WEYLER WILL BE RECALLED

Bpanish Cabinet Decides Upon an Immediate Change in Cuba.

GENERAL BLANCO FOR GOVERNOR GENERAL

Queen Regent Will Today Sign the Decree Appointing the New Official -Correspondence Between Weyler and Sagasta.

MADRID, Oct. 8 .- (Midnight.) - The cabinet has decided upon the immediate recall of General Weyler from Cuba.

A decree will be issued appointing Captain General Blanco y Arenas, marquis of Pens-Plata, governor general of the island. The queen regent will sign the decree tomorrow. According to El Heraldo, 20,000 reinforcements will accompany General Blanco to

General Blanco will be accompanied by General Arderine as vice commander of Cuba, by General Gonzale Palnals and Generals Pando, Bernal and Canella.

In the course of the cable message sent by Weyler to Premier Sagasta placing his post in Cuba at the disposal of the government he said:

"If the functions with which they had entrusted me had been merely those of governor general of Cuba I should have bestened to resign. But the two fold character of my mission and my duty as commander in chief in the face of the enemy, prevent my tendering a resignation. Nevertheless, although I can rely upon the absolute uncon ditional support of the autonomist and con atitutional parties without public opposition this would be insufficient without the confi dence of the government, now more necessary to me since the censure by the members and the journals of the liberal party and by public opinion in the United States, which latter is largely influenced by the former. This confidence would be necessary to enable me to put an end to the war which has already been virtually concluded from our lines at Juraco to Cape Antonio."

Senor Sagasta replied: "I thank you for your explanation and value your frankness.

I wish to assure you that the government recognizes your services and values them as they deserve, but it thinks a change of policy, in order to succeed, requires that the authorities should be at one with the min-istry. This has nothing to do with the confidence felt in you by the government, for the liberals have always said that the responsibility for a given policy does not fall upon those who carry it out, but upon the government inspiring it. I shall communi-cate your communication to the government

WEYLER WILL NOT RESIST. HAVANA, Oct. 8 .- General Weyler gave

the reports that he would resist removal from his command in Cubz, and in certain contin-gencies might espouse the Carlist cause. He said, according to the official account:
"My principles and my military record are

firm guarantees that I will never oppose the constituted government whatever it may be. I never have put obstacles in the way of the government and I never shall. I have always obeyed orders and I always shall. So far as popular demonstrations go I accept them only as expressions of approval of my policy and as tokens of personal sympathy.

The merchants of the island, according to the official account, continue to send cable messages to Senor Sagasta expressing their

Madam Ana Milan de Benou, who has been in charge of the hall at the Casa de Recogidas where Seporita Cossio was confined one of four employes and the jalier who have been arrested and confined pending the result of the inquiry being made into the escape of Senorita Cossio.

DUSTIFY ACTION OF SALISBURY. don Press Comment on Berling

Conference. LONDON, Oct. 8 .- The St. James Gazette this afternoon, referring to the formal anflouncement of Great Britain's declination to take part in a Bering sea conference to which Russia and Japan might be parties. "There will be a feeling of relief that Great Britain, in behalf of Canada, has finally declined to walk into the trap which was being arranged at Washington. America has never paid the damages for the illegal seizure of Canadian scalers and has exhausted every diplomatic artifice to evade The marquis of Sailsbury consented, whereupon America calmly proposed that Russia and Japan should have seats at the conference, with the obvious intention o

The Globe, commenting on the same sub-ject this afternoon, says: "As a mere matter of business, it is time that a firm check was put upon the policy of the United States in dealing with this case. There was no cause to adopt the theory that the marquis of Salisbury almost regretfully refuses to participate. In the interests of Canada, it well to let the United States understand that no settlement of the question will satisfy Great Britain which sacrifices one fot or tittle of the just and equitable rights of the loyal Dominion of Canada." GOING TO SEEK BURIED TREASURE.

byind, the Paris award."

