made the theme of Joseph A. Altsheler's novel, "The Sun of Saratoga." The hero is a young officer whose quick wit and rare ingenuity always finds a way out of every diffleulty. He is withal a thorough Christian spending most of his energies during these last days before the British surrender in releasing his enemies, whom he loves for sentimental reasons connected with a maid, and in hoodwicking his own friends and superiors; all of which sounds very well in the empty world of imagination, but would hardly seem quite so moral in the eyes of his military superiors charged with the responsibility of carrying on the war to success. The adventures are all of the usual type, but are told with a vivacity making them exceedingly readable. D. Appleton & Co., New York.

A genial and wholesome cheerfulness runs through the light verses in John Lenord Merrill, jr., "In Which Hearts Lead." The poems breathe love and talk tove and they sigh love for a youthful heart surrounded with everyday people whom they address in everyday style with all the gaiety of a happy lover. As a sample the dedication reads:

Till dedicate this book to Miss -Her last name I'll leave out; One lassic fair knows who she is, Though others are in doubt. And if another I should write, I trust I may be free,

With her permission, to indite The book to Mrs. Me. book is published by DeMerle company, New Kork.

appleton's Home-Reading Book Series" is continued with an entertaining volume on microscopic animals called "In Brook and Bayou," by Clara Kern Bayliss. It is easy to see that the writer is an enthusiastic ocientist, and she makes her stories of the queer fish she describes more interesting queer fish she describes more interesting than most fictions prepared for children.

D. Appleton & Co., New York, Megeath's.
"An Epistle to Posterity, Being the Rambling Recollections of Many Years of My Life," by M. E. Sherwood, is a substantial volume of instructive as well as most delightful reading. It embodies in an exceptionally attractive form the fifty years ex-perience of a talented and charming American woman, moving in the higher official and fashionable life in her own country, and in her travels abroad brought in contact with many of the distinguished men and women of Europe. She was the child friend of the great Webster, and relates many anecdotes of him and other noted public men of his time and later. She was presented to England's queen, and met many members of the royal family and the higher nobility. Her acquaintance has been extensive with prominent statesmen, authors, actors | g. ing among them Thackeray, Edwin Booth, Fanule Kemble, Ristori and Rachel, and her gossipy references to them are uniformly enjoyable and in good taste. There is a fine

frontisplece portrait of the author. Harper & Brothers, New York, Megcath's.

"The Pursuit of the Houseboat," by John Kendrick Bangs, might be termed a sequel to the "Houseboat on the Styx." The houseboat of the Associated Shades, at a time when it happens to be inhabited by the most seized by the pirate Captain Kidd and his gang, who make off with it to unknown seas. The masculine shades who are interested in these captured exists. famous female shades of Erebean society, is ested in these captured spirits at once plan to pursue and release them. The long conversation that ensues among the most prom-Versation that ensure annual the management of the linest shades—as Socrates, Bonaparte, Noah, Sir Walter Raleigh, etc.—is exceedingly clever, but this part of the tale is far sur-Sir Walter Raleigh, etc.—is exceedingly clever, but this part of the tale is far surpassed by the account of what takes place among the abducted women. These hold a council and decide to call on the pirate for an explanation of his horrid conduct. That astute shade assures them that the whole affair was planned by their huebands, lovers.

ing complete directions of all coal mines in the United States, together with statistics of production, distribution and other impor-tant information relating to the coal trade in general. Alder & Ruley, Philadelphia.
"Mining in the Pacific Northwest" supplies complete review of the mineral resources

of Washington and British Columbia taken from articles recently published in the columns of the Seattle Post-Intelligencer, whose correspondent was sent on a special tour of the mining districts. The work is supplemented with valuable maps. Post-Intelli-

gencer, Scattle, Wash. In "A Bar Sinister," by St. George Rath-borne, the author has hinged the leading dramatic features of his romance upon a re-markable decision of a New York judge, whereby a man was declared to have mitted bigamy with but a single wife, and which strange charge was borne out by the laws of the state. The scene of action is transferred from beautiful Naples, under the shadow of Vesuvius, to the wonderland of Peru where amid the towering Andes the various interesting characters work out their destiny. F. Tennyson Neely, New York.

