Anonymous Assaults on Republican Usudi- The death of Miss Emma Boatman has just dates Opened from Lincoln.

Circular Signed "Committee" and Be- and these, with the ones now commencing lieved to Have Its Origin at Populist Hendquarters Turns Up in Large Numbers.

LINCOLN, Nov. L-(Special.)-In their Republican Prospects in a Vigorous desperate search for an issue in this campaign the popocratic managers have at last villainous statement has been printed and district is encouraging. Although in both ing is based, and is attended by a brief circulated over the state, pretending to instances, two years since, the populists showing the virtue of each point raised. and attacking the private character of Hon. the republican nominee for state senator is Judgment rendered, in respect to a question George A. Murphy in the vilest and most making an earnest, effective campaign. Two of constitutional interpretation, is contrary cowardly manner. The circulars close up years ago he reduced the populist majority to the opinions of two justices and two comand the only signature attached to the circus success this year. The result will be very lars is "Committee.". In order to carry close. As to the representative in Red Wilout the pretense that the circulars are low county the republicans have an able issued by republican authority the following nominee in the person of Dr. J. E. Hathorn. is printed: "We, the committee, also ad- With earnest, active work he can be pulled vise that we do everything in our power out victorious. He ought to win. that is just and right to elect the balance | WYMORE, Neb., Nov. 1.-(Special.)-With of the republican ticket, Nove. 8th, 1898." | only six days between this and election day the state who had received them by mail. Locating the Author.

The postmarks on the envelopes show one is accused only adds to the general belief that the circulars are being sent out from the popocratic headquarters. Connected with those headquarters is at least ing to assassinate character by means of prise that the same thing is being tried in , for congress. the present campaign. The circulars are so HOOPER, Neb., Nov. 1 .- (Special.) -- Hon.

person or persons responsible for the dis- the same night. tribution of these libelous circulars, or for any person detected circulating the same. He proposes that there shall be no half-way measures about it and has already instituted an inveligation of the report that one of populist committeemen of Polk county has been distributing the circulars in Osceola and other towns of that county.

The friends of Mr. Murphy denounce the false in every particular and are justly indignant over this underhanded attempt to injure a man who is a reputable citizen

the incentive for the vile attack that has

just been made and makes a train of circumstances that is not hard to trace. Not long ago Lieutenant Governor Harris said publicly that the stock yards hirelings organized the last state senate and that they dictated the nominations at the recent popocratic state convention. It is now evident injured at San Francisco on his way of the fusion campaign and that the last desperate attack is to be concentrated against the candidate for lieutenant governor, that officer being the one who has the reference of bills to committees during the

The republican managers during the prescriticisms against the official records of the popocratic officials, have clung entirely to the record and have not in a single instance stooped so low as to besmirch the private character of any candidate on the opposition ticket. This has not been because of lack of opportunity, but because they desired to wage a clean and creditable campaign, paying attention only to the public records. The popocrats have opened up the dirty work and it is believed that they themselves will be the ones to suffer for it.

Lincoln Local Notes. The regular police force and a half dozen extra officers were kept busy last night answering calls for protection against the depredations of youngsters bent on halloween fun. Very little damage was done aside from moving nearly all of the board sidewalks in town.

Another meeting of the city council was held last night, but the candidates to fill the vacancy caused by the resignation of puncilman Barnes some time ago were not relieved of their anxiety. Mayor Graham did not submit any nominations for approval, as it was expected he would do.

Three republican meetings will be held a this city tonight. The Scandinavian club will hold forth at their hall and be addressed by H. W. Bushnell. Judge S. T. Cochran will speak for the colored voters in another hall and a joint meeting of the Union Vet-erans' club and the Young Men's Republican club will be held in the Grand Army of the Republic hall. Members of both organ-

izations are on the program for speeches. The Haydon Art club has received a large number of fine photographs of famous paintings and views of the world and is proparing to give a public exhibition of them on Friday evening.

Big Rally of Republicans. OSCEOLA, Neb., Nov. 1 .- (Special.) -The republicans of Osceola had another grand rally on Saturday evening at the court house and the building was so crowded there was not standing room. They were addressed by Hon, B. M. Parmenter, who for two hours held the attention of the audience and was frequently applauded. Mr. Parmenter is a pleasant speaker and presented some forcible facts.

Small Epidemie of Diphtheria. STERLING, Neb., Nov. 1 .- (Special.)-There have been two deaths from diphtheria lies in an unconscious condition. His allin this vicinity and it has spread to five ment is uracruia.

