COUNCIL BLUFFS DEPARTMENT

MINOR MENTION.

Cameras and photo supplies, 12 Pearl st. E. D. Hamilton and wife of Californ are guests of the family of L. A. Casper. Hon. B. F. Clayton and Mrs. Clayton are the guests of Mr. and Mrs. L. A. Cas

per. Misses Lucila Watkins and Bessle Nove of Missouri Valley are guesta of Mis-

William Blood, formerly chief clerk o the Milwaukee Raliway company's loca office, is visiting in Kansas City, Kan. Therein Jerselyn received a telegram Thursday announcing the death of his brother, S. E. Josselyn in New Orleans.

Miss tha May Smith of Chicago, who has been visiting at the home of her aunt, Mrs. J. R. Lindsay, returns home this evening.

Harry Fox, superintendent, and E. M. the office of justice of the peace in Kane other for the lowa division of the Rock Island, were in the city last evening.

Deputy Sheriff Baker went to Minden yesterday for the purpose of selling at sherift's sale the stock of the Minden Drug Filgrim Slaters academy. No. 1, will Chambers represent the contestant and incompany.

meet at 7.30 p. m., in their rooms in the Brown building. All members are requested to be present. The subject of Elder T. W. Williams H. O. Cook is represented by A. S. Hazelton

next Sunday evening's address at the Latter Day Saint's church on Pierce street will own intereste. "Spain's Christianity."

The burglar paused as he reached for Regi-naid's diamond stud, speechless, in admira-tion of his beautiful shirt front, recently laundered at the "Eagle," 724 B'way.

Charles Williams and Guy Woods, two 23-year-old burglars, broke fail at Onawa Thursday night. The Council Bluffs police were asked to assist in capturing them.

Charles Perkins will remain in the city fail for a period of one week on a sentence for vagrancy. In the meantime the police will hunt for the owners of the property he pawned.

A case of membraneous croup was reported to the health authorities yester-day. The victim was Ray Kennedy, living on Sixteenth avenue, between Eleventh and Twelfth streets.

J. T. Robinson, accused of having stolen Special Pension Examiner Greenstreet's gripa, hus been brought here from Cincin-nati for trial. He will have a hearing before Commissioner Steadman on Monday.

Rev. Mr. Harns the newly chosen pastor of the First Presbyterian church, will occupy his pulpit tomorrow morning and evening. He has found a comfortable home for his family on Willow avenue, opposite the church.

the aftern

Before adjourning, L. A. Casper, judge of

election of the first precinct of the First ward, identified the ballots from that part

of the city as those cast at the November election. He stated that he had delivered the packages to the county auditor. Audi-tor Matthews corroborated this testimony

that they be opened and counted. The question of allowing the votes cast for

Eighteen of the votes cast were

the head and then voted for Burke.

a standoff.

republican straight ticket has only a single

line in the large circle. The other ballots

have been objected to on technical grounds

of too many lines in some of the squares and

circles opposite the names. These will about

The hearing will be taken up this morn-

Happily Blended.

We venture to say that our store is the best arranged in the city, filled with rare

cems of diamonds, fine jewelry, watches and

Death of R. S. Richardson.

ton, apparently in the best of health, and came to Council Bluffs for the purpose of

casting his vote for McKinley. He stopped to visit relatives in Glenwood. For several

his bed, lamenting the hard fate that made

it impossible for him to vote for the man

with whom he was on intimate terms and

whom he honored and loved. He recovered sufficiently to be removed to this city and

was taken to the Woman's Christian Asso-ciation hospital. He remained there until

last Saturday, when his health appeared to

be very much improved, and he started in

company with his wife for Colorado. Death resulted from pneumonia.

Free Silverware.

citizen

part

wood for interment.

Mr. Richardson was for many years a tizen of Council Bluffs. He was engaged

and it was only noticed at the end

election day came he was confined to

hains, silverware and silver novelties

ounted, as they were cast for Walker. This

The Payton Comedy company scored an-other dicided hit last night in "A Soldier's Sweetheart." There will a matinee per-formance this afternoon when "Rose Gar-land" will be presented. The closing per-formance will be tonight.

Lincoln J. Carter has not produced a more powerful play than his "Fast Mail." It abounds in stirring scenes and the man-ner in which they are staged beggars description. Manager Bowen has secured the great attraction for Sunday night at the Dohany theater.

The question of allowing the votes cast for Ferrier to be counted was again taken up at the afternoon session of the court. Lewis' demutrer to Ferrier's patition of interven-tion was finally sustained by Judges Kerney and Ware, Judge Chambers dissenting. At-torney Shea, for Lewis, maintained that only the votes for the incumbent, Vien, and the contestant should be counted. The statutes covering the point refer in all in-stances to the parties involved in the con-test as the "contestant" and "incumbent." There will be a regular meeting of coun-No. 1, Commercial Pilgrims, in the new rooms in the Brown building, Saturday night, December 19, for special busi-ness. It is urged that all members of the order be present, as mattern of importance needing attention are to be transacted. By order of W. P.

