IOWA'S BIG FIGHT COMING

Redistricting the State for Congressional Purposes Impending.

Needed Changes in District Boundaries Will Make It Difficult for All to Retain Their Sents in

SIOUX CITY, Ia., Dec. 21 .- (Special.) -That lowa's congressional districts will be reorganized by the legislature the coming winter is not now seriously doubted by those best acquainted with the course of political affairs in the state. That the new arrangement of districts will decidedly change the aspect of political conditions is also conceded.

Iowa has had eleven congressmen since the census of 1880. It did not get an increase by the census and reapportionment of last year, so there is no absolute necessity for redistricting. But the demand comes from all parts of the state nevertheless, because of the inequalities between the larger and smaller districts in population. If the 2,231,853 people whom the 1900 census found in Iowa were equally distributed among the districts each would contain 202,-\$96. But in fact there is a difference of \$5,000 between the smallest district, the First, with 164,855, and the largest, the Tenth, with 259,347. The redistricting would have no obstacle were it not certain to embarrass some of the congressmen by putting them into strange districts, with counties and conditions with which they are unfa-

Present Distribution of Population The population of the different districts

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found mainly in the rapid growth of the porthwest part of the state in late years. The First and Sixth districts are dispoportionately small, while in the northwest the Tenth and Eleventh are too large. To readjust these proportions it is necessary to pare off great slices of territory from the Eleventh and Tenth, pass it along eastward and increase the small districts. This necessarily involves a general reorganization, for it ien't practicable to move counties hodily.

Then, too, the state is now gerrymandered under the redistricting measure of twenty years ago so badly that to reorganize the scheme at all involves revolution. The revelution is not so hard to accomplish now as Chickasaw then, for the state is now overwhelming republican. The famous "monkey-wrench district, the Third, is one of the most wor derful products of the gerrymanderin statesman's art. It extends more than ha the length of the state and is the exashape of a monkey-wrench. But it served it purpose. The interior and heavily repu lican counties overcame, year after yea the democratic majority in Dubuque, when General Henderson lived, until his length service brought him to the speakershi When the old gerrymander was made th Second was left as the solitary democrat district. That was in prohibition days, at the thoe string effect enabled the legisla ture to get all the most solidly democrat nties into one district. Yet such hi been the changes that whereas Walter Hayes used to be elected as a democrat 5,000 and better in the solid old Secon last year Rumple, republican, was electby 1,500. The district has been represent by republicans for eight years. From th ft will be seen that a democratic legislatu would have hard work to make a sing democratic district in Iowa-probably would be impossible.

Will Affect Present Members.

In rearranging the districts, then, question of making them all republican not so difficult. But that of keeping emember of the present congressional d gation in a district in which he will have fair chance of re-election is different. W ts more, the legislature need not be pected to manifst supreme anxiety on point. There are several leaders in legislature who want to go to congress who will be glad to assist in fixing up tricts for their several purposes. The fluence of the congressional delegation the legislature has waned considerabl recent years. Some of the strongest on the congressional delegation have ! retired and succeeded by weaker ones. Cummins movement was, broadly speak the movement of the independent elem in the legislature against the dominatio Washington influence. The legislature w the day; the next legislature will be the most independent one in many years. will contain a large number of aspirar for congressional honors, and it is like to do much as it pleases.

In some of the districts, indeed, the d mand for redistricting is so strong that ev the congressmen favor it, because they fe that their chances of renomination will be so good unless changes are made. Th Speaker Henderson is understood to fav reorganization of the Third. The west et of the district wants to break away. It h chafed for a long time under the Dubuq domination; congressional aspirants he developed, who realize that their or chance is in making a new district. An il lustration typical of many situations in Scour the state will suffice. Charley Pickett of O'Brief Waterloo wants to go to congress, but he is in Henderson's district. If Blackhawk county, in which Waterloo is, could be transferred to another district Pickett would have a chance. So it is proposed to change it into the Fifth as a feature in a scheme that will leave a completely reorganized Fifth, putting Cousins, now representing the Fifth, over into the Second and leaving Rumple, now representing the Secend, in the new Fifth. As Rumple is not expected to ask more than two terms, this would leave a good chance for aspirants. Two Nice Fights Started.