MUD THROWING COMMENCES taken to arrest its according further, guards taken to arrest its apreading further, guards. being surrioned at the residences of thoshaving the disease. The schools are closed

orcurreda Excavations are completed for two large store buildings for H. Landweir and work FIVE POINTS URGED IN HIS BEHALF SENATOR MURPHY VICTIM OF THE ATTACK will be pushed to completion before the now year. There have been three farge brick buildings erected here this summer, will greatly improve the appearance of the city. Many farmers have also built new residences and others large barns.

FEELING OF NEBRASKA VOTERS

Realthy Condition. McCOOK, Neb., Nov. 1.-(Special.)-The got down to the level of mud-slinging by situation in the Twenty-ninth senatorial the supreme court. The petition sets forth means of anonymous circulars. A most district and the Sixty-fifth representative five points upon which ground for a rehearcome from the "Republican Association" elected their candidate, Hon. E. N. Allen, The first argument advanced is that the with a line stating that "each association very largely and the indications and reports missioners and overrules the unanimous dewill be expected to report to committee" are such as to warrant the expectation of cision of the court upon the same question,

The circulars are being distributed in the the republicans of Gage county and escountry districts and small country towns pocially this part of it are well satisfied with and are expected to prejudice voters who the prospects which those in a position to claim is advanced that respondent was not have no opportunity to learn from whence know claim are more flattering than ever be- both a "collector and custodian" of public they came. Several have found their way fore in the banner republican counties of the money. up to the state committee rooms, having state. Many railroad men here, both in the been sent in by voters from the interior of train service and in the shops will vote the the quo warranto proceedings to oust rerepublican ticket this year, who have not spondent assume his default as "collector only heretofore voted the democratic ticket, and custodian," which fact should have been but have worked for it. The shops here are adjudicated before the proceedings could be that the circulars are being mailed from the working a large force of men full time and entertained. If the respondent was incligable Lincoln office. The baste of the popocratic at good wages and their endorsement of the to be elected mayor on April 20, 1897, it was ergan in denying responsibility before any- administration is assured. The democrats because his disqualification was, in contemhave given up all hopes of electing any part plation of law, in full force without any of their county ticket and their efforts are previous trial or judgment of court. It is now concentrated in securing votes for held therefore that the court cannot inflict Judge Stark. Trades are offered on him. a retroacting penalty for the purpose of one man who has been known to use the but none will be accepted, as the re- justifying a writ of ouster in this proceedsame method in county campaigns, attempt- publicans here fell safe in their county ing. ticket and will do all in their power to roll anonymous circulars, and it is no great sur- up a big majority for Hon. E. H. Hinshaw

vile and libelous and show the treachery so George D. Meiklejohn, assistant secretary plainly that the scheme is certain to act as of war, spoke at this place last night to a boomerang on the heads of those who con- very large audience. The opera house did not hold half the people, who came from Today Chairman R. B. Schneider of the Frement and other places to hear him. The republican state committee announced that Scribner band furnished the music and at of the Code of Civil Procedure. The vital he would individually and as a business 11:30 p. m. a dainty supper was prepared at question is urged that Mayor Moores has a man and citizen of the state offer a reward the Wickwire hotel. Mr. Meiklejohn and of \$200 for the arrest and conviction of the party left in a special car at 12:45 o'clock

Nebraska Forger Meets Justice. FREMONT, Neb., Nov. 1 .- (Special.) --Edgar Mayer, who was arrested in Chicago last week for forgery committed at Janesville, Wis., is wanted for the same crime here. He is charged with forging the endorsement of a prominent business man to a check and passing it as genuine. A warstatements contained in the circulars as rant was issued here for his arrest and he would have been brought back if the Wisconsin authorities had not gotten him first. As he pleaded guilty to the charge in Janesville he will probably not be brought

Early Claims in for Pensions. OSCEOLA, Neb., Nov. 1 .- (Special.) -Some of the soldlers who have come home on discharges have already filed applications for pensions. The first was sent in by a recruit of the First Nebraska, who was that the same gang is dictating the conduct | Manila. Austin Jeffrey and Dewey Shaw, Third Nebraska, have recently arrived home from Jacksonville, Fla.