Matilda Linquist, aged 15 years, died at test as the "contistant" and "incumbent," but in two sections in which the duty of the residence of her parents at 2400 Eighth avenue vesterday morning. She had been the court is defined the law refers to dis-covering the "person" who is entitled to the office contested for. Judge Chambers held ill only a little over a week from pneumonia, and was taken sick which attending The funeral will occur Sunday afternoon at 2:30 o'clock. The body will that this use of the words "contestant" and "person" showed the intention of the framers be buried in Fairview.

be buried in Fairview. The police have been asked by parties in Stuart, Ia, for a full discription of Lord Edward Fitzgeraid, who is not supposed to be living happily with his bride in this of the law and that Ferrier's vote should be from the demurrer to Ferrier's petition at his client's request. He stated, however, that he agreed with the contestant's attorney Some one has been duplicating his as to the construction of the law, that Ferlordship's career in the little lowa town, rier's vote should not be counted or con-and has left a reputable widow there in sidered. The ruling of the court was in

	LEWIS GAINS FI	VE VOTES	a very pleasant thing to go home with at midnight. The matter has been under discussion for some time, and a number	
14 90 8*	Against Ovide Vien.		of the aldermen have reached a conclusion and an understanding with the mayor. It was understood that several of them would file bonds with the clerk yesterday after- noon and take the required oath not to shoot anything but footpads or burglars.	
50 85 01	FERRIER GETS COLD	CONSOLATION	but if the bonds were filed they were not to be seen. The mayor has expressed his willingness to appoint all of the council- men who desire it and it is frankly ad-	
al m	His Attempt to luter roled and Only the	Votes for	mitted at the city building that a greater part of them have expressed their perf- erence for the dual character.	

Re Counted.

The Rex Lumber company is preparing to open an uptown office in order to be more convenient to a large number of their cus-tomers. They have leased the north half of the room occupied by Mr. W. S. Cooper, No. 10 South Main street, and this office will be in charge of Mr. J. D. McChesney, who will make a specialty of Earlington Compand Coke and Company Block Cost The trial of the election contest case between Jason R. Lewis and Ovide Vien, for township was begun at the superior court Crushed Coke and Cincinnati Block Coal. room yesterday morning. Perry Kerney, chairman of the Board of Supervisors, le

\$2,000 worth of new carpets at auction, sale commencing Dec. 17, 1 p. m., No. 418 Broadway, next door to First National presiding judge of the contest, with W. H. Ware, democrai, and J. H. Chambers, re-Broadway, next door to First bank, H. H. Inman, auctioneer. publican, associates. Mr. Ware and Mr. Make Her Happy for Once. cumbent, while Mr. Kerney is to be the Husbands and brothers and others get general referee, J. J. Shea appears as ather a bandsome rocker or casy chair at torney for Lewis and Jacob Sims for Vien. S. S. Keller's. Makes a great Xmas gift. and J. W. Ferrier was looking after his

DEATH OF ROSWELL G. HORR. Ex-Congressman Succumbs to Bron-Early in the session Ferrier addressed

The Rex Lumber company is preparing to

the court and requested that his votes cast at the last election be also counted. He presented a formal petition of intervention in

the contest to support this claim. According to his construction of the law on this point the contest board was required to count the votes cast for all the candidates in the class in which the contest is being made. In the present instance there are three offices of justice of the peace to be filled. Ambrose Burke's election is conceded, but on the other two contests have been brought. This fact, Ferrier insisted, granted to him and Haynes the right to have their ballots counted. The attorneys of both Vien and Lewis de-murred to the petition of Ferrier on the grounds that he had not complied with the law in filling his contest within the speci-fied time, and that he had not field the board required by law to insure the payment of the costs of the court of any duty to con-sider his claims to an election. The three judges were unable to agree on this point and after some discussion it was decided to pestpone a decision in the matter until in postpone a decision in the matter until in

and stated that he had received this testimony ages from L. A. Casper. They were in the same condition and sealed, as when he re-ceived them. They were then offered in evidence to the court with a request made that they be opened and counted

SUPREME COURT PROCEEDINGS.

LINCOLN, Dec hil-Court met pursuant o adjournment. George L. Whitnam, E. W. Beghtol and Charles W. Runyar were adnitted to practice.