"The Grimm Webster German-English and English German Dictionary," compiled from the authoritative works of the Grimm brothers and Noah Webster, is an invaluable aid to the student of these languages. The book employs the new system of German orthography and contains all words and phrases of current every-day use, defining in all 30,000 words in both languages, also collection of conversation and correspondence forms, irregular verbs, tables of weights and measures, and many other additional features of inestimable value to all classes. a handsomely bound and supplied with a double index for those wno desire the mos convenient form. Laird & Lee. Chicago.
"Marjory Moore's Lovers." by Adelaide Sar-

gent, is a strongly written story, with a vein of tragedy running through its length. The reader almost immediately conceives a peculiar sympathy for the little country girl when the bescalar. whom the benevolent old gentleman with love for music assists to a career of upon the stage as a fair violinist. Marjory's fortunes. like those of many others who court the applause of the fickle public, suffer a collapse, and the arm upon which she has expected to lean fails her; but in the end she finds a heart of gold and the story ends happily. F. Tennyson Neely, New York

The Pamily Circle," by H. L. Hastings. is a collection of original and selected an-ecdotes that have appeared in the columns religious fournals. H. L. Hastings, 47 Cornhill, Boston.

New Aristocracy," by Birch Arnold, is full of humor and pathos, appealing to the heart with an ever-growing interest. It is as brilliantly written novel, with a mighty lesson beneath its surface. While affecting to deal with the labor problem, of which the author has only the most superficial grasp, the philosophy that pervades the story cannot be else than profitable, as it is cheer-ing and overflowing with good nature and good sound sense. F. Tennyson Neely, New

Three more paper-covered novels have been added to the number written by that proline writer, Richard Henry Savage. The titles read "Delilah of Harlem," "The Princess of Alaska" and "Storm Signals;" all of them published by Rand, McNally & Co. Chicago, Chases. Co., Chicago, Chase's.

'A Pascinating Sinner," by "Delta," furnishes a bright and sparkling travesty on modern English "sassiely." The author modern English "sassiety." The author handles his characters with some skill, presenting a number of counterfeit resem-blances of people to be met with in other walks of life beside the "four hundred." The story depicts a luxurious and high-spirited young woman, who, married to an English nobleman, gives the worthy man rious cause for anxiety. F. Tennyson

very interesting book is M. Clarke's "Story of Troy," describing the famous seige and destruction of the ancient city, and the wonderful exploits of its brave defend-ers and heroes 3,000 years ago, celebrated in ory and song by the greatest poets and historians of ancient times. A short account of Homer, the father of poetry, and of the gods and godsses who played such an imin the great events to be related, is first given as a suitable introduc-

romance of Burgoyne's surrender is tion to the book. Then follow the connected stories which form the chief subjects of the book. American Book company, Chicago. "Yellow Pine Basin, the Story of a Pros-

pector, by Henry G. Cailin, is a strong and well-written portrayal of mining life in the sparsely settled mineral regions of the great west. The principal scene is located in the mountains of Idaho, where the rough mining experiences of two prospectors are depicted and some secrets of their lives are developed. Descriptions of camping, pros-pecting and mining processes are given with unusual corectness, plainly showing the nar-rator to be familiar with the details of min-ing life, and the personal achievements modestly related by one of the prospectors, who crossed the continent in midwinter in 1861 to join the Union army, are simple recitals apealing to every patriotic This rough old prospector is in every respect a grand character, as brave as he is unselfish, as sincere in his attachments as he is implacable in his enmity to wrong, and his lonely death in the solitudes of the wintry hills, and the final disposition of his carnings, are a pathetic conclusion of a rugged, noble and self-sacrificing life. There is nothing extravagant in the story, nothing improbable. It is simply the well-told tale of two men whose motives give dramatic color to their acts. George H. Richmond & Co., New York. "The Fool and His Heart," by F. Nor-