Assault Upon a Cigar Maker. HOOPER, Neb., Nov. 1 .- (Special.)-Henry Artzbach, a cigar maker at this place while going home last Saturday night was ent campaign, while they have offered many followed and asaulted by Jesse Rodgers. Mr. Artzbach was taken home by friends and is in a dangerous condition. Rodgers was arrested, but he gave the marshal the slip and is still at large.

Thayer County Gets an Award. HEBRON, Neb., Nov. 1 .- (Special.)-County Superintendent W. H. Rhodes has just received notice from the committee on acts of the men as shown by the official awards that Thayer county has been granted the silver medal for educational work at the exposition.

#### HYMENEAL.

Twidale-Paul. HASTINGS, Neb., Nov. 1 .- (Special Telegram.)-Mr. Ernest Twidale and Miss Blanche Paul were quietly married tonight at 8 o'cleck at the home of the bride's sister. Mrs. A. H. Farrens. Rev. Power officiated. The groom is one of Hastings' best business men, while the bride is one of the most popular young wemen in the city. The newly married couple left on the 9 o'clock train for a short wedding tour to Omaha, Kansas City

Huth-Christensen. ST. PAUL, Neb., Nov. 1 .- (Special.) -One of the most pleasant wedding festivities ever witnessed in Howard county took place in Dannebrog yesterday, the occasion being the marriage of Mr. Hans N. Huth and Miss Caroline Christensen. The parents of both the bride and groom are well-to-do old settlers near Dannebrog. Several hundred invited guests attended. Rev. Peterson of Dannebrog performed the ceremony in the Lutheran

Billings-Burke. LEAD, S. D., Nov. 1 .- (Special.)-Jake Billings was married to Miss Mayme Burke last evening in South Lead. Both young people are popular in the city.

Railway Man is Overcome. CINCINNATI, Nov. 1.—R. B. F. Pierce, receiver of the Clover Leaf road and president of the Indiana, Decatur & Western railway, while on his way to this city on a incinnati, Hamilton and Dayton train, came unconscious and was taken from the rain to the city hospital, where he

malt and hops so pronounced in "Blatz," convinces you of its purity and high quality-The more you drink, the more you are convinced. VAL.BLATZ BREWING CO. MILWAUKEE, U.S.A. For Sale by Foley Bros., Wholesale Dealers, 1412 Douglas Street, Omaha. Neb. Tel. 1081

#### MOORES ASKS A REHEARING

Motion Filed in the State Supreme Court by His Attorneys.

Decision at Variance with Unanimous Opinion of the Court Previously Rendered in the Same Case -Gulit Presupposed.

LINCOLN, Nov. 1 -- (Special.) -- Attorneys acting for the respondent in the case of the State against Mayor Frank E. Moores this morning filed a motion for tehearing before

without a hearing thereon. The brief explains that by a unanimous decision of the court, filed December 9, 1897, the term "collector and custodian" was interpreted to mean what it says with the ordinary significance to the word "and." In the concurring opinion in the present case it is admitted that respondent is not a "custodian," within the meaning of the constitution, but it reads the phrase as though it were written, "collector or custodian," The

It is developed in the second point that

Right to a Jury Trial.

Points three and four recite that the judgment is based upon an alleged offense which is penal in its nature and therefore the decision violates the right of respondent, guaranteed by the constitution, to a trial by jury of the offense with which he stands charged. The reference of the case is said to be wholly unauthorized and in violation right to a hearing in court before he shall so ousted in such a proceeding. "To oust Frank E. Moores from the office of mayor,'

to injure a man who is a reputable citizen and who made a splendid record in the last state senate.

Enemics Who Would Do It.

The fact that Senator Murphy was the active champion of a bill to regulate stock yards and made a number of speeches on that question during the session gained for him the enmity of those who afterward were responsible for striking the radical stock yards plank out of the populist platform, and the assurance that Murphy would the nasurance that Murphy would the charge of the c

#### FIRE RECORD.

Implement Warehouse at Tobias. TOBIAS, Neb., Nov. 1 .- (Special Telegram.)-Fire last night broke out in the implement building of J. C. Chaloupka and verything was burned up. Loss is as follows: J. C. Chalpouka, implements, \$2,-200, insurance \$1,500 in Crete Mutual; B. D. Howard, wagon shop, \$150, no insurance; J. M. Mecha, blacksmith, \$200, no insurance; Charles Buchtell, owner of building, \$1,600, insurance for \$800 in Queen. Cause of fire

insurance for \$800 in Queen. Cause of fire unknown.