Kountze againat Erck, and Horbach against Omaha, digmissed; Kirley against Shrader, leave toowithdraw bill of excep-tions for certification; Drexel against Rich attendance was not the chargens of the peace was not the chargens ing of illegal focs, Fremont, Eikhorn & Missouri Valley Fremont, Eikhorn & Missouri Valley From Holt county, Affirmed, Opinion by Marrison, Iddnight. The matter has been under selon for some time, and a number of additional bank and of exceptions of the source of the s ards and Morton against Carlin, continued; Railroad company against floot. Error from Holt county. Affirmed. Opinion by Judge Harrison. An assignment of "errors of inw occur-ring at the trial and duly excepted to at the time" is sufficient in a motion for a new trial to raise a question of error in efficient the admission of exclusion of evi-dence by the trial court, but is not suf-ficient in a petition in error to present such questions to this court for review. In the latter the assignment must be specifie and particularly designate the evidence in re-sard to which it is complained the error occurred. 2. The contract between a railroad com-pany as a carrier and a passenger dees not contemplate that the passenger shall so into the express car of a train, and if his going or being in such car entered into the huiry as an element thereof as its proximate cause or rendering its reception more liable to occur, it would be matter of defense for the carrier, but if not the prox-imate cause of the injury or the risk of such particular injury was not increased by the action of the passenger to an ac-tion for damages resultant from the injury. 3. Whether the party injured had at the time ceased to be a passenger of the de-tend of danages resultant from the express car voluntarily would be no defense to an ac-tion for damages resultant from the injury. 4. Whether the party injured had at the time ceased to be a passenger of the de-tend and company. Held: Under the evi-dence adduced to be a question of fact for the determination of the jury. 4. Held: That under the allegations of the petition herein, a recovery might be had for any injuries proved to have been sus-tained by the party plaintiff in the char-

for any injuries proved to have been sus-tained by the party plaintiff in the char-acter of a passenger as a licensee on the company's premises or as a trespasser

vidence to sustain a finding that the con-luctor was at the time acting for the company and within the lines of his duties. 6. Where alleged errors in regard to the

DEATH OF ROSWEIL 6. HORK DECATH OF ROSWEIL 6. HORK DECAMPESSION 6. Where alleged errors in regard to the giving of instructions are assigned in group in the motion for a new trial and any instruction of the group is determined to be without error, the alleged errors need not be further examined.
7. When it is apparent that an instruction, if read and construed with others of the charge on the same subject or branch of the case, is pertinent and not calculated to confuse or mislead the jury, its giving was not erroneous. lated to confuse or mislead the jury, its giving was not erroneous. 8. Where the rendition of judgment on a verdict for the plaintiff in an action of contract or tort is delayed during the pendency of a motion for a new trial on behalf of defendant, it is not error to ren-der judgment for the amount of the ver-dict and interest from its date to the date of rendition of judgment. 9. The evidence held sufficient to support the verdict of rendition of judgment. 9. The evidence held sufficient to support he verdict. Royse against State National Bank, Er-or from Custer county, Affirmed, Opin-on by Judge Norval. The addition of the name of a surety to

A bill of exceptions not authenticated according to statute will be disregarded upon review.
 State ex rel Dahlman against Fiper, secretary of state. Mandamus. Writ denied. Opinion by Judge Norval.
 The orliginal jurisdiction of the supreme court, conferred upon it by the constitution, is confined to "cases relating to the revenue, civil cases in which the state shall be a party, mandamus, quo warranto and habeas corpus."
 The writ of mandamus can only be invoked to coppel the performance of some particular act which the law especially enjoins as a duty resulting from an office, trust or station. As a preventative remedy it cannot take the phace of injunction.
 Mandamus cannot be resorted to alone for the purpose of corpeiling action. It is not a proceeding to correct errors.
 An appeal or proceedings in error will not it describe to the secretary of state in denies of higher of the secretary of state independent of the secretary of state independent of the secretary of state in passing upon objections filed against certificates of nomination. If not conclusive, are at least prima facie right.
 Under our Australian ballot iaw the

before a court of justice." Dlack's Law Dic. 3. The hearing of a motion to dissolve an attachment is a "trial of the barnes of law or fact or both in an action or cause within the meaning of the term employed in our code and the provisions of the fee bill fixing code and the provisions of the fee bill fixing Dic. 3. The hearing of a motion to dissolve an attachment is a "trial of the issues of law or fact or both in an action or cause within the meaning of the term employed in our code and the provisions of the fee bill fixing the fees of justices of the peace; and a charge of one dollar taxed and collected with the costs of a case for a second day's attendance upon such hearing by a justice of the peace was not the charging or tak-ing of illegal frees. ground. 2. Where the evidence showed affirma-

