union Veteran Legion and all old soldiers are requested to attend the funeral.

C. B. Viavi Co., female remedy. Medical consultation free Wednesdays. Health book furnished. 309 Merriam block.

N. Y. Plumbing company. Tel. 250.

Letting Go Their Bargains.

The Durfee Furniture company will celebrate the close of the great political contest by giving the people something else to rejoice over. They have started a great clearance sale, and will give bargains in every line of furniture in the house. Bedroom suits, rockers, couches, chairs, odd and fancy pieces of the newest goods in the world are offered at prices that will make even the defeated politicians happy again. Come around to 336 and 338 Broadway and look at some pretty things.

Purity is the chief quality of Riekman's unexcelled candies. This same standard is kept up in his entire line of sweets whether the price be 10 cents or 60 cents a pound.

School of Household Economics, adaptation of food to individuals.

High School Foot Ball Games.

The Council Bluffs High school team has two good games in prospect for the home grounds. The first one will be played with the High school team of Blair, Neb., Friday afternoon at the Field Club park. A week from next Saturday Council Bluffs will meet the Lincoln High school eleven. This promises to be one of the hardest fought games ever seen in this city. Saturday the Lincoln team beat Omaha High school 12 to 0, this being the same score made by the Council Bluffs team against Omaha the week before. The scoring in the Lincoln-Omaha game was all done in the last half and this is taken as an indication that the Council Bluffs boys will win against Lincoln, as they succeeded in making a touchdown in the first half against Omaha.

The home players have kept up a good practice, but were disappointed in not getting a game Saturday, the Denison High school team, that had been scheduled, having failed to show up. In the practice Friday the boys made an excellent showing and they expect to go into the game against Blair next Friday stronger than ever before. With a week to rest up in and get some light practice before they meet Lincoln, they are confident of winning. Captain Mathers has gotten together one of the best aggregations of foot ball players ever seen in this part of the country for lightweights and the games played so far have been full of snap and go.

Hard Winter Promised.

The weather man has given out the warning that there will be a rigorous winter this year. Preparations to withstand the chilly blasts are in order. What you need is warm underwear, warm gloves, warm shoes. Hughes, the men's outfitter, 415 Broadway, has them.

The young man that wishes to make a favorable impression should not forget the effect of a handsome box of candy. Riekman's is the place to get them.

Lowney's chocolates have an enviable reputation for purity. Riekman's is the place to get them.

School of Household Economics, proper combinations of foods.

Horse Went Through the Window.

A pony belonging to one of the newspaper carrier boys took fright yesterday morning at the stupendous size of the Sunday morning paper he was expected to carry around and ran away. He ran upon the pavement on Broadway near Pearl street and went through the window of a barber shop. The whole glass front of the building was carried away and the fragments distributed over the barber chairs inside. The horse escaped with a few scratches.

Cut Glass—Beautiful.

Just received a complete line of the richest cut glass manufactured. Low prices. Rich designs. Useful articles. Jacquemin & Co., 27 Main street.

A good smoke, a fragrant smoke will bring ease and contentment. Riekman has the kind of cigars that will make you better contented with yourself and life in general.

F. W. Dean, M. D., eye, ear, nose and throat, 241 Merriam block.

School of Household Economics, eating to live, or living to eat.

STAMPING OUT DIPHTHERIA

Anti-Toxine Being Used with Splendid Results in Iowa.

MANY PHYSICIANS FAVOR THE METHOD

State Board Urging a General Use of the New Treatment by the Various Boards of Health.

Terrence Stack, aged 8 years, son of P. H. Stack, has been reported to the Board of Health as suffering from diphtheria. The prevalence of diphtheria has permitted the local physicians to give a thorough test to the new anti-toxin treatment. The result so far has justified the confidence that physicians have placed in the remedy. Wherever it has been administered in the early stages of the disease relief has quickly followed. Many cases of recovery have been reported where the early symptoms indicated a malignant type of the disease which would have been fatal under ordinary treatment. Reports to the State Board of Health show that there are more cases of diphtheria in Iowa today than ever before known. The board held a session in Des Moines a few days ago for the purpose of meeting members of the local boards in cities throughout the state and urging them to use every precaution to enforce all the quarantine regulations and stamp out the disease.

HAS NOT CALLED A PASTOR YET.

Christian Tabernacle Congregation Still Hearing Trial Sermons.