England and upsetting, by a side

Thirty Million Dollars' Worth Said to

Have Been Located. LONDON, Oct. 8 .- The British war ship Imperiouse, which recently salled for Guatemala, carried as a guest of Rear Admiral Pallizes Ernest Harris, a real estate man of this city. It is asserted that he went south to secure part of the treasure which Charles Hartford says he has located on Cocos island. Hartford came here from Cocos island a couple of months ago on the schooner Aurora, on which a party of scalers had gone to the island to search for treasure The sealers could not find it, but Hartford mays he located \$30,000,000 in gold, silver and jewels. Hartford is said to have in-terested Harris and the officers of the Imericuse in his story, and it is even thought hat he himself sailed as a blue jacket on

Proclamation to the Afridis. SIMLA, Oct. 8.-General Sir William Lock hard, in command of the punitive expedition against the rebellious border tribes, has is sued a proclamation to the Tirah Afrids and Orazakis saying that in consequence of their breaking the treaty of 1881 the government is sending a force to march through their country. The final peace terms of the government will be announced to the tribes on the arrival of this force at their capital. Immediate submission to the British authursties is advised in order to avoid unne ary damage, otherwise punishment will follow any opposition to the British advance.

Awarded Highest Honors-World's Fate. Gold Medal, Midwinter Fair.



Pure Grape Cream of Turtar Powder.

40 YEARS THE STANDARD.

MORE OF HILL'S FAMILY TROUBLES

His Wife Interrupts One of His A case of domestic disloyalty in the family itself upon public attention, was brought to

light again last night.

Last night Mrs. Hill followed her husband MEN'S

to 1707 Manderson street, at which number Hill's more lately favored choice in the person of Mattie Baker, is a servant. She heard him talking to the girl within and fired through the window in the hope of reaching one of them. The aim was so truly guessed that though the curtain was drawn the bullet passed between Hill and the Baker woman craping her roughly across the hand. Miss Baker, in speaking of the shooting

says: "Just at supper time Hill called and asked to see me for a few moments. I was busy and sent him away. Later, however he called again and I admited him. "We were siting near the window talking. Suddenly there was a noise at the window

as of some one striking it and immediately the shot came. Hill then arose and went out W. T. Hale of 3803 North Seventeenth street is a witness of what followed the shot,

He says he saw Hill meet a woman at the front of the house and attempt to drag her front of the house and attempt to arag her away with him. He saw Hill then thrust the woman rudely down and that she fell upon the sidewalk, where he found her in a hys-terical and fainting condition. He followed Hill to Clark street, where the latter ran east over the bluff and disappeared. Hill is an employe of Swift and Company n South Omaha and resides on Sherman

Mrs. Hill was removed to the police station prostrated and delirious with excitement and terror. When she had somewhat recovered from her excitement she said that Hill's unfaithfulness to her was of long standing. Several times before, she stated, had she surprised him with the same woman. March she followed her husband to Twenty fourth and Douglas streets, where the girl was then working and broke in upon them Her husband then assaulted her and left her ying in the snow. At that time she left nim and was employed as a waitress in Papillion. About two months ago, however, she was led by his promises to return and has since put up with considerable abuse on account of her two children. Sergeant King later visited the scene of

the occurrence in the endeavor to find the revolver which the woman said she had thrown down near the porch. Making an inquiry at the house he discovered that Hill had returned and was in the parlor and accordingly conducted him to the station on the charge of adultery.

Dr. Rull's Cough Syrup is sold everywhere and it always cures coughs and cold MEETING OF WHOLESALE GROCERS

Improved Business Conditions Reported in the West.

The Iowa and Nebraska Wholesale Gropers' association held its first meeting at the Commercial club in this city yesterday. The new association is the result of the consolidation of the two state bodies about three months ago. The present officers are Samuel Mahon of Ottumwa, Ia. president; Charles H. May of Fremont, vice president, and F. C. Letts of Marshalltown, la., secretary and treasurer,

The business of the morning session consisted only of the reading of the minutes of the meeting held to perfect the consolidation and in ratifying that action. sixty wholesalers are present, forty of whom are from Iowa.

The afternoon session was a lengthy conlasting from 2 until after 6 o'clock. Reports of the wholesale grocery trade from all the important points in the two states repre-sented were received. They indicated im-proved trade conditions everywhere. Secre-Letts estimated that the reports indicated that the wholesale grocery trade in Nebraska and Iowa had improved 331/2 per cent within the last twelve months. It was the general sentiment that both sales and collections were much better than they had been for many years. The opinion was also expressed that the coming winter and spring would witness still greater increase in the

Charles H. May of Fremont, Neb., and F. Letts of Marshalltown, Ia., were unar imously elected to represent the new association on the executive committee of the National Wholesale Grocers' association, National Wholesale Grocers' association which committee is composed of one reprecommittee of the new association held a brief meeting after the adjournment of the assoiation meeting, but transacted no business of public interest.