reys Connell, tells the story of Basil Thimm, who starts life a very sensitive and wellmeaning youth, but meeting with disap-pointment in love seeks to drown his regret in the wild life of Bohemia and his struggles with the hungry horrors of Loudon makes one of the powerful chapters in the story. He becomes entangled with a woman whose husband is a brute and Basil woman wove hasband is a brite and basis kills him in a due!, rearrying her later. Much interest is added to the tale by the part played in it by a large-minded priest, who is Basil's friend, and who leads him back to right living. George H. Richmond & Co., New York.

& Co., New York.

"The Romance of a Jesuit Mission," by M. Bourchier Sanford, is a charming story of love, adventure and devotion to lofty ideals of life and conduct. The scene is laid for the most part at Fort St. Marie, the central staticn of the missions to the Huron Indians, near the site of the present town of Midland, Can. The time is the middle of the seventeenth century. The story is written by a Protestant who does not fail in appreciation of the sublime courage and devotion of the early missionaries, who were deterred from their unsemsh labors neither by the privation of a rude life in the Amerlean wilderness, nor an almost certain martyrdom at the hands of those to whom they brought a message of peace. The Baker &

Taylor Co., New York
"A Galahad of Taylor Co., New York

"A Galahad of the Creeks," by
S. Levett-Yeats, tells of a young
Englishman who goes to India to
fill a government position in doing
which he soon finds himself enmeshed by
native intrigues. His position in life is further complicated by falling in love with the attracive young wife of an American mis-sionary. Death solves the perplexing problem of his situation while engaged in an attempt to capture an old native priest and ringleader in robbing English funds. It is a readable story and is followed with another, "The Widow Lamport," under the same binding.

stantially as told in the four gospels, but filled out with guesses at unnarrated events so as to make a longer and more complete narra-tive. The description of Mary, whom Jesus loved, and her sister Martha, is interestingly

astute shade assures them that the whole affair was planned by their husbands, lovers brothers, etc., to give them a pleasure trip untrammeled by masculine presence. The spirited Xantippe doubts that Socrates could have seen so thoughtful of her pleasure, and Queen Elizabeth flatly disbelieves that Raleigh was willing to part with her. But the wily Kidd diplomatically convinces them and all ends well. Harper & Brothers, New York, Megcath's.

"Coal Statistics" is a compilation supplying complete directions of all coal mines in some portions of "Soldiers of Fortune," There is an atmosphere of intense reality in some portions of "Soldiers of Fortune," the new novel written by Richard Harding Davis. The hero of the tale which, by the way, is in a new field for the author, that of adventure, is a mining engineer, formerly a western cowboy. He is introduced to the heroine at a society dinner in New York. The heroine is a girl of social eminence and notable beauty, whose father employs the engineer to go to South America and open up some mines which the latter has discovered some mines which the latter has discovered for him. Previous to his departure, Clay the aforesaid hero, and Miss Langham, the heroine, become "interested in one another" through a very slight acquaintance. Clay goes to Olancho, distinguishes himself might by accomplishing the very thing that he had gone there to accomplish, and at the end of a year or two the Langhams journey from New York all the way to that barbarous coast to see how he has done it. The hero and heroine are again together, and Clay bravely determines to make hay while the sun shines. This he proceeds to do in a most amazing way by suddenly falling in love with a sister of Miss Langham, a superfluous young person without a mature idea in her head, and with certain extraordinary pro-

pensities for splashing about in the mud of mines, running the donkey engine and driving coaches with no remotest relevance to anything whatever in the original forecast of the tale. Not only episodes of love but those of revolution also abound in its disconnected plot and many quite impossible deeds are performed with ease by the wonderful hero. Charles Scribner's Sons, New York. Me-