The pulpit committee appointed by the official board and the congregation of the Christian Tabernacle to secure a pastor for the church has not been able to report much progress. A month has elapsed since the committee was appointed. The committee has been in correspondence with several clergymen of the Christian church. One of these, Rev. J. N. Wright of Chicago, occupied the pulpit yesterday at both the morning and the evening services. At the morning hour he preached on the subject, "Hear Ye Him."

The speaker pointed out the necessity for a more general elevation of the moral sentiment among all classes. The condition of the world was daily and rapidly reaching a point where it is necessary that there be not a Christian class and a class not Christian. The struggle for existence, the greater effort necessary to supply the greater and ever-increasing wants of mankind, makes it imperative that something stronger than law restrain human passions and propensites. The most law-abiding men are those who respect but do not fear the law. They commit no crimes against the state because they commit no offenses against the law of God. As the race multiplies and wants become more difficult to supply, fear of the law will not maintain public peace and security. Only the universal acknowledgment of the moral law will protect society. The only way for this moral sentiment to become dominant is for every man to realize that the command, "Hear Ye Him," applies to himself. Christ's law is the moral law that must govern the world in peace and security and prepare the way for the perfection of the great millennium day. This day may be near or it may be far away. It lies within human power and human will to make it either. If the whole world should today accept the great sacrifice of Christ the millennium would come tomorrow. Pain, sorrows, every pang that wrings the human heart, death itself would be banished, and the recreated world would be the paradise that men have dreamed of, the Christian looked for and the human heart forever hoped for.

Today the gospel of Jesus Christ is preached in every land under the sun, and how apt is the command, "Hear Ye Him." To hear is to ponder; to ponder is to receive and to receive is to believe. The transformation is rapid, like the burst of sunshine from inky clouds, glorious. To the thoughtful mind there is nothing more apparent than the progress toward this general conviction. Psychic study, which is soul study, has become the leading study of the times. The best minds of the world are realizing that the welfare of the human soul, its development and destiny, are the great paramount problems of the age. Man's little brief span of existence here is but of the least importance to the eternal possibilities of the future. All of this hastens the time for the final triumph of the Son of God. If but one-half of the men and women of the world should accept this message and follow out its injunction there would be but little doubt that the great triumph would come quickly. It would blend together all of the churches of Christiandom and soften their warring creeds into the simple and harmonious church that Christ meant should be established. "Hear Ye Him" is the greatest command that can be preached by Christian ministers today.

Ada Rehan.

Ada Rehan silver statue will be on free exhibition for the week, November 9 to 14, at BOSTON STORE, Council Bluffs.

Sewer Pipe, Fire Brick, Belting.

Wholesale and retail. J. C. Bixby, 202 Main street.

School of Household Economics, principles of home making.

Special sale trimmed hats at Miss Ragsdale's, Pearl street.

Hunting Places to Sleep.

Seven men applied at the police station for lodgings last night and were given a chance to sleep upon the comfortless iron bunks in the upper rooms of the city jail. They were all young, their average ages being less than 25 years, and were of all nationalities. The chilly nights force the unfortunates to appeal to the police for places to sleep, and the rooms, which are heated and set apart for that purpose, are filled almost every night. The American Volunteer Salvation army barracks on Upper Broadway are filled nightly to their utmost capacity. The army has not received the cordial support in the way of donations of unused bedding that was counted upon, but enough has been secured to provide for a number of the homeless and houseless unfortunates. People who are devoting time and consideration to the subject of caring for the destitute anticipate an unusually heavy demand upon them this winter. Calls upon the custodian of the county poor fund are becoming painfully common.

Day & Hes, 39 Pearl street, Council Bluffs, have some extraordinary bargains in fruit, garden and farm lands near Council Bluffs. Now is the time to buy real estate.

Enameled brass-trimmed beds $3.95 this week at the Durfee Furniture Co.

Lundgard, the Tailor, 130 S. Main street.

Get your winter supply of coal now before the rush and rise in prices. L. M. Shubert will fill your orders promptly and his prices are the lowest. Telephone No. 70; 628 West Broadway.

Hoffmayr's fancy patent flour makes the best and most bread. Ask your grocer for it.

Riekman keeps the finest line of confectionery in the city, seasonable fruits, oysters, a full stock of cigars and tobacco, ice cream and ices in brick or any other style. Prices guaranteed.

Dr. Pangle's Diphtheria Specific.

Call at Dr. Pangle's office and get his infallible diphtheria specific. Tested through three epidemics and never failed.

Had a Long Run.