EVENTS ON THE RUNNING TRACKS.

Well-Backed First Choice is Lucky to Get Second Place.

NEW YORK, Nov. 1.—There was a good attendance at Aqueduct track and the racing was interesting. In the first race Harry Reed was backed as if it was all over. Billall and Surrogate led to the stretch and then Tinge went to the front and won easily, Harry Reed getting the place and Tappan, who stumbled at the head of the stretch being third.

Well-Backed First Choice is Lucky to Get Second Place.

NEW YORK, Nov. 1.—There was a good attendance at Aqueduct track and the racing profits and to secure to the public the benefits of fair competition in trade.

3. All contracts in restraint of trade are not forbidden by the act, but only such as re-entered into by parties who are "entered into by parties who are "entered in the same or any like maufactured or natural products."

4. An agreement in partial restraint of trade, which is not within the inhibition of the statute, aforesaid is valid and may in a proper case be enforced by injunction. No. 8365. Clark against Neumann. Appeal from Cheyenne county. Reversed. Sullivan, J.

1. Four separate and complete written agreements, contemporaneously executed. then Tinge went to the front and won easily, Harry Reed getting the place and Tappan, who stumbled at the head of the stretch, being third. Whistling Con was an odls-on favorite for the fourth race and

Fifth race, one mile: King Darleycorn won, Kirkwood second, Don De Oro third, Time: 1413-6.

Sixth race, one mile: All Darleycorn berts, Role won, Hardy C second, Bast CHOLINNATINE CASE of the management of the Latonia, Jocky Chule was to close November 5, until Saladia, November 10. The management of the Latonia, Jocky Chule was to close November 5, until Saladia, November 10. The last race of Monday, post-poned on account of darking, November 10. The last race of Monday, post-first on the card today and resulted in a victory for Dutch Comedian along the first on the card today and resulted in a victory for Dutch Comedian along the first on the card today and resulted in a victory for Dutch Comedian along the first on the card today and resulted in a victory for Dutch Comedian along the first on the card today and resulted in a victory for Dutch Comedian won. Mariti second, Elusive third. Time: 1:4354.

Second race, one mile, selling: Dutch Comedian won, Creedmore L second, Amber Glints third. Time: 1:4354.

Third race, five and one-half furlongs: Sixth race, are and a ouncier miles, selling: Joe Shelby won, Osrie second, Virgle O third. Time: 2:108.

Seventh race, one mile, selling: Deyowon, Barbee second, Mordeca third, Time: 1:204.

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Second race, one sind a half males: Manders of the pendency of the action by publication alone; held erroneous upon further proceedings to set aside a dide acquired by an provisions of said decree while in force, especially as the bona files of the pendency of the action by publication alone; held erroneous upon further proceedings to set aside a dide acqui

Free Lady second, Conova third. Time: 1:034.
Second race, one and a half miles; Moncreth won, Alvarado II second, bethehem Star third. Time: 2:384.
Third race, five and one-half furlongs: Mazie V won, Sugden second, Cathedral third. Time: 1:105.
Fourth race, one mile and seventy yards; Alfredo won, The Devil second, Don Orsino third. Time: 1:434.
Fifth race, six furlongs: O'Connell won, Montgomery second, Timemaker third. Time: 1:145.
Sixth race, one mile: Foncliff won, Facade

Iowa Colleges Will Play Foot Ball. TABOR, In. Nov. 1.—(Special.)—One of the best games ever played in this vicinity is expected to occur on November 5 at the Tabor ball park between Tabor and Amity colleges. Amity's foot ball players are said to be strong men and in good condi-tion and Tabor has had the benefit of care-ful preparation.

Doub'e Shut-Out at Tecumsch.

TECUMSEH. Neb.. Nov. 1.—(Special.)—
The result of the name of foot bail between the Tecumsch light school eleven and the Pawnee City a ademy team on the grounds of the latter Saturday afternoon was 6 to 6. The name was one of the best even put un in this part of the state.

firmed. Norval, 1., dissenting.

