

# COURT EXCUSES WAKELEY

Will Not Sit in Consideration of the Broatch-Moore Case.

**ACTION TAKEN AT HIS OWN REQUEST**

**Argument in Eugene Moore Case Thursday Afternoon-Herdman Given Thirty Days to File His Brief.**

**DISCUSS THE HOG AND THE COW.**

Breeders of Swine and of Stock Meet Together.

LINCOLN, Jan. 18.—(Special Telegram.)—The supreme court convened this morning with Justices Harrison, Norval and Sullivan on the bench. Judge Sullivan occupied a seat at the left of Chief Justice Harrison, and took only a listening part in the morning proceedings. The court room was unusually crowded with attorneys.

The court announced that Judge Wakeley had been excused on his own request from serving as referee in the Broatch-Moore case. It is expected that a new appointment will be announced during the sitting.

The Creighton theater receiverhip case was dismissed on agreement among the attorneys.

The Eugene Moore case was called up and the attorneys for both sides having declared themselves to be ready for the hearing, the case is set for oral argument. It is expected that the hearing will occupy Thursday forenoon.

The appeal case of Lee Herdman against the state, Herdman's attorney was granted three days in which to file.

The pending case of the Home for the Friendless to compel the payment of the state appropriation is set for oral argument during the present sitting.

**COUNTY TREASURERS' CASE.**

It is probable that an application will be made to the supreme court tomorrow morning for leave to file the suit which is to test the law relating to fees of county treasurers for collection of state taxes. J. A. Pearson, the treasurer from Phelps county, on whose claim the suit is to be brought, finished his settlement with the state auditor yesterday, but declined to accept the warrant tendered him by the auditor and cut in a claim for the full amount. The hearing letter written by Pearson to the auditor does not explain the situation.

LINCOLN, Jan. 18.—John A. Pearson, Treasurer of Phelps County, Holdrege, Neb.—Dear Sir: Your claim of this date for \$100 for collecting state taxes for the year 1897 has been referred to me for consideration. In computing the fees you took into consideration only the money collected for the state—\$114. You have not given me a basis for your calculation of the total amount of money collected on which you are entitled to fees which by your report is \$34,356.31. I find that the rate of 2.5 per cent on the rates which you are entitled to for collecting taxes is 2.5 per cent, which gives you for collecting state taxes, other than school money, \$863.75. The school money which you are correct as figured—\$15.92, your mileage, \$0.30, making \$41.17 that you are entitled to.

I enclose a voucher made out in accordance with this for \$41.17, which I will allow if you will fill the required affidavit and file in this office as soon as possible.

J. F. CORNELL, Auditor of State.

**STATE HOUSE NOTES.**

The following notaries were commissioned today: W. Chamberlin, Clark; Henry Matthers, Burchard; A. L. Newman, Oakland; F. W. Phillips, Star; F. B. Donthorne, Geneva; Ed L. Brooks, Bartle Mills; Alfred Armentan, Omaha; E. S. Stanton, Fremont; J. M. Fornall, Elm Creek; Frank M. Earhart, Hastings; E. M. Jenkins, Alexandria; E. A. Day, Crete.

The Silver Creek Co-operative Creamery company, with a capital stock of \$6,000, filed articles of incorporation today, with M. L. Pease, W. H. Kern, C. W. Bowley, F. E. Leighton, E. Alpaugh, J. A. Alpaugh and N. L. Squier as incorporators.

State Superintendent Jackson was much elated today over the receipt of a letter from W. N. Babcock, manager of the Department of Transportation, of the state legislature, stating that the railroad lines of Nebraska conceded free transportation both ways of educational exhibits prepared under direction of the state superintendent.

Robert L. Pollock, aged 79 years, was buried from Grace Methodist Episcopal church in Lincoln. Although he had lived his years in the south, he was doubtless hastened by an accidental fall on the street about two weeks ago. Mr. Pollock has been identified with every reform movement since the formation of the abolition party, with which he worked from the start. An aged wife and three children are the surviving members of the family.

**NEBRASKA STATE POULTRY SHOW.**

**Annual Exhibit Opens at Fremont Under Favorable Auspices.**

The annual exhibit of the Nebraska State Poultry association is being held here. Chickens of every size, shape and variety began to arrive yesterday morning and during the day many teams were busy hauling them to the hall. The exhibit opened this morning with two large rooms well filled with coops of poultry. On the first floor most of the birds of the heavy large breeds were exhibited. The different branches of the Plymouth Rock were especially well represented, the buffons and white ones being very numerous. On the second floor were also the Brahma, Wyandottes, Cochins, Black Javas, Langshans and others. The smaller varieties and a few of the larger ones were on the third floor. Three double rows of coops extending along the rear of the room were well filled with a fine display of birds. Pekins, Games, Langshans, Houdan, Leghorns, of every variety, C. A. Cook of Salem, Neb., had a good display of turkeys, among them a gobbler which tips the scales at forty pounds. Dr. Martin of Fremont had a large exhibit of Buff Cochin. There are over 1,500 birds on exhibition. The number of the number is some smaller than in previous years the lack is more than made up in the superior quality of the birds shown. There was a good attendance of visitors today. This afternoon school children were admitted free and they were in full force. The opening meeting of the association will be held in Pythian hall tomorrow evening. The exhibit will remain open until Friday.

