SIMILABITY IN CASES.

DISMISSES WITHOUT PREJUDICE.

GEV. MILES SUBMITS HIS REPORT.

Commends Efficiency of Army and

WASHINGTON, Oct. 22.-General Miles,

najor general commanding the army, has made his report to the secretary of war. In

it he makes reference to reports of the gen-

eral and other officers subordinate to him in

"The army, although insdequate in being

of numbers, was never in a higher state of

efficiency, both as to character and qualifica-

lons of its officers and intelligence and loyalty of its soldiers. The progress that

has been made on the Pacific coast in the

establishment of modern batteries of artillery have made it necessary to occupy new

ment and will soon become a most formidable

part of the defense of the harbor of San

report that very active and earnest work is

ing done in putting the important fort i

s in progress all along the Pacific coast and

specially at San Diego, Cal., and will in line be completed at the mouth of the

Columbia river and also the entrance to Puget Sound, Washington.

General Merriam, commanding the Depart-

nent of the Columbia, especially to the im-

portance of a larger garrison at the entrance of the Columbia river, Oregon, and to his

report on the condition and necessities of the

"As all the other territories have been oc-

cupied by military posts and appropriations have been made for military roads and es-

tablishment of telegraph lines, bridging of rivers and, in fact, alding and blocking out

the way for occupation of the vast territori-

by citizens, it is deemed but just and advis able that the same liberal spirit should b

manifested toward that great and important

opinion, be advisable to have its waters thoroughly examined by such of the navil force

as could be used for that purpose, and as military reconnoitering and exploring par-

ties in past years have been sent into the

ter, resources and necessities, this, in m

judgment, should be continued on a larger and more liberal scale. While there is now

no conflict between the population composed of some 20,000 Indians and the white ex-

plorers and settlers, as the former are su

plied with modern arms, they may beconturbulent and troublesome. Such has been

the history of nearly all the tribes in othe territories. Hence it would be but reason

able to anticipate the necessitles for mil-

dishment of at least three military posts

support the civil authorities, to give protection to the white settlers and to aid in main

taining law and order in that remote part

of our country.

"The condition of the Indians generally

is better today than it has been for many years, and during the last year there has been no serious disturbance of the peace. It was a wise provision of congress that au-

thorized the president to detail experience officers of the army to act as Indian agents

subject of coast defenses and most beneficial results are now becoming apparent. Approxi-mately \$25,000,000 have been appropriated by

the government, which is nearly one-third of what is required to put the country in a safe

condition of defease. Although the general desire of our people is to maintain a condi-tion of peace with all nations and the policy

of the government is one of god will and peaceful relations with all others, yet noth-

ing could be more fujudicious than to re-main in a condition of insecurity and permit

the lives of millions and the accumulated

wealth of many generations to be destroyed

or endangered by any foreign power with which we are liable to come in contact." He recommends forfification appropriations

in the southwest as follows: Approaches to Mobile, Ala., \$397,000; approaches to New

Mobile, 3319,000; Galveston, Tex., \$412,000; Orleans, \$319,000; Galveston, Tex., \$412,000; San Deigo, Cal., \$725,000; San Francisco, \$1,336,000; Columbia river, \$605,000; Puget

He recommends strongly an increase in the

army of at least two additional regiment of artillery, saying that by the Slot of De

of artillery, saying that by the 31st of De-cember a number of positions will be armed in part or fully with modern ap-pliances of war and that in these important positions there are no troops stationed and none available for as-signment to those positions without tak-ing them from other stations where they are

He also urges the necessity of adding five infantry regiments to the army and recom-

present imperatively required.

ound, \$1,140,000.

and I trust this system will be continued "During the last ten years much attention has been given by the government to the

tary forces in that territory by the estab-

"As far as practicable it would, in my

"Attention is also invited to the report of

"It will be noticed by General Shafter's

rank. General Miles says in part:

Makes Recommendations.

I move to dismiss this case without preju-

General Symth said

# Special Underwear Values—



On Saturday morning, as represented; these

out of our regular stock and we prefer to make one quick sale he might be killed in a wreck, and her of it than to have them on our shelves this winter—hence the extreme cut in prices. This lot is composed of Men's, Ladies' and Children's Knit Underwear and any one that can be fitted can make a big saving in winter underwear purchases,

Ladies' Ribbed Wool | LADIES' COATS, We have hundreds UNDERWEAR Vests, some long and CAPES AND SOC EACH— some short sleeves, SKIRTS sold at \$2.25 each, now

A few Dr. Warner's Wool Combination Suits sold at \$4.00, and vests sold at \$2.25, small sizes only-now 50c each. Ladies' Ribbed Wool Combination Suits, mostly short sleeves, sold at \$4.00 per suit—now 50c each.

Ladies' Ribbed Wool Drawers and Tights sold from \$2.00 to \$2.75 per pair-now 50c per pair.

Ladles' Black Ribbed Woo! Tights, small sizes, mostly knee length, sold at \$1.25 and \$1.35 per pair, now 60c per pair. HOSIERY-Ladles' Fast Black Cotton Hose, with double toe, sole and heel, would be good value at 25c. now 18c a pair-3 pair, 50c.