Bround.
2. Where the evidence showed affirmatively that a chattel mortgage was withheld from record more than a month in pursuance of an agreement so to continue to withhold it unless some changes or difficulty should occur in the business affairs of the mortgager which would make it necessary to protect the interest of the mortgages, and the mortgager was to notify the mortgage, and the mortgager was to notify the mortgage of any financial difficulty the mortgage, and the mortgager was to solve the mortgage such as to reduce it walld.
3. A decree required a receiver to seli all the ametis of an insolvent firm on a day named. The receiver, without other authority, advertised and sold such assets after the date fixed by the decree. Held: That such sale was absolutely void and not merely firegular, it such a sense that a confirmation over objections could render it valid.
The facts recited in an alterative write of mandamus, unaided by extinuite matters for mandamus, unaided by extinuite and the issues of a peremptory writ.
2. On a demutrier to the reclutions in the alternative writ all such reclutions in the alternative writ all such reclutions in the alternative writ all the reclusion of commutation was the reclusion of considered, and the refusion of commutation were the secone demutation was the consid

must be considered, and the refusal of com-pliance upon certain grounds by the re-spondent will be held to excuse technical exactness in stating why, on other grounds, the relator is entitled to the relief sought. 3. Where fines, penalties or license moneys are in the hands of the treasurer of a city of the first class, having over \$,000 und less than 25,000 inhabitants, such moneys are properly distributable among the common schools which territorially con-stitute a part of the city. Bates against Phenix Pub, com-pany, Error from Douglas county Re-versed and remanded. Opinion by Commis-sioner Ragan.

pany, Error from Douglas county, Reversed and remanded. Opinion by Commissioner Ragan.
Wether the judgment of a furtice of the peace is appealable is made by section 985 of the Code of Civil Procedure to depend upon the amount claimed by either the plaintiff or defendant in the till of particulars filed by him before such justice and not upon the amount claimed by either the plaintiff or defendant in the till of particulars filed by him before such justice and not upon the amount for which either party may recover a judgment.
2. For the purpose of determining whether it has jurisdiction to entertain such an appeal the district court must look and look only to the transcript certified to it from the justice of the peace. Brasch against Brasch. Appeal from Madison county. Affirmed. Opinion by Commissioner Ragan.
Within the meaning of section 12 chapter form its commencement until its final determination on appeal or error, or until the time fixed by statute for prosecuting an appeal or an error proceeding has evolved.

uting an appeal or an error proceeding as expired. cutting an appeal or an error proceeding mas expired.
2. What sum a husband may be required to pay to his wife for her support during the pendency of a divorce suit for her "expenses" in prosecution or defending the action, for counsel fees, and whether such sums shall be paid before the final hearing of the action and as a condition precedent to the right of the husband to further prosecute or defend, are matters within the discretion of the district court.
3. It is equally within the discretion of the court to postpone until the final hearing of the cuse allowances made and there for.

promissory note after its delivery to the ayee, without the maker's knowledge, is out such an alteration as will release such asker. Barnes against Van Karen, 31 Neb. 55. 2. A bill of exceptions not authenticated eccording to statute will be disregarded

ing of the cuse allowances made and then-render a decree against the husband there-for. 4. Allowances made in a divorce suit by a district court for the temporary support of the wife, for "expenses" and attorney's fees, will not be disturbed unless it ap-pears that the court abased its discretion. Egglesion against Shaher, Appeal from Lancaster county, Affrmed, Opinion by Commissioner Irvine. Tader the common law in force in this state prior to the taking effect of the Mar-ried Womans' Act, June I. 1871, the wife's chaitels became those of the husband and her choses in action became his when re-duced to passession. 2. Prior to 1871 a wife received moneys from the estates of her relatives, which she immediately delivered to her husband, who invested them in property in his own name. Certain of this property was insured against tire. It was destroyed by fire, and he executed an assignment of the policy to his wife, ostensibly for the purpose of repaying her moneys ko by him received. It was not shown that when the husband received the mony there was any agree-ment between him and his wife for its repayment, or that it should be treated as a loan. In a contest between the wife and the husband's creditors, held, that the money become his under the law as it existed when it was received; that the sub-sequent assignment of the policy of in-surance to his wife was without considera-tion, and that the equilities of creditors, who had also procured assignments of the pol-icy or liens by garnisiment proceedings upon its proceeds, were superior to those of the wife.

Casualty Company of New York.

gives THREE MONTHS' insurance. \$1,000 for \$1.00,

to men or women,

between 15 and 60 years of age, against fatal Street Accidents a-foot, or on Bicycles, Howses, Wagons, Horse Cars, Railroad cars, Elevated, Bridge, Trolley and Cable cars, Stramships, Steamboats and Steam Ferries, 100,000 deposited with the Insurance Department of the state of New York for the security of the insured.

For Sale by

Schoedbacks

TWIN CITY DYE WORKS

DYEING AND CLEANING

Clothing, Dresses and Household Goods

OMAHA OFFICE-1521 Farnam. Tel. 1521.

COUNCIL BLUFFS-Works and Office, Cor. Avenue A and 26th St. Tel. 216

-----OF-----

Council Bluffs, Iowa.

CAPITAL, . . . \$100,000

WE DESIRE YOUR COLLECTIONS. ONE OF THE OLDEST BANKS IN IOWA.

S PER CENT PAID ON TIME DEPOSITO

AMUSEMENTS.

DOHANY THEATER.

PAYTON COMEDY CO.,

Friday, December 18.

WE SOLICIT YOUR BUSINESS.

CALL AND SEE US OR WRITE.

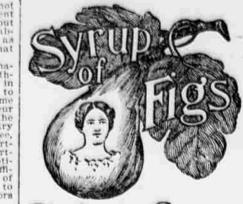
Tel. 50

Chas.Kaufmann,

1302 Douglas Street.

Gmaha. Neb.

0.4



Gladness Comes With a better understanding of the

transient nature of the many physical ills, which vanish before proper efforts-gentle efforts-pleasant efforts-rightly directed. There is comfort in the knowledge, that so many forms of sickness are not due to any actual dis-ease, but simply to a constipated condition of the system, which the pleasant family laxative, Syrup of Figs. prompt-ly removes. That is why it is the only remedy with millions of families, and is everywhere esteemed so highly by all who value good health. Its beneficial effects are due to the fact, that it is the one remedy which promotes internal cleanliness without debilitating the

organs on which it acts. It is therefore all important, in order to get its beneficial effects, to note when you purchase, that you have the genuine arti-cle, which is manufactured by the California Fig Syrup Co. only and sold by

all reputable druggists. If in the enjoyment of good health, and the system is regular, laxatives or other remedies are then not needed. If

afflicted with any actual disease, one may be commended to the most skillful physicians, but if in need of a laxative, one should have the best, and with the well-informed everywhere, Syrup of Figs stands highest and is most largely used and gives most general satisfaction.



JIRISTMAS DAINTINESS

The daintiest and most elegant toilet is not complete without a hit of jewciry. From the arliest time jewels and jewciry have always seen symbolical of power and royalty. The tomans were not allowed to wear jewelry, extopic by permission of their emperor. As an Xmas gift nothing could be more pleas-ing. Such a gift would be useful and orna-mental, while serving to recall the giver and

the day. M. WOLLMAN,

Jeweler and Scientific Optician. 409 BROADWAY.

One Thousand for One.

(Trade Mark.)

sore straits, lamenting the wreck of her affections and the dissipation of her fortune. They appear to believe that it is the original lord himself.

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

N. Y. Plumbing company. Tel. 250.

Court Notes. The defendant has filed a motion for

new trial in the case of Pendleton against lowing result: Page. The action is one to recover dam-Straight votes counted Straight votes counted...... Scratch votes counted...... Scratch votes challenged...... ages for failure to carry out a marriage con-tract. Mrs. Pendleton was awarded a \$500 verdict at the trial of the case a few weeks Total

The suit of George A. Hoagland against Ross & Ross is on trial in the superior court. The plaintiff furnished lumber for makes the total vote cast 417, one less than the construction of an office for the defendshown by the returns, which make it 418. The contestant has made a gain of five votes in this first precinct, if the Marshall-town decision is followed. Two republican ants on Pearl street. John F. Patterson was the contractor and the defendants set up that they held a judgment for the cost of the building against Patterson and cannot be held for his debt to the lumber company. ballots are voted in the large circle and then for Walker in the independent column. Two more are voted in the same way at

Claus Graap has filed a petition for di-vorce against his wife, Anna Graap. They were married at West Point, Neb., July 17, They 1890. The husband states that his wife de-serted him in 1892, and has become addicted to the use of stimulants.

case of Kimball Bros. against Deere Wells & Co. is still on trial in the dis-trict court. It will probably take up all of next week in Judge Green's court.

Only one more week of the Durfee Furniture company's great removal sale. Bar

For sale at a sacrifice, my scalskin cloak Mrs. E. H. Odell, 312 High School avenue.

We make specially low prices on table cut-lery, carving sets and full tea sets, quadruple plate. C. B. JACQUEMIN & CO., 27 South Main street. By sending forty Domestic soap wrappers Bolton & Co., Des Molnes, Ia., you will get six silver teaspoons free.

District Court Terms for 1897.

The judges of the district court have arranged their terms for holding court throughout the district for the coming year as fol-

lowa: Council Bluffs Clarinda and Red Oak-January 5, March 30, August 31, Novem-

Harlan-The same dates except that the March term begins on the 16th. Atlantic-January 26, April 20, September

Atlantic January 26, April 20, September 21, November 23. Sidney-Same dates as Atlantic, except the November term, which begins the 16th. Glenwood-February 16, May 11, October 20, December 23, September 20, Septe years he had been closely confined to his of his journey that he was showing symp-toms of broken health. He was taken seriously ill the day after his arrival, and

12. December 7. Audubon-March 2, May 18, October 12

December 7 Avoca-February 9, April 13, September 21, November 23.

For sale cheap, seven-room house; well cistern, all modern outdoor improvements fruit trees, vines; two acres well fenced; half from city limits, Lewis township. J. Kies, Council Bluffs.

Laborers Wanted.

We have for sale or rent several desir-able fruit, grain, vegetable and stock farms near Count il Bluffs for 1897. Day & Hess, **Rental** Agents

Real Estate Transfers.

The following real estate transfers were reported yesterday at the office of J. W Squire:

W F Durham and wife to S A Clatterbuck, part of se ¼ nw ¼, 21-75-43, w d. L Palmer to Rosa S Palmer se ¼ .\$1,500 ne ¼, ne ¼, and e¼ nw ¼ ne ¼. 1-75-40, w d 2.560

J G Drummond and wife to A E Whit-taker, lot 28, block 5, Babbitt Place,

heriff to Leonard Everett, executor, lot 11, block 6; lot 3, block 22, Burn's add, and part of lot 12, block 6, Howard add, s d.,

Total amount of transfers.....\$4,971

Eugene A. Ingoldsby has been appointed to take charge of the insurance agency of E. H. Odell, and has opened an office in the rooms. 303 and 304, Shugart block.

Hoffmayr's fancy patent flour makes the best and most bread. Ask your grocer for it. may legally accompany the star, would be

accordance with this view. Ferrier excepted seem able to offer a cure for almost every to the ruling. ill, but these same homely medicines have The counting of the ballots was at once

Vien, Lewis,

227

not

One

often done much good while waiting for a taken up in the regular order of the wards physician, or in case of an accident when and precincts. The ballots of the first prethe count began. It was agreed that a rec-caused permanent injury. The following are only a few hints whose merits are known to the writer and may ord should be kept of the ballots objected o, as they were numbered in regular order.

be of service in any emergency: For a cold, for hoarseness, or when pneu-These will be taken up at the close of the ount and passed upon by the court. Only his one precinct was counted, with the fol-

monia is threatened, take equal parts of dried hops, pennyroyal and sage, place in a kettle and pour about a quart of boiling water upon them; let these boil for a few minutes, then stop up the spout and place a cloth about the lid, opening in such a way that it can be brought up over the patient's face; let the fumes be inhaled as hot as possible. When not using it, it should gently simmer in the same room, and will make the atmosphere moist and grateful to the sore lungs. At the same time the ches

and soles of the feet should be rubbed with For inflamed eyes take a piece of alum, and with it stir the white of an egg until it becomes of a creamy consistency, then spread between a fold of thin linen and lay then upon a handkerchief, after which bind it over the eyes. For a burn take one part fresh lard and

two parts baking soda, mix together and Ju spread upon pieces of white or cream tissue paper, lay these gently upon affected part and bind on with musiin strips. While waiting for the lard and soda the burn should

bathed with witch hazel. For earache or toothache put a large cup if salt into a skillet, and heat it until very hot, stirring all the time. Put it into a cloth with a string into a loose bunch. and tie Hold this as hot as can be borne over the car or cheek. If covered with a thick plece of fiannel the heat will be retained longer. For a bruise or sprain, bathe with hot water, and afterward bind on a cloth saturated with hot witch hazel.

These remedies are so simple and harm Telegraphic information received yesterless in their nature that they can be used by anyone, and are sure to help, if they do day announced the death of Mr. R. S. Richardson, at Ordway, Colo. A few days benot always cure. fore the election Mr. Richardson left his desk in one of the departments at Washing-

GROVER WILL VISIT GEORGETOWN.

President to Be Given a Public Re-ception in South Carolina. GEORGETOWN, S. C., Dec. 18 .- The naphtha launch Water Lily came up from the president's headquarters this afternoon, bringing Dr. O'Reilly and Captain Lamberton, who came to inform Mayor Morgan of Mr. Cleveland's acceptance of the invitation extended by the citizens of Georgetown, asking for the opportunity of again showing their regard for him. The schedule arranged will bring the party into Georgetown on the tender Wisteria at 4 o'clock tomorrow after-noon. The president will be conveyed to the old historic building, "The Winyah Indigo hall," in which place he will hold a public reception. Afterwards he and party will be driven to the depot, where they will board the special car Coronet for Washington which should be reached early Sunday morning. The shooting yesterday and today has been exceptionally fine, Mr. Cleveland bag-

in the hotel and commission business, and ging yesterday fifty-eight ducks, and only for several years conducted the Revere three fewer on Wednesday. Tomor morning also will be spent in the marsh. Tomorroy of them have expressed their pref-M'KINLEY SPENDS A QUIET DAY

By sending forty Domestic soap wrappers to L. Bolton & Co., Des Moines, Ia., you will Meets a Few Social Callers and Takes a Carriage Ride. get six silver teaspoons free. CHICAGO, Dec. 18 .- President-elect Me-Kinley went to Evanston this afternoon,

Fine livery for parties and dances. Ogder Livery, 158 Broadway. Telephone 83. where he will be the guest of National Com-

Aldermen May Be Polleemen. mitteeman C. G. Dawes. He will remain there over night. The morning was spent rather quietly. But few callers were re-It has occurred to several of the aldermen that there might be a critical moment ceived and those were entirely of a social nature. Afterward, accompanied by Captain McWilliams, Major McKinley was driven over in their official lives when it would be desirable to have the authority vested in an everyday policeman. Sometimes coun-cil meetings are held late and the alderthe boulevards of the south side. On Sun-day he will attend services at the Sixth men have to go a long way before they reach their comfortable homes. The se-Presbyterian church with Captain and Mrs.

McWilliams. curity assured by the presence of a bright Mrs. McKinley did not accompany her husband to Evanston, but remained quietly at the McWilliams residence all day, the cold tin star hidden beneath the lapels of an inner coat or vest and the consciousness of the nearness of the gun or club that north wind making driving rather disagree-

4. A feet does not accent in have of a pailee of goods inconsistent with the terms of the agreement express or implied under which his possession was obtained.
5. A contract for the storage and forwarding of goods by which the consignor reserves the right to withdraw, at pleasure, for reshipment the goods stored thereunder and by which each party reserves the right to draw at skent upon the other for any balance in his favor, the consignee relying upon the personal credit of the consignor does not create in favor of such consignee a lien for charges pursuant thereto.
Pollock against Smith. Appeal from Cedar county. Decree affirmed. Opinion by Chief Justice Post.
The right to rescind a contract on the ground of fraud must be promptly exercised upon the discovery of the ground therefor. The continued use or employment of property will in such case be deemed an election to affirm the contract under which it is received. American Building and Loan association against Rainbolt, 48 Neb., 434.
2. One who is deceived by means of the fraudulent representations of another may elect to rescind the contract and reclaim the property parted with or to affirm the agreement and pursue his ordinary remedy by electing to pursue one with a knowledge of the fact he waives his right to the other. First National bank against McKinley, 47 Neb., 149. 8. Where rival factions of a political party in good faith nominate candidates at conventions called and held in accord-ance with the usages of the party and certify such nominations to the secretary of state, he will certify to the secretary of state, he will certify to the several county clerks the names of the candidates nominajed by each, supra. State ex rel Dahlman against Piper, sec-retary of state, Mandamus, Writ denied. Opinion by Judge Norval. The decision in this case is ruled by the state ex rel Dahlman against Piper, de-cided herewith. State ex rel Casper against Piper, sec-retary of State, Mandamus, Writ denied. Opinion by Judge Norval. The provisions of the statute (sec. 135 chapter xxvi) known as the "Australian"

Neb. 149. 3. Evidence examined and held to estab-ish an affirmance by the plaintiff of the contract sought to be reached on the ground of fraud.

Smith against City of Omaha. Appeal rom Douglas county. Reversed and re-nanded with Instructions. Opinion by Chief usitee Post.

from Douglas county, Reversed and remanded with instructions. Opinion by Chief Justice Post.
It is a rule of construction peculiarly applicable to special assessments authorized by sec. 6, art. ix of the constitution that the record must show affirmatively a compliance with all the conditions essential to a valid exercise of the taxing power, and that the omission of such facts will not be supplied by presumptions.
2. An award of damage pursuant to provision of sec. 116, chapter of the city of Omaha (chap. 12a comp. stats) upon the charge of an established grade, should show affirmatively that the appraiser appointed for such purpose took into consideration the benefits thereby accruing to the property in question, and that the award or finding so made represents the difference or balance in favor of the property owner.
3. Both see 6, art. ix, constitution, 1875, and the charter of the city of Omaha by implication limit the amount of assessment for local improvements to the special benefits everally accruing to the lots or parcels of land thereby affected. Cain against City of Omaha, 42 Neb. 120.
Hermance against Cunningham. Error from Douglas county, Reversed and remanded. Opinion by Judge Harrison.
In a county where there were several

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filed against certificates of nomination if not conclusive, are at least prima facile right. 6. Under our Australian ballot law the secretary of state, in passing upon objec-tions to nomination certificates, is not confined to mere formal matters relating to such certificates, but may determine from extrinsic evidence whether the candidates therein named were in fact nominated by a convention called and held according to party usages and claiming in good faith to represent a political party which cast the requisite number of votes at the last election. State against Allen, 42 Neb, 651; Phelps against Piper, 48 Neb, 724, followed; 7. It is neither the province of the secre-tary of state or of the courts to determine which of the two rival state conventions of the same party so called and held is en-titled to recognition as the regular conven-tion, supra. 8. Where rival factions of a political party in good faith nominate candidates at conventions called and held in accord. of the wife.

SAILORS CARRY THEIR POINTS. Maguire Act Declared Void by a San

Francisco Judge. SAN FRANCISCO Dec. 18 .- Judge Morrow oday handed down an opinion in the case

of Hogan and Olens against the Bark J. D. Peters. The Maguire act of 1895 prohibited the anticipation by coast seamen of their wages. It was intended to repeal section 10 of the acts of 1884-86, which permitted anticipation of wages to the amount of \$10

which is already owing to him. On accou of an ambiguity in the Maguire act, it fails of its purpose and the laws of 1884-86 are

10 per cent over wholesale prices.

ALLERTÓN WANTS TO HE SENATOR.

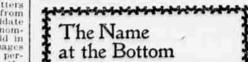
Proposed Successor for Sterling Mon ton Has Other Ambitions. CHICAGO, Dec. 18 .--- Hon. Samuel W.

Allerton, who has been urged by some of his friends for the position of secretary of agriculture in President McKinley's cabinet, announced himself today as a candi-

date for United States senator, The announcement was made by William P. Williams, secretary of the Union League club,

but Mr. Allerton is not the candidate of the club as an organization. Headquarters will be opened tomorrow, and an active canvass made, not only among Chicago men

FIRST NATIONAL BANK bers of the legislature, but in all the country districts. Assurances of support have already been received, it is said, not only from members from this city, but also from some in the country.



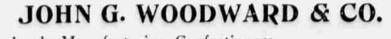




SUNDAY, DEC. 20, foliebig Lincoln J. Carter's grand scenic prod THE FAST MAIL, Reserved scats now on sale at Bellers' tore. Prices, 50c, 35c, 25c. Turrenterment



Evergreen Wreathing-In colls 20 yards long. Evergreen and Holly Wreaths, Holly Branches, Mistletoe, etc., etc.



Wholesale Manufacturing Confectioners,



per month during the voyage. Judge Morrow declared that it was absurd to prevent any man from drawing upon a sum of money

still in force. The captain of the Peters had sold clothing to his men at a profit of 400 per cent. Judge Morrow allowed him

The provisions of the statute (sec. 12) chapter xxvi) known as the "Australian Ballot Law," requiring objections to a certificate of nomination of candidates for office to be filed within three days after the filing of such certificate, are man-datory, and must be strictly followed, else said certificate, if in conformity with law, will be deemed valid. Baacke against Baacke. Error from the

The injuries complained of were c'aimed

> have resulted from direct acts of the onductor, Held: That there was sufficient.

Baacke against Baacke. Error from Lan-caster county. Decree affirmed. Opinion by Judge Norval.

by Judge Norval. The common law doctrine that the revo-cation of a will may be implied from sub-sequent changes in the condition or cir-cumstances of the testator, obtains in this state, insofar as it has not been modified

by statute. 2. An absolute revocation of a will can-2. An absolute revocation of a will can-not be implied by law from the obtaining of a divorce from the testator by his wife after the making of the will, the death of one of his children, for whom provision was made in the will, and the birth of three children to such deceased child, prior to the testator's death. State ex rel Rose against Piper, Man-damus, Writ denied, Opinion by Judge

Norval.

Norval. The secretary of state, in passing upon objections to a certificate of nomination for a public office, is not confined alone to the consideration of objections as to matters of form, but has the power to decide from extrinsic evidence whether the candidate named in such certificate was in fact nom-inated by a convention called and held in accordance with the precedents and usages of a political party which cast one per-centum of the votes of the state at the last general election, or by a faction in good faith claiming to represent a party casting such a percentum of the vote of the state.

casting such a percentum of the vote of the state. 2. Upon the facts in this case it was held that the secretary of state properly refused to certify to the county clerks the names of certain candidates for office. Ehafer against Hostetler. Appeal from Kearney county. Affirmed. Opinion by Commissioner Ryan.

There is presented by this appeal a more question of fact, determined by the dis-trict court upon fairly conflicting evi-dence.

Edgerton against state, ex rel Strickler, Error from Douglas county. Petition in error dismissed. Opinion by Commissioner Ryan. Where the judgment of the district court

Where the judgment of the district court required a justice of the peace to exercise his functions within a designated precinct and by error proceedings it is sought to review only this part of the said judg-ment, and it is conceeded that the term of office of the plaintiff in error has expired, the petition in error is dismissed as pre-senting no question of an existing sub-stantive right of the plaintiff in error. Ackerman against Ackerman. Appeal from Douglas county. Reversed and re-manded. Opinion by Commissioner Ryan. Even though a sheriff in possession of personal property for its safekeeping pend-ing an application for a receiver is to be

For Infants and Children.

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date hat Hitcher wrayser.