The Owl club gave an amateur minstrel show at the residence of W. W. Blackman last evening. The program consisted of songs and sketches by each of the twenty-four men and women comprising the organization. A platform was placed in the parlor and there were the usual stage accessories.

**JAMES LINVILLE ON TRIAL AGAIN.**

**Reopening of the Celebrated Case at Dakota City.**

DAKOTA CITY, Neb., Jan. 18.—(Special)—Judge R. E. Evans convened the regular 1888 spring term of court for Dakota county at this place yesterday, with O. D. Hazen officiating as stenographer. Yesterday morning was consumed in preliminary work. On the convening of court after dinner the case of the State of Nebraska against James Linville, who is the only criminal case on the docket, was taken up and the work of empanelling a jury commenced. The state was represented by County Attorney W. P. Warner, assisted by Attorneys J. J. McCarthy and J. J. T. St. John, and by the office of Attorneys Mel C. Jay and C. M. McAllister. During the urging of the jury Attorney Jay raised an objection to the legality of the jury on the ground that Harry Goodfellow, one of the regular counsel for this term, had served as juror two years before. Judge Evans overruled the objection and it took until after dinner to secure the jury.

Linville is charged with murder, having shot and killed Henry Carpenter at a dance which terminated in a drunken row, at Goodwin, on the night of August 23. Linville escaped capture for several months, being caught at Conde, S. D., and returned here

**Laid to Rest.**

COLUMBUS, Neb., Jan. 18.—(Special)—The funeral of J. H. Johannes was held today and the remains were interred in the Lutheran cemetery on the banks of Shell creek. Mr. Johannes, who died Saturday evening, came from his home in Burrocks township in 1865. He was one of those early Germans who have done much to develop a great state. He was nearly 70 years old and left an estate worth nearly \$15,000.

**Shot in the Foot.**

CRETE, Neb., Jan. 18.—(Special)—Henry Kemper, Jr., a young farmer living on the West Blue river, this county, accidentally shot himself in the foot, while out hunting. The member will have to be amputated. Last fall's corn crop is being marketed by the farmers of this county in large quantities. Prices paid by elevator men in its various centers will be held in Pythian hall tomorrow evening. The exhibit will remain open until Friday.

The Owl club gave an amateur minstrel show at the residence of W. W. Blackman last evening. The program consisted of songs and sketches by each of the twenty-four men and women comprising the organization. A platform was placed in the parlor and there were the usual stage accessories.

**JAMES LINVILLE ON TRIAL AGAIN.**

**Reopening of the Celebrated Case at Dakota City.**

DAKOTA CITY, Neb., Jan. 18.—(Special)—Judge R. E. Evans convened the regular 1888 spring term of court for Dakota county at this place yesterday, with O. D. Hazen officiating as stenographer. Yesterday morning was consumed in preliminary work. On the convening of court after dinner the case of the State of Nebraska against James Linville, who is the only criminal case on the docket, was taken up and the work of empanelling a jury commenced. The state was represented by County Attorney W. P. Warner, assisted by Attorneys J. J. McCarthy and J. J. T. St. John, and by the office of Attorneys Mel C. Jay and C. M. McAllister. During the urging of the jury Attorney Jay raised an objection to the legality of the jury on the ground that Harry Goodfellow, one of the regular counsel for this term, had served as juror two years before. Judge Evans overruled the objection and it took until after dinner to secure the jury.

Linville is charged with murder, having shot and killed Henry Carpenter at a dance which terminated in a drunken row, at Goodwin, on the night of August 23. Linville escaped capture for several months, being caught at Conde, S. D., and returned here

**TRY GRAIN-O! TRY GRAIN-O!**

Ask your grocer today to show you a pack of GRAIN-O. It is the only drink that takes the place of coffee. The coffee men drink it without injury as well as the usual. All who try it like it. GRAIN-O has the rich taste of real coffee. But it is made from pure grains, and the most delicate stomach receives it without distress. Is the price of coffee, 15c and 25c per package. Sold by all grocers.

**Revival at Cedar Rapids.**

CEDAR RAPIDS, Neb., Jan. 18.—(Special)—The revival meetings now in progress at

the Methodist church are attracting unusual attention. Religion seems to be the topic of the day upon the streets, and in many business places and homes in the town.