A horse hitched to a light spring wagon had a run for his life yesterday afternoon which began at the School for the Deaf and ended on upper Broadway above the Methodist church, a distance of about three miles. All along the route of the impromtu course the animal managed to elude all efforts to stop him, and was going at a desperate gait when a motor car caused him to swerve and run into a telephone post. The horse escaped with a few scratches and the wagon was not damaged at all. The animal was taken to a neighboring barn and is now awaiting the owner.

KING OF THE FAKIRS.

Gets a Hatful of Money and Coolly Drives Away from His Dupes.

One of the slickest articles that ever struck this town held forth one night at the corner of Broad and Pine streets, relates the Nevada City Herald. He had a team from one of the local livery stables and the usual gasoline torch and valise. With the voice of a Midway Plaisance "spieler" he began by announcing that he "was an honest man and would rather throw his money in the street than take a dollar that did not belong to him." Instead of leaving in disgust at hearing this shameless assertion the crowd drew nearer, anxious to have a good look at such a freak. They drew still nearer—they wedged in tight and blocked the street, and they were his'n.

He offered some trumpery for sale and threw all the small change he received into the street for the boys to scramble for. It took. They liked it, and hollered for more. He sold some trifling "galvanic batteries" at a dollar apiece and then gave the purchaser back his dollar.

The crowd grew quite enthusiastic and the fakir grew bolder. His next move was to boldly ask who would give him a dollar outright, to throw away, get drunk on or spend as he pleased. A couple of men timidly pushed their way forward and actually offered him a dollar each. He took the silver and chuckled with glee. Then, pretending to repent having begged anything, he called the donors up and returned each man's dollar, and gave them a dollar beside as a reward of merit.

The crowd began to cheer, and were disappointed when the fakir again offered the "electric belts" for sale. But it was only for a few minutes, and then he again asked who would "give him a dollar outright, and expect absolutely nothing for it." The crowd fell over each other in their haste to reach the fellow's buggy and make their contributions. He would take a dollar from someone, add a few more dollars to it and then wrap the whole in a greenback, making nice little rolls, which he put into his hat. They came so thick that he was obliged to ask the people to wait until he could get their Christmas presents wrapped up. When the dollars finally ceased pouring in the hat was full.

He placed the tile where all could see it and began a "song and dance" about what good people they were and how much he appreciated getting into such a liberal town. He would not be outdone in generosity. He would make each one of them a present of one of his famous galvanic belts. Yes, he would, by ginger!

He talked so rapidly that few could catch the drift of his proposition, but they all stepped up and took the packages he offered them, thus accepting value for their money. Then they fell back and waited until the gentleman threw the hatful of money out into the crowd.

But he did not do it?

No.

Instead he said, "Now, suppose you were in my place. What would you do with all this money?"

Some one on the edge of the crowd answered, "Keep it."

"That's a good suggestion," said Mr. Fakir, and in a thrice he had dumped the hatful of money into his valise and snapped the lock.

He paused a moment and coolly lit a cigar in the flame of his torch, and the crowd hesitated, paralyzed at his nerve. In that moment of hesitation they were lost (or their money was) for the fakir suddenly seized the reins and drove swiftly around the corner.

He did not leave town, though, and apparently had no fears for his personal safety. While he was skinning the town a confederate did the same thing in Grass Valley and the two went away together several hundred dollars richer for their visit to the mountains.

METHODS OF CHINESE FIREMEN.

Mode of Locating and Extinguishing Fires in the Cities of China.

If Li Hung Chang would submit to an interview on the subject it would be interesting to know what his feelings were as he sat upon the grand stand at Union square, New York, and watched the exhibition of one of the most efficient fire departments in the world. The difference between the workings of that department and the one which he has known in Peking, says the New York Tribune, must have aroused forcibly his remarkable powers of comparison.

A slight inkling of his impressions, however, may be gained by a brief outline of the workings of the fire departments to which he is accustomed in China. These departments are considered very effective even by foreigners to that land, and it may be they are when the construction of Chinese dwellings is taken into account. There is scarcely a house there over two stories high. But even for houses of that diminutive height the Chinese method of fighting fires must appear very crude compared to the system here.