Electric Bitters.

Eletric Bitters is a medicine suited for any season, but perhaps more generally needed when the languid, exhausted feeling prevails when the liver is torpid and sluggish and the need of a tonic and alterative is felt. A prompt use of this medicine has often averted long and perhaps fatal bilous fevers. No medicine will act more surely in counteracting and freeing the system from the malarial poston. Headache, In-digestion, Constipation, Dizziness yield to Electric Bitters. 50c and \$1.00 per bottle at Kuhn & Co., Drug Store,

Sam'l Burns is selling a white and gold toilet set, ten pieces, for \$3.

Black Hills potatoes, very, very fine. Buf-

fett's, 14th & Harney, Celebrate German Day.

There will be a celebration of German day this evening at Germania hall. It has been arranged by the German-American Transmississippl association, assisted by the Orpheus Singing society and the Apollo Zither club. The program includes vocal and instrumental music, a one-act comedy, and will be followed by a dance of twenty numbers.

Cashier Shy Ten Dollars.

Rather a simple short-change trick was operated upon the Adams Express company yesterday which left their accounts \$10 ou yesterday which left their accounts \$10 out of balance. A stranger entered the office and requested the favor of having a \$10 bill changed for two fives. This was done and the stranger, after a moment's hesitation, asked if the office could give him \$20 for the two fives and another ten. When these were produced the man carelessly pocketed the twenty and the two fives and disappeared. When the intricacles of the transaction had resolved themselves in the mind of the cashier he discovered that the two \$5 bills were his just due and so notified the police.

Struck a Conductor. Will Palmer was arrested on a warrant yesterday for an alleged assault upon E. A. Chappell, a street car conductor, which

occurred last week. It is stated that the man had been disorderly and Chappell had just succeeded in ejecting him from the car. As Chappell turned to board the car it is alleged that Palmer struck him on the head with a pair of brass knuckles, rendering him unconscious. Wanted Across the River. Nelson Allen is held as a fugitive from ustice by the authorities for working a leal in Council Bluffs yesterday by which James Donovan came out \$10 short. Allen represented that he was a Pullman porter and would conduct Donovan to the Pacific coast for that amount.

LOCAL BREVITIES.

Fire caused from a defective flue broke out in the residence of Harrison Vauchman, 2725 Cass street, yesterday noon, and a small amount of damage resulted.

On the evening of October 18 Nebraska Independent Order will give a da 354. B'nai B'rith, will give a dance in Myrtle hall, to which members and friends will be invited. This will be the society's first dance of the season and preparations are being made to give those in attendance

an enjoyable evening. THE REALTY MARKET.

INSTRUMENTS placed on file Friday, Oc WARRANTY DEEDS. Bridget Swift to Thomas Swift, eld lot 2, block 21615, Omaha. C. C. Johnson and husband to W. S. 2, block 216% Omaba
C. C. Johnson and husband to W. S.
Curtis et al, lots 1 and 2, block 16,
Dundee Place
Horace Ludington and wife to F. B.
Gillmore, und. ½ lot 3 and und. e 33
feet lot 4, block 1, Omaba View.
F. B. Gillmore and wife to Horace Ludington, und. ½ lot 5 and und. ½ of w 17
feet lot 4, block 1, Omaba View.....

KELLEY, STIGER & CO.

of Joseph Hill, which has previously forced Offer Special Values in Ladies' Underwear and Hosiery.

UNDERWEAR

Every Department in the Store Re plete with Bonn Fide Bargains in the Very Best Qualities Obtain-

able-Special for Saturday.

LADIES AND CHILDREN'S UNDERWEAR. At 35c-Ladies' lisle vests, regular 50c quality

special run, high neck, long sleeves at 35c. (for \$1.00; slik finish, best quality. 50c per suit-Our ladies' union su't at this price can not be equalled in the city, eeru or natural The Florence style or buttoned down front all finished seams, silk trimmed. These are

special bargains, 50c per suit. non-shrinking vests and pants atural, best finish, perfect fit, an extreme

bargain at 75c each. Ladies' extra fine ribbed merino vests

very light or meadium weight, non-shrink-ing, high neck, short or long sieeves, natural This is a special garment for early fall wear, superior wool and finish, \$1,00 We have a complete line of children's fall underwear, heavy or medium cotton, natural

r ecru, all finished seams, sizes 16, to 34, 25c LADIES' AND CHILDREN'S HOSIERY. Ladies' fine black cotton hose, double sole, high spliced heel, superior quality, 15e per

At 25c. Ladies' maco soles fast black cotton hose 'ull regular made, double sole, heel and oe, a real bargain, 25c per pair.