Rev. J. P. Yost, the pastor, preached in the large billiard hall Saturday evening. The room was crowded.

**Sugar Refinery for Gothenburg.**

GOTHENBURG, Neb., Jan. 18.—(Special)—Hon. J. H. MacColl of Lexington and E. P. Vissart of Chicago are here closing up a deal which will, without doubt, locate a sugar refinery at Gothenburg in ample time to work up this year's crop of beets. The Gothenburg Irrigation and Irrigation Company propose to devote parts of land to the construction of large factory buildings valued at \$75,000. The citizens have pledged to vote and donate bonds to the amount of \$12,000 and secure bonds to the amount of \$38,000, making the total subsidy \$125,000. In connection with this the irrigation company agrees to erect a factory that will manufacture into sugar 350 tons of beets per day, and to put up a bond to have the factory completed in time to use this year's crop of beets. The plant will cost \$350,000 and will mean the payment of \$240,000 per annum to farmers and Gothenburg citizens.

**Factory Begins Operations.**

CULBERTSON, Neb., Jan. 18.—(Special Telegram)—The Culbertson Separator factory began operation here yesterday under the most favorable auspices. At 9 o'clock the machinery was put in motion and amidst an audience of 1,000 people milk was skimmed. The milk was brought in regulation ten-gallon cans and had the cans not been exhausted fully 2,000 pounds more of milk would have been easily furnished. The new factory presented a busy scene, nearly 100 teams being tied in the immediate vicinity of the factory. The cream is furnished for the Beatrice Creamery company, which has stations in various parts of the state. Indications are that the great Culbertson irrigation and alfalfa district will make the best dairying district on earth.

**Jury Disagrees.**

ST. PAUL, Neb., Jan. 18.—(Special)—The case of the state against John D. Marke, for assault with intent to kill his daughter, sent here from Greeley county, has been occupying the attention of Judge Kendall's court all of last week. Forty to fifty witnesses were here from Greeley county all week. Sheriff and the jury were still off. The trial was suspended last night by Judge Kendall, failing to agree on a verdict. The trial was finally discontinued last night by Judge Kendall, failing to agree, standing, as is reported, seven to five in favor of conviction. About all the attorneys of Greeley county have been engaged in the case on both sides, also some of Howard county's lawyers. The case so far has cost over \$1,000 and now the same thing will have to be gone all over once more.

**Federal Court in Session.**

LINCOLN, Jan. 18.—(Special)—The sixteenth annual convention of the Nebraska State Volunteer Firemen's association was opened yesterday with a reception at the city hall tonight. Present Captain of Milner and Secretary State of Grand Island arrived yesterday and took up quarters at the Midway. The delegates began arriving this morning and every train has been increasing the number until now there are nearly 200 in town. Beatrice sent a delegation of a dozen men and women along, dressed in unique and colorful costumes also a "Yorktown brigade," composed of a lot of small boys blacked up and hauling a miniature hose cart. The city hall has been decorated by the members of the local fire department and nearly every store on Central avenue is displaying every store window in a festive manner. The services to-night were an address of welcome by Mayor Hubert, followed by a response by President Hague and a social time generally. The business sessions commence tomorrow morning and tomorrow evening the visitors will be taken to the open houses by the Kennedy department. The convention closes Thursday night with a grand ball and banquet.

**Debate at Hastings.**

HASTINGS, Neb., Jan. 18.—(Special)—The Peshawnee Literary society held an open meeting last night in the college classroom. The audience was large. The program as carried out was as follows: The motions, Prof. Maritz; overture, Ross' Juvenile orchestra; recitation, Miss Eva Baker; essay, C. E. Gurdin; recitation, Miss Eva Stewart; violin solo, Laura Buchanan; comic reading, Albert Smith; recitation, Hugh Miller; speech, "Loyalty," William A. Standpoint"; Miss Edith Chambers; "Living Life from a Girl's Standpoint"; H. S. G. Hurlbut; stump speech, G. C. Porter; overture, Ross' Juvenile orchestra; debate, "Resolved: That the Legal Restrictions Should Be Paased Upon the Manufacture of Opium and its Derivatives," T. C. Osborne and John Brown; for the negative, R. M. Smith and C. L. Hultgreen. The judges decided in favor of the affirmative.

**Emerson Items.**

EMERSON, Neb., Jan. 18.—(Special)—The demand for farms to rent in this locality is greater than the supply.

The Highlanders' Dramatic club will give a play entitled, "Strife" at the opera house Friday evening, January 21.

Charles Flint, engineer, has been transferred to the Beckford run, to which place he will move his family. He has resided in Emerson for six years.