Ladles' Black Fleece Lined Hose, with Maco soles high spliced heel and double toes, 35c a pair—3 pair, \$1.00. CHILDREN'S Children's white wool,

UNDERWEAR also white merino 25c EACH-Vests, button down the front, flat goods, sold from 60c to \$1.20 each, now 2 c each. Misses' fine Ribbed Cotton Vests and Pants, good weight, sold at 40c and 50c each—now 25c each.

Children's Scarlet Wool Underwear, small sizes only, 25c each. One lot of Boys' Heavy Cotton Ribbed Shirts and Drawers, sold at 35c 49c and 45c cach—now 25c each.

One lot of Misses' Ribbed Fleeced Cotton Union Suits, sold at 50c and 60c each, new 25c each.

This lot of Men's Un-UNDERWEAR derwear is composed of 69c EACH natural wool, striped wool and sanitary wool fleeced garments that sold at \$1.00, \$1.25 and \$1.50 per garment.

Also about two dozen of Men's Medicott Scotch Wool Underwear, full regular made, that sold at \$3,00 per garment—

TIGHTS Saxony Equestri-\$1.25 PER PAIR— enno Tights, length, size 3 only, sold at \$2.00 per pair -now \$1 25 per pair.

Ladies' Black Silk Tights and Drawers ankle and knee lengths, sold at \$5.00 and \$6.00 per pair-now \$2.00 per pair. NOTIONS- Special attention is directed to our complete line of Dress Stays, Binding Ribbons, Bone Casing, Dress Shields, and Skirt Bindings, in fact everything in Dress findings at very reasonable prices.

A large assertment of Black Rubber Dressing Combs at 10c, 15c, 20c, 25c, 30c, 35c 40c and 50c each, Fine Combs at 5c, 19c, 15c and 20c each, Pocket Combs at 5c, 10c and 15c each.

GLOVES- The finest line of Kid Gloves in all the new shades both in laced and clasps-also a good Scotch wool bicycle or driving gloves for 50e per pair.

Oct. 23, we will place on sale all of the Odd Lines | Sally incompetent to sign the instrument. | Dr. George Tilden, commissioner of instalt. season's Knit Underwear, and will close them out at extremely low prices. The prices quoably low, but we guarantee every value to be goods have been taken

SKIRTS-

ladies' garments marked at prices that it will be impossible to duplicate Ladies' White Ribbed Cashmere Vests, some long and some short sleeves sold at \$1.00 and \$1.25 each—now 50c each. cloaks is that they will bear home inspection and every one sold is our best advertisement, selling as we do Cloaks in sixteen states, accounts for the fact every week.

25c, 59c and 75c each.

at 35c, 50c, 50c, 75c, 85c, \$1.00, \$1.25, \$1.50 \$1.75, \$2.00, \$2.25, \$2.50 \$2.75 and \$3.00 each Ladies' Knitted Skirts, all wool, in black and colors, at \$1.09, \$1.59, \$1.75, \$2.00 and \$2.25 each.

FURNISHINGS- bocker Shoulder Brace and walk upright in life-prices 75c, \$1.00 and \$1.50 a pair.

The "Pitchmie" patent perfect fitting un laundered White Shirt, only \$1.09-for mer price \$1.25.

Men's Natural Wool Underwear, goo quality-20c a garment.

Men's Sanitary Australian Wool, jerse ribbed, steam surunk shirts and draw-ers-\$1.00 each.

Fine Camel Hair Shirts and Drawers

Men's Stuitgarter Sanitary all wool Night Shirts-\$3.50 each, former price \$5.60.

YARNS- We carry a carefully selected stock of Yarns, which are still selling at the old prices.

Fleischer's German Knitting Yarn-25e per skein.

Starlight Knitting Worsted-30c per skein

We carry some very fine yarns for fancy work. Such as

Fleur de Lis Flors,

## Attorney General Smyth, however, made no further attempt during his case in chief to get the instruments in. The objection was

sustained, With this, Attorney General Smyth gave with this, Attorney General Smyth gave up all further attempt to bring the waivers before the Jury. He proceeded than to rebut the defense of Mary Fitzgerald, that she was insane over the death of her husband. Illness of other members of her family and the mysterious absence of her son at the time she signed the bond, and was therefore leading

and broken sizes of last for the county, was the first witness called to the stand in rebuttal. To him Assistant Attorney General Smith read a long synop-sis of the condition of Mrs. Fitzgerald and the circumstances surrounding as disclosed by the evidence of the defense, and asked the witness if the woman was, in his opinted may seem unreason-

KIRKPATRICK SAW THE BOND. During the cross-examination, General Cowin assumed the part of an actor for the benefit of the jury. In his questions he recited in very plaintive terms the grief of the woman over the death of her husband.

up with emotional stress:
"Do you think that a woman under such ircumstances is as capable of transacting usiness as if her life was all sunshine?" The physician would not answer directly yes or no without an explanation. He said the woman might be troubled with an emotional trouble and still have her intellectual upon hundreds of faculties unimpaired.
J. S. Kirkpatrick was called for the

purcose of rebutting the testimony of ex-Sectetary of State Piper and his deputy, Evans. The former had testified that Governor Holcomb had at once handed back the bond to Bartley on January 3, 1895, without filing it. The latter testified that the bond had not been filed until after January 3, 1895.