In the larger cities of China there are stationed throughout their length and breadth fire watchmen. Upon bamboo poles is built a sentry box with a narrow balcony circling. These sentry boxes are stationed at regular intervals, say, the distance of five or ten of our city blocks apart, and in each one a watchman is on duty day and night. The instant signs of a fire appear in his district he sounds the alarm either by voice or by a gong, and the dread cry is hastened along to the nearest fire engine house. In these houses, which are none too numerous, are kept hand engines somewhat like the most antique types known here. They are dragged by running Chinamen, and at the alarm the engine is rushed off to the scene of the fire with really creditable rapidity, and the engine "pipes" are put in connection with the nearest canal. These canals are so numerous throughout the large cities that one is nearly always within reasonable distance of a fire. If there be not one near, a well or cistern is utilized as a source of water supply. There is little organization in a Chinese fire department, but the crowd that gathers lends a willing hand, and can usually extinguish a fire in the building in which it originated. As the buildings are only of two stories, as already explained, the difficulties presented to the Chinese firemen are not great. Should the fire get beyond control, however, there is a precaution which the Chinese alone of all nations have adopted to prevent its extensive spread. At frequent intervals in the crowded part of the cities fire walls of brick have been built. These walls include fixed areas, beyond which no bames can travel.

Besides these engine houses and fire walls are maintained, in the city of Canton at least, one or two stationary engines near central points upon the banks of canals for use in case of fire. The engines are in buildings designed for them, much after the manner of reservoir pumping stations here, but, of course, of a much less elaborate design. From these engines iron pipes are run over the roofs of neighboring houses for some distance, and from frequent outlets along the line of pipes water can be distributed in time of fire upon the threatened points.

This comprises a brief outline of the entire fire department which the larger cities of China maintain for their preservation. When the august ambassador of the Chinese emperor beheld New York's splendid machines in full operation the primitive method of fire protection in his own country must have seemed crude indeed.

Telegraphing Through Space.

The possibility of telegraphing through space has been turned to account in a most effective way for maintaining communication between the mainland and Fastnet light house, on the southwest coast of Ireland. Formerly the difficulties of carrying a telegraph cable up an exposed rock, where it was subject to constant chafing, were almost insuperable. The non-continuous system is now used, and is said to work admirably. The cable terminates in the water sixty yards off, and the electric currents sent from the shore find their way through this distance to two bare wires that dip into the sea from the rock.

SUPREME COURT PROCEEDINGS.

LINCOLN, Nov. 4.—The Nebraska supreme court met pursuant to adjournment. Lee Helsey, J. J. Bowker and H. L. Day were admitted to practice.

Bartlett against Mulcahy, dismissed; Clark against Marolf, Union Stock yards against Stoddard, Stephens against Westside Improvement company, and Doom against Parish, affirmed; Seligsohn against Freeman, dismissed.

November 5—Lancaster County bank against Gilligan, motion to strike motion for rehearing overruled; Plumper against Green, motion for leave to remit overruled; Capital National bank against Coldwater National bank, case set for hearing with Nos. 687, 688 and 685; Omaha and Florence Land and Trust company against Parker, Moore against Parker, and Meredith against Omaha, dismissed. Gorder against Connor, motion to require appellees to file briefs overruled; Baldwin against Fisher, motion for mandate sustained; Littleton Savings Bank against Donnelly, advanced and affirmed; Krug Brewing company against Johnson, and State ex rel Lewellen against Smith, advanced; State ex rel Norfolk Beet Sugar company against Moore, leave to docket.

Court adjourned to Tuesday, November 17, at 9 o'clock a. m., when the following cases will be called: Emel against Hunt, Baier against Croft, Maryott & McHuron against Gardner, Nissen against Turner, Norfolk National bank against Nenow, Grotte against Nagle, Harshman against Rose, Woods against Hart, Nebraska Loan and Trust company against Barnes, Peck against Nebraska Loan and Trust company, Hayden against Genesee Fruit company, Hayden against Capples Woodenware company, Ackerman against Ackerman, Haggerty against Walker, Chicago Lumber company against Benjamin; Bates & Co. against Stanley; Reynolds against McCandless, First National Bank of Dubuque against McKibben, Beadle against Smith, Schlentz against Birkel, Smith-Hayward against Hayward, Moran against McCullum, Ryley against Sandeen, Ord against Nash, Smith against Beagle, Paxton & Vierling Iron Works against Bates, Farley against Peebles, Shaw against Robinson & Stokes company, Fremont, Elkhorn & Missouri Valley Railroad company against Waters, Hermance against Cunningham, Omaha Loan and Trust company against Knight, Holmes against Hull, Raymond Bros. against Miller, Farmers' Mutual Insurance company against Moore, Union Pacific Railroad company against Metcalf & Wood, Northern Assurance company against Hamilton, Omaha Street Railway company against Leigh, Omaha Fire Insurance company against Creighton, Young against Dickson, Fickes against Vick Bros., Hartford Life and Annuity Insurance company against Cummings, Lisy against State ex rel Dufek, Lewellen against Smith, Brotherton against Manhattan Beach Improvement association, Drexel against Downing.