**Pastor Resigns.**

NEBRASKA CITY, Jan. 18.—(Special)—The federal court is in session here and is disposing of the motion docket this week. The jury is called for next week. Tomorrow the treasurer in the state against Kenneth Anderson, the jury will be impaneled off the trial. The trial of the state against Anderson cannot in any way further contribute to an extent commensurate with requirements for success.

Before another state legislature will convene, at which the law governing the fair will be determined, the convention demands that the date be delayed to a later date.

In the meantime let the board continue statistical work and diffusion of agricultural information as best.

**NO FAIR THIS YEAR.**

Chairman Dimmire of the Board of Managers made his report, in which was incorporated copies of the letters that had passed between the board and the Omaha Fair and Speed association. It developed from these letters that the fair was to be held in 1888 and 1889, with the Trans-Mississippi Exposition in session within a few miles of the grounds, would simply be folly in the opinion of the board. The association is equally unwise for the reason that the society's overtaxes in contributing as they should with time and means in such a manner as to tax the association.

The treasurer read his report, the substance of which was covered in the report of the secretary, and the association made no further contribution to an extent commensurate with requirements for success.

Before another state legislature will convene, at which the law governing the fair will be determined, the convention demands that the date be delayed to a later date.

In the meantime let the board continue statistical work and diffusion of agricultural information as best.

**Close Race of Sailing Vessels.**

SAN FRANCISCO, Jan. 18.—Six sailing vessels which started from Honolulu sixteen days ago have all arrived in this port within a few hours of each other.

The race was won by the "Spartan" in 1888 and by the "Vigilant" in 1889, for the reason that it was believed that the fair could not be successfully held in the present location.

In response to this the Omaha association offered a \$100 reward to the first vessel that

arrived to holding a fair in 1888.

At the close of Chairman Dimmire's report a resolution was passed which provided that no fair should be held in 1888 and that none of the officers should be held responsible for the loss of the fair.

Mr. Dimmire's term expired next year.

The list of names added to the committee is as follows: M. Doolittle, Captain of the "Spartan"; S. C. Bennett; Buffalo; J. B. McDowell; Jefferson; Charles Mann; Davies; M. L. Hayward; Otoe; J. R. Cuilla; E. L. Vance; Pawnee; W. R. Bowen; Douglas; M. Withrow; Merrick; Peter Younger; Fillmore; L. A. Becker; Asaph; E. McIntyre; Sewall; H. R. Wood; George Morris; John D. Dyer; S. M. Barker; Merrick; W. R. Mellon; Sherman; E. J. Hubbard; Buffalo; Jud Holton; Polk; G. Williams; Douglas; M. W. Chappell; Elijah Filey and Peter Younger, Jr.

On Nominations—Marion Dunham, T. A. McKay, L. K. McGraw, E. M. Stearns and J. L. Nichols.

**Accidental Shooting.**

NORTH LOUP, Neb., Jan. 18.—(Special)—Charles Koupe, a young man living on Davis creek, was accidentally shot in the leg today with a shotgun, the entire charge striking just above the ankle and tearing away nearly one-half the limb. He was brought to town and placed in a hospital.

Charles Koupe, a young man living on Davis creek, was accidentally shot in the leg today with a shotgun, the entire charge striking just above the ankle and tearing away nearly one-half the limb. He was brought to town and placed in a hospital.

Charles Koupe, a young man living on Davis creek, was accidentally shot in the leg today with a shotgun, the entire charge striking just above the ankle and tearing away nearly one-half the limb. He was brought to town and placed in a hospital.

Charles Koupe, a young man living on Davis creek, was accidentally shot in the leg today with a shotgun, the entire charge striking just above the ankle and tearing away nearly one-half the limb. He was brought to town and placed in a hospital.

Charles Koupe, a young man living on Davis creek, was accidentally shot in the leg today with a shotgun, the entire charge striking just above the ankle and tearing away nearly one-half the limb. He was brought to town and placed in a hospital.

Charles Koupe, a young man living on Davis creek, was accidentally shot in the leg today with a shotgun, the entire charge striking just above the ankle and tearing away nearly one-half the limb. He was brought to town and placed in a hospital.

Charles Koupe, a young man living on Davis creek, was accidentally shot in the leg today with a shotgun, the entire charge striking just above the ankle and tearing away nearly one-half the limb. He was brought to town and placed in a hospital.

Charles Koupe, a young man living on Davis creek, was accidentally shot in the leg today with a shotgun, the entire charge striking just above the ankle and tearing away nearly one-half the limb. He was brought to town and placed in a hospital.

Charles Koupe, a young man living on Davis creek, was accidentally shot in the leg today with a shotgun, the entire charge striking just above the ankle and tearing away nearly one-half the limb. He was brought to town and placed in a hospital.