The witness swore that at 11 o'clock on in sixteen states, accounts for the fact that our stock is being renewed almost overv week.

the night of January 3, 1895, he had examined the document with Governor Holcomb. To the best of his recollection the endorsement was on the back, showing that the bond had been filed on that day,

STATE OFFERS INSTRUCTIONS. When court reconvened in the afternoon he court room was crowded, the crisis in he case having become noised about. Atorneys in considerable numbers were pres-As soon as Judge Powell was seated

"We rest," your honor.

The defense also stated that it had no further evidence to introduce and the jury was once more called into the court room But Attorney General Smyth had not yet given up and presented some inctructions which he wished given to the jury and inthat he wanted to argue on the matter. The jury was again excused from the orney general were as follows:

"You are instructed that if you find from prependerance of the evidence that the hand sued on was delivered by the defendant Bartley to the secretary of state and by him was filed on January 3, 1895, and afterward, but on the same day, was delivered to the governor of the ctate for the purpose of having the same approved; that the governor retained possession of said bond for the purpose of examining the sufficiency of the sure es thereon and returned thereupon said bond to the secretary of state's possession, where it remained until the end of Bartley's term of office on January 7, 1897; that the said Bartley, claiming under said bond and his oath of office, filed January 3, 1895, as well as by virtue of his election by the people of the state, to be treasurer de jure and as uch continued in the office of state treasurer onjoying the emoluments and perculsites thereof until January 7, you are instructed to find that he and his sureties are estopped from denying that he was de jure treasurer and from denying their liability on the bond unless you further fird that the defendant. Mary Fitzgerald, was at the time she signed the bond of unsound mind; in the latter event you will find in favor of the defendant. Mary Fitzgerald."

SMITH MAKES A PLEA. Attorney General Smyth argued in the same tenor as the instructions read. He was followed by Assistant Attorney General Smith, who devoted his remarks largely to commenting upon the attitude of the court. he said that it was a remarkable coincience that on June 22 Bartley was convicted embezzlement and that four months afterward to a day in a court room across the hall a jury was to be instructed to return a verdict declaring that he did not embezzle the funds. He did not pretend to say which court was right, but he could not understand how they could so differ. In the room in which he was now standing the court had ecided that, notwithstanding that Bartley had occupied the office and held it for two years, yet because the governor falled to write his approval on the back of the bond the office became vacant and Bartley was not responsible for his acts. If the office was vacant Mr. Smith could not see how in the curt room across the hall Bartley had been entenced to the penitentiary because he had een charged with the safe keeping of the state's money and had failed to keep it safe. "In order that all who run may read," shouted Attorney Smith, "I think your honor should supplement your instructions as fol-lows: That, notwithstanding Bartley took oflee and offered a good bond, yet this court holds that he is not liable because Holcomb did not write something on the back of his

POWELL GIVES AN OPINION The defending counsel said nothing when he state's attorneys had concluded and Judge Powell then refused to give the instruction

the jury, speaking as follows: It would serve no useful purpose to again review this question of law which has been discussed so many times during this trial. It is the law of this state, as provided in section 15, chapter x, of the Compiled Statutes.

"If any person elected or appointed to any office shall neglect to have his official bond executed and approved as provided by law and filed for record within the time limited, (which in this case was January I, 1850, by this act, his office shall thereupon ipso facto become vacant, and such varancy shall thereupon immediately be filled by election or appointment as the law may lirect in other cases of vacancy in the same office."

direct in other cases of vacancy in the same office."

This, it seems to me, is so plain that he who runs may read, and that no person who can read ought to misunderstand, especially when supplemented by the decision of our supreme court in the Lansing case, which reads in part as follows:

"It will thus be seen that the overwhelming weight of authority, under statutes much less mandatory than our own, is to the effect that where a time is prescribed within which one in order to be inducted into an office must take the oath or file a bond, the taking of the oath or the flight of the bond is at condition precedent to the right to enter upon the office, and that the right is absolutely lost by a failure to perform the conditions within the time limited. We therefore think that whether the result

## A LITTLE SUFFERER

Face, Hands and Arms Covered With Was Effected.

"When five years old my little boy had scrofula on his face, hands and arms. It was worst on his chin, although the sores on his cheeks and hands were very bad. It appeared in the form of red pimples which would fester, break open and run and then scab over. After disappearing they would break out again. They caused intense itching and the little sufferer had to be watched continually to keep him from scratching the sores. We became greatly alarmed at his condition. My wife's mother had had scrofula and the only medicine which had helpd her was Hood's Sarsaparilla. We decided to give it to our boy and we noted an improvement in his case very soon. After giving him four bottles of Hood's Sarsaparilla the humor had all been driven out of his blood and it has never since returned." WILLIAM BARTZ, 416 South Williams St., South Bend, Indiana.

You can buy Hood's Sarsaparilla of all druggists. Be sure to get only Hood's.

Hood's Pills care Liver lils : easy to take,

y of the authorities the statute itself, clared in unmistak-an official bond is ed within the time hat its filing within edent to the induct-erson elected. Assistant Fostmaster General Heath Submits His Annual Report.