The commission for the examination of applicants for admission to the bar, consisting of E. J. Clements, W. D. Beckett, E. Martin, Roscoe Pound and F. P. Wigton, is in session preparing for the next examination of applicants, which will be November 17.

Syllabi of decisions handed down follow: Andres against Kridler. Error from Douglas county. Opinion by Chief Justice Post.

Courts of general jurisdiction possess inherent power to make and enforce needful rules for the transaction of business before them, and in the absence of a clear abuse of such power their discretion in that regard will not be controlled by courts of appellate jurisdiction.

2. Rulings, except such as are made during the trial of a cause, to be available as grounds for the reversal of the judgment by proceedings in error should be specially assigned in the motion for a new trial.

Peterson against Reisdorph. Error from Douglas county. Affirmed. Opinion by Chief Justice Post.

Where in an action for malicious prosecution the purpose of the proceeding complained of is shown to have been the collection of a debt, and not the enforcement of the laws against crime, malice may be inferred from that fact alone, the question being one of fact for the jury. Ross against Langworthy, 13 Neb., 92.

2. One who before instituting a criminal prosecution makes a full and complete statement to the prosecuting attorney of all the facts within his knowledge, or which he could ascertain by the exercise of reasonable diligence, bearing upon the guilt of the accused, and in good faith acts upon the advice of such officer, will not be liable to an action for malicious prosecution. But if he withholds from counsel in such case material facts within his knowledge, the advice received will be no protection in an action by the injured party.

3. Evidence examined and held to sustain the finding that the prosecution complained of was malicious and without probable cause.

Creighton against Haythorn. Error from Keith county. Opinion by Chief Justice Post.

An assignment of error directed generally against a group of instructions will be considered no further than to ascertain whether any one thereof was rightly given or rightly refused.

2. Where the defendant in an action of replevin claims a special interest only in the property in controversy, as by virtue of a mortgage or other lien, his measure of damage in case the property cannot be returned is the amount of his lien with interest and cost, within the value of the property.

3. A verdict for the defendant in an action of replevin whose claim arises from a lien upon the property in controversy without a finding as to the value of his possession is not responsive to the issues and is contrary to law within the meaning of subdivision vi of section 314 of the code.

Council Bluffs Canning company against Omaha Thawing Manufacturing company. Error from Washington county. Affirmed. Opinion by Judge Harrison.

Where a foreign corporation has business transactions in this state with citizens and residents of the state, out of which arise accounts or claims against the corporation, such accounts or claims may be enforced in the courts of this state, if jurisdiction can be obtained by legal service of process.

2. Service of summons upon the managing agent of the corporation is sufficient to confer jurisdiction under the provisions of section 59 of the Code of Civil Procedure.

3. Where the evidence is conflicting the conclusions of the trial court thereon will not be disturbed if there is evidence to sustain them.

Church against Callahan. Error from Frontier county. Reversed and remanded. Opinion by Judge Harrison.

In the record presented to this court appeared a copy of a journal entry, in which was set forth the overruling of a demurrer by the trial court and that the demurrant failed to plead or answer further, but elected to stand on the demurrer. Held, that such recitals must be taken by this court as true statements of what occurred in the trial court.

2. The provisions of section 24 of the Code of Civil Procedure in relation to the institution of an action in the name of a firm are special in their character to be strictly construed, and the prescribed mode of procedure must be closely followed.

3. If, in an action commenced by a partnership in the firm name, there is no statement in the petition that it was "formed for the purpose of carrying on any trade or business, or for the purpose of holding any species of property in this state," the pleading is open to attack by a demurrer on the second ground assigned by section 94 of the code, viz: "That the plaintiff has not legal capacity to sue."

4. The action herein was one of conversion to recover the value of property, of which it was alleged the firm had a special ownership by virtue of a chattel mortgage. Neither the mortgage nor a copy thereof was attached to or appeared in the petition, but if it had been pleaded that the mortgage was executed to the partnership by its firm name, it would not have constituted it such an action as is contemplated by section 23 of our code, which is as follows: "In all actions upon bills of exchange or promissory notes, or other written instruments, whenever any of the parties thereto are designated by the initial letter or letters or some contraction of the Christian or first name or names, it shall be sufficient to designate such person by the name, initial letter or letters or contraction of the first name or names, instead of stating the Christian or first name or names in full."