geath's. "Ethological and Egological Opposites, the subject of Manie Sands' fourth part of the series, entitled "The Opposites of the Universe," the first of which parts has been Universe," the first of which parts has been mentioned in these columns on a previous occasion, is a discourse about conduct and thoughtful observations on mental development and metaphysics. The philosophy of the universe as "a whirl of opposites" is continued, following also the manifestations of ego as an inherent or inmanifestations of ego as an inherent or in-dwelling phase of substance, neither ca-pable of destruction or creation—a display, in fact, of the cosmic will with different degrees of manifestation in spiritual, or-ganic and inorganic life. The book is en-riched with quotations from the greatest thinkers of both ancient and modern times Peter Eckles, 35 Fulton street, New York. "Sweet Revenge," by F. A. Mitchell, is a war story, in which the roar of cannon and the clash of swords are mingled with the sighs of hearts. The center of the romance in this case is Major Cranderstone, a union man from Tennessee, who is rescued from guerrillas by two brave southern girls whose friendship he had gained and after the war he marries one of them. Harper & Brcs.,

New York. Megeath's.
"England" and "Germany" are the titles two new books in Appleton's series called History for Young Readers." The outline of the English story is told in a clear, con-cise narrative by Frances E. Cooke, with an attempt to emphasize the large movements and the growth of free institutions rather than the history of kings. In the same series "Germany" is treated by Kate F. Kreeker, but here the condensation is more evident, and in trying to preserve accurracy of detail the story has been rendered somewhat heavy. D. Appleton & Co., New

York. Megeath's. The scholasticism of centuries past is uggested in Borden P. Bowne's "Theory of Thought and Knowledge." Portions of the book are written intelligently and with remarkable clearness of insight, but in its entirety the writer does not escape tripping into the very errors he points out, violating his own canons and precepts, and leaving his candle of metaphysics in as dark a void and the subject in as knotty a tangle as it has occupied from time immemorial. If he wishes to point the way out of the labyrinth he should get a better key to the interpretation of life's jugglery in the realm of thought and knowledge and perhaps in that event he might select a route on solid ground to which he could fasten the thread by which to lead folks out to daylight. Harper & Bros., New York. Megeath's.

BOOKS RECEIVED. The Macmillan company, New York: "A Rose of Yesterday," by F. Marion Crawford. Cloth; \$1.25. A. F. Reinhold, 60 Lexington avenue, New

York: "Louis Kubne's Facial Diagnosis," translated by Aug. F. Reinhold, M. A. Cloth; \$1. FROM MEGEATH'S STATIONERY COM-

PANY.

D. Appleton & Co., New York: "In Brook and Bayou," by Clara Kern Baylis. Cloth; 60 cents. "Fierceheart, the Soldier," by J. C. Snaith. Paper; 50 cents. "Woman

Everest Grain and Mill Company, dismissed.

June 16.—Ream against State and Fergusin against State, orders suspending sentence; Hoit County against Scott, leave to withdraw record of certification; Huffman against Ellis, leave to file additional transcript; Smith against People's Loan, Building and Savings Association, motion to quash record overruled; motion to quash bill of exceptions sustained; Burkholder against McKinley-Lanning Loan and Trust Company, motion to dismiss overruled; Kittle against Magruder, leave granted to proceed as appeal and to withdraw record for certification; Johnson against Van Brunt, motion to reinstate bill of exceptions overruled; Orr against Bailey, motion to require bond overruled, appellant to serve and file briefs in thirty days or appeal dismissed; Omaha National bank against Washburn and Hanscom against Lantry, affirmed; Bonacum against Corbett, motion for judgment of reversal overruled; Chicago, Burlington & Quincy Railway Company against Nebraska City, reargument ordered September 21; Thompson against Kyner, Kyner against Avery and Gibbons against Kyner, motions to post-pone hearing overruled; Union Pacific Railway Company against Elliott, leave to withdraw record for certification; Lunney against Healey, motion for additional security overruled; Richardson against Scotts Bluff County, diminution of record allowed; Southwick against Lemon, dismissed unless appellant serves and files briefs in twenty days; Oliver against Lemon, dismissed unless appellant serves and files briefs in twenty days; Oliver against Lemon, dismissed unless appellant serves and files briefs in twenty days; Oliver against Lemon, dismissed unless appellant serves and files briefs in twenty days; Oliver against Lemon, dismissed unless appellant serves and files briefs in twenty days; Oliver against Lemon, dismissed unless appellant serves and files briefs in twenty days; Oliver against Lemon, dismissed unless appellant serves and files briefs in twenty days; Oliver against Lemon, dismissed unless appell