POINTS OUT WHERE MONEY CAN BE SAVED

Free Rural Delivery One of the Coming Demands of the System. Valuable Statistics Concerning the Service.

WASHINGTON, Oct. 22.-The report First Assistant Postmaster General Perry

and not for the consideration of the court.

SIMILARITY IN CASES.

That (the Larright case) was a case where to file the bund in time. In this case that same question is urged, and as to that particular fact there is some room, persit in the file of the same to file the bund in time. In this case that it is approved. The approval of each official bond shall be filed and recorded until so approved.

Under this section of the statutes it matters little whether this bond was taken to the office of the secretary of state on January 3, endorsed as having been filed at that the office of the secretary of state on January 3, endorsed as having been filed at that this bond was not approved until the 5th of January, it is manifestly impossible in the face of this statute that it could legally have been filed prior to that date.

Tais court would go to any length consistent with what it conceives to be fits duty to save the state of Nebraska and construed by the supreme ourt I can see but one think for any district court to do, and that is to say that in fals case there having been no approval within the time prescribed by law, that there could be no legal filing.

When the court bad completed Attern.

Washington, Oct. 22.—The report of first Assistant Postmaster General Perry 5.

Heath for the fiscal year ended June 30 was made public today. The following is an abstract:

Steath for the fiscal year ended June 30 was made public today. The following is an abstract:

Screal attention is called to the necessity of additional facilities for the division of salaries and allowances, but above all other recommendations is placed one making provision for a small corps of special agents—about ten—who are expert accountants fa-military with real estate values, to inquire in the field into postmasters' requisitions and demands, and to reach a just ascertain demands and to reach a just ascertain demands and to reach a just ascertain of the field into postmasters' requisitions and demands, and to reach a just ascertain of the filed use of specific appropriations. Two assistant superistendents of free delivery system have been appointed, one to be located at When the court had completed, Attorney New York, and the other at Chicago, with proper plenary powers and primary jurisdic-

The court responded that it was his privipostoffices, embracing 169 first-class, 750 second class and 2,814 third class. The net increase for the year in the salaries of the lege to do that, and for the last time the jury was brought into the court room. The court dismissed it with the following words: postmasters at these offices is \$97,600. Their aggregate salaries are \$230,800. With the "Gentlemen of the jury, the state's attor-ney has seen fit to dismiss this case without consolidation of the present independent postoffices within the limits of the new city prejudice, as he has a right to de. This action is therefore dismissed and you are of New York a saving of at least \$62,723 in discharged from further consideration of it.

You have borne your confinement with cheerfulness, and I have heard none but the best reports of you from the bailiffs in charge. The court therefore thanks you."

A number of the jurymen responded, and the whole number left their seats with should not only repeal the law providing alacrity and smiles on their faces. They alacrity and smiles on their faces. They that no postoffices established at any county had been in confinement since October 1, seat shall be abolished or discontinued by the work of empaneiling the jury having reason of any consolidation of postoffices reason of any consolidation of postoffices under the existing law, but should also aubeen begun on the day before.

At the conclusion of the case Attorney General Symth said that the case would be tried again during this term of court. thorize the postmaster general to extend consolidation wherever, in his belief, the service may be thereby benefited. He will at once file a new petition, which will set up the allegations in the amended petition he offered, and will include the waivers of the aix original boolsmen. He include that it is his right under the statutes

ESTIMATES FOR NEXT YEAR. The estimates for the fiscal year ending lune 30, 1899, embrace \$16,250,000 for con ensation of postmacters; for clerk hire \$11,300,000; rental and purchase of can-celling machines, \$125,000; rental, fuel and light, \$1,750,000; miscellaneous items and furniture, \$200,000, and advertising, \$20,000. A plea is made for the purchase of the postal stations in the larger cities and that to call any state case to the head of the docket, and he will avail himself of this privilege to theve the new trial occur during the present term of court. or the reselas-ification of postoffice clerks enewed. The estimate for the free delivery ervice for the fiscal year ending in June, 899, is \$13,810,400. Since the close of the iscal year, June, 1897, the service has been stablished in more than forty offices and efore the close of the current year all offices utitled to the service will receive the same Domestic and International money order \$188,071,056; aggregate number of payments and repayments, 25,580,596, amounting to \$189,141,669. There were 5,967,969 pieces of original unclaimed matter received at the dead letter office, a decrease of 278,403. The special letter and collection boxes

perated in Baltimore is connection with th public street car service is held to be suc-essful, and when appropriations permit wil be extended to other cities. The afflying of letter boxes to the ordinary street cars to facilitate mail collection is also to be

ground and to adopt a new system of de-fense. The very commanding position known formerly as Lime Point and now as Fort Baker has received a portion of its armataken up
The total appropriations made by congress
for overtime claims of carriers up to date iggregate \$2,820,000. Total claims allowed this ratio will reach \$3,500,000.