Greene against Greene. Appeal from York county. Affirmed. Opinion by Judge Harrison.

Alimony may be defined to be such sum as is ordered by the court to be paid to the wife by the husband for her support during the time she lives separate from him, or to be paid by her late husband, for her maintenance after divorce from the marriage tie. This latter is a creation of modern law and is what is known as permanent alimony. 2 Bishop, Marriage and Divorce, section 351.

2. A husband cannot in this state, whether he or the wife be granted the divorce, recover alimony to be paid out of the divorced wife's separate estate.

3. Section 10, chapter xxv, Compiled Statutes, which reads as follows: "A petition or bill of divorce, alimony and maintenance may be exhibited by a wife in her own name, as well as a husband; and in all cases the respondent may answer such petition or bill without oath; and in all cases of divorce, alimony and maintenance, when personal service cannot be had, service by publication may be made as is provided by law in other civil cases under the code of civil procedure." Held: To confer upon the wife the right to commence an action of divorce in her own name and without the intervention in the suit of a "next friend" as was formerly required, and not to authorize the granting of alimony or maintenance to the husband, to be paid from the estate of the former wife.

4. When it appears from statements in the bill of exceptions that it does not contain all the evidence introduced at the trial of the case, such must be taken to be the fact, in the absence of any other or further proof on the subject than the certificate to the bill to the effect that it contains all the evidence.

5. Where a bill of exceptions does not contain all the evidence adduced at the trial the evidence will not be examined by this court to ascertain whether it was sufficient to support the finding and decree of the trial court.

6. The record presented to this court did not disclose that any objections were made in the district court to its trial and adjudication in this, an action for divorce of the alleged rights of a husband in real estate, the title to which rested in the wife. Held, that the questions will not be considered in this court.

Einspahr against Exchange National bank. Error from Adams county. Dismissed. Opinion by Judge Norval.

A petition in error will be dismissed out of the supreme court when the transcript filed therein is not authenticated by the clerk of the trial court.

Purnell against Miner. Error from Holt county. Affirmed. Opinion by Judge Norval.

The hirer of a team is liable to the owner for want of ordinary care in the use of the team.

2. The evidence was conflicting. Held, That a verdict for plaintiff would not be disturbed.

State ex rel Marquett against Baushausen, Mandamus. From Sherman county. Writ denied. Opinion by Judge Norval.

The pleadings in proceedings in mandamus have the same effect and are to be construed as in ordinary civil actions. Hence a material averment in a petition for mandamus not denied by the answer is to be taken as true.

2. As a general rule, mandamus will not issue at the suit of a private individual to compel a public officer to do any official act until a demand has been made upon him to do it. But a formal demand is unnecessary where the conduct and action of the respondent is equivalent to a positive refusal.

3. The allowance of a writ of mandamus to compel a county board to include relator's claim in its estimates of the taxes to be levied for the ensuing year is not necessarily an adjudication that a definite sum is due from the county to the relators.

4. Under section 40 of the act of the legislature of 1879, entitled "An act concerning counties and county officers" (Compiled Statutes 1895, chapter xviii), a county board has authority to once reconsider its action in the allowance of a claim against the county upon notice of the parties interested.

5. The formal notice required by said section to be given may be waived by the person entitled thereto.

6. Where a claim presented to a county board for examination and audit is disallowed, which decision is appealed from by the claimant, and he afterward dismisses such appeal, the action of the board is final and conclusive.

Talcott against Bennett. Error from Douglas county. Affirmed. Opinion by Commissioner Ryan.

The concealment or absconding which under section 20 of the Code of Civil Procedure suspends the operation of the statute of limitations must be such as affects the commencement of judicial proceedings in Nebraska and not those of another state.

Brown against Fitzpatrick. Appeal from Douglas county. Affirmed. Opinion by Commissioner Ryan.

The refusal by the district court to appoint a receiver must be affirmed when neither by the petition nor by the proofs adduced was there a showing that such refusal was erroneous.

North British Mercantile Insurance company against Bohn. Error from Douglas county. Affirmed. Opinion by Commissioner Ryan.

A representation by two individuals that they were owners of the property sought to be insured, when in fact it was owned by a corporation of the capital stock of which they were the sole proprietors, held not such a misrepresentation as avoided the right of a mortgage to assert its rights under a "union mortgage" clause" attached by the insurer to the policy, the said mortgagee having no knowledge of, or participation in, the said misrepresentation.

2. Under the circumstances above stated it was not prejudicial error to refuse to permit the plaintiff in error to show the insolvency of the corporation grantee at the time either of the insurance effected or of the loss suffered.