June 17.—Alpha Morgan and Ethel A. Robbins were admitted to practice. Carter against Leighton, dismissal vacated, dismissed unless appellant serve and file briefs in twenty days; Bramhall against Schloss, Blackman against Bank and Waldron against Hilgendorf, dismissed; Bolin against Fines, dismissal vacated, reversed with instructions; Hogue against Ogle, leave to withdraw suggestion of death and motion to dismiss; Naidt against Supreme Lodge, C. S. P. S., motion to strike bond overruled; Drexel against Murphy, motion to quash bill of exceptions overruled.

Rehearings were denied in the following cases: Webster against City of Lincoln, South Park Improvement Company against Baker, Union Pacific Railway Company against Thone, Hart against Bank of Commerce, Phenix Insurance Company against Hale, Walters against Robinson (three cases), Fowler against Brown, Hamer against McKinley-Lanning Loan and Trust Company, Security National Bank against Latimer, Menell against Kirkle, Slater against Sthreine Dayle against Streaming States and Company, Security National Bank against Latimer, Menell against Kirkle, Stater against Skirving, Davis against State and Band of Education, Aurora against Moses. The following causes were continued: Wells against State, Catron against State, Remargainst State, Catron against State, Remargainst State, Musser against State, Mills against State, State ex rel Foster against Moores, State ex rel Broatch against Moores, Whitney against State, Baird against Woodward and State ex rel Smyth against Magney.

The following commission to examine applicants for admission to the bar was appointed; Roscoe Pound, Lincoln; F. A. Brogan, Omaha; B. F. Good, Wahoo; C. F. Morey, Hastings, and A. D. McCandless, Wymore.

Wymore, The court adjourned sine die Among the cases decided were the folowing: Kloke against Gardels. Error from Cum ng county. Reversed and remanded.

gan, C.
Where suit is brought to foreclose as a mortgage an executory contract for the sale of real estate, decree rendered, real estate sold and the proceeds applied on the amount found due, then on the hearing of an appli-cation for personal judgment for deficiency gainst the vendee neither party can reliti ate any material issue determined by such

lecree.
2 In such foreclosure proceeding the ex-ceution of the contract, the identity of the cull estate described therein, the breach of he same and the amount remaining hereon are material issues determined

ccution of the contract, the identity of the real estate described therein, the breach of the same and the amount remaining due the same and the amount remaining due the same and the amount remaining due thereon are material issues determined by the decree.

3. When such a decree is rendered upon the default of the vendee its effect is the same as if he had personally accounted and littigated the issues tendered by the petition.

4. Whether a district court in such foreclosure action, sitting as a court of equity without peadings, may render a personal judgment against the parties liable for such deciciency not decided.

5. But when a formal petition is filed in such case for a deficiency judgment, the party liable therefor files an answer to such petition, the district court then has jurisdiction; and, unless a jury be demanded, may itself try and determine the issues presented by such pleadings.

Westerman against Shepard. Error from Frontier county. Affirmed. Ragan, C.

Where a material issue on trial is whether certain real estate affuate in a sister state has been sold at judicial sale therein a copy of the return of the sheriff to the execution showing such sale is incompetent to prove such issue, unless such return is attested by the clerk and seal of the court to which the return was made and accompanied by the certificate of a judge, chief justice or presiding magistrate of said court that such attestation is in due form of law. Section 44. Code of Civil Procedure.