Rural free delivery has been put to the test of practical experiment in twenty-nine states and over forty different routes. The co-operation of the communities served has n every instance been effectively given. The conerally satisfactory results suggest the generally satisfactory results suggest the easibility of making rural delivery a per panent feature of postal administration in he United States; not immediately or in all listricts at once, but in some gradual and graduated form regulated by the present experiments. Public policy requires some dvancement to be made and that the postal rvice should be brought more into line dvancing prosperity and increasing popula ion. Sooner or later the United States will have to follow the lead of the more densely populated countries and establish a delivery ervice over all the settled portions of the ast territory. Under wise restrictions it can be extended with great advantage to a class of our citizens who rightly or wrongly deem themselves neglected in legislation—the agricultural class—and without serious detri-

### ON RURAL PREE MAIL DELIVERY Heath Makes a Favorable Report of

the Experimental Efforts. WASHINGTON, Oct. 22.—(Special Teleram )-The report of First Assistant Post master General Heath, which was made pubic today, says that the rural free delivery connection with the postoffice at Tecumseh, Johnson county, Neb., is a success There are four carriers in service at salarie: f \$300 per annum. Service was established Sevember 7, 1896. The population served is 700 and the area covered is thirty-two quare miles. Each carrier travels abou wenty miles each day in making deliveries rom date of establishment to July 1 las 6,556 pieces of mail were delivered and col ected. In summing up this service Mr Heath says: 'Nemaha township, Johnson county, Neb., in which the rural free delivery was inaugurated last year, is one of the most populous districts of that great agricultural state. Each of the four carriers ho start from Tecumseh postoffice, make heir daily trips of twenty miles or more applying about sixty families. Only favorable eports are received of the service and of the p-operation of the farmers in making it

In the service at Morning Sun, in Louisa county, Ia., four carriers were employed The service was established November 10 1896, and 46,043 pieces of mail were delivered and collected up to the date of repor at an average cost of 1.35 cents for each plece. The report says: "Morning Sun is a rillage of about 1,000 inhabitants, surrounded by an average thrifty farming community The territory reached extends five miles north, three and one-half miles east and south and four miles west over roads which are exceedingly heavy in wet weather. Four carriers are employed, each traveling an average of twenty-three miles a day, occupying from five to six hours. The entire territory covered is about twenty square miles. A number of farmers' houses in this part of the state are from a quarter to half a mile from a public highway. In order to make the experiment a success it was therefore, necessary to enlist the active old of farmers in erecting boxes by the roadside. This they have done, and express them-selves much gratified with the service." An additional rural route was established

Natural Coffee

Is made of grains. FOSTUM

by .....

PHYSICIANS. SET OF SETTE SET SET SET SET SET SET SET

Is recommended

at New Providence, Hardin county, in the central portion of the state in September, 1897. No report is made of this service.

REPORT OF ALASKA'S GOVERNOR. John G. Brady Tells of Resources of

the Northern Territory.

to endure hardships. As a class they rank

far above the average manhood of the country. Lumber is in demand and lots are selling as high as \$1,500. Americans are auxious to secure a route to the Yukon which

shall be entirely upon United States terri

carefully examining the mountains between Yakutat and Cook inlet. This is the third senson of the work in Cook inlet. The ex-

citement over the Klondike has drawn many away from that district. Nevertheless the

output of gold this year will be no mean sum. The possibilities of the whole region

bordering upon this inlet and upon Prince William Sound will draw crowds of adven-

NEW DESIGNS FOR PAPER MONEY.

of Notes.

WASHINGTON, Oct. 22.-The cabinet ses-

sion today was very brief and devoted to de-

partment matters. Neither foreign affairs nor

ion of the advisability of a reform in the

are at present in current dee three classes

of government paper money—silver certifi-cates, treasury notes of 1890 and United

States notes or greenbacks. In each there classes there are nine denomination

making twenty-seven in all, each being re-

esented by a special design. Secretary lage's plan is to have one design for the

three \$1 notes, another for the \$2 and so on up to \$1,000, the highest. In order that the three classes of paper

ency may be readily distinguished the seals

nd the numbers in each class will be printed

distinctive colors. The secretary argue

but the new designs would in a great measure

re prevent the raising of notes, as the

lesign would at once identify the denomina ion independent of the numerals. The secre

tary had with him et the cabinet meeting samples of the new designs and all of the

nembers present expressed themselves as

urers in the near future.

WASHINGTON, Oct. 22.—The report of Prent, Jr., Osceola, typographical adding ma-John G. Brady, governor of Alaska, for the last fiscal year has been submitted to the Surveying the Sent Islands. secretary of the interior. It establishes the WASHINGTON, Oct. 22. General Duffield present population at 30,000 natives and 10,000 of the Coast and Geodetic survey has received whites; predicts that with reindeer transporword from the Pribyloff Islands under date tation mails can be sent all over Alaska durof September 6, which indicates that the ing the winter and recommends that \$100,000 party now engaged in the survey of the seal islands, under the direction of his son, will appropriated for government buildings and \$60,000 for schools. It says nothing has so retarded Alaska's substantial growth as the helplesaness of settlers to obtain titles. complete their labors this season. The in-formation was that the survey of St. Paul's Walrus and Otter Islands and their rookerie had been finished, leaving St. George th to their homes on account of the failure of had been finished, leaving St. Ge congress to extend the general land laws and only island at that date unsurveyed. urges congress to create a commission of five

one cenator, one representative and three
bons fide Alaska residents—to codify taws for

Daily Treasury Stactment. WASHINGTON, Oct. 22.-Today's state. Alaska. The secretary of the treasury is urged to confine the hunting of sea otters ent of the condition of the treasury shows: Available cash balances, \$209,884,366; gold to the natives, for, "If the white man is not shut off at once the Aleuts will have to be eserve, \$151.663.489.

tumwa, means for securing attachments to sewing machines; Truman M. Paddock, Per-cival, machine for tapping sorghum; James

C. Perkins, Inwood, roller attachment for sleight; Alfred B. Seny, Leslie, woven wire

slipper; Reubeu O. Stutsman, Des Moines, portable newspaper cabinet; Thomas A.

cared for by the government."