Lininger against Wheat. Error from Adams county. Reversed and remanded. Opinion by Commissioner Ryan.

A guarantor, as a condition precedent to his liability, is not entitled to notice of the acceptance of a guaranty in the following form: "The undersigned does hereby guarantee the faithful and full performance by the party of the second part to the contract of all the agreements and engagements therein entered into by the party of the second part."

2. The neglect to notify the guarantor of the default of his principal does not operate to discharge the guarantor, unless such neglect is on its face unreasonable in view of all the circumstances of the case.

3. A consideration sufficient to sustain a guaranty of the faithful performance of the undertakings of the principal exists when the party for whose protection the guaranty was executed has extended credit to the principal on the faith of such guaranty.

Creighton University against Mulvihill. Appeal from Douglas county. Affirmed. Opinion by Commissioner Ragan.

On an appeal from an order confirming a sale this court will consider only the specific objections made in the district court to such confirmations.

Albert against Davis. Appeal from Platte county. Affirmed. Opinion by Commissioner Irvine.

A city of the second class, having less than 5,000 inhabitants and owning and maintaining water works, has not the power to require an inhabitant, as a condition precedent to the use of water, to purchase and place in position at his own expense a water meter.

Fire Association of Philadelphia against Ruby. Error from Phelps county. Reversed and remanded. Opinion by Commissioner Irvine.

It is the duty of an officer selling land under a decree of foreclosure to pay the proceeds of the sale, upon confirmation thereof, directly to the persons entitled thereto under the decree, unless the court shall have ordered the proceeds to be paid into court.

2. In an action against such officer for failure to pay the proceeds to the party entitled, the officer admitting in his answer the receipt of the money, does not discharge himself from liability by showing that he paid it over to the clerk.

3. A judgment of amercement against an officer is in a subsequent suit upon the official bond conclusive evidence of the facts necessary to sustain the judgment against the officer, and it is prima facie evidence against the sureties.

4. A stipulation is sufficient to authorize the clerk to sign a bill of exceptions when by its terms it clearly shows that the particular bill of exceptions to which the stipulation is attached is agreed upon by the parties as a correct bill.

5. Evidence examined and held not to sustain the verdict.

Wachsmuth against Orient Insurance company. Error from Wayne county. Reversed and Remanded. Opinion by Commissioner Irvine.

A court has power, even after the term at which judgment was rendered to correct its record for the purpose of making it disclose truthfully what occurred in the course of its proceedings.

2. A special finding, made at the request of one party after judgment, and without notice to the adverse party, is absolutely void.

3. The assignment in a motion for a new trial that the finding is not sustained by the evidence does not in an action on contract raise the question of error in the assessment of the amount of recovery.

4. Section 565 of the Code of Civil Procedure, providing that a defendant may serve on the plaintiff or his attorney an offer in writing to allow judgment to be taken against him for a specified sum, and that if such offer be not accepted and the plaintiff fail to obtain judgment for more than the offer, he shall pay defendant's costs from the time of the offer, contemplates that where there is only one defendant, all costs from the time of the offer shall in such case be taxed against plaintiff.

5. In order to confer jurisdiction upon this court to review on error a judgment of the district court, there must be filed in this court a certified transcript of the judgment. A stipulation as to the character of the judgment, or a recital thereof in the petition in error is insufficient.

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HOW HE SAVED HIMSELF.

A Millionaire's Experience with Two Highwaymen.

It isn't often that a reporter is on chummy terms with a real live millionaire, but there are times when even that sort of luck happens, and on the occasion referred to this Washington Star reporter was not only chummy with the millionaire, but he was drinking champagne with him.

It was indeed an auspicious moment.

Need it be mentioned who was paying for the same?

As the conversation ran smoothly along the reporter asked the millionaire if he had ever been held up or otherwise despoiled of his hard-earned savings.