Ladies fine cotton hose, fall weight, ,fast plack, double sole, high spliced heel and oe, wears splendidly, 35c, 3 pair \$1.00.

Ladies' light weight fir thack cashmere ose, merino heel and pecial make for early fall, extra fine finish, ives special satisfaction 50c pair. 1216c, for children.

Children's heavy ribbed fast black hose louble foot and knee, all sizes 6 to 10, only SPECIAL VALUES IN MEN'S FURNISH INGS. MEN'S UNDERWEAR, 50C.

Natural gray fleece lined shirts and draw-ers for fall and winter wear, fine quality and nicely finished, \$1.00 a suit; extra special MEN'S WOOL UNDERWEAR, \$1.00. Natural wool shirts and drawers, in both medium and heavy weight, finished seams,

frawers gussetted, \$2.00 a suit; excellent KELLEY, STIGER & CO.,

DALEY TALKS OF SEWER CONTRACT Says He Paid for the Cement that

He Used. John F. Daley, the contractor who built the sewers on the exposition grounds, the first sewer built by day's labor while he was on the exposition pay roll and the second built by contract after he had been laid off enters a protest against being charged with sing cement on the second sewer which be-

longed to the exposition, as was stated dur-ing the Geraldine investigation.

Mr. Daley tells his story as follows:
"When I built the first sewer by day's labor quantity of cement was bought and when the work was completed there were nine sacks left unused. These were stored in the old brick building on the bluff tract, which is used as an office and storcroom by the exposition people. Afterward, when I secured the contract for the second sewer after having been laid off eight days before I called attention to the fact that this ce-

ton, a clerk in the Department of Buildings and Grounes, to pay 30 cents per sack for the cement, which was the market price. took the cement and used it and Temple on made a note of it."

About this same time, Daley says, Engineer Ralls notified him that the manhole of the sewer on the bluff tract, the first sewer constructed, was about one and one-half feet below grade, the level of the bluff tract naving been raised that much after the man hole was built. Daley says he took his

team and the necessary brick and morta and sent one of his own employes to build the manhole higher, the expense being \$3.60 le says this was charged against the coment He says that instead of him stealing the cement the exposition owes him 90 cents on account of the transaction. EXPOSITION COMMITTEE MEETS.

Birds-Eye View of the Grounds is Submitted.

The executive committee of the exposition held a short session yesterday at the Commercial club rooms and adjourned until today noon, as some of the members were unable to remain for the transaction of business.

Nothing except routine business was transacted, the only incident occurring during the meeting being the introduction of a bird'seye view of the exposition grounds frawn by A. J. Austen, an artist representing an eastern publishing house. The view depicted the appearance of the grounds seen from an elevated point southeast of the bluff tract, showing the entire grounds in a most realistic manner, with all the details of the buildings and the many other The picture was pronounced most satisfactory and realistic by the members of the committee.

The work was done under the direction of the Department of Publicity, authority haveing been granted Massger Rosewater several weeks ago to have such a drawing made.

COMMITTEE CONSIDERS EVIDENCE.

Examining the Charges Made Against Dion Geraldine.

The Geraldine investigating committee me at exposition headquarters at 4 o'clock yesterday afternoon to consider the evidence taken during the investigation into the charges preferred against Geraldine, the superintendent of construction of the Department of Buildings and Grounds. The committee announced that its report would be presented first to the executive committee and that the committee could do as it saw fit with regard to making public the nature of the report. The members were unable to state whether a conclusion would be reached in time to report to the meeting of the execu-tive committee today or not, as it might be necessary to ask for further information on certain points from the executive committee or from President Wattles, thereby delaying

the report until some time next week Directors Meet Next Tuesday. A very few of the members of the Board of Directors of the exposition assembled at the meeting place yesterday afternoon at the time for the regular monthly meeting of the board, and an adjournment was taken until next Tuesday at 4 p. m.

