## SULLIVAN WITH THE JURY

Trial of the Man Accused of Killing Kirkland Comes to an End.

DEFENSE RELIES ON DRATORY ALONE

No Testimony Taken But That for the State and Arguments Predicated On Points Brought Out Therein -Court's Instructions.

The Sullivan case went to the jury after 5 p. m. yesterday. Both attorneys for the defense addressed the jury on behalf of they stand upon. It was bought by Jack their client. In their argument they made a great deal out of Sullivan's condition of mind at the time of the killing of Kirkland, and the Northwestern Railroad company The view they presented was that Sullivan, having had trouble with the negroes, having been once hit with a brick or missile of some kind, had reason to fear a second attack. Then when he left the saloon, armed to defend himself, another missile flew past him at about the same time he saw the man he shot at coming around the corner of Tenth and Leavenworth streets under the shadow of the viaduct. The man's arm swung in the air as though he had thrown something. The shot was fired by Sullivan in

relf-defense. They put considerable emphasis on the inability, as they made it appear, of the state to prove that Kirkland's death was actually caused by the bullet from Sullivan's pistol. It might have been due to the very brick or stone or something which Sullivan told ex-Police Captain Mostyn flew past him just as he emerged from the saloon and Kirkland came in sight. Both called the jury's attention to what the girl, Esther Hultberg, had testified to on the preliminary examination and her change of front since her marriage to Baker, Kirkland's cousin. The interrogatories propounded to her on cross-examination, for the purpose of showing how conflicting were her statements,

were all gone over verbatim. In his instructions Judge Slabaugh defined the differences between murder in the first and second degrees and mere homicide. It made no difference if the man killed was other than the one intended; the point to be considered was whether the evidence showed Sullivan guilty beyond a reasonable doubt of maliclously, deliberately and premeditatedly killing or without deliberation and premeditation. This would distinguish the two degrees. If malice was not proven, but the act was on a sudden impule, it would be homicide. In any event, the fact that another man had been killed would make no

#### As Regards Self-Defense.

An instruction as to self-defense was added on the request of Sullivan's counsel. The court said that to constitute self-defense the accused would have to show that he was in fear of attack, such fear as a reasonable man might experience under circumstances of attack.

The state had its testimony all in by noon and rested. Ex-Police Captain Haze was called to corroborate the evidence of Mostyn, McGrath and others connected with the police as to the statements made by Sullivan, Miss Hultberg, Samuels and various witnesses at the time of the accused man's arrest. Policeman Meals went on the stand next to explain about the shadows cast by the abut-

ments of the Tenth street viaduct. A nice point here arose as to whether the prosecution could be compelled to put on all the witnesses it had subpoensed, the Tadlocks in particular. It seems that their evidence would be more in favor of Sullivan than the state. The defense tried to prevail upon the court to insist upon Winter calling

had been the practice of the district court, supported by a supreme court decision, to to make out a case and not those who might give evidence damaging to the side they were called by. A jury attaches great importance to evidence produced by one side which favors another. Counsel for Sullivan took exception to this ruling.

Walter Brandes, the proprietor of the safoon at Tenth and Marcy, was the first witness for the defense. He was called merely to show that the shadows cast by the abutments of the viaduct made it impossible for Policeman Storey to see all he claimed to

It was thought that Sullivan would have been allowed to testify in his own behalf to show that the killing of Kirkland was unintentional, but his attorneys concluded not to do so, and shortly after the court reconvened the argument to the jury began, no testimony to speak of being offered for

Pawnbroker in Contempt. The Daisy Raymond diamond suit eventually developed into a contempt proceeding. Deputy Sheriff Stryker went before Judge Dickinson and made an affidavit stating that when he served the writ of replevin upon the pawnbroker, Altman, the latter refused to disclose the whereabouts of the jewelry, or to give it up. Accordingly an attachment was issued for Altman, citing him to appear to show cause why he should not be punished

The hearing of the contempt case against Altman during the afternoon resulted in his discharge. He showed that he, himself, had not made any loan on the jewelry and could not be held personally accountable for it. It developed that a woman named Mrs. Weinberger had been the instrumentality used in the pawning of Miss Raymond's diamonds and William Priesman, supposed to be Altman's partner, had made the loan. On the strength of this the plaintiff was allowed to amend her complaint so as to include those two persons as well as Alt man and a new replevin writ was issued against all three. Armed with the second writ Deputy Sheriff Stryker and the law-

Gout finds its worst enemy Lithia Water the foe to all secretions caused by high living. Endorsed by leading physicians, and sold everywhere. Pints, quarts and % gallons.