In the First district there is already a big congressional fight on hand for the nomination next year to succeed Thomas Hedge of Burlington. There is a strong redistricting sentiment and it is said Mr. Hedge is not averse to the plan. In the Sixth Congressman Lacey is quoted by people who assume authority as wanting a new deal, because he thinks it would help him. He also has a fight on hand. N. E. posed arrangement, on the basis of results Kendall of Albia wants to go to congress in the Sixth. He is now a member of the leg- district, the vote for congressman in 1900 of members at meetings. The entire year favor redistricting.

The Seventh in turn is lining up for a light. Prouty of Des Moines wants to succeed Hull, also of Des Moines. It is proposed to add Greene and Boone to the Seventh and cut off Marion. This would add to the chance of defeating Hull and the legislature is not especially friendly to Hull. Prouty, however, would object to leaving out Marion, where he formerly lived and in which he is certain of a delegation.

aspirants, who, desiring to succeed Haugen, ment of districts as suggested is likely to them. A congress, are strong in the legislature be very close to that which will be adopted and will try to steer the rearrangement to if changes are finally made.

their own advantage. In the Eleventh Senator Hubbard of Sloux City is a candidate for congress and he would like to see the counties of Dickinson, Clay and Sac sliced off, as is proposed, for they are all likely to be Thomas countles. To cut them off would greatly improve Hubbard's chances of the nomination next year. And Hubbard is one of the influential members of the upper AFFECTS SOME OF THE PRESENT MEMBERS house of the legislature.

Rearrangement Is Certain

Such cases might be multiplied indefinitely o indicate the local influences and ambitions which, working through the legislature, will help to press for redistricting. In view of all these conditions it is confidently predicted by politicians that the state will be and difficult task and there will of course be strong pressure to oppose it. But the demand of plain justice for an equalization of population, together with these other considerations, will be a hard combination to override. Members of the legislature who have recently been interviewed on the subject have expressed a strong preponder ance of opinion in favor of redistricting. Assuming then that the state is to be retricted, that every congressman now serving is to be left with a district, that the

legislative influences will in some cases favor such rearrangement as will help outside aspirants, that the districts must be equitable in population and must bear a general resemblance so far as possible to their present geographical outline, the following plan of redistricting has been prepared. It is based on numerous suggestions from legislators, politicians and representatives of congressional influence. In the first column of the table is the present arrangement of districts, with population of counties and districts. The second column gives the proposed arrangement, with population

meets population.	
First I	district.
Washington 20,718 Henry 20,022 Van Buren 17,354 Des Moines 25,888 Jefferson 11,437 Louisa 13,516 Total 164,555	Jefferson 17,437 Wapello 35,426 Davis 15,620 Total 201,287
Second	District.
Muscatine 28,342 Clinton 43,332 Jackson 23,632 Jowa 19,541 Johnson 24,817 Total 191,608	Clinton 43,832 Jackson 23,615
Delaware 19.185 Buchanan 21.427 Black Hawk 32.339 Bremer 16.335 Butler 17.965 Franklin 14.396	Dubuque 56,403 Delaware 19,185 Clayton 27,750 Fayette 28,846 Bremer 16,395 Chickasaw 17,637 Winneshiek 23,741 Allamakee 18,711

Total 208,969 219,701 Fourth District. 18,711 Hardin 27,759 Hamilton 29,845 Wright 23,731 Hancock 17,637 Winnebag

Howard 14,512 Mitchell 14,916	Howard 14,512 Mitchell 14,916 Cerro Gordo 20,672
Worth 10,887 Floyd 17,754	Worth 10,887
Total195,825	Franklin 14,996 Butler 17,955
	Total197,704
Fifth 1	District.
Jones 21,954 Tama 24,585 Marshall 29,991 Grundy 13,757	Benton 25,177 Linn 55,302 Black Hawk 22,539 Buchanan 31,427 Iowa 19,544 Grundy 13,757 Johnson 24,817
Total190,227	Total192,513
Sixth I	District.
Poweshiek 19.414 Mahaska 34.273 Monroe 17,885 Keokuk 24,973 Wapello 35,43	Jasper 26,976 Poweshiek 19,414 Mahaska 34,273 Monroe 17,885 Keokuk 24,973 Marshall 29,901 Tama 24,588 Marion 24,158
Total174,673	Tama 24,388 Marion 24,189 Total 203,862
Seventh	District.
The Heat	Story

44.1	Littling
y it	Polk 82,624 Polk 82,624
	Madison 17,710 Madison 17,710
	Warren 23,076 Warren 23,706
	Marion 24.150 Boone 28,200
the	Greene 17,820
	Total
n is	Total212,927
very	Eighth District.
lele-	Fremont 18,546 No change is made
2007.70.3	Page 24,187 in this district as
ve a	Taylor 18,784 proposed.
Vhat	Adams 13,601
ex-	Union 19,938
1000	Hinggold 15,325
this	Clarke 12,440
the	Decatur 18,115
and	Lucas 16,126
	Wayne 17,491
dis-	Appanoose 25,927
in-	The second secon
with	Total200,479
22.450040	Ninth District.
y in	Annua District.
men	Audubon 13,626 No change is made
been	Shelby 17.932 in this district as
The	Guthrie 18,729 proposed.
2000	Harrison 25,397
king.	Adair 16,192
ment	Cass
0.0000000000000000000000000000000000000	Pottawat mie . 54,336
n of	Milis 16,764

ent of	Pottawat mie 54,336 Mills 16,764	bringing together members who sat in Ne-
ron	Milis 16,764 Montgomery 17,803	braska lodge No. 1 and other pioneer lodges when Nebraska Masonry owed allegiance
the	Total202,253	to the grand lodge of Illinois. Many of
It	Tenth District.	these veteran Masons reside in different
nts ely	Emmet 9,936 Emmet 9,936 Kossuth 22,729 Kossuth 22,729	parts of the state, and some have left its borders. At each reunion the list of the
de-	Palo Alto	departed members shows the names of those who have passed before the supreme archi-
ear	Webster 31.75; Webster 31,757 Calhoun 18,569 Calhoun 18,569	tect, but as the years pass others become
not	Carroll	eligible, so the association is in a flourish- ing condition. At the coming meeting offi-
vor	Winnebago 12,725 Dickinson 7,995 Hancock 13,752 Clay	cers will be elected, candidates initiated and a banquet spread.
end has	Hamilton	Wednesday evening Covert lodge initiated
que	Greene 17.820 Total 206,381	two candidates and at the close of the work 150 members took part in a banquet.
ave	Pleyenth District	With J. W. Maynard toastmaster, speaches
nly	Lyon	were made by Dr. W. H. Hanchett, Carroll

13,401 Total202,864 .241,720

Equilizing the Population. Under this arrangement, the largest district will be the Seventh, with 212,000, and the smallest the Fifth, with 192,000. The extreme difference therefore is about 20,-

voo, metena or so,oo, as now.	The tota
of population by districts tab	ulate thus
	at. Propose
First district	855 201.2
Second district 191.	608 202.6
Third district 219.	
Fourth district 195.	
Fifth district 190.	
Sixth district	
Seventh district 193	
Eighth district 200.	479 200.
Ninth district 202.	
Tenth district	347 206.
Eleventh district 241.	720 2003
Every district is republican,	in the pr

in recent years. The First is the closest islature and because of his ambitions would being, for the counties composing it, 25,-288 republican and 23,206 democratic. The bers of No. 1, and it is hoped that the Second, as rearranged, would give on the congressional poll of 1900, a republican vote of 25,477, democratic 21,958. In the one now passing into history.

Second, as rearranged, would give on the next year will surpass in interest and recent the following officers: Fraternal master, John T. Blair: Justice, George E. Norman; Truth, Mrs. one now passing into history.

Mary J. Ogle; Mercy, Mrs. Lydta Jackson; proposed Third district, on the same basis, the vote would be 25,506 republican to 21,-

364 democratic. All the other districts are still more decidedly republican. On the basis of the vote in 1901 the republican showing is still best and greatest treat of the many provided elected delegate to the district convention. stronger. From the consideration that has by the lodge in the whole year. The rebeen given the question of redistricting freshments were excellent and did credit to thus far, it is believed that the arrange-

Latest Things in Toys

ticularly in mechanical toys, and the de- sidings, mands of the younger element for intricate arrangements become more and more exacting. Toy makers and designers endeavor mechanical field and reproduce in miniature many novelties that are still commanding the attention of the world of fashion.

This explains the prominence that is given automobiles by the toy makers this crossings are lowered and raised, signals year. So much attention has been given the are flashed from the switching tower and redistricted this winter. It will be a long subject that in all the large shops and in the warning given as the bridge crossing a the department stores of the big cities the vehicles presented include perfect models of standard machines. One of these is an exact reproduction of a famous racing machine of French pattern, so perfect in detail that the American representative failed to detect the slighest inaccuracy in design or construction. This so-called toy is equipped with rubber tires, electric headlights, air whistles, gongs and speed indicators, and these are all used during operation in order to heighten the realistic effect. To carry the illusion further a figure has been introduced to represent the driver, bearing a striking resemblance to one of the most celebrated chauffeurs of France, who is well known among enthusiasts in this country and whose figure and features have become familiar to the reading public through newspaper and magazine portraits. Other well known patterns have been copied for runabouts, cabs and coaches and for delivery wagons, mail carts, engines and fire trucks. Some of these are operated by clockwork, but the most popular form of propulsion is electricity. Small motors are built on the axles and current is supplied from batteries under the seat.

Judging from the prominence given locomotives, cars and other parts of railway equipment, it is evident that the steam engine continues to offer the same fascination for boys and that the loyalty of this following is unshaken by the counterattractions offered in other departments. This devotion is recognized and repaid by designers. The old crude engine that was allowed to run across the parior carpet or the dining room table for the amusement of the last generation has long since been discarded for the more pretentious locomotive, copied after modern patterns, which is operated on a track substantially laid. Some of these engines pull trains of half a dozen cars at a high rate of speed. Improvement is shown in the entire equipment, including rolling stock, track and accessories.

Creative and instructive genius is afforded a splendid opportunity for develthat is necessary for the building of a that is necessary for the building of a complete road. The tracks are substantial enough to carry trains at a high rate of speed, across bridges, through tunnels and up steep grades, passing through miniature cities, where street crossings, switching and signaling systems are employed and every detail of practical railronding is clearly copied. Terminal facilities are furnished in elaborate passenger stations.

First Time in Jail

displaying familiarity with and mastery of course, could only be done after. This, of course, could only be done after this, of course, could only be done after. There are several figures of fancy long study and careful training. Fitting dancers, ballet girls and contortionists. Here, too, there is an opportunity for distance and finishing these parts is an exacting playing great skill in the reproduction of cause there is an abundance of skilled. In an action to recover for services are labor to be had in Germany at almost models of perfection in the poetry motion, nominal cost that these articles can be promise was made is himself liable, the promise was made is himself liable, the promise was made is himself liable, the promise of the defendant, although made before the services were rendered, is collateral and within the statute of frauds.

George Thompson Tells of Feelings when Initiated in Prison.

George Thompson Tells of Feelings when Initiated in Prison.

leased fell upon deaf ears.

"How does it feel to

quite hilarious enough and wanted to wind

up the evening by getting arrested. Well,

I got. I was never so proud in all my life

as when we roiled down the street in the

Ante Room Echoes

The coming event in Masonic circles is

the meeting of the Veteran association of

the state, which will be held in Omaha in

January. These meetings are very pleasant,

bringing together members who sat in Ne-

Pashions in toys change every year, par- freight depots, roundhouses, turniables and

The starting of one of these trains from a station is announced by the ringing of bells, to keep pace with the advancement in the blowing of whistles, puffing of steam engines and all the other accompaniments of noise and confusion so dear to the average boy. As the train passes through the 'cities" along the route the gates at street are flashed from the switching tower and miniature stream is approached. This is all accomplished by electricity, the engine is operated by batteries and the glow in the fire box of the engine is furnished by a small incandescent lamp in a red globe. Opportunity is also offered for showing

> ture of development of old ideas, than in the introduction of new features Dealers claim that a higher state of perfection has been attained this year in mechanical toys than was ever before attempted. The most perfect specimens in this class of work are imported from Germany and France, where skilled labor can

be procured cheaply and in abundance.

The most conspicuous example of mechanical skill in the design and construction of toys was displayed at a New York shop last week, before being delivered to a prominent family for which it was ordered. It consisted of a dozen pieces, each two or three feet high. The figures were so life-

three feet high. The figures were so lifelike and natural in their movements as to
excite wonder and admiration. These figures were made in Germany, and they constained the finest mechanism that the most
skilled workmen in the land of toys could
produce. These pieces, it should be explained, are not intended for the amusement of children, but for the entertainment of their elders. They will be utilized
in parlor performances, and with the sid of
a graphophone will constitute an enjoyable
as well as novel evening's entertainment.

There are several pieces in the collection representing muscal performers, including a colored banjo player and violin
sololists, and in each the movements of the
"player" correctly represent the action
which would accompany the production of
the selection by a human beliar. The attitude of these figures during the performance is given with accuracy, convey motion to the
sepecial produce. The attitude of these figures during the performance is given with accuracy, convey motion to the
selection of the reading the proformers, including a not read the required of such de"player" correctly represent the action
which would accompany the production of
the selection by a human beliar. The attitude of these figures the mechanism is
sepecial, noticeable, the graceful motion
in handling the bow, the position and inclimation of the head; every detail, in fact,
displaying familiarity with and mastery of
the subject.

There are several figures of fancy long and acreful training. Pitting

There are several figures of fancy long study and careful training. Pitting

There are several figures of fancy long study and careful training. Pitting

There are several figures of fancy long and acreful training. Pitting

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There are several figures of fancy long study and careful training. Pitting

There are several figures of fancy

Ticklesome Things for Young America.

music boxes that form a part of each set These are merely auxiliaries, the star performers being acrobats, tumblers and jugglers. The first member is a "balancing artist." This "gentleman" introduces himself with a profound bow, then slowly balances himself between two chairs, grasping the top of each. This accomplished, he gradually puts all his weight on his left hand and with his right raises the other chair slowly until he extends it at arm's length, when he pauses, holding the chair in midair, then, lowering it, he resumes his original position and with another bow acknowledges the applause which his performance is reasonably expected to elicit.

When the sensation produced by this amazing performance has subsided, a trio dressed like clowns is introduced. Two manufacturing plants, machine shops and of these proceed to perform balancing tricks other equipments along the line. The imwith long poles, on the ends of which are provements in this line are more in the nahuge balls. The third member offers some diversion by bending over and picking up barrel with his teeth, raising it and balancing it thus while dancing about with hands extended in the most approved professional manner. This performance excites considerable merriment, but it is one of the most artistic productions that has ever been accomplished with the aid of machinery

At this point a ring performer is introduced. A framework is brought forward, from which two ropes, with a ring on the end of each, are suspended. The performer, clad in the garb of an athlete, grasps the rings and proceeds with some graceful evolutions, with all the agillis of the proverbial cat. The ease and pre-

opment in this field. Everythig is at hand clination of the head; every detail, in fact, subject been mastered that all of the

"You fellows would be more sympathetic me. When I stretched out on the stone have been a firm believer that hell is right if you had ever been arrested," volunteered floor of the cell and realized that I couldn't on earth, and I was in it. When I finally George Thompson as he was being released get out when I pleased, I commenced to have cried myself to sleep I had dreams that on bond at the Omaha police station, the a gone feeling in the region of the stomach. would make the hallucinations of a man remarks being occasioned by an officer It was very little at first, but by the time with the delirium tremens pleasant to bebringing in a young man under the influ- I got a little sober it felt like a boy does hold. Men built scaffolds around be; hot ence of liquor, whose pleadings to be re- when he gets sick from chewing tobacco. Irons were placed to my body; I was stran-Hot and cold flashes would creep over my gled and choked almost to death; my throat body and to save my life I couldn't help was parched; forty thousand devils chased George?" said an officer.

"Well, now, when I'm arrested there's boys to know I was arrested. I called the feeling of disappointment and interrupted pleasures, but the first time a copper pinched me it was entirely different. A crowd of us came in from our home town and concluded to have a hilarious time. We had it, and I commenced to think it wasn't someone answered.

"Was parched; forty thousand devils chased up and down my body licking me with their up and down my body licking me with their up and down my body licking me with their red-hot tongues and then sticking icicles into me. And just as my dream was at the sum of the papers. The rest of the prison-the clanging of the iron doors scared me to the clanging of the iron doors scared me to execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution as a homestead there is exempt from forced sale on execution a

had it, and I commenced to think it wasn't someone answered. "They kept that kind of talk up until I

to tell the fellows at home how bad I was prayed to die and then prayed not to, for and get some of the dose I got. minutes after getting in the station and 'Inferno,' but it wasn't a circumstance to being frisked, a different feeling came over my feelings. And ever since that night I years is always the worst."

stayed with me several weeks and I guess it would have completely cured me of would have mortgaged my soul to get out. drinking if the judge had said thirty days-"The more I cried the more they talked that is, it would have killed me. I have and the more I wanted to get out. No one got over it now, though, and my greatest patrol wagon. I'd done made up my story can accurately describe my feelings. I pleasure is in seeing a new recruit come in when I was in Omaha. But about two I hated to die in jail. I had read Dante's "Good night, fellows," sung out Thomp-

son as he left the station, "the first fifty

Knights of Pythias charm which is to be five living charter members of Omaha lodge awarded to the member showing the best at- | No. 39 on Friday night last. tendance at the meetings. The finish will Arrangements are progressing no doubt be interesting to one member of rapidly for the Elks' fair. A general meet-

with a membership of about forty. Invitations have been issued for a dancing party to be given by the Emmet Monument

the lodge.

when Nebraska Masonry owed allegiance to the grand lodge of Illinois. Many of association at Chambers' dancing academy these veteran Masons reside in different Thursday evening, December 26. parts of the state, and some have left its

Clan Gordon, No. 63, Order of Scottish departed members shows the names of those Clans, held its regular meeting Tuesday in who have passed before the supreme archi-

ing of the Elks' committees will take place The Knights of Pythias of Auburn and on Thursday evening in the lodge room their wives are making arrangements to or- and the Associate Ladies' committees will ganize in that thriving little city a temple assemble in the Elks' parlors on Friday of the Rathbone Sisters. They will start afternoon at 3 o'clock. The greatest possible enthusiasm for this project is apparent among the Elks and is growing daily, many novel suggestions are being made every day to the committee of arrangements and the owner of the debt and instrument which ble enthusiasm for this project is apparent result will be that the fair will be the liveliest of any ever held in the city.

SUPREME COURT PROCEEDINGS

The following opinions were officially re-

Supreme country ever essayed to de-to a close has been resulted. With a larger limited and literary program to members of the charge of country of the charge of the charge of country of the charge of country of the charge of the charge of the charge of country of the charge of the charg

caster, Reversed. Oldham, C., division No.

2. Reported.

1. In an action for conspiracy the damage, and not the wrongful confederation, is the gist of the action.

2. To state a cause of action for conspiracy it is necessary for the pleader to allege not only the confederation and the conspiracy and the doing of the wrongful act, but also the facts for which damages have resulted.

3. The joinder of a cause of action in a contract with a cause of action in tort is a misjoinder of causes of action.

inventory and oath of the debtor filed under section 523 of the Code of Civil Procedure are untrue.