Montana Applies for Space. Another state has made formal application for space in the exposition. Montana made application yesterday for 1,600 feet in the Mines and Mining building, reserving the right to increase this space to 2,600 feet between now and January 1

Not a Marker to King Ak-Sar-Ben. City Electrician Schurig has returned from St. Louis, where he saw the parades and attendant festivities of the Velied Prophet. He says: "None of the features of the show were comparable with those which distinguished the recent street displays in Omaha. Neither the floats nor costumes were as elaborate or artistic as those which accompanied the entry of King Ak-Sar-Ben." He also took occasion to investigate the light-ing and electrical construction of St. Louis and found that Omaha was far superior in both respects. The electrical construction in this city is much safer and better regulated and the streets are 100 per cent better

T. P. CARTWRIGHT & CO.

Styles_New Prices_The Best Styles. The Best Prices. ALL our men's fall and winter shoes are now ALL in. Never before did that word ALL stend for so much as this fall. Winter tans in all the new shades, shapes, styles and fashions; medium soles, very heavy soles—some have double sole back to

Black and tan enamels in buildog London and coin toes, drill or calf lined, single or double soled. Quality the best. Black box calf, the great wet weather shoe, always soft, just the shoe to wear without rubbers or overshoes. We show the most complete assortment in Omaha, and you from 50c to \$1.00 on every pair Black vice kid, double sole, calf lined,

made with wool cushion inner sole, made for warmth and tender feet. We will be pleased to show you, if you will give us a call. WE KNOW we will be able to please you in quality, price and One of our good things is our men's box

calf shoe, with the never slip sole, \$4.00. LADIES' SHOES.
They are all here now; the most complete and varied line of styles in both shoes and slippers ever brought to this city.

Ask to see our new dime, quarter and half-

lollar toes priced at \$3.00. And the kid and patent tip shoes at \$2.50 The wet weather shoe at \$4.00, with cushon sole, or cork filled.

Very swell is our new heavy box calf shoe,

n golf patterns, at \$4.00.

There's such a variety of shades and patterns For extremely bon ton affairs we have just opened a shipment of party and full dress slippers that for exquisiteness of design and neatness of fit have never been equalled. We never had them so nice before.

SCHOOL SHOES.
With misses from \$1.25 up and child's at 75c and up, we bring out the most com-pletely asserted line of school shoes in Omaha. We are sure to please you with our styles and our prices, because we guarantee our school shoes to wear. They are solidly made, the best, in every way, to be

T. P. CARTWRIGHT & CO.,

CASE CONTINUED UNTIL MONDAY. Attorneys for Bartley's Bondsmen Ask

Before the jury in the case against the Bartley bondsmen was admitted yesterday Attorney Bartlett submitted authorities on which he contended that since there was no lirect allusion in the Bartley bond to the duties of the sureties, that provision must be supplied by the state law. He therefore contended that a public officer must make no accounting to the state for his first term before he entered on his second, and that his knowledge that such an accounting had been

Judge Powell sustained the objection of the state to the offer to show the alleged fact of an accounting to the governor as releasing the bondsmen from their obligation. He said that the law in this case was not so much for the protection of the sureties as for that of the state. The individual who signed a bond did so voluntarily and was presumed to look out for his own interests. This night be a bold rule for the sureties, but it was the evident intention of the law, and the bondsmen had assumed the risk volun-

General Cowin then asked for time in which to secure a couple of out of town witnesses whom he wished to put on the stand next but the court decided that the ase must go on.

The first witness called in the morning was

tobert Kilpatrick of Beatrice, by whom the defense attempted to show that Mary Fitz-gerald was mentally incapacitated at the time she signed Bartley's second bond. The witness testified that he had known Mrs. Fitzgerald for twenty years and that he had called at her house on the first Wednesday in January, 1895

The state objected to questions in regard to any conversation between the witness and Mrs. Fitzgerald at that time as not material I called attention to the fact that this the ment was stored on the earthen floor of the Mrs. Fitzgerald at that time as not material warehouse and would spoil if not used. I offered to take the cement off the hands of Fitzgerald, and this was followed by a fitzgerald, and this was followed by a ous controversy on the question the answer could be amended at this time. It was finally agreed that a new answer should be filed, and the witness was allowed to proceed on the agreement that the jury should be withdrawn and the evidence read to the jury later if it was decided to be com-

petent testimony.
The witness testified that on the day i mestion Mrs. Fitzgerald was so deeply stricken with grief that he was unable to secure information from her in regard to the rrangements for her husband's funeral lis answers were interrupted by constan blections from the state, and the evidence amounted to little more than the fact that she was overcome with grief and returned semi-irresponsive answers to several remarks addressed to her by the witness. Jusat the end of his testimony his statement that Mrs. Fitzgerald was metally unsound at this time was admitted.