Reviewing gold operations, Governor Brady says: "Shipload after shipload of gold seek-North Carolina Bank Failure ASHEVILLE, N. C., Oct. 22 - The National bank of Asheville has closed its doors. No says. "Shipload after shipload of gold seeks ors and their freight has been rushed to the extreme limit of sait water navigation (Lynn canal) and there they have been literally dumped on the beach, some above high water and many below, as they learned to their sortow when the water covered them as they slent. The gold seekers have had a territory water than the same of the bank will have \$100,000 slent. The gold seekers have had a territory that amount can now be paid out before closing time. The bank will have \$100,000 slent. and many below, as they learned to their sor-row when the water covered them as they asa tomorrow.



Plan Which Will Prevent the Raising is suffering from weakness and disease of the organs distinctly feminine, and neglects to take the needful remedy, she is running the risk of great suffering, the loss of her baby, and possibly the loss of her own life. This is a great and unnecessary risk to run. By takthe Union Pacific foreclosure sale was discussed. Secretary Gage presented the quesing the proper precautions during the ex-pectant period, she may avoid the usual dis-comforts, and make it certain that the coming of baby will be safe and easy withdesigns of United States paper money. There out danger either to the mother or child.

The best of all medicines at this critical time is Dr. Pierce's Favorite Prescription. It cures all forms of weakness and disease peculiar to women. It does away with the nausea of the period preceding motherhood. It makes parturition easy, painless, and free from danger. You can get it at the drug store. If you want to know more about it, write to Dr. R. V. Pierce, chief consulting physician to the Invalids' Hotel and Sur-gical Institute, Buffalo. N. Y.

Mrs. Emma Crowder, of Anthoston, Henderson Mrs. Emma Crowder, of Anthoston, Henderson Co., Ky, writes: "I was once a sufferer from female trouble. Have been using your medicines for it and have been almost entirely ented. I can truthfully say that one bettle of your 'Favorite Prescription' did me more good than our family physician did in six months. He attended me for womb trouble previous to the commencement of taking your medicines and following your advice. It is now my firm belief that I would have been cured years ago if I had taken your medicine sooner.

oan be propared. Before the cubinet meeting ex-Secretary Carlisle saw the president, but would not visit. Senator Bacon of Georgia saw the ovesident and urged the pardon of Louis Red wine, formerly cashler of an Atlanta bank low confined in the Columbus, O., peni

CANDIDATES FOR THE DEGREE. These Will Be Allowed to Take the

Scottish Rite. WASHINGTON, Oct. 22,-The suprem ouncil, Scottish Rite Masons, passed favor ably upon the nomination of persons for membership in the thirty-third degree among the number being the following: Kansas-Homer Caleb Bowman, Thoma

Wentworth Harrison, Charles Gilbert Col. ourn, Topeka; George Lee Pratt, Fitch, Samuel Harvey Homer, Henry Wallentein, James A. Conley, Wichita. Nebraska-Henry H. Wilson, Gustav Atderson, Marlin Dunham, Lucius Richards Claude Lorain Talbert, Ompha.

South Dakota-William Henry Harrison, Beadle; Frederick Adolph Brecht, Oscar Sherman Gifford, Yankton; Edward Tare Taubman, Abordeen. Wyoming-Senator Clarence D. Clarke.

Iowa — George Martin Curtis, Charles Franklin Curtis, Benjamin Smith Woodward, Silas Wright Gardiner, William Perrine Wat Clinton; John Coggeshall, Macy; nando Alanzon Perceval, Albert Head, De-

POSTPONES EXCHANGES OF TROOPS Cincinnati Objects to the Removal of Sixth Infantry.

WASHINGTON, Oct. 22.—The heavy pressure brought to bear upon the War department to prevent the removal of the Sixth nfantry from Fort Thomas, near Cincinnati, has had the effect to postpone for a time the projected exchanges of stations of troops The War department has been defined in at the Sixth to remain near Cincinnati until next August, when the Grand Army of the next August, when takes place. Sec-The War department has been urged to allow Republic encampment takes place. Sec-retary Alger intended to place these troops in Texas, in consideration of the fact that they had been seven years at their presenstation, while the Twenty-third infantry which was to take its place, had been for about the same length of time at Fort Clark n Texas. The Eighteenth infantry, which i listributed between Fort Bliss andl For Sam Houston in Texas, has been even longer in that country, their detail running back nine years and three months, so Secretary Alger is about to bring them to Jefferson barracks, near St. Louis.