2. Pleadings and evidence reviewed and held that the district court correctly directed a verdict for the defendant.

New Kentucky Coa. Company against Union Pacific Railway Company. Error from Douglas county. Reversed and remaided. Ragan, C.

Unless the annexed certificate of the officer before whom the deposition of a witness has been taken affirmatively shows that the deposition of such wilness was written in the presence of such officer it is incompetent evidence. Sections 330 and 355, Code of Civil Procedure.

2. It is reversible error Forbes against McClatchey. Error from Antelope county. Reversed and remanded.

Norval, J.

Evidence examined, and held that the damages assessed by the jury are inadequate.

Losey against Neidig. Error from Madison county. Reversed and remanded.

A party cannot have relief in equity against the enforcement of a law judgment unless he has matter of defense which was not available in the law action, or had a good defense at law which by fraud or accident, without negligence on his part, he did not present in the law action.

Atwood against Marshail. Error from Lancaster county. Reversed and remanded.

Atwood against Marshail. Error from Lancaster county. Reversed and remanded.

Atwood against Marshail. Error from Lancaster county. Reversed and remanded.

Where alleged error in regard to the

Tolerton & Stetson Company against the erman-American Savings Bank of Lemars, . Error from Dawes county. Affirmed yan, C. n, C.
the absence of a bill of exceptions it
be assumed that the district court was
y justified by the proofs in so ruling on
ous motions as to require the enforcet of its judgment, which previously had
affirmed and directed to be enforced
this court. sent of its judgment, which previously had een affirmed and directed to be enforced y this court.

Pardue against Missouri Pacific Railway ompany. Appeal from Lancaster county-secres. Irvine, C.

In the case of a building contract when he owner has wrongfully intercented the

te owner has wrongfully, interrupted the outractor and prevented his completing the bork, the contractor is entitled to a lien for its reasonable value of the labor he has reformed and material he has furnished. cerformed and material he has furnished, but he cannot have a lien for the damages sustained from the breach of the contract.

2. One contracting directly with the owner may file his claim of lien at any time within four months of the time of the performance of the labor or furnishing of the material.

3. The statute of limitations begins to run agairst a mechanic's lien from the time of filing the claim of lien.

Norfolk Beet Sugar Company against Koch. Error from Madsien county. Reversed and remanded, livine. C.

It clearly appearing that the verdict in this case, was rendered in disregard of the instructions and evidence the judgment is reversed.

is reversed.

2. In a personal infliry case by a servant against a master the evidence without contradiction disposing that the lajury was sustained by reason of the negligence of another servant of the same master, there being no further evidence as to the relations existing between the two servants, and the jury having answered 'We don't know' to a special interrogatory as to whether they were fellow servants; held, that the general verdict in favor of the plaintiff was not sustained by the evidence.

Clark and Leonard Investment Company against Way. Appeal from Lancaster sounty. Decree, Irvine, C.

A purchaser at a judicial sale who instead of paying the amount of his bid to the officer making the sale, undertakes to himself disburse it in discharging liens to himself disburse it in discharging liens does so at his peril.

2. The title of the purchaser where there is an appeal from the order of confirmation relates back on affirmance at least as far as that order and he may not deduct from the amount of his bld sums which he has paid on account of taxes becoming liens on the property and interest accruing on a sentor mortrage subject to which he bought, between the time of confirmation and the time of affirmance or dismissal of appeal.

holder of a lien not made a party 3. The holder of a lien not made a party to a foreclosure case has no standing by intervention on motion for distribution to ask to have the purchase money applied to the satisfaction of his lien.

4. A motion for distribution should properly be made after the fund comes into the hands of the officer making the sale or after it is paid into court, if such be the order, if made earlier the court may refuse to entertain it, but if overruled on the ground that it is premature the order should be without prejudice to a later application.

should be without prejudice to a later application.

Morrow against Gilbert. Error from Douglas county. Dismissed. Ragan, C. This court's appellate jurisdiction in error proceedings is limited to final orders and judgments made by the district courts.

2. An order was made setting aside a verdict. After the term at which this was done, a motion was filed to vacate said order. The record brought here recites: "The court finds that the order granting a new trial was made contrary to and in violation of the rules of this court "." was prejudicial error and erroneously granted "." and the court would set aside said order granting said new trial aside said order granting said new trial had this court jurisdiction to do so." Held.

aside said order granting said new trial had this court jurisdiction to do so." Held, not a final order.

Harshman against Ingwerson. Error from Cass county. Decree. Ragan. C.
On the hearing of a bastardy proceeding it in error for the district court is considered by the attorneys of the proxecutrix.

2. The word maintenance found in section is, chapter xxxvii, Comp. Stats, should not be so construed as to include the value of this services of the proxecutrix attorneys.

McClintock against State Bank of Table Rock. Error from Pawnee county. Affirmed. Rugan. C.

The caption of a deposition may be read in connection with the certificate at the end thereof for the purpose of determining whether the deposition discloses that it was taken at the time and place and before the officer mentioned in the notice.

2. Where the defense to a suit on a promissory note is that the same had been materially altered after its execution and delivery—the note itself my disclosing any evidence of such a teration—the burden of proof is upon the party alleging such alteration to establish the same by a preponderance of the evidence.

Perkins against Potts. Appeal from Buf-

evidence.

Perkins against Potts: Appeal from Buffalo county. Affirmed. Ragan. C.

One who takes pussession of real estate as the tenant of another gannot hold said real estate adversely to his lessor without first having actually or constructively surrendered the premises to him.

2. Where a tenant in possession without his rendered the premises to him.

2. Where a tenant in possession without his land ord's consent attorns to a third party-the latter not having acquired the interest of the landlord in the real estate either by grant or operation of law—the possessory rights of the landlord are not thereby affected as such an attornment is void.

3. The vendes of an executory contract for the sale of real estate, by virtue of such contract, entered into possession made certain improvements upon the premises and partly performed his contract of purchase; afterward the vendes, while in default of the performance of his part of the contract of purchase leased the premises to a tenant for one year and put him in possession. The vendes by reason of the default of the vendee and in pursuance of the provisions of vendor by reason of the nefault of the ven-cee and in pursuance of the provisions of the contract of sale declared the same for-feited and demanded possession of the prem-less from the vendee. The possession was not surrendered and thereupon the vendor went upon the oremises and induced the tenant without the vendee's knowledge of

Johnson, Cloth; 11.50, 'England,' by Prance E Codes, Cloth; 60 cents, 'Germany,' by Kase Preligrath Krocker, Cloth; 10 cents, 'Germany,' by Kase Preligrath Krocker, Cloth; 10 cents, 'Germany,' by Kase Preligrath Krocker, Cloth; 10 cents, 'Germany,' by Kase Preligrath Krocker, Cloth; 20 pages, 'As Epilert to Posterity,' by Mr. K. W. Shrew, 'Cloth; 20 pages, 'As Epilert to Posterity,' by Mr. E. W. Shrew, 'Good,' Cloth; 20 pages, 'As Epilert to Posterity,' by Mr. E. W. Shrew, 'Good,' Cloth; 20 pages, 'As Epilert to Posterity,' by Mr. E. W. Shrew, 'Good,' Cloth; 20 pages, 'As Epilert to Posterity,' by Mr. E. W. Shrew, 'Good,' Cloth; 20 pages, 'As Epilert to Posterity,' by Mr. E. W. Shrew, 'Good,' Cloth; 20 pages, 'As Epilert to Posterity,' by Mr. E. W. Shrew, 'Good,' Cloth; 20 pages,' and 'Good,' Cloth,' and 'Good,' Cloth,' and 'Good,' and 'Goo

Saunders county. Affirmed, Opinion by Irvine, C.
The error, if any existed, in requiring a plaintiff to elect between two counts in his petition evidently referring to the same cause of action, is harmless and not a ground for reversal when the evidence on the trial affirmatively discusses that the court abandoned by the election could not under the facts lead to a recovery.

The endorsement of a nosotiable instrument "for collection and account" of the sudorser, merely constitutes the sudorsee he agent of the endorser for the purpose of collecting and remitting the proceeds, it passes no title to the endorsee and conters no authority on him to transfer the nstrument by sale or endorsement to another so as to charge former endorsers mader the law merchant.

Money puld to a third person in dishuarge of the debt of another cannot be recovered back when the payment was made oluntarily, without any legal obligation on the edebtor, and without any subsequent romise of repayment.

the debtor, and without any subsequent promise of repayment.

4. Evidence held to sustain a finding that the payment in this case was such a voluntary payment.

5. A fudgment will not be reversed for want of findings on all the issues, when the findings made required independently of the result on other issues, the judgment rendered.

he result on other issues, the judgment renjered.

Jones against Dunbar. Error from Hitchjock county. Affirmed. Opinion by Irvine, C.
Evidence examined and held to sustain a
cerlict that chattels had occu purchased in
good faith without notice by the vendee of
an infant on the part of the venders to defraud creditors.

In a contest between a vendee and creditors of the vender, the adequacy of the
consideration, if it be a valuable consideration, will not be inquired into except for
the purpose of throwing light on the intention of the parties.

f the parties, ie relinquishment of a valid entry o and under the timber-culture act of con-cress constitutes a valuable consideration and is not void as against public policy. Kloke against Gardels, Error from Cum-ing county, Reversed and remanded. under the timber-c

mortgage an executory sale of real estate dec estate sold and the proce nercon are material issues determined by e decree. When such a decree is rendered upon

3. When such a decree is rendered upon the default of the vendee its effect is the same as if he had personally appeared and lytigated the issues tendered by the petition.

4. Whether a district court in such fore-4. Whether a district court in such foreciosure action, sitting as a court of equity,
without further pleadings may render a
personal judgment against the parties liable
for such deficiency not decided.

5. But when a formal petition is filed in
such case for a deficiency judgment, the
party liable therefor files an answer to such
patty liable therefor files an answer to such
petition, the district court then has jurisdiction, and, unless a jury be demanded,
may itself try and determine the issues
presented by such pleadings.

Westerman against Shepard. Error from
Frontier county. Affirmed. Ragan, C.

Where a material issue on trial is whether
certain real estate situate in a sister state
has been sold at judicial sale therein, a copy
of the return of the sheriff to the execution
showing such sale, is incompetent to prove
such issue, unless such return is attested
by the clerk and seal of the court to which such attestation is in due form of law.
Section 44, Code of Civil Procedure.
2. Pleadings and evidence reviewed and held that the district court correctly directed a verdet for the defendant.
New Kentucky Coal Company against Union Pacific Rallway Company. Error from Dauglas county.

from Douglas county. Reversed and remanded Ragan, C.
Unless the amnexed certificate of the officer before whom the deposition of a witness has been taken affirmatively shows that the deposition of such wilness was written in the presence of such officer, it is incompetent evidence. Sections 380 and 385, Code of Civil Procedure.

2. It is reversible error to overrule a motion to suppress such a deposition and permit it to be read to the jury when it tends to support the contention of the party offering, it as to a material issue.

Forbes against McClatchey. Error from Antelope county. Reversed and remanded. Norval. J.

Exidence examined and held that the damages assessed by the jury are inadequate.
Lorey against Neidlg. Error from Madison county. Reversed and remanded.

A party cannot have relief in equity against the enforcement of a law judgment, unless be has matter of defense which was not valiable in the law action, or had a good refernes at law which by fraud or accident, without negligence on his part, he did not resent in the law action.

Union Pacific Railway Company against Young. Error from Kimball county. Dismissed. Norval, J.

A petition in error will be dismissed unless the transcript contains a copy of the judgment or final order sought to be reviewed. from Douglas county. Reversed and re-manded Ragan, C.

the transcript contains a copy of the judg-ment or final order sought to be reviewed, authenticated by the certificate of the clerk

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