Owing to the court's ruling on the action of the governor, the attorneys asked for time to look up authorities, and the case was con-

tinued till Monday morning. Disfigurement for life by burns or scald may be avoided by using De Witt's Witch Hazel Salve, the great remedy for piles and for all kinds of sores and skin troubles.

Best meats, lowest prices, at Henry Schnauber's new market, 2003 Cuming street.

Card of Thanks. We desire to express our thanks and appre lation for the kindness and sympathy shown Chief Redell and fire department, A. O. W., A. O. H., neighbors and friends at the death of our husband and father, John

Fitzpatrick, MRS. LIZZIE FITZPATRICK AND FAMILY.

A man representing himself as the head f an aid society, formed to collect funds for the family of the late Lieutenant Fitzpatrick of the fire department, has been visiting numerous merchants of the city, soliciting money. Chief Redell investigated the matter and finds that this man is a fraud. All benevolent inclined individuals are warned to shun him as such.

Union Pacific. "The Overland Limited."
The most SUPERBLY EQUIPPED rain west of Missouri River. Twelve hours quicker than any other train o Pacific Coast Call at Ticket Office. ,1302 Farnam St.

PERSONAL PARAGRAPHS. E. Harris went to St. Louis last night. J. R. Lindblom left for Denver yesterday afternoor

J. H. MacColl of Lexington spent yesterday

L. A. Zorn of Oneida, N. Y., is stopping at the Barker. James H. Sullivan of Baltimore is stopping at the Barker. Mrs. William Allen left yesterday for a

visit to Kearney, Neb. James Thatcher and wife of Norfolk are stopping at the Barker. Mrs. A. Darlow departed last night to visit friends in Chicago. S. Kurtz of Aurora, Neb., is visiting in

the city on his way to Chicago.

John J. Trompen, sheriff of Lancaster county, is stopping at the Barker. T. J. Foley, superintendent of the Omaha & Republican Valley railroad, is visiting in Mayor W. S. Bourne, Coroner L. F. Nel-ion, Sheriff Lind Nelson and J. C. Emery

are prominent Bestrice arrivals stopping at

the Barker. Dr. J. E. Mann, accompanied by Mrs. Mann, will leave for Louisville, Ky., October 25, where the doctor has accepted the chair of eye, ear, nose and throat in the Southwestern Homeopathic Medical college. At the Millard: Oliver Ames, Boston; J. French, Cincinnati; W. H. Murphy, Grand Rapids; J. W. Taylor, Lincoln; A. Humphrey Lincoln; S. Carr, Boston; Charles E. Hub Lincoln; S. Carr, Boston; Charles E. Hub-bard, Boston; E. G. Hays, New York; W. F. Walters, New York; C. W. Marks, Chicago; H. H. Curis, Fort Atkinson; G. H. Ide, Den-ver; A. W. Gates, Kalamazoo; J. G. Van Patten, Davesport; M. A. Mihill, Chicago; E. D. Concannon, St. Louis; C. E. Tebbetts, Beatrice; W. R. Benedick, Chicago; William Andrews and wife Marshallown; T. J. Andrews and wife, Marshalltown; T. J.

granden service and the service of South Omaha News.

Character and the second second second

Yesterday aftermoon City Engineer Beal ordered Frank Pivonka to stop work on the building he is erecting across the alley from the South Omaha National bank. Pivonka took out a permit for a brick structure and announced at that time that he would put up a brick building. When the city engineer visited the place yesterday afternoon be found that the building was of frame with a veneer of brick. The building ordinance calls for a twelve-inch wall in the case of brick buildings. Pivonka was putting in only a four-inch brick wall, and this Mr. Beal considered dargerous. Pivonka wanted to put up a galvanized iron building, but could ot do so on account of the building ordinance. An attempt was made by certain nembers of the council and the mayor have the ordinance so amended and modified that it would not faterfere with Pivonka's plans. Some of the councilmen opposed nd it was impossible to obtain when a special meeting was called for the purpose. Pivonka tired of the delay and procured a permit for a brick structure. Just

where the matter will end is a question. Diphtheria is Feared. Physicians report quite a number of cases of diphtheria and several deaths have oc curred within the last few weeks from this Heese. Sore throat is prevalent and parents of school children are becoming alarmed. In the First ward parents are keeping their young children out of school for fear of contagion. At the Lincoln school a number of cases of diphtheria have developed and any number of the pupils have been com-plaining of sore throat. There is some complaint that the school board authorities are ot looking after the matter as they sho n that they permit children who are threatned with diphtheria to attend school the past there has been some trouble in havng contagious disease signs tacked on houses where it was necessary to warm persons away. The signs are being properly placed now as the authorities are evidently realizing the gravity of the situation.