Appointments by the President. WASHINGTON, Oct. 22.-The president nade the following appointments today: Consuls-John Howell Carroll of Maryland at Cadiz, Spain; C. B. Harris of Indiana, a agasalli, Japan; William Wallace Mills o Texas, at Chibushua, Mexico: Oscar F. Wil-liam of New York, at Manilla, Philippine islands; William Martin of New York, at Ching Kiang, China Indian Agents-John H. Sutherland, at White Earth Agency, Minnesota; John W.

Harding, at Yankton Agency, South Dakota Colonel Peter C. Haines, corps of engi-neers, U. S. A., to be member of the Nicaragua canal commission.

Robert C. Schenck, to be arsistant pay master in the pavy.

Denies She Has Abdicated. WASHINGTON, Oct. 22.-With reference t reports to the effect that ex-Queen Lilius kalani had formally abdicated in favor of he niece, Princess Kaiulani, the ex-queen in person gave to a representative of the Assoclated Press the following authorized statement: "There is no truth in any report that I

have abdicated. No official action has been taken during the meeting of Kalulani with me. The question of politics did not pass our lips. Kalulani came from New York to see me before going to San Francisco and left this afternoon for San Francisco. Such reports are spread by my enemies with view to injuring me."

Monetary Commission. WASHINGTON, Oct. 22.-The monetary

ommission today adjourned until November 2 next. It is understood that a practical agreement has been reached as to the general outlines of a plan for a reform in the currency, and that soon after it reassembles it will prepare for the public a statement of its conclusions. The nature of this state-ment has not been made public.

Patents for Western Inventors. WASHINGTON Oct. 22 .- (Special.) -Pat ats have been lesued as fellows:

Nebraska-Frank T. Clark, Omaha, deliv ery slip holder; Harry E O'Nelil, Omaha, black for commercial reports. icine sooner.

To further eulogize the good merits of your medicines will say that before taking your medicines I had miscarried twice, and since taking it have given birth to a fine healthy how who is a pride of the household. Hesides this my monthly periods used to be accompanied with terrible pains and uneasiness and cramps, and your medicines cured that." Dr. Pierce's Pellets cure Constipation.

In Pictures

Part III Now Ready For Distribution.

Bring 10 cents to The Bee office, either in Omaha or Conneil Bluffs. Mailed to any address on receipt of 10 cents in coin.

Mothers! Mothers!! Mothers!!! Mrs. Winslow's Soothing Syrup has been us of over 50 years by millions of mothers f helr children willo teething with perfect so cess. It southes the rails, aftens the g.ms, allays all path, cores wind colle, and is the best remedy for Distribon. Sold by druggists in every part of the world. Be sure and ask for "rms. Winslow's Southing Syrup' and take no other kind. 25 cents a bottle.

BOYD'S Paxton & Burgess, Managers, Telephone 1919. TODAY 2:30.

AMUSEMENTS.

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OLE OLSOM With the great Bleyele Race Feature Presenting

JOHN LAWSON Prices-25c, 50c, 75c, \$1.60. Matinee-25c,

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MONDAY, TUESDAY, WEDNESDAY, MATINEE WEDNESDAY, ..., OCT. 25-26-27....

PULSE OF NEW YORK.

TWELVE BIG SPECIALTIES. BUILT TO AMUSE A FAVORITE LAST SEASON. MATINEE-75c, Me. 15c, 11.60.

E. BURTON HOLMES, Illustrated Lectures

First Congregational Church

Cities of the Barbary Coast, Tuesday, Cet. 26th fellowatene Thursday, Cet. 28th Oyeling brough Coston Saturday, Oct. 30, 8,15 p.m. Course tickets, transferable, \$1.59, single regels 75c. MOTELS.

The Millard C ATRALLY LOCAT ID. STALL American pinn, \$2.50 per day up. European pinn, \$1.00 per day up. J. E. MAKKEL & SUV. Props.

BARKER 1 ( ! 11.

THIRTEENTH AND JONES STREETS. blank for commercial reports.

Iown-Nicholas Bray, Dubuque, range Inder; Thomas F. Gilchrist, Oaksloom, beyel boarders.

| Dick Smith Manager.

sing any opinion as to whether, if the waivers had been introduced in evidence, the bond and those instruments would have bound the sureties. I certainly think that the state cannot recover on the bond."

Will your honor please give us until 2 p'clock to determine what course to purtemporarily ruled the waivers and approval

FASCINATORS Wool Fascinators, in AND SKIRTS- black and colors, at Ice Wool Squares in black and white

MEN'S Wear the improved Knicker-

Men's Guyot Suspenders-50c a pair.

Full line of Crown Make Suspenders at 25c, 50c, 75c, \$1.00 and \$1.50 a pair.

Men's Fine Natural Wool Shirts and Drawers-75c and \$1.00 a garment.

Men's Domet Flannel Night Shirts-50

4 skeins to the pound. Starlight Cashmere Yarn—35c per skeit—\$1.25 lb. of 4 skeins.

Starlight Spanish Yarn-20c per skein-Sanony Yarn-10c, 1214c, 15c per skein.

Lady Grey Yarn, Starlight Zephyr Shetland. Astrakhan Wool.

Best grade of Angora Wool at 12½c and lice per ball, fee Wool at 10c per box, large balls-10c and 1252c. THOMPSON, BELDEN & Co.