1. The judgment of a court sustain og an attachment does not settle the status of the attached property; that is, it does not settle the status of the attached property; that is, it does not settle the status of the attached property; that is, it does not settle the status of the attached property; that is, it does not settle the status of the attached property; that is, it does not settle the status of the attached property; that is, it does not settle the status of the attached property; that is, it does not settle the status of the attached property; that is, it does not settle the status of the attached property; that is, it does not settle the status of the attached property; that is, it does not settle the status of the attached property; that is, it does not settle the status of the attached property; that is, it does not settle the status of the attached property; that is, it does not settle the status of the attached property; that is, it does not settle the status of the attached property; that is, it does not settle the status of the attached property; that is, it does not settle the status of the attached property; that is, it does not settle the attached property; that is, it does not settle

### SUPREME COURT PROCEEDINGS

No. \$29. Latenser against Misner. Eror from Douglas county. Reversed. Harrison, C. J.

1. A petition may be attached at any stage of the proceedings on the ground of its insufficiency in statement of a cause of

stage of the proceedings on the ground of its insufficiency in statement of a cause of action.

2. Where such an attack on the pleading is delayed until in this court on appeal, it will be liberally construed.

2. A written contract, the meaning of which is certain and patent from its terms may not be varied by direct explanation or interoretation in oral testimony.

4. If the meaning of a written contract is not entirely free from ambiguity or obscurity, or it may be capable of two constructions, acts of the parties to it during and in its performance, and other circumstances which tend to an exposition of its true import, or to show the construction which such parties have placed upon it, are admissible and its interpretation in the light of such facts and testimony may be committed to the jury under proper instructions from the court.

No. 8311. Themas against Nebraska Moline Plow Co. Error from Dawson county. Affirmed. Sullivan. J.

1. In an action between the parties to a valid written contract it is a general rule of evidence that parol testimony touching an antecedent or contemporaneous agreement in relation to the same matter cannot be received to vary, add to or subtract from the terms of the written instruments.

2. Depositions filed in a lower court are

tract from the terms of the written instruments

2. Depositions filed in a lower court are
presumed, in the absence of proof to the
contrary, to have been transmitted to the
district court within the time limited by
the statute for that purpose.

3. An objection to the reading of depositions based on the fact that they did not
bear the clarks file mark showing that
they had been filed more than one day before the trial was properly everruled
where it appeared that such depositions
had been taken and used in the lower
court and had been for a long time among
the files of the case in the district court.

4. where a cause is tried without a jury
the will be presumed that the court considered only competent evidence in reaching
a conclusion.

8080. Lewis against Holdrege, Ap-from Lancaster county, Affirmed. Sullivan, J.

1. A sale or transfer of property in fraud of the rights of creditors of the vender is valid between the parties thereto, and it is void as to such creditors only to the extent that they are prejudiced thereby.

2. The assignee of a non-negotiable chose in action takes it subject to all equities existing between the original parties.

2. "He who seeks equity must do equity."

in action takes it subject to all equities existing between the original parties.

3. "He who seeks equity must do equity' and come into court with clean bands.

4. A plaintiff who does not stand in conscientious relations toward his adversary with reference to the claim which is the subject of the action is not entitled to the aid of a court of equity and will be denied affirmative relief, although such claim does not arise out of an illegal transaction and is not tainted with actual fraud.

5. If the plaintiff, or his assignor, has been guilty of any misconduct in connection with the transaction out of which the claim in suit arose, so that the enforcement of such claim would be harsh, unconscionable and oppressive, a court of equity will either declins to grant any relief whatever or grant it on such terms as may be just and equitable.

No. \$296. Chicago, Burlington & Quincy Railroad company against Yost. Error from York county. Reversed. Ragan, C.

1. The undisputed evidence in this case held to establish (1) that the defendant in error stepped upon a railway track without looking to see if a train or engine was approaching; (2) that his conduct under the circumstances afforded conclusive evidence that the act was negligence; (3) that such negligence we stee proximate cause of the

Frank E. Moores from the office of mayor," the brief adds, "in a quo warranto proceeding which presupposes his guilt is like taking a man to the penitentiary and trying and convicting him after he is inside the prison walls." Authorities from other states are adduced to show that such a proceeding is unprecedented.

The final appeal for a rehearing is based upon general facts in the case. Respectful protest is made against the language adopted by the court, in which the arguments in behalf of the respondent are sneered at and characterized as pathetic appeals. It is urged that the case is too serious in its

3. If the statements of the charge to the jury upon a material point are but gen-eral a requested explicit explanatory in-struction which is entirely pertinent and applicable to the issues and evidence should

No. 8353. Downing against Lewis. Appeal No. 8353. Downing against Lewis. Appeal from Buffalo county. Reversed. Sullivan, J. 1. A laundry is not a manufacturing establishment within the meaning of chapter lix. Session Laws of 1889.