Magie City Gossip. Albert Noe left last night for Cheyenne on

Miss Jennie Corval of Alliance is in the ity visiting friends. Captain William Kelly and wife have re urned from a trip to Iowa. Ed Hatcher has returned from Kansas, where he spent his vacation.

J. H. Butler, Crescent, Ia., was a busines isitor in the city yesterday. Joe Murphy, Armour's cattle buyer, has eturned from a trip to Chicago. Everyone must register this fall. The first ay of registration is on October 14. Quite a delegation from this city wen ut to the races yesterday afternoon. Charles Weston of Hay Springs was her C. C. Clifton has returned from Wisher where he went to look after business mat

A permanent sidewalk is being laid in ront of the Singer block, Twenty-fourth and N streets. The funeral of Josephine Foley, Albright held yesterday. Death was caused by diphtheria.

A motor train ran over and killed a fine greyhound on Twenty-fourth street yester day afternoon. A permit has been issued to P. H. Kiger a frame residence at Seventcenth and

It was stated yesterday that over \$,000,000 brick will be used in the eight buildings of the Armour site. Cuddington & Wilcox are building an office and large coal sheds on Twenty-eighth street

near the B. & M. freight depot. Harry L. Dennis has taken out a permit for the crection of a \$1,200 residence on Twenty-, bird atreet between G and H streets. The Good Templars have instructed Rev. J. O. Staples, Burton Rice and E. Rowland Smith, delegates to the grand lodge, which meets at Lincoln October 13, to use all honorable means to secure the '98 session for

The young son of Councilman and Mrs. W. B. Vansant, Twenty-fourth and F streets, is seriously ill with diphtheria. For several days the calld suffered with sore throat. is feared that the result may be serious. The Missouri avenue sewer is completed

Seventeenth street. Yesterday the engineer set the stakes from Seventeenth Twentieth streets. A junction is made in this sewer every twenty-two feet. The work will be completed before cold weather

JURISDICTION QUESTIONED.

ludge Scott's Position Assailed by Herdman's Attorneys. The court room in The Bee building, over which Judge Scott presides, was crowded with attorneys and interested spectators yesterday afternoon to hear the trial of R. E. L. Herdman on the charge of contempt of court in voting against the resolution which was passed October 1 by the Board of Fire and Police Commissioners relative to the dismissal of W. W. Cox from the police force. This is the resolution which was passed in pursuance of the order of the court and by which the resolution passed at the previous meeting, by which a number of officers were dismissed from the force, wa entire afternoon was occupied with the case which was then adjourned to Tuesday at 2 clock, when Mr. Herdman's attorneys will e given an opportunity to present some authorities in support of their position Mr. Herdman was represented by Attorneys Reed and Gurley and the former submitted the answer to the charges. Herdman practically stood pat and the answer con-tained no apology for his course. On the other hand, it plainly stated that the court had no jurisdiction in the matter and that the restraining order by which the Board of Fire and Police Commissioners was enjoined from discharging Cox was invalid in itself. The answer detailed the facts relative to the meeting of the board with the city council and other municipal departments to con fer in regard to the deficit in the city finances and cited the minority report of the council finance committee, in which the ne-cessity of curtailing expenses in the police and other departments was emphasized. It was urged that the restraining order enjoined the board from dismissing Cox upon charges aircady filed, or any "false or friv-olous" charges, but did not pretend to prevent it from making a reduction in the force for such reason as the lack of funds. It also alleged that Commissioner Herdman had voted against the resolution "in the due and legal exercise of his official discretion, in which he was not subject to the court," that the court had no authority to issue the restraining order anyway, and that the order itself was invalid on account of the fact that its terms were "vague and uncertain." The court commented at some length on the questions raised in the answer and his

remarks indicated that they were not likely to find favor. He read section 169 of the charter, which states that no officer should be employed or discharged for political rea-sons, and also that no member of the police or fire department should be discharged ex-cept upon charges filed and a subsequent hearing and conviction. He assumed that Cox was discharged because he was a re-publican, and intimated that the board had hatched up the explanation of a deficit in the fund as a mere present with which to He said that evade the order of the court. he was also informed that in voting Herd-man had remarked that he "didn't propose to be buildozed by Judge Scott's court or any other d-d court." If this proved to be true he proposed to find out what ought to be done and to do it.