## the question of materiality until the case sue?" then requested Attorney General

was ready to go to the jury, but would smyth.

allow testimony regarding the approval of the bond to go in as evidence. The case has ment we ment we make the case has ment we would be approved to the case has ment we would be approved to the case has ment we would be approved to the case has ment we would be approved to the case has ment we would be approved to the case has been approved to th run along in that condition to the present "Now, we must know whether the approval of the bond is material or not," continued the attorney general. "If the court stands by its arry railing upon the argument of Thursday afternoon, when Attorney Constitutional and the standard of the court stands by its arry railing upon the argument of Thursday afternoon, when Attorney Constitutional and the court stands are recommended in the court of the court o by its early ruling we are ready to rest our case, because the court has declared that waivers of the six original bondsmen in evithe approval is not material. If your honor has reversed his ruling and says that the

Judge Powell first answered to the charge

material. He sold: "I think the attorney general is mistaken Holcomb spent some moments in consulta-in stating that the court made any ruling on tion before the former proceeded again with the question up to the time that sx-Secretary the case, of State Piper went on the stand. On the This co ruling on the question. The attorney gen-general to get the waivers in evidence, for ruling on the question. The attorney gen-eral is correct that I intimated at one time that I had a good deal of doubt whether the failure to approve the bond would avail the sureties as a defense. For that reason I was anxious that all the questions of law should be argued early in the case and I two or three times urged that this should be done.

But the counsel on both sides thought that this was impracticable until evidence advanced the questions.

"This question of approval came equarely before the court when ex-Secretary of State Piper was on the stand. I sustained the objections of the state to introduction of the evidence on the approval and then rather strenuously insisted that the question should be argued. The argument took four days, and I spent nights and days in examining the authorities. I announced that I would sliow evidence on the approval to be intro-duced, but I withheld my ruling on the question until the case would go to the jury. I cannot see that either party has been prejudiced in this. At the request of the attorney general I will now pronounce

my decision on the question.

OFFICE VIRTUALLY VACANT. "In view of the decision in the Lansing case, which has been cited, and the very mandatory character of the language of the statutes, the fallure to approve the bond on or before January 3, 1895, is a very material matter, and by reason of this fallure the office of state treasurer became ipso facto vacant and remained vacant until January 7, 1897. I think there is no escape from that under our very mandatory statute. I know of no other statute and none has been called to my attention during the argument in any state where the language used is nearly as strong as in that of our own. Is that clear consider the approval and the approval of the bond, and the proceeding was again denied. He then entered upon the records another offer of what he intended to prove by the documents, which were much of the same tenor as the others. In addition, however, the attorney general laid some of the blame for his failure to get the waivers in upon the attorney general laid some of the blame for his failure to get the waivers in upon the attorney general laid some of the blame for his failure to get the waivers in upon the bond in evidence he attempted also to introduce the waivers and the approval but was prevented by the court custaining an objection from the defense. Judging a from this ruling that the court did not consider the approval and the approval of the bond.

strong as in that of our own. Is that clear "It is clear enough, your honor," answered Attorney General Smyth, "but what effect has it on the bond?"
"It has this much effect. Without expres-

The request was granted and an adjourn ment was taken until afternoon. RULES OUT THE WAIVERS. noon, when Attorney General Smyth made another hard effort to introduce the important

approval is material we desire to know it in order that we conform our conduct to the ruling. We wish you to say now whether the approval is material or immaterial."

RULING OF JUDGE POWELL.

"As I have said before, this evidence on the waivers is of the greatest importance and it ought to be before the court and the jury. But I am equally convinced that it cannot be introduced under the pleadings. It is not only improper rebuttal, but it is no

GOVERNOR HOLCOMB CALLED.

An objection to the question was sustained in accordance with the rulings of the court. Attorney General Smyth then followed with the question:
"What did you rely upon in approving

consider the approval and the essary evidence he closed his case without trying to get them in. He therefore made the request that he be allowed to reopen his case in chief in order to intro-

dence. The court would not permit the docu-ments to be introduced, speaking as follows

made by the atterney general that the court had given the state to understand that it was of the opinion that the approval was not the jury was once more called it. As soon as the ruling had been rendered the jury was once more called into the court room. Attorney General Smyth and Governor

This conference was in preparation for

the purpose of completing his record, it was stated. Governor Holcomb was called to "You may state, Governor Holcomb, what it was that induced you to write your ap-proval on the bond?" the attorney gen-

the bond and in permitting Bartley to re-main and continue in the office of the state treasurer and to enjoy the emoluments and rights of the office?" This question was also ruled out. Attorney General Smyth then made a couple of offers to show what he intended to prove by the questions and the governor. This was that the governor relied on the waiver when he signed the bond on January 5 1895, and that the waivers indicated the bondsmen knew that the bond was not signed on the statutory date, January 3, 1895, and waived that irregularity. The attorney general also offered again in evi-dence the waivers and the approval of the

duce the instruments, which request denied. GENERAL COWIN OBJECTS.

Scrofulous Humors-How a Cure

mends that congress fix a standard of strength on a basis of total population. This standard, he thinks, should be a maximum

f one enlisted man to every 1,000 population and the minimum one soldier to every 2,000