Douglas county. Sullivan, J.

I. A verdict supported by sufficient com-petent proof will not be disturbed.

2. In the trial of an action on a contract

and corruptly false.

No. 9149. Chicago, Rock Island & Pacific Ratiway Company against Bertha Zernecke, administratrix. Affirmed. Error from Thayer county. Norval. C. J.

1. By section 3, article 1, chapter laxil, Compiled Statutes, a right of action is given to a person for all injuries sustained while a passenger of a railroad company, except, where the injury was occasioned by his own criminal negligence or by his violation of some express rule or regulation of the

of some express rule or regulation of the arrier actually brought to his notice.

2 In an action for injuries sustained by

free from reversible error

4. Under said section II. article i, chapter xviii. Compiled Statutes, to effect the division of a country, the proposition therefor must receive a majority of the legal votes cast at the general election at which the same was submitted whether cast for the filling of an office or on any proposition.

5. In determining the question of whether the country division has been adopted the total vote cast in the country at the election at which the same was submitted will be presumed to be the highest vote cast for any office or on any proposition. But this presumption if not conclusive may be overcome by proper evidence.

6. A country canvassing board has no authority to find and declare the total vote polled at an election and a finding in that respect made by it will be rejected as surphusage.

7. An exception to the oversuling of a

7. An exception to the overruling of a motion for a new trial is necessary to obtain a review of the question presented by such motion.

No. 8148. Alfree Manufacturing Company

against Grape. Reversed and remanded. Error from Dixon county. Holcomb. J. I. Petition examined and held to state a cause of action for damages for breach of

ontract for nonperformance and fallure to

omply with its terms, and that it does no

comply with its terms, and that it does not contain essential averments necessary in order to construe it as a petition for a rescission of the contract and recovery of the consideration paid.

2 Instructions set out in the opinion give action a double aspect, one for damages for breach of contract and the other for a rescission thereof and the recovery of the purchase price. Held, that an action will not lie to recover damages because the

resclusion thereof and the recovery of the purchase price. Held, that an action will not lie to recover damages because the

phichase price. Held, that an action will not lie to recover damages because the machinery was not as good as represented and at the same time recover the price of it by rescinding the contract. The two remedies are inconsistent and repugnant and cannot be joined or blended.

3. A pleading for rescission of a contract for a breach in its conditions must allege the ground upon which a right to rescind is based, an offer to rescind without unnecessary delay by a tender of the property received, with a request for a return of the consideration, the offer to return the property must be continuous and kept good by a proper averment to that effect.

4. A contract cannot be rescinded in part and a part remain executed. If rescinded at all it must be in toto, and the parties thereto placed in statu quo so far as the circumstances will permit.

5. Instructions which bring into the cast questions foreign to the issues as raised by

5 Instructions which bring into the case, mestions foreign to the Issues as raised by the pleadings, and which are calculated to mislead the jury, are prejudicial error, balling for a reversal of the ladgment.

No. 25%, The Chicago, Rock Island & Pactic Railrond Company against Eaten, administrator, Affirmed, Error from Theyor county.

Thayer county.

No. 9184. Beillard & Co. against DeGroff et al. Reversed and remanded. Appeal from Red Willow county.

from Red Willow county.

1. An agent in charge of a retail lumber business, with the power and authority ordinarily incident to the conduct of such business, exceeds the scope of his agency in signing his principal's name to an obligation for the faithful performance by a third party of a contract for the construction of a building our application.

building, or an obligation of like character.

The unauthorized acts of an agent in

wise possessed.

2 The fact that an agent, acting without

CANADIAN LINE HOLDS KEY

Canadian Pacific Occupies Important Position in New York Conference.

CAN CONTROL COMMISSION QUESTION

Agreement Abolishing Commissions Imperfect as Long as Canadian Paeific Continues Former Practice -Salaries May He Raised.

Omaha ticket agents, as well as representatives of this important branch of railroading in all parts of the country, are more than interested in the meeting of the presidents light at the police station early Friday mornand executive officers of railroads now in ing and the story has the same pathetic feasession in New York.

It is known that the New York conference

other lines for transcontinental business, especially that which goes across the northera portion of the continent. Among other lines the Great Northern would suffer par-

equitable plan for the increasing of the held on a charge of being drunk. salaries of ticket agents, whose incomes have been so seriously lowered since the SPLIT adoption of the commission agreement.

cause of paying commissions.