Paxton, Gallagher & Co., distributers. Sold by Sherman & McConnell Drug Co.,

yers went again on a legal hunt for the

The girl's story as to the loss of her \$1,00 worth of diamonds is that the night she in-tended to leave Minnie Fairchild's place she had been drinking some. When she was by her to be Minnie Fairchild, came to her and wanted to know if she was going to take her jewelry. Somehow she fell off into a sleep and the next morning she found i pawn ticket in the place of it.

Contesting a Confirmation. During the afternoon yesterday Judge Fawcett was engaged in hearing the argument in the case involving the title to the Mrs. Little property at Twentieth and Far-nam streets. The property in dispute con-Morrison in 1892 for \$32,000, of which he paid to Mrs. Little \$5,000 in cash, giving to her

mortgage for the balance. In December, 1897, the property went to sale on foreclosure proceedings. It was then appraised at \$27,800 and was twice offered, but there were no bids presented. The next time it was appraised for \$23,600, but with the same result that there were no takers. A third itme it was appraised, but for only \$19,500. Then it was bought in by

the Northwestern for \$11.814. The confirmation is contested and the sale is asked to be set aside.

#### Another Damage Suit.

A peculiar suit for damages was started against C. B. Havens & Co. yesterday afternoon. The plaintiffs are Marlin A. Calhoun George E. Jordan and Mark A. Kinney and the amount they sue for is \$2,500. They set forth that along in May last they organized the "Bland Directory company," tending to run a rental agency and to furnish to exposition visitors a directory; that they rented a building at 1423 Webster street from A. D. White, but that on July 23 Havens & Co., with a force of men, tore down the building and removed their books, business and signs and they were not able afterward to obtain another building. The smount asked is what they consider their business would have been worth if they had been able to run it until the exposition losed.

Whalen Boys' Heritage. Judge Scott yesterday afternoon took up he trial of the Richard Kitchen estate case n which it is sought to compel the Kitchen brothers to pay to each of the two minor Whalen boys \$10,000 in cash. The deceased, according to the allegations made, bequeathed to the boys this much, but his brother, James B. Kitchen, was given the option of either turning over to each of the boys, through their guardian, \$10,000 worth of stock in the Paxton hotel or an equivalent in cash. Eventually this much stock was assigned to them. It is charged, though that the transfer was made after the three years' time had expired. An order was obtained in course of time from Judge Keyson approving this settlement, but it was se aside at the last term of court.

Divorce Cases. Decrees of divorce were allowed by Judge Scott yesterday afternoon in favor of Selma Anderson against Theodore Anderson and Addie M. Turney against Lewis C. Turney. Mrs. Anderson gets the custody of the three minor children and \$500 alimony. He grounds were drunkenness, cruelty and fallure to support her. The Turneys were married in August, 1884, at Summer Hul. She was deserted by her husband seven years ago, it appeared on the testimony. court awarded to her the custody of their

only child. A sharp contest is threatened in the case of Rosa Smith against William N. Smith and a big batch of affidavits on both sides was filed with the clerk of the district court

### yesterday.

Doty Sues the City. A jury in Judge Keysor's court is trying the damage case of Ezra S. Doty against t city. Doty claims \$2,992.50 for having his right leg broken August 16, 1895, alighting from a Sherman avenue car in the evening at Sherwood avenue, and running up against a water barrel near the track The street was being paved at the time and the barrel had been left there in the ordinary course of work. Doty says there was no light or signal to show that any obstructio was in the way.

Notes from the Dockets. Francis Silver Henry, convicted of burg-lary, has filed a motion for a new trial.

A bill of exceptions in the foreclosure case of William H. Green against Mrs. Isabells E. Morse has been filed with the district court clerk as a preliminary to an appeal. The Tekamah Herald says that Judge Baker dispatched his business on the hench there with marvelous speed. In one day he had three jury cases and empaneled another

Mrs. Augusta Engstedt has secured a di-vorce from Henry B. Engstedt, formerly engineer at the Creighton medical colloge, on the grounds of cruelty and failure to

Bucklen's Arnies Salve. Bucklen's Armica Salve.

THE BEST SALVE in the world for Cuts,
Bruises, Sores, Ulcers, Salt Rheum, Fever
Sores, Tetter, Chapped Hands, Chilblains,
Corns and all Skin Eruptions, and positively
cures Piles, or no pay required. It is guaranteed to give perfect satisfaction or money
refunded, Price 25 cents per box. For sale
by Kuhn & Co.

#### MATTERS IN FEDERAL COURT Grand Jury Returns Another Batch

of Twenty-Six Indictments-Progress of Litigation.

The grand jury in United States court returned a batch of twenty-six indictments yesterday afternoon. Of those made public one is against Joseph Smith for selling liquor without paying the government tax. Others are against Ansley White, William Evans, J. W. Durham, Louis French, William Perrine, Charles Hughes, John Furloud, Joseph Green, Charles Earth, Thomas Swallow, Charles Stable and Henry Hardin charged with selling liquor to the Indians. This makes sixty-seven indictments that the jurors have found at the present

The evidence in the action of Rice Brothers & Nixon, wherein the latter sue by Maggie Fatty, 2706 Cumings. Actual an indemnity company to recover on a guaranty bond, was concluded before Judge Carland last night, and the arguments are to be made today, after which the case will be submitted. If a verdict is not reached Actual soon, when the jurors do agree they will report to Judge Munger, as Judge Carland eaves tonight for his home at Sloux Falls, where he will remain until December 12. when he will return and again take up the law docket.

United States Marshal Thummel went to his home at Grand Island last night. He will not return to Omaha until the fore part of next week.

Judge Munger has received a copy of the rules of the United States supreme court, relative to cases in bankruptcy. The rules were promulgated by the judges of that

Charles Schlank and Charles Merritt have filed their petitions in the United States ourt, asking to be declared bankrupts. The ormer alleges that he owes \$15,000 and has but \$75 of assets. Merritt alleges that his debts aggregate several thousands of dollars and that his entire property consists of a \$20 shirt stud and \$15 worth of furniture.

Marriage Licenses County Judge Baxter issued the following marriage licenses yesterday: Name and Residence.

## HU-CAN--THESE CAN--THEY DID

Successful Estimates of the Merchants Bean Club Jars.

SOME GUESSERS FROM GUESSERSVILLE

The Actual Count of the Bean Jara on Which Estimates Have Closed and the Names of the Successful Contestants.

The Merchants' Bean club begs to make the following announcement of estimates of bean jars and the actual count of beans in

the jars. Bean Jar No. 22-Nearest estimate, 2,407, by Mrs. Stockham, 1725 South Twenty-ninth street; second nearest, 2,409, by Tom Mc-Avoy, 920 Farnam; third nearest, 2,411, by W. J. Nash, 816 South Twenty-second; fourth nearest, 2,413, by C. Bright, 3004 South Seventeenth street. Actual count, 2,407. Club member, Balduff, 1520 Farnam street. First award, five-pound box of candy; second and third awards, two-pound box each; fourth award, one-pound box.

Bean Jar No. 9-Nearest estimate registered, 839, by George F. Gibbs, 1715 Chicago street. Other near estimates: W. J. Moran, 840; K. P. Hall, 840; Fred M. Johnson, 840; S. W. Soper, 840; Cecia Pelton, 841; P. Mc Mahon, 841; John Bexton, 838. Actual count, 839. Club member, Aloe & Penfold Co. 1408 Farnam. Award, \$7.50 camera.

Bean Jar No. 11-Nearest estimate, 414, by Mrs. W. E. Palmatier, 2216 Maple street. Other near estimates: L. VanValkenburg, 412; Amelia Swan, 413; Jay Gould, 412; C. T. Williams, 419. Actual count, 414. Club member, Howe-Talmage Shoe company, 1515 Douglas. Award, pair of \$3.50 shoes. Bean Jar No. 16-Nearest estimate, first registered, 717, by W. H. Wigman, 1816

Dodge street. Other near estimates: R. W. Ayer, 717; Mrs. M. Z. Forscutt, 717; George W. Roberts, jr., 717; Annie Jess, 717; Minnie Eisele, 718. Actual count, 717. Club member, T. L. Combs & Co., 1520 Douglas street. Award, a gold mantel striking clock. Bean Jar No. 1—Nearest estimate, 1,020, by Mrs. George H. Green, 306 North Eighteenth street. Other near estimates: 1,019, by A. B. Tebbena; 1,021, by W. Y. Nixon; 1,019, by C. E. Brink; 1,021, by Arthur Welsh. Actual count, 1,020. Club member, T. B. Norris, 1413 Douglas street. Award,

\$3 pair of shoes. Bean jar No. 14-Nearest estimate, 1,333, by Miss Nora Emerson, 2305 Douglas street. Award, a \$6 enameled belt. Club member, Henry Copley, 215 South Sixteenth street. Actual count, 1,332. Other close estimates were: 1,334, by Van Brocklin, 1514 Douglas street; 1,335, by J. H. Walkup, 2014 North I wenty-fourth street; 1,328, by Mrs. L. Davis, 2018 North Twenty-first street; 1,327, by Howard Bruner, 2321 California.

Bean jar No. 24-Correct estimate, 1,060 by Mrs. M. E. Hogle, Twenty-sixth and A streets, South Omaha. Award, a perfume atomizer filled with Magnolia perfume. Second nearest estimate, 1,061, by R. W. Ayer, 1501 Jackson. Award, one pound Lowney's chocolates and bon bons. Actual count, 1,060. Club member, Sherman & Mc-Connell Drug Co., 1513 Dodge street.

Bean jar No. 11-First correct estimate registered, 923, by M. Z. Forecutt, 2220 North Nineteenth street; same estimate by Charles Krelle, 1813 Center street. Actual count, 323. Club members, Howe-Talmage Shoe Co., 1515 Douglas street. Award, pair of boys' \$2.00 shoes.

Bean jar No. 21-Correct estimate, 1671 by R. W. Ayer, 1501 Jackson. Actual count, 1,671. Club member, Pease Bros., 122 South Fifteenth street. Award, \$5.00 Knox hat. Bean jar No. 30—First correct estimate registered, 691, by A. J. Pelton, 2413 North Eighteenth street; same estimate by D. D. Miller, 1626 Emmett street. Actual count. 691. Club member, Max Becht, 720 South Sixteenth street. Award, a \$9.00 picture.

Bean jar No. 8-Nearest estimate, 2,016, by Mrs. R. C. Arnold, 913 North Nineteenth street. Actual count, 2,015. Club member Orchard & Wilhelm Carpet Co. Award,

Bean Jar No. 12-Nearest estimate, 1,117, by M. G. Landis, 2412 Indiana. Actual count, 1,117. Club member, A. D. Morse, 1517 Douglas street. Award, pair of \$3.00

Bean Jar No. 19 .- Nearest estimate (first deposited), 3,526, by George F. Gibbs, 1715 Chicago. Same estimate made by Maude Huston, 1120 Farnam. Actual count, 3,526. Club member, J. Morrissey Plumbing company, 319 South Fifteenth street. Award, \$5.00 onyx top brass table.

Bean Jar No. 31-Nearest estimate, 557 by Mrs. W. A. Saunder, 2050 North Ninecenth street (first deposited); also by M. G. andis, 2412 Indiana, and by H. H. Berger 2208 Harney. Actual count, 557. Club member. Robert Dempster company, 1215 Farnam. Award, Cyclone No. 2 camera.

Bean Jar No. 1-Nearest estimate, 2,064, by D. D. Miller, 209 South Twenty-eighth street. Award, pair of \$3 shoes. Club member. T. B. Norris. Actual count, 2,064. Bean Jar 8-Nearest estimate (first deosited), 1,065, by W. H. Wigman, 1816 Dodge; actual count, 1,064; club member, Orchard & Wilhelm Carpet company, 1414-16-18 Douglas street; award, \$3.00 lamp.

Bean jar No. 29-Nearest estimate, 3,650, by H. B. Morse, 2640 Harney street; actual count. 3651. Club member-Guarantee Clothing company, Capitol avenue, near Sixteenth street. Award-Man's worsted suit of

Bean jar No. 16-Nearest estimate, 1,353 by Nora Emerson, 2305 Dougles street; actual count, 1,352. Club member-T. L. Combs & Co., 1520 Douglas street. Award-A handsome sliver syrup pitcher, valued at \$6.50. Bean jar No. 20-Nearest estimate, 1,977 by W. K. Blackmar, 2020 North Twentleth street; 1976, Mrs. George Magney, 2212 Cass street. Actual count, 1,977. Club member-Regent Shoe company, 205 South Fifteenth street. Award—A pair of \$3.50 Regent shoes. Bean jar No. 28-Nearest estimate, 1,342, by VanBrocklin, 1514 Douglas street. Actual count, 1.341. Club member-Schaeffer, the druggist, Sixteenth and Chicago streets. ward-Handsome tollet set.

Bean jar No. 12-Nearest estimate, 1,223, count, 1,217. Club member-A. D. Morse. Award-Ladies' vici kid shoes.

Bean jar No. 10-Nearest estimate, 1,065, by Zola Dellacker, 1711 Jackson street. count, 1065. Club member-A Hospe 1513 Douglas street. Award-\$30 mandolin.

Bean jar No. 4-Nearest estimate 930 by Mae Hunter, 3002 Hamilton street. Actual count, 930. Club member—Omaha Sporting Goods company. 1316 Farnam street. Award-\$6 leather gun case. Bean jar No. 21-Nearest estimate, 2,104 by Mrs. T. J. Coates, Mercer hotel. Actual count, 2.104. Club member-Pease Brothers

122 South Fifteenth street. Award-\$5 Knox Bean jar No. 10-Nearest estimate, 1.350 by Blanche Hungate, 2124 Locust street. Actual count, 1,354. Club member-Henry Copley, 215 South Sixteenth street. Award

-\$6 belt. Bean jar No. 7-Nearest estimates, 1,313, by V. S. Hayes, 1813 Capitol avenue and 1,321, by W. G. Benawa, 3230 Burt street. Actual count, 1,316. Club member-William N. Whitney, 107 South Sixteenth Award-Two pairs of \$3 shoes Bean jar No. 6-Nearest estimates, 1,315, by A. W. McLaughlin, 1325 South Twentyseventh street; 1,315, by Mrs. S. E. Williamson, 1309 South Twenty-seventh street: 1,315, by Charles Sheeler, 2124 Locust street. Actual count, 1,315. Club member-Kuhn Co., Fifteenth and Douglas streets. Award

Omaha Tea & Coffee Co., 1407 Douglas street. Award-\$6 jardinlere and pedestal, finished

like the famous Rockwood pottery. Bean jar No. 15-Nearest estimate, 2,078, by W. G. Benawa, 3230 Burt street. Actual count, 2.075. Club member-Albert Edholm, 107 North Sixteenth street. Award-\$6 solid gold ring, set with emerald and pearl or ruby and pearl.

Bean jar No. 22-Nearest estimates were 1,345, by Mrs. H. C. Betterman, 2219 Locust street; 1,350, by Miss Emma Worm, 1016 Davenport street; 1,350, by Charles Sheeler, 2124 Locust street; 1,340, by George C. Graff 2515 Capitol avenue. Actual count-1,346. Club member-Balduff, 1520 Farnam street. Award-First, one 5-pound box of candy; second and third one, one 2-pound box o candy; fourth, one 1-pound box of candy. Bean Jar 9-Nearest estimate, 3,900, by M. G. Landes, 2412 Indiana; actual count, 3,884; club member, Aloe & Penfold Co., 1408 Far-

camera. Bean Jar 5-Nearest estimates, 1,858 by Samuel Rees, jr., 720 South Twenty-second street, and 1,857 by Fred Doran, 175414 Leavenworth; actual count, 1,858; club member, Albert Cahn, 1322 Farnam street; two custom made whirts, worth \$2.50 each. Bean Jar 26-Nearest estimate, 1,846, by

nam street. Award, a \$7.50 Monroe folding

count, 1,844; club member, Fred Kern, 1408 Douglas street, an elegant hat. Bean Jar 19-Nearest estimate, 3,980, by Mrs. Irving Crane, 1047 South Twentieth street; actual count, 3,981; club member, J. Morrissey Plumbing Co., 319 South Fifteenth street; award, a handsome gas lamp, valued

O. A. Larimer, 2730 Caldwell street; actual

at \$5.00. Bean Jar 25-Nearest estimate, 1,225, by Mrs. George T. Giacomint, 2004 North Twenty-fourth street; actual count, 1,225; club member. Omaha Carpet Co., 1215 Dodge street; award, rug valued at \$12.00.

Bean Jar 24-Nearest estimate, 2,197; by W. T. Irons, 2208 Howard street. Actual count, 2,191; club member, Sherman & Mc-Connell Drug Co., 1513 Dodge; award, \$4.00 one-half pound bottle Pinaud's perfume. Respectfully,

MERCHANTS' BEAN CLUB. HU-CAN? HU-CAN? HU-CAN? HU-CAN?

#### The State of the S HEARD ABOUT TOWN.

THE RESIDENCE OF THE PARTY OF T "The western portion of Nebraska is in better shape than ever before," said Matt Daugherty of Ogalalla. "Last season our farmers raised good crops and got big prices for everything that they had to sell. With us live stock is king and it is on fat steers that we bank. There are lots of them out our way and they are all in prime condition. The recent storm, while severe, did not cause any suffering among the cattle. For a few days we had to feed, but now the range is open and is as good as it was two months ago. Few of our people are borrowing money this year, and instead of their eing borrowers, fully nine-tenths of them would be money lenders if they could find parties who wanted the money.'

W. Walter Windsor of Rutland, Vt., a wool buyer of that town, is in Omaha on his way home from a tour through Washington. Montana and Idaho. He says: "The west is rapidly becoming the sheep pasture of the United States. Twenty-five years ago we thought that the New England and middle states raised more sheep than all of the rest of the world. During my trip I saw single flocks of sheep that contained more animals than all of the flocks in the New England states combined."

Senator William V. Allen is in the city. He will spend the day here and depart for Washington this evening. Speaking of legislation relative to Nebraska the senator said: "There is little to be done at this session of congress, aside from disposing of the appropriation bills, disposing of some unfinished business and possibly enacting some legislation that may come up by reason of the territory acquired from Spain.'

Personal Paragraphs. Mr. and Mrs. M. Horton of Chicago are at the Her Grand. Frank F. Miller of Chicago, representing Armour & Co., is at the Her Grand.

F. W. Scott of Chicago is at the Her Grand. B. Cooper of Minneapolis is at the Her

W. E. Hitchcock, W. J. Foye and Dr. G. L. Nason have taken permanent apartments W. A. Poynter of Albion, the governor-elect, is in the city conferring with friends and looking after matters of a business

Uncle Jake Wolfe, commissioner of public lands and buildings, is spending the day in the city. He says his trip here at this time pertains entirely to business matters. General Agent Frawley of the Union Pa-cific passenger department at Kansas City is at local headquarters.

The marriage of Miss Pauline Lowe to Lieutenant William L. Murphy of the Twen-ty-fourth infantry, U. S. A., has been anfor noon on December 8, at the Unity church.

Captain De Lamar, part owner of the Mercur mines and owner of other large mining interests, passed through Omaha yes-terday on the Union Pacific Overland. He is considered among the wealthiest mine owners in the country.

Nebraskans at the hotels: O. W. Davis, Salem; A. V. Whiting, Lincoln; Frank E. Wood, Tekamah; J. E. L. Carey, Ed Farley, Bancroft; D. T. Chambers, Stanton; E. P. Meyers, Ogalalla; Joseph Hill, Beatrice; C. F. Roe, Hartington; C. E. Skine, Su-perior

#### GATHERING POINTS ON ANTS

Omaha School Teachers Listen to Prof. Bruner's Discourse Concerning the Industrious Bug.

Nearly 400 teachers of the Omaha public schools listened to the lecture yesterday afternoon in the city hall by Prof. Bruner of the University of Nebraska. The subject was "Ants," and as the ultimate object of the lecture was to transmit some of the professor's knowledge about the ant species to the boys and girls of the public schools through the medium of the teachers, everybody present had pencil and notebook. The lecture treated of the different specie

of the ant tribes, their geographical distribution and their characteristics. The thoughtful omission of scientific phraseology and the giving of interesting bits of information from time to time regarding the habits and mannerisms in vogue in the ant world made the lecture an entertaining one That part relating to the Termite species, or white ants of tropical countries, was the most interesting; the more so, as Prof. Bruner stated that a species of this tribe is native to the state of Nebraska. He described the Termites, saying that they are the pests of tropical countries and that they live in colonies, breeding very rapidly. The female Termite hatches 63,000 eggs in a day and lives for several years. These ants live on dead wood and travel as far as half a mile for food, constructing covered galleries under which to make the journey. Instances have been known where great numbers of them have eaten through the wooder joists and walls of houses, leaving them shells. Sometimes they have eaten through the floors of houses into the legs of tables, and even into the tops of the tables, leaving them to all appearances the same, but in reality so hollow that when a book was placed upon them they crumbled and fell to the floor. Prof. Bruner said that the species of the Termites found in Nebraska are the yellow-footed white ants.

Plurality of Pingree. Co., Fifteenth and Douglas streets. Award LANSING, Mich., Dec. 2.—Official election returns from all counties but two show Gov-Bean jar No. 2—Nearest estimate, 3,987, ernor Pingree's plurality to be 73,891.

## by T. J. Boyl, 520 South Twenty-fourth Street. Actual count, 3,987. Club member DUTY CALLS; LOVE FOLLOWS CENTRAL LABOR UNION WORK

Rabbi Franklin Announces His Approaching Change in Eloquent Words.

UNMIXED JOY EXISTS IN LIFE

Parting With His Omaha Friends s Hard Thing to Face, but Duty's Demand Urges Him Forward

in Life's Battle.

Instead of his customary Sabbath eve address, Dr. Leo M. Franklin of Temple Israel said a few words last night touching upon his soon taking leave of his congregation for his new charge at Temple Beth-El. Detroit. He will not go to Detroit until about the middle of January. Before he takes his departure then he will deliver a formal farewell sermon. One of the comnittee of eighteen from his new congregation, Samuel Rindskoff of Detroit, was present to greet him.

The edifice was well filled. The idea had gotten out that Dr. Franklin was to leave immediately, and every member of his congregation that could be there was present After an impressive service the young teacher in modern Israel said:

Life is a constant struggle between the demands of the head and the desires and promptings of the heart. Wisdom, judg-ment, discretion, ofttimes direct the unfolding of our lives in one direction, while senti-ment, affection, love, strive to turn our beings otherwise. Fortunate, indeed may tha man esteem himself in whose soul has not raged the battle between love and duty. raged the battle between love and duty. Yea, blessed be he, if any such there be, whose idealism has not been checked by the regretful thought of those who cannot follow him and the fulfillment of whose ambitions has not lost much of its sweetnes in the consciousness that there are those whose presence will be missed in the moment of life's victory.

Here he drew a graphic picture of a sol-

dier taking leave of a lovely bride at the call of duty as an apt similitude for the occasion, and continued:

The truth is that in this world there is no unmixed joy, for so intertwined and in-termingled are the interests of humanity that loss and gain, victory and failure, are often to be read in the same incidents of life, according to the point of view we take

Duty and Love Walk Together.

When tonight there is suggested to our mind by circumstances which you all know the discussion of how to arrive at a right eous decision: when we stand promp opposing emotions we must realize at the duty is, after all, more seeming than real that could we but see with eyes unpreju-diced by our affections and minds unbiased by our ambitions, we would come to the conviction that there is no choice open to men in the direction of their lives, but that where duty calls there must they go, for duty and love walk hand in hand, and one hallows and glorifies the other. They are really not opposed to one another, but like the cherubim upon the ancient ark of the covenant, they stand face to face, and each sees its own image reflected in the eyes of the other. For man the choice is not then between duty and desire but between the

larger duty and desire but between the larger duty and the smaller.

The choice, we know, is never without sacrifice; indeed, seidom, if ever, without keenest suffering. How well I remember when over six years ago I left my father's house and bade adieu to dear ones that I might enter upon the sacred duties of my might enter upon the sacred duties of my life in this community and congregation; how the apparently opposing forces of love for my parents and duty to the cause to which I had obligated myself seemed to strive within me for the mastery, but how, collowing the voice of duty, I found it was also the voice of parental affection, for that affection, at its own cost of tears and suf-fering, echoed the call of duty. Today when six years of my life have been spent among you, when the sacred fire of friend-ship hallows your hearts and mine and a bond of mutual devotion links our lives ether. I have heard again a voice calling me to leave the scene of my earliest en-deavors—this spot sanctified by the first enthusiastic offerings of my heart—to leave this home where, coming a stranger and a novice, I have lived a friend among friends who, from the first day to the last, have been staunch in their devotion, as they have een untiring in their desire to make me

happy in their midst. Parting Not a Pleasure. An eloquent tribute to the kindness of his ongregation was paid by the speaker. "God knows." he said in conclusion, "it is no easy thing to part from friends like these, but he who devotes himself to the expounding of those grand principles and those exalted ideals for which Judaism stands must spend his efforts where they will be the most effective, through the field being larger and the opportunities greater." If he failed to so devote his life, he reasoned, that it would yield the best and largest fruits, he felt he would not be true to his trust. The thought of this would lessen the pain of the sacrifice

involved. Most of the members of his congregation hook hands with him after the service, and the scene was a rather affecting one. "What s jour loss," said Mr. Rindskoff to a warm admirer of Dr. Franklin, "is our gain."

Johnson Convicted of Murder. AKRON, O., Dec. 2.—Edgar Johnson was oscar Osborne near here, September 19 Robbery was the motive. The jury recom-mended life imprisonment

THERE IS A CLASS OF PEOPLE Don't give them tea or coffee. Have you cently there has been placed in all the grocery stores a new preparation called GRAIN-O, made of pure grains, that takes the place of coffee. The most delicate stomach receives it without distress, and but few can tell it from coffee. It does not cost over 4 as much. Children may drink it with great benefit. 15c and 25c per package. Try it. Ask for GRAIN-O.



W. Granville Smith **CHRISTMAS COVER** 

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Piente Committee's Report Starts Row that Lasts for Some Time-Joe Kontaky an lasue.

Turbulence characterized the meeting of the Central Labor union last evening, and three hours were consumed in transacting little business. At the last meeting an unofficial report from the committees having in charge the two labor picnics last fall showed a surplus from these ventures of \$24. An auditing committee was appointed at that time to check up the accounts, and it reported last night in detail, showing a balance of \$37. While this was an increase on the original report, some of the mem bers took the ground that because of this discrepancy there must be others, and the discussion took an arcrimonious turn. Mo tions for a special meeting of the union to examine the accounts and for an investigating committee were were made, but were finally defeated, and the auditing commit-

tee's report adopted. Joe Koutsky of South Omaha was present at the meeting and took a full hand in the discussion just as he did during the campaign as a republican candidate for representative, and with about the same re sult, for after having been on the floor a half dozen times or more a motion prevailed enforcing that part of the laws of the union which prevents one being a member of it who does not work directly in the line of the union which he represents. This will go into effect next month, and unless Koutsky changes his business he will be shut out.

There was another scrap over organizing a painters' union at South Omaha. There are two factions to this union, the one recognized generally in the west having its headquarters at Lafayette, Ind., while the other is located at Baltimore. The latter branch still retains the recognition of the American Federation of Labor, and it was under this jurisdiction that the South Omaha painters wished to organize. The proposition was vigorously combatted by the friends of the union in Omaha, wh belong to the other faction. M. H. Bel made a talk in which he said the move was an attempt to disrupt the Omaha union, and predicted that after the meeting of the federation next month its endorsement of the Baltimore faction would be withdrawn and the latter would go out of existence. After some more talk the whole matter was deferred until after the federation meeting to see if Bell's predictions came true. There were many other disputes of minor tone, but midst it all the union found

The sooner a cough or cold is cured without harm to the sufferer the better. One Minute Cough Cure quickly cures. Why suf-fer when such a cough cure is within reach? It is pleasant to the taste.

time to attend to some routine matters so

that the evening was not entirely lost.

#### LOCAL BREVITIES.

The Douglas County Agricultural society will hold its annual meeting for the election of officers and to wind up its business for the year in the Board of Trade hall this afternoon at 2 p. m.

The Omaha Street Railway company will run extra cars on the Harney street line on next Sunday evening to accommodate those who desire to attend the production of Roswho desire to attend the production of Ros-sini's "Stabat Mater" in St. John's church (Creighton college), on Twenty-fifth and California streets. It is requested that those who desire seats procure them today, as only a limited number can be reserved. DIED.

MUNRO—Maggie, sister of George A. Munro, of pneumonia, Friday, December 2, 1898, aged 41 years. Funeral services Sunday. Interment at Washington, la.



Hon. Thos. B. Reed,

Speaker of the House of Representatives, will contribute to . . .

# The Youth's Companion

for the week of Dec. 8th a delightful article of reminiscence and anecdote, under the title,

'Congressional Oratory."

The Marquis of Lorne, Mme. Lillian Nordica, Israel Zangwill, will contribute to the remaining issues of 1898.

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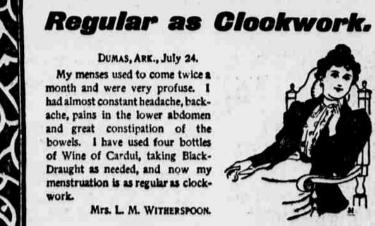
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