Judge Scott further declared that it was

none of Herdman's business whether the order was legal or illegal. It was his busi-ness to obey it, and to do otherwise was anarchy, pure and simple. He stated that the answer contained no denial of any fact that was alleged in the information. The next thing the Board of Fire and Police Commissioners would be issuing injunctions on the courts. It was this thing that was the mat-ter with the country. The men whom the people put into office became bigger than the people who put them there. mented satirically on a number of quotations from the answer and then announced that he was ready to hear the evidence. The testimony consisted mostly of the

Rings Tonight

Saturday evening at 10 o'clock we bid the old store good bye. From that hour until seven o'clock Monday morning every man in The Nebraska will get a chance to contest with the champion clothing carriers of the world, whom we have engaged to help us move. At the usual hour Monday morning you will find us ready to receive yourself or your money at the new corner-Farnam and Fifteenth. If you should find things a little upset to commence with, just pitch in and help us straighten-and if we are all too busy to wait on you, just help yourself. That's one beauty of trading at The Nebraska. You can always wait on yourself. All you have to do is to pick up anything you want and look at the price ticket. If you feel like paying more than it's marked for anything, remember that eggs are four dollars apiece in Klondike, but you can get a very fair egg in Omaha for about one cent. The price depends on the place. The Nebraska is the

Nebraska Clothing Co

Milton Rogers & Sons,

SOLE AGENTS FOR-

RADIANT HOME STOVES.



THE GENUINE ROUND OAK STOVES.

MONITOR AND MAJESTIC STEEL RANGES

THE STAR, BARLER'S IDEAL

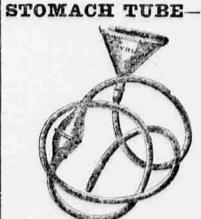
RELIABLE OIL HEATERS.



PENINSULAR STOVE COMPANY ······ DETROIT ······· CHICAGO ······ BUFFALO ······

A FAIR FACE CANNOT ATONE FOR AN UNTIDY HOUSE." USE

SAPOLIO



Scofield **Gets New Goods** Every Day--Selling Cheap.

Misses' Jackets-

Ladies' Cloaks-

Best ansor ment of good clocks in Omaha-will be pleased to show them and tell the prices. We know they are low.

CLOAK & SUIT CO.

1510 DOUGLAS STREET.

Today we show new sateen petitioats at \$1.35, which people tell us are not equalled anywhere under \$1.75.
"Near Silk" Petitioats at \$2.59 that will wear much better than infleta silk at \$10.
Moreon Petitioats at \$2.00 as good as usually sold at \$3.00. The above cut shows a tube which is use or washing out the stomach. This should good anywhere less than \$5.00—nothing as the used only upon advice of physician.

be used only upon advice of physician. We sell a first-class family syringe for 50c. Write for catalogue.

records of the board and other documents bearing on the transaction, which have pre-viously been made public. Clerk Weishans and Commissioner Peabody were called for the purpose of showing that Herdman had made the remark that had been attributed to him by the court, but both denied that they had heard him say anything deroga

tory to the court or its order. Arnold's Bromo Celery cures headaches.

If you are going to New York ask for tickets over the Pan Handle Route of the Pennsylvania Lines-the Lower Fare Line from Chicago. Ticket agents of connecting railways in the west will sell them. Through trains depart from Chicago Union Station over this route at 10:30 s. m. and 9 p. m. For special information sidress H. R. Bering. Assistant General Passenger Agent, 248 South Clark St., Chicago.

BURLINGTON ROUTE. \$5.80 to Kansas City and Return

In cases not readily cured by the family physician, a short course of treatment at the SHEPARD MEDICAL INSTITUTE may give you quick relief, SPECIALTIES: — Catarri and all curable diseases of men each department Tel. 1138. Consultation Free.

Chronic Diseases

SHEPARD MEDICAL INSTITUTE October 3 to 9. Trains leave Omaha 9:05 a. m. and 10 p. m. Chair, sleeping and dining cars. Get tickets at 1592 Farnam st.

and women. Specialists in