"Do you know," said the rich man, seriously, "that there is a good deal of discomfort on that score in the possession of great wealth? I presume I am worth a couple of millions, which, of course, in a general way is supposed to be twenty or more, and it is at that figure that I pose in the minds of those cranks who make men sign big checks at pistol points or make them whack up the cash on pain of dynamiting. Five years ago, when I made a million on a lucky rise, it occurred to me that I might be made a victim, and as one precaution I instructed my bankers to pay no check of mine that called for more than $100 and to arrest the party presenting it. I did my business in three banks and carried blank checks on them all. Well, one day it came, and sitting in my private office two men popped down on me and before I could make any outcry or even get out of my chair they had me covered with their revolvers. My office force consisted only of a typewriter and stenographer, and he was out for an hour, so the thieves had it all to themselves. Indeed, they had been waiting for the chance, because my stenographer took an hour off every day at the same time and they had evidently acquainted themselves with the fact. In any event there I was and there they were, and with the door locked and two guns staring at me I had little chance to do otherwise than as I was bidden. I tried to parley, but they would not permit any monkeying, so they informed me, neither would they give me ninety days, as it was a strictly cash transaction, and I'd better hurry. They ran through my desk and safe and found no money, and at once demanded a check, putting the amount of their own free will at $11,432.55, so that they would not overdraw my account nor excite suspicion by making an amount in round numbers. I had $20,000 or more to my credit, and told them so, but they were afraid I was putting up a job on them, and said that they weren't hogs, and would be satisfied with the amount they had selected. I drew up the check and signed it as they suggested, and then one of them took it and said he would go to the bank and see about it, while the other would remain and see to me. I hadn't quite expected this, and didn't know what might happen, but I braced myself and waited. The man with the check locked the door, and as the bank was only half a block away he said he would be back in ten minutes. It wasn't that long, but it seemed to me like a month, and when I heard that key rattling in the door I became so nervous I could hardly sit in my chair. When the door opened, however, I was easy in a minute, for instead of the thief were two bank detectives, and before the gentleman waiting with me could offer an objection they had him collared."

"But how did they get on?" inquired the reporter, whose wits were slightly dulled by the novelty of his contents.

"Easy," responded the millionaire. "The bank clerk knew something was crooked when he saw that big check, and without any disturbance at all he gave the tip to the men on watch, and they had the fellow at the window before he knew he was even suspected. The rest of it was easy, for my office key with its number was in his pocket, and they had had experience enough to know what the layout was and how to finish the game to win."

PENSIONS TO WESTERN VETERANS.

Survivors of the Late Rebellion Remembered by General Government.

WASHINGTON, Nov. 8.—(Special.)—Pensions granted, issue of October 23, were:

Nebraska: Restoration—Mortimer V. Hill, Rising City, Butler. Increase—William M. Saum, Maygood, Frontier.

Colorado: Original—John Teague, Animas, La Platte. Additional—Gustav F. Gerbing, Rocky Ford, Otero. Increase—Daniel Perry, Denver, Arapahoe. Original widows, etc.—Minor of William J. Burns, Pueblo, Pueblo; Caroline Sikes, Canon City, Fremont.

North Dakota: Increase—George Hill, Page, Cass.

South Dakota: Original—Finis A. Hamilton, Hill City, Pennington. Increase—Henry C. Cromell, East Sioux Falls, Minnehaha.

Iowa: Restoration and reissue—Isaac Hubler, deceased, Marshalltown, Marshall. Increase—Russel Miller, Malcom, Poweshiek. Original widows, etc.—Keturah A. Hutcheson, Castana, Monroviа; Mary J. Hubler, Marshalltown, Marshall.

Issue of October 24 were:

Nebraska: Increase—George E. Glass, Fairfield, Clay; Alexander Younkin, Cedar Rapids, Boone.

Iowa: Original—George A. Reichard, Underwood, Pottawattamie; Thomas O'Connor, Soldiers' Home, Marshall. Renewal and reissue—Austin Murray, Greenfield, Adair. Increase—Josiah Hughes, Union, Hardin. Original widows, etc.—Minors of Orin D. Teall, Forest City, Winnebago; special October 28 (special act), minor of Jacob H. Munson, Kenwood, Linn.

North Dakota: Original—Thomas Sheard, Sykeston, Wells.

Colorado: Original—Henry Bowman, Denver, Arapahoe. Original widows, etc.—Tilana Dill, Denver, Arapahoe; Nircilla Stebber, Denver, Arapahoe.

Issue of October 24 were:

Colorado: Original—Edwin Hope, Eagalite, Mesa; Andrew McHenry, Trinidad, Las Animas.

Iowa: Original—Washington Corrick, Bloomfield, Davis; John D. Paddock, Malvern, Mills; special October 30, William J. Mulvaney, Elkport, Clayton. Increase—John C. Barry, Trimello, Clay; Hardin C. Wood, Mount Ayr, Ringgold. Reissue—Harrison A. Morgan, Marshalltown, Marshall.

North Dakota: Original widows, etc.—Emilia Christopherson, Griswold, La Moure.

BABIES WITH SKINS ON FIRE
from itching and burning eczem