2. Chapter lix. Session Laws of 1889, was designed to prevent manufacturers and dealers in articles of commerce from combining for the purpose of lessening competition, regulating production and increasing profits and to secure to the public the

an odds-on favorite for the fourth race and had to be driven to win by a couple of lengths from Danforth. Results:

First race, five furlongs, selling: Tinge won. Harry Reed second, Tappan third. Time: 1:02 4-5.

Second race, five furlongs: Incandescent won. Impartial second, Al Reeves third. Time: 1:02 2-5.

Third race, one mile and forty yards:
Whistling Con won, Danforth second, Gala Day third. Time: 1:15 3-5.

Fourth race, five and a half furiongs: Captain Sigsbee won. Tyran second, Tyrshena third. Time: 1:39.

Fifth race, one mile: King Barleycorn won, Kirkwood second. Don De Oro third. Time: 1:41 3-5.

Sixth race, mile and forty yards:

No. 1945. Argabright against State. Er-

and the land as though there had been no rescission.

3. In an action on land contracts to enforce a vendor's lien an alleged teneer by the defendant should be kept good by bringing the money into court.

4. The findings and decree in an action in equity should respond to all the material issues presented by the pleadings.

No. 2645. Argabright against State. Error from Nemaha county. Reversed. Norval. J.

purchase under the provisions of said decree while in force, especially as the bona fides of such purchase were not questioned by any pleading.

No. 8327. Neilson against Jensen. Error from Dawes county. Reversed, Ragan, C. 1. Evidence examined and held not to sustain the verdict of the jury.

2 in a suit for libel where the defense is the truth of the matter published the defendant to exonerate himself must establish the truth of each libelous charge made and published.

2. a publisher may not exempt homself from liability for libeling another simply by showing that the charge published was true, but must go further and show that the publication was made under such circumstances as justify the conclusion that he acted with good motives and for justifiable ends. Section 5, article 1, of the constitution.

stitution.
No. 8652. Johnson against Bartek, Error from Saunders county. Ragan, C. Af-firmed. Norval. J., dissenting.

emption in addition to the property specifically exempted to the debtor by section 559 of said code.

3. An officer sued by a creditor for releasing the property of his debtor which had been seized on attachment may successfully defend himself by showing that the property was as a matter of law specifically exempt from selzare.

4. No statute exists requiring or authorizing the officer to have such property appraised before releasing it to the debtor.

5. The appraisal which section 522 of the code requires to be made of property selzed on judicial process and claimed by the debtor to be exempt has no reference whatever to property specifically exempted by section 530 of the code.

No. 1973. Plear against State. 3 cror from Gave county Affirmed Irvine, C.

An application for a heenes to sell fluor cannot be acted upon until at least two weeks notice has been given in the manner specified by statute. Action can only be taken after the expiration of two weeks, and consequently action on the fourteenth day after the first publication of notice is premature.

2. Notice of the application, in compliance

premature.

2 Notice of the application, in compliance 2. Notice of the application in comparison with the statute, is essential to confer in laterial or on the board to which the application is addressed, and a license issued without such notice is void and may be collaterally attacked.

court may properly assume those facts as established and instruct the jury as to their established and instruct the jury as to their legal effect.

4. If the defendant solemnly admits facts establishing his guilt he is not entitled to have the jury pass on the issue of his actual intent to violate the law. Ignorantis levis neminem excusat.

No. SMI. Henderson against Keutzer. Appeal from Adams county. Affirmed. Irvine, C.

The facts from which an estoppel in pais and the property of the pair of the available as such, must be

pleaded, at least where there is an opporpleaded, at least where there is an opportunity to so plead.

No. 10163. Western Union Telegraph Company against Beals. Error from Brown county. Affirmed. Ragan, C.

1. A telegraph company is liable for all damages sustained by reason of its failure to correctly transmit and deliver a message received by it notwithstanding an agreement printed on its blanks to the contrary. Section 12, chapter laxxixa, Compiled Statutes.

2. A message was delivered to a telegraph company which read: "Attach property of A for \$720." The message as delivered read: "Even hundred ninety dollars." Held, that the recipient of the message was not guilty of negligence in interpreting the amount one hundred ninety dollars.

No. \$343. Albers against City of Omaha. Appeal from Douglas county. Dismissed. Norval. J.

1. This court is without jurisdiction to hear against contractions.

1. This court is without jurisdiction to 1. This court is without jurisdiction to hear a case on appeal unless the transcript of the record is filed here within six months after the rendition of the judgment or final order sought to be reviewed.

No. 8328 Counter against Becker, Error from Douglas county. Reversed. Harrison

from Douglas county. Reversed. Harrison, C. J.

1. An action on a check by the holder against the maker after demand of the drawee and non-nayment, is a suit on a written instrument within the meaning of section 10 of the Code of Civil Procedure and the limitation is five years,

2. Held that there were quistions of fact which should have been submitted to the jury, and a peremptory instruction of a verdict was erroneous.

Not Enough to Pay Out. PROVIDENCE, R. I., Nov. 1.—John H. Mason & Sons, cotton goods manufacturers have filed a voluntary petition in bank-ruptcy. The petition shows that the firm's liabilities amount to \$810.000 and the assets to about \$300,000, \$120,000 being in real estate and personal property and \$130,000 in accounts. The partners have also filed individual petitions n bankruptey. Eugene W. Mason's liabilities are \$330,000 and his assets are estimated to be a little over \$100,000. John H. Mason has liabilities amounting to \$180,000 and assets estimated

### TODAY'S WEATHER FORECAST

Fair. Warmer in Central and Western Portions of Nebraska; Variable Winds.

WASHINGTON, Nov. 1.-Forecast for Wednesday: For Nebraska-Fair: warmer in central and western portions; variable winds. For Missouri-Fair; colder in southern and eastern portions; west winds.

For South Dakota-Fair; warmer; south winds. For Kansas-Fair; cooler in extreme east ern, warmer in west portion; variable winds. For Wyoming-Partly cloudy; warmer;

southwest winds. For lowa--Fair; west winds. Local Record

Reports from Stations at S p. m.

STATIONS AND S		erature at	mum tem-	pitation
Omaha, clear		.1 521	54	0/
North Platte, clear		46	58	100
Salt Lake, clear			48	.00
Cheyerne, clear		. 36	50	.00
Rapid City, clear			- 52	.00
Huron, clear		. 44	56	100
Williston, clear		32	44	1
Chicago, clear		. 56	60	.00
St. Louis, clear	*********	62	018	100
St. Paul, clear		4(4)	50	.00
Davenport, clear		50	60	:00
Helena, cloudy			483	.400
Kanana City clear		2.0	222	200

Havre, cloudy ... Bismarck, clear Galveston, clear T indicates trace of precipitation.
L. A. WELSH,
Local Forecast Official.

#### HEART DISEASE.

SOME FACTS REGARDING THE RAPID INCREASE OF HEART TROUBLES. Do Not Be Alarmed, But Look For the

Heart troubles, at least among Americans are certainly increasing and while this may be largely due to the excitement and worry of American business life, it is more often the result of weak stomachs, of poor diges-

Real, organic heart disease is incurable but not one case in a hundred of heart trouble is organic.

The close relation between heart trouble and poor digestion is because both organs are controlled by branches of the same great nerves, the Sympathetic and Pneuhogastric In another way, also the heart is affected by that form of poor digestion, which cause gas and fermentation from half digested food; there is a feeling of oppression and heaviness in the chest caused by pressure of the distended stomach on the hear; and lungs, interfering with their action; hence arises palpitation and short breath. Poor digestion also poisons the blood makes it thin and watery, which irritates

The most sensible trealment for heart rouble is to improve the digestion and to nsure the prompt assimilation of food. This can best be done by the regular use after meals of some safe, pleasant and effeetive digestive preparation, 15:e Stuart's Dyspepsia Tablets, which may be found at most drug stores and which contain valuable, harmless digestive elements in a

pleasant, convenient form. It is safe to say that the regular, persistent use of Stuart's Dyspepsia Tablets at meal times will cure any form of stomach Full sized package of the tablets sold by

druggists at 50 cents. Little book on stomach troubles mailed free. Address Stuart Co., Marshall. Mich.

# SPAULDING & Co.,

Goldsmiths, Silversmiths and Jewelers.

Jackson Blvd. cor. State St.

An establishment where quality is the first consideration; where prices are based upon a fair and reasonable advance above the cost of manufacture or of import value and are alike to one and all.

Send for our new "Suggestion Book," mailed free. Spaulding & Co., Jackson Blvd. cor. State St. Chicago.

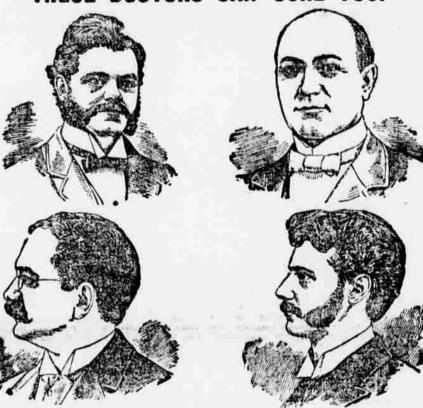


1308 Farnam St., Omaha, Neb. We refer to the Best Banks, Business Men and Merchants in the city

#### WHEN ALL OTHERS FAIL

Remember the wonderfully successful specialists and treatment of this institute combine the two greatest factors of the healing art known to the medical profession—ELECTRICITY and MEDICINE. It is the largest, most thoroughly and completely equipped institute, both electrically and medically, ever established in the West for the treatment and absolute cure of all nervous, chronic and private diseases of MEN and WOMEN. Honorsble and fair dealing accorded to all.

THESE DOCTORS CAN GURE YOU.



### SPECIALISTS for DISEASES of MEN SPECIALISTS for DISEASES of WOMEN

The great electrical and medical specialists of this institute are far the best, most successful and scientific the world has ever known, all of whom are graduates of the best medical colleges in the world, each having had long and successful practice in his speciality, and are achieving results in curing the sick and suffering by their combined Electro-Medical treatment, which would be impossible to secure by either electrical or medical treatment alone. The State Blectro-Medical Institute is the ONLY PLACE where you can obtain the benefits of this successful treatment under the most skillful and tearned specialists. BE ASSURED that if any power on earth can cure you these doctors can. They have effected complete and permanent cures after all others had failed. Some doctors fail because of treating the wrong disease; others from not knowing the right treatment.

#### NO MISTAKES HERE NO FAILURES.

A perfect cure guaranteed in all cases accepted. Our special combined ELEC-TRO-MEDICAL TREATMENT for NERVOUS DEBILITY never fails. YOUNG, MID-DLE-AGED AND OLD MEN. Lost Manhood. The awful effects of indiscretions in youth, self-pollution or excesses in after life, and the effects of neglected or improperly treated cases, producing lack of vitality, SEXUAL WEAKNESS, undeveloped of shrunken parts, pain in back, loins or kidneys, chest pains, nervousness, sleeplessness, weakness of body and brain, dizzness, failing memory, lack of energy and confidence, despondency, evil forebodings, timidity and other distressing symptoms, unfitting one for business, study, pleasure and enjoyment of life. Such cases, if neglected, almost always lead to premature decay and death.

RUPTURE VARICOCELE HYDROCELE, SWELLINGS, TENDERNESS, DISCHARGES, STRICTURES, KIDNEY AND URINARY DISEASES, SMALL, WEAK AND SHRUNKEN PARTS, ALL BLOOD, SKIN AND PRIVATE DISEASES, absolutely cured by this treatment, after all other means have failed.

DISEASES OF WOMEN. The combined Electro-Medical Treatment of the State Electro-Medical Institute is especially effective in the cure of all female complaints, falling or displacement of the womb, inflammation or ulceration, bloating, headaches, spinal weakness, discharges, bladder and kidney troubles. OPEN-Daily, from 8 a. m. to 8 p. m. Sundays-10 to 1 p. m. WRITE IF YOU CANNOT CALL-All Correspondence in Plain Envelopes,

State Electro-Medical Institute. 1308 FARNAM ST .. OMAHA. NEB.

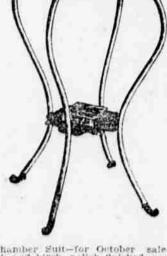
## ORCHARD & CARPET WILHELM COMPANY

October Sale **Furniture Bargains** Continued.

Many Omaha people have been too busy to buy furniture. For their advantage we will continue our special October sale all this week-onyx stands, gold plated brass stand with onyx top and shelf -will not tarnish-\$7.50.

Other onyx stands, new lots just in, \$3.75, \$4.50, \$6.00, \$7.50, \$8.00,





Odd Dressers to use with from Beds-6.50,

Sideboards—a few specials—\$9.25, \$11.50, 12.50, 14.00, 17.50, 19.00, 22.00 \$11.50, \$13.73, \$18.00, \$25.00. and up. Pillows-

ot -woven wire top-