Private advices received from New York Thursday afternoon stated that the Canadian Pacific had "entered the fold," having agreed to the terms of the commission agreement adopted by all of the other railroads. This action has thrown a damper on the expectations of all ticket agents of a resumption of is held by the majority of the local agents, however, that the executive officers while in session in New York will agree upon advances in salaries to offset in a measure the loss sustained by the abolishment of com-

Telegraphic advices also brought the information that the lines operating from the Missouri river to Portland had agreed to withdraw the colonist rate of \$25 from Missourl river points to Portland, effective people demanded the appointment of a com-March 20, and demand hereafter the normal mittee of nine to draw up a treaty, and tariff-\$40. The \$25 colonist rate has been in effect for the last two years, having been forced upon all the railroads by the active competition between the Great Northern, Northern Pacific and Canadian Pacific,

DOINGS OF WESTERN PRESIDENTS.

Statement of What Has Been Accomplished at New York.

the presidents and leading executives of the majority report instructed the committee western and transcontinental lines recon- to stand firmly for the name social demovened this morning. When the conference crat party, while the minority report merely finally adjourned at noon, to be convened in told the committee to "urge the selection regular session on the first Wednesday in of the name social democrat." The minority June, it was announced that agreements report was adopted tonight after a prohad been reached on all subjects under dis- longed discussion. Stedman of Illinois incussion, but that there were no resolutions sisted upon the majority report, while Haror other formal actions of the conference riman of California, Hilquitt of New York to be given out.

conference in abolishing ticket commissions port prevail, negotiations with the socialistwas continued, with additional restrictions, labor party would in all probability be at which the month's experience under the new | an end. safeguards.

Rio Grande, prepared the following statement as a formal record of the session;

merce commission of strict observance of all lawful methods in the conduct of inter-

Third-The adoption of resolutions direct-

of the carriers and of the important commission over which he presides.

Memphis Line Cuts Rates. The Memphis line has inserted the pruning knife into rates southbound from Kan-

sas City and local railroad men anticipate a lively rate war if the pace continues. PROTEST Simultaneously with its reduction of the rates on fertilizer comes the announcement Chinese Consul Objects to Action of of a lowered rate on flour from Kansas City to New Orleans, Mobile and Mississippi river points. The new rate is 18 cents per 100 pounds. In order to protect the interests of their patrons the lines operating from new rates will have to make corresponding

Railway Notes and Personals. G. N. Clayton, northwestern passenger agent of the Wabash, has removed his of-

EDUCATE YOUR BOWELS.

Thousands of Premature Deaths Caused by Neglect.

Every Person Can Prolong Life and Health and Happiness Who Will Listen to the Voice of

If you want to open a door, you don't

a key. It's easier and less destructive.

stipated, don't take an old-time dose of while passing through Chinatown. physic, throw your bowels into spasms and II will be several days before the exact turn your liver inside out, as long as every- nature of the suspected case can be deterting can be set right, in a nice, gentle, quiet, positive, natural way by Cascarets. the ideal laxative.

We have all found out that persuasion is stronger than violence.

Instead of trying to force your disordered organs to do their duty. Educate Your Bowels and make them act naturally by using Cascarets, Candy Cathartic, so pleasant in Houston, Tex., of Mrs. J. C. Flor, who to the taste, so mild, so effective. They are was one of the first settlers in Nebraska guaranteed to cure any case of constipation and a resident of this city for nearly forty or money refunded.

York. you buy, and beware of frauds, daughters was the first white child born imitations and substitutes. in Fremont.

fice from the Karbach block to commodious quarters in the New York Life building. J. H. Spivey, car accountant of the Kan-sas City, Pittsburg & Gulf line, is in the

H. N. Hall, contracting agent of the Can-dian Pacific, is in the city from Chicago soking after business matters.

LOCKED UP FOR HIS FRIEND Tale of Damon and Pythias Varied to

Suit the Closing Year of the Century.

It is not often that the ties of affection inding the hearts of two persons of the male persuasion are so strong that one will insist on being locked up because the other have an eight-club circuit. This announceures as that of Damon and Pythias.

George Jorgensen, a beardless 19-year-old is held primarily for discussion of the com-South Twelfth street, came to the door of eight-club circuit had been unanimous. mission question. Upon its result finger south I wenter a street, came to the clubs dropped have the right unmuch of importance to the ticket agents, the station about 1:45 a. m. After a swift der the agreement to reserve their players, misssion question. Upon its result hinges ful operation of the ironclad agreement cn- steadily to the sergeant's desk and said; except Washington, which has been pur tered into by all of the railroads in the "Say, I want to be arrested." Diligent ques-United States abolishing the payment of tioning developed the fact that his friend, ton's players will be distributed among the commissions is the fact that the Canadian Oliver Elliot, a small driver, and Richard eight clubs. The Brooklyn-Baltimore com-Pacific continues the payment of commis- Tracy, a waiter, had been arrested an hour bination centrels the Ballimore players, As a consequence the Canadian earlier for fighting and disturbing the peace Pacific is an important factor in the present at Sixteenth and Chicago streets. Jorgenson | concessions will not be made public, it ! New York meeting. If it declines to abol- instated that he was as much mixed up in stated. ich the payment of commissions then, rail- the affair as his friend Elliott and was loath ecommodate him, giving him the fatherly will be made, advice that he go home and sleep off his jag. President Pulliam of Louisville was first ticularly and it is not presumed that they can squarely into the arms of Sergeant Wis- of the Louisville franchise for \$10,000. would stand idly by and see the Canadian senberg and told him his tale of woe. The Pacific getting the bulk of the business be- sergeant's tender heart was deeply touched the day's work by hearing the grievances of and he ordered that the young fellow be the players and minor leagues. The mem-If is stated, however, that the Canadian locked up with his dear friend, which was bers of the board present were: President Pacific will follow the example of the American railroads and abolish commissions. If this is done then it is believed that the pres. office and succeeded in getting security and nati and James Hart of Chicago. idents will turn their attention to some was released on bond. But Jorgensen was

AMONG

Debs' Followers and Socialist Labor

Debs' Followers and Socialist Labor
Party People Divided on Method
of Amalgamation.

INDIANAPOLIS, March 8.—The social
democratic national convention held a stormy
session this afternoon and this evening and
did not adjourn until nearly 8 o'clock tonight. Many of the delegates missed supper to attend the public meeting at the court
house, at which Eugene Debs was to speak.
At the morning session the committee
of the social labor party and the subcommittee from the convention reported in favor
of amalgamation of the two parties. The
two committees locked horns on a name
for the united party. The socialist-labor
neonle demanded the appointment of a comthe payment of commissions. The opinion did not adjourn until nearly 8 o'clock tothat the treaty be submitted to referendum vote of both parties for ratification, including the name proposed for the united party. A joint ticket, composed of Debs for president and Harriman of California for vice demanded \$75,000 for its franchise. president, was asked for. The convention's committee reported in favor of the referendum clause, but split on the advisability of making any concession as to the name of the united party. Over this question, the NEW YORK, March 8.-The meeting of convention quarreled all afternoon. The and Hayes of Ohio were for the minority The action of the presidents at the last report. They said should the majority re-

order seemed to make desirable as further | Then came the question of a ticket Eugene Debs was placed in nomination by After the close of the conference, its Frederick O. McCarthney of Massachusetts. shairman, President Jeffry of the Denver & Debs at once rose and said that under no circumstances would be be a candidate for president. He said he had private

First—The discontinuance of commissions, stipends and other considerations for the sale of tickets. The committee in charge of this matter was continued with enlarged powers and duties.

Second—Piedges to the Interstate Commerce commission of strict observance of Massachusetts for president merce commission of strict observance of and Representative Carey of Massachusetts named Job Harriman of California for pres Third—The adoption of resolutions directing executive officers of railways in certain localities to confer and adjust existing differences, which, in the main, are of minor importance.

Martin Knapp, chairman of the interstate Commerce commission, and Commissioner Yeamans were in attendance on Wednesday and the former delivered an address day and the former delivered an address of the duties and responsibilities. At the mass meeting tonight Debs was

the meantime addresses were made by Max Haves and John C. Chase, Mayor of Haverhill, Mass. Debs did not show up, however, and the meeting adjourned.

ON QUARANTINE

Health Board at San Francisco.

SAN FRANCISCO, March 8 .- Chinese Consul General Ho Yu has issued a preclama-Omaha to the territory affected by these tion, which is endorsed by the Six Companies, protesting against the action of the rise continues. Board of Health and police in quarantining Chinatown because of the discovery of a suspected case of bubonic plague. He says he has investigated the matter and finds that the man died of a common allment, after an operation had been performed. He declares that there is no excuse for the blockade which has been placed on the Chinese

quarter, and says: Should this outrageous conduct be continued, I will invoke the protection of the treaty now existing between the United

States and China." The city Board of Health has decided to enforce the quarantine in Chinatown with the midst of the festivities when the blaze Market Street Railway company has been granted permission to run its cars on Jackson. Clay and Sacramento streets, subject smash it with a crowbar, but open it with to thorough disinfection. No one will be allowed to enter or leave a car anywhere all those in the building escaped without in the quarantined district and passengers When you are costive, or bilious, or con- will be compelled to go inside the cars

mined by the investigating physicians.

DEATH RECORD.

Pioncer of Fremont. FREMONT, Neb., March 8 .- (Special) Notice was received here today of the death years. Mrs. Flor came to Fremont with her Buy and try Cascarets, today. It's what husband in 1857 from Wisconsin when the burger, David Joubert, Daniel Erasmus and they do, not what they say they'll do, that town was only a few months old. She was a J. proves their merit. All druggists, 10c, 25c, resolute, energetic woman and for the first ioc, or by mail for price. Send for booklet eight years of her residence here attended Address. Sterling Rem- largely to business herself, as her husband edy Co., Chicago; Montreal, Can.; or New was in the freighting business between Mis- entrenching at Biggarsberg. The scouts resouri river points and the west until the This is the CASCARET tablet. Union Pacific railroad was built. Her hus-Every tablet of the only genuine band, one son. E. S. Flor of Valley, and CCC." Look at the tablet before three daughters survive her. One of her

in Fremont.

EIGHT CLUBS IN BIG LEAGUE

Assistant General Passenger Agent Craig Unanimous Agreement for a Smaller Circuit the Northern Pacific is a visitor in the by the Magnates.

TERMS OF SALE NOT TO BE ANNOUNCED

Four Minor Leagues Petition for an Amendment to National Agreement About Brafting of Players-No Action.

NEW YORK, March 8.-The National Base Ball league for the season of 1900 will ment was made at the Fifth Avenue hotel at 11:30, when the league meeting adjourned. The agreement with the clubs dropped will be formally written tomorrow. President youth who resides with his parents at 1230 Young said the verbal agreement for an

> chased outright by the league. Washing The terms demanded by the clubs and

According to Ebbitts of the Brooklyn road men assert that it is but the matter of to be apart from him in this, his hour of Baltimore combination it received all it a brief time until all railroads will resume need. The young man declaimed in rag- saked for the surrender of the Baltimore the commission plan of securing business, time language and maudin tones for many franchise. Hanlon would not say which By paying commissions the Canadian Pa- minutes, but Desk Sergeant Matshall took of the Baltimore club's men will be annexed cife becomes a formidable competitor to all pity on his youthful verdancy and refused to to Brooklyn, but intimated that the pick

> Just as young Jorgensen was leaving the called. When he came out he said the station broken-hearted and disconsolate, he committee had agreed to report the purchase The National Board of Arbitration opened

During the session the board of arbitra ion made its report. President Young, after the adjournment, gave out a summary of the SOCIALISTS | board of arbitration's report. The following petition from four minor leagues was considered:

H. F. SCHMIDT, Central League.

The board decided to lay the petition over ntil the fall meeting. There was talk that Washington was holding out for \$46,500 for its franchise. J Earl Wagner said so. Baltimore, it was said

Results on the Running Tracks.

NEW ORLEANS, March 8.—Results: First race, six and one-half furlongs: Jim Gore II won, Wiggins second, Dolly Weithoff third, Time: 1:28, Second race, six furlongs, selling: Ovatur won, Inlook second, Frangible third, Time: 1:18. 1:18.
Third race, one and one-quarter miles selling: Nailor won, Cuirassier second, Rushfields third. Time; 2:11.
Fourth race, one mile, handicap: Strangest won, Cathedral second, Lady Callahan third. Time: 1:464.
Fifth race, seven furlongs, selling: Irma

won, Spotted Fox second, Clarence B third Time: 1:33. won, spotted Fox second, Clarence B third.
Time: 1:33.
Sixth race, one mile, selling: Grace Phillips won, Allie Hale second, Ben Chance
third, Time: 1:494,
SAN FRANCISCO, March 8.—Weather,

raining and track sloppy. Oakland results:
First race, five-eighths of a mile, seiling:
Espirando won, Ramboulta second, Lady
Heloise third. Time: 1:25%
Second race, seven-sixteenths of a mile,
for 2-year-olds, selling: In Trade won, On
Time second, Socapa third. Time: 6:44%.
Third race, one mile, selling: Tools, selling. Third race, one mile, selling: Tekla wo ssence second, Choteau third. Time: 1:44 essence second. Choteau third. Time: 1:44.

Fourth race, one and one-sixteenth miles elling: None Such won. Don Luis second Futtgart third. Time: 1:44. Fifth race, one mile, selling: Toribio won cotch Plaid second, Boundlee third. Time

Sixth race, one mile, selling: Castake won, Montallade second, Miss Marion third.

Dog Show at Chicago. CHICAGO, March 8. The attendance to-day at the fourth annual exhibit of the Masicoutah Kennel club showed a large

awaited by the crowd for two hours, and in BIG RISE IN OHIO RIVERS Fremont Under Water and Many Families Taken off in Boats.

> FREMONT, O., March 8.-The Sandusky iver is the highest for fifteen years. The ice has gorged and the entire lower part of the city is submerged by back water. The tracks of the Wheeling & Lake Eric railway are covered and traffic is impossible. Several factories have been compelled to close down. Houses are surrounded and many families vacated in boats. The business section of the city will be inundated if the

FIRE RECORD.

Chiengo Presbyterian Church. CHICAGO, March 8.-The Second Presby erian church, at the corner of Twentieth treet and Michigan avenue, was completely destroyed by fire tonight. The building was the home of one of the most aristocratic congregations in the city and was erected twenty years ago. A reception was being given in the church pariors by the Young People's Christian Endeavor society of the church and the assemblage was in was discovered in the organ in the main auditorium. There was a rush for the doors and for a few minutes it appeared as if there would be a dangerous panic, but danger. The loss on the building and furnishing is estimated at \$200,000.

Russian General Staff Bullding. ST. PETERSBURG, March S .- A fire a he beadquarters of the general staff today destroyed a quantity of the most valuable books and manuscripts, which it is impossible to replace. All the fire brigades of the city were engaged and they obtained control of the flames this afternoon.

BOER CAMP, BIGGARSBERG, Monday

March 5 .- At a general council of war held today Louis Botha was appointed lieutenant. general for Natal and Lukas Meyer, Schalk-Fourie were appointed major generals. The selections have given lively satisfaction to the burghers.

2. The unauthorized acts of an agent in signing his principal's name to such instrument cannot of themselves be construed as a waiver by the agent of his principal's right to a lien for material furnished to the contractor with whom the agent executed such bond, or be given vitality for the purpose of depriving plaintiffs of a right to a lien which they otherwise possessed. LADYSMITH, March 8.-The Boers are port that all the Natal Dutch farmers have fled from the surrounding country.

Thurston Talks at Parkersburg.

PARKERSBURG. W. Va. March 8.—The
State League of Republican Clubs of West
Virginia, which met in this city today, was



STEP!

STEP!!

First, kidney disease—then Bright's disease—then disbetes. This is what invariably happens when any kidney trouble is neglected. Grasp it in its first stages, or you will have a terrible tussle. And be very careful what drugs you put into your system. The famous KID-NE-OIDS may be taken with perfect safety. They will not upset man or woman, invalid or child. MORROW'S

KID-NE-OIDS

yellow tablets, easy to take easy to carry. KID-NE-OIDS is the surest and best medicine for backache, sleeplessness, frequent desire to urinate, discolored urine, or any kidney disease whatso-

Morrow's Liverlax Cures Costiveness, Biliousness, Headaches and Constipation-25c.

TRY THIS.

Healthy urine is clear, and does not stain. Put some in a glass and let it stand 24 hours. If there is a sediment at the bottom, get Kid-ne-oids at once. It means your kidneys are affected. Free booklet for the asking.

ever. 50c. at all druggists. Enough Kid-ne-oids
-THE TRUEKIDNEY TONIC AND NERNE RESTORES

Mrs. H. C. Rogers, 409 North 14th street, says: "For the past three or four years I have been suffering from kidney backache, also with spells of severe head-ache also with spells of severe head-aches, nervousness, dizziness and urinary troubles of an annoying nature. I secured some of Morrow's Kid-ne-olda and followed the directions closely. In a few days all the symptoms were greatly relleved. The backache disappeared."

At all drug stores and The Myers-Dillon Drug Co. JOHN MORROW & CO., CHEMISTS.

SPRINGFIELD, OHIU.

BACK-ACHE

the largest gathering ever held by that body, there being over 1.500 delegates present. The morning session was devoted to husiness. This afternoon Senator John M. Thurston of Nobraska delivered the address of the day, setting forth the principal issues of the campaign. J. C. Parkinson of Marshall county was elected president of the league.

SUPREME COURT SYLLABI

No. 9136, Charles B. Denny et al against Peter S. Siout. Affirmed. Error from Peter S. Stont. Affirmed. Error from

Norvat. C. J.

1. In the absence of a general saving clause, the repeal of a statute will not affect a suit previously brought to enforce a right founded thereon or accrued there-2. The repeal of the statute permitting the

where the answer is a general denial it is not error to exclude evidence which has no tendency to disprave the averments of the petition.

3. Any affirmative defense to the enforcement of a centract should be pleaded in the answer.

4. It is not error to refuse an instruction which omits an important element.

5. The jury may disregard the entire evidence of an uncorroborated witness where hich omits an important element.
The jury may disregard the entire evience of an uncorreborated witness where
s testimony on a material point is willfully

5. Where in an action by an indotsee of a promissory note it is established that the instrument was illegal in its inception the burden is east upon the plaintiff to show that he is an innocent holder for value and before due.

6. The action of the majority of the board

8. The action of the majority will not

of trustees of a religious society will not bind the latter without notice to or particl-pation therein by the other members of the board. 7. A corporation cannot ratify a contract

T. A corporation cannot ratify a contract which it had not the power to make.

No. 10,158. Ashland Land and Live Stock Company against Alfred May. Affirmed. Error from Saunders county. Sullivan, J. 1. Evidence examined and found to support the verdict.

2. Where there is reason to believe that erailment of a train on which plaintiff was passenger the statute creates a presump-tion that the accident was caused by the egligence of the carrier, or by its wrongful negligence of the carrier, or by its wrongful act, neglect or default.

3. Said section 3, article 1, chapter laxid, compiled Statutes, making carriers liable, in absence of negligence, for injuries to passengers is within the police power of the state.

4. Chapter axi. Compiled Statutes, is not amendatory of section 3, article 1, chapter is xii. Compiled Statutes, is not amendatory of section 3, article 1, chapter is xxii. Compiled Statutes, is not amendatory of section 3, article 1, chapter is xxii. Compiled Statutes, is not amendatory of section 3, article 1, chapter is xxii. Compiled Statutes, is not amendatory of section 3, article 1, chapter is xxii. Compiled Statutes, is not amendatory of section 3, article 1, chapter is xxii. Compiled Statutes, is not amendatory of section 3, article 1, chapter is xxii. Compiled Statutes, is not of a litigate and a new trial awarded.

37. A litigant should not be permitted to hold any advantage obtained by the employment of lawless or irregular methods during the trial or in connection therewith.

4. Where it is evident that the misconduction is given the legal representative of one who has died in consequence of injuries sustained while being transported by a railroad company, where the injured party conditions are trial awarded.

5. All itigant should not be permitted to hold any advantage obtained by the employment of lawless or irregular methods during the trial or in connection therewith.

4. Where it is evident that the misconduct of his counsel in arguing the misconduct of his counsel in arguing the given in favor of the pury degree in favor of the prevailing party by the figure in favor of the pury degree the jury may have been influenced in any degree in favor of the prevailing party by the misconduct of his counsel in arguing the cause the verdict should be set aside

CHICAGO, March 8.—Members of the drainage canal board, headed by Presiden Boldenwick, will leave here for Washing ton on Wednesday next, bearing with then a 500-page memorial to congress, asking 6. All statules in pari materia must be ken together and construed as if they ere one enactment and, if possible, effect a 500-page memorial to congress, asking for a deep waterway between Lake Michigan and the Mississippi river. Fifteen thousand copies will be taken to Washington for distribution. The book is an extion 3, article i, chapter ixxii, Com-Statutes, is not inimical to the four-h amendment of the constitution of the d States of to section 3, article 1 of the Inited States or to section 3, article 1 of the constitution of fhis state as tending to deprive railroad companies of their property without due process of law.

8. Instructions should be construed together and if, when so considered, they state the law correctly applicable to issues and evidence, they will be sustained.

9. Instructions in this case examined and relid free from reversible error. haustive review of the canal work.

Wool Growers and Arid Lands. BOISE, Idahe, March 8.—At the joint meeting of the Idaho Wool Growers' association and the Northwest Wool Growers structions in this case examined and ree from reversible error.

10591 State ex rel Saunders against Affirmed. Error from Knox county. at, C. J. section 2, article x, of the constitution bits the division of a county where the sition has a majority of the legal votes thereon.

2. The provisions of said section 2, article x, of the constitution do not preclude the legislature from passing a law requiring the question of county division shall receive the majority of all the votes cast at the election at which the same was submitted to the electors to effect the erection of a new county out of one then existing.

3. Section 11, article i, chapter xviii, Compiled Statutes, is not inimical to section 2, article x of the state constitution.

4. Under said section 11, article i, chapter xviii, Compiled Statutes, to effect the xviii. Compiled Statutes, to effect the xviii. Compiled Statutes to effect the xviii. At Liverpool-Arrived-Teutonic, from New York. At Rotterdam-Arrived-Spaarndam, from New York.

Miserable

indeed are the afflicted who carelessly permit disease to gain a fatal hold while relief may be secured for a trifle

California's Misson Remedies



Cala Cactus Liniment are warranted to cure

RHEUMATISM and all diseases of the

Kidneys and Bladder

Druggist will return your money if San Curo fails to benefit you

San Curo Cathartic Tablets Perform their work without pain. They positively cure all LIVER ILLS

WHOOPING COUGH

is in the air. Today the child is fever-ish, tomorrow down with Whooping Cough. The puroxysms tear the little lungs and the child grows weak and wan. How many homes have fell the grief of a child funeral because of ne-glect of "a simple case of whooping cough?"

Dr. Kay's Lung Balm

loosens the strangling cough, lifts the pain from the lungs and soon has the youngsters as well and lively as ever. Don't hesitate to give Dr. Kay's Lung Balm to your children. They all like

MRS C. SCHLECHT, 830 So. 24th St. Omaha, Nebr., writes: "My baby had a high fover and cough almost incessantly, with a sharp, croupy sound. A few doses of Dr. Kay's Lung Balm stopped the cough, the symptoms of croup disappeared and the fever subsided. I consider Dr. Kay's Lung Balm the best cough medicine I ever used. It does not cause sickness at the stomach like ordinary cough medicines.

Unequaled for La Grippe! REFUSE SUBSTITUTES. Remedies Just as Good" as Dr. Kay's Lung Balm are NOT MADE OR SOLD "Just as Good" as Dr. Kays Lans Balm are NOT MADE OR SOLI BY ANYONE ANYWHERE At drug gists or from us. for 10 and 25 cents Address us for Free Advice, Sample

DR. B. J. KAY MEDICAL CO., Saratoga Springs, N. Y.

A GREAT Premium Offer

ToReaders of The Bee.

Beautiful Pictures for the Home.

A Spirited

Battle Picture

THE DEFENSE OF CHAMPIGNY Which was awarded the prize medal in the Paris Salon. Cost \$60.000. This fine picture, in 14 colors re-

produces line for line and color for color, every detail of the original. Famous Oil Painting Is 22x30 inches and is fit to adorn

the art gallery of a Vanderbilt.

THE **BALLOON**

A FARMING GROUP in the barvest field see for the first time a balloon in the sky.

owned by the Metropolitan Art Mu-

seum of New York, reproduced in

color and effect, is 22x30 inches, is

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THE BULDON -37 In the Debts

The subject treats of a group of p easants in the harvest-field. The peasants have spent the morning raking and stacking hay, the sun is at its zenith, not a breath of air is stirring, you can almost hear the bees as they buzz from flower to flower, and away off in the distance is seen a balloon floating majestically in the clear, blue sky. Evidently the villagers are holding their country fair, and a balloon ascension is one of the features. The group consisting of the peasant and his family are in the picturesque costume of the country. They have all stopped work and stand with their rakes in their hands gazing intently at the distant balloon. Wonder, awe and admiration are blended in their expressive faces, and revealed in their attitudes. The subject has been treated with those soft, mellow tints which its artist knows so well how to paint, and recalls to the mind many just such incidents in our childhood life. It is justly popular, both on account of its artistic quality and deep human interest with which it has been clothed.

History of "The Defense of Champigny."

The Franco-German war of 1870, with all its horrors and terrible loss of life, still burns in the memory of most living. For many years previous a bad feeling existed between France and Prussia and both great powers had been getting their armies in readiness and were armed to the teeth. Distrustful and full of hate to each other, they soon found themselves in a position from which neither could retreat with bonor and an appeal to the sword was the only alternative. The Spanish crown offered the Prince of Hohenzollern, in Jun e. 1870, and being accepted by him, caused the interference of Prussia, which the F rench government resented, feeling that Prussia had no right to interfere in Spa nish affairs, and step by step the quarrel grew, and although Great Britain and ot her European powers tried to avert an open rupture and to preserve the peace of Eu rope, the war spirit was madly popular in both Prussia and France. At last, on the 15th of July, 1870, the crisis came. The Duke of Grammont told Lord Lyons, the British ambassador, that "The Pruesian government had deliberately insulted Fra nce by declaring to the public that the king had affronted the French ambassador. It was evidently the intention of the king of Prussia to take credit with the people of Germany for having acted with haughtiness and discourtesy-in fact to humilita te France." Emperor Napoleon, as early as the 8th of July had moved forward his troops, and on the 15th of July war was declared by the French government to exist between France and Prussia. Al! Paris was in an uproar of delight. The declaration of war made Napoleon popular with his subjects and the Chambers, by an overwn elming vote, granted a credit of 50,000,000 francs for the army and 16,000,000 for the navy. The war was carried on with vast expenditure of force on both sides, and war was brought to a close after seven months of awful bloodshed and almost daily battles, the details of which are harrowing to narrate. The Germans lost 6,247 officers and 123,453 men. The total losses of the French were incalculable. Strasburg and Metz, which Germany had lost in a time of weakness, were reconquered, and the German Empire had arisen anew, and France had thrown off bondage and had become a free nation-a republic. So

good came out of evil. While reflecting upon these eventful times, M. Jean Batiste Edouard Detaille, the great and famous French painter, was in spired with the idea of painting his world famous picture, "The Defense of Champi gny."

Before giving a few facts, a description of this magnificent painting, an outline of the village that has been made so famous, may be here narrated. Champigny, with a population of over 2,000 might almost be described as a beautiful suburb of Paris. It lies five miles east, southeast of the gay city. Here business men from the busy capital and pienic parties wend their way for a quiet rest, fresh air, and to take in the rural and pretty landscapes. Here, scattered through the village, were lovely homes or chateaus, surrounded with well-laid-out gardens and lawns, full of sweet-scented and pretty flowers and beautiful trees, casting a heavenly and peaceful aspect all around. But this beautiy was to be marred by the ravages of war, to be trampled down by the soldiers and implements of war, for, situated as it is, on the Marne, it was selected as a place for a sortie on behalf of the French army, and here on November 30th until December 2nd, 1870, was the scene of protracted and bloody encounters between the French troops under colonel Ducrot and the Germans, and on December 3rd the French recrossed the Marne, having slain 5,000 Germans and sustained a less of from 10,000 to 12,000 men and leaving Champigny a waste. M. Detaille's painting of The Defense of Champigny, 1870, holds a most prominent position in New York. It is now hung in the Metropolitan Museum of Art, Central Park, and is valued at over \$60,000.

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Of M. Detaille's Famous Painting. "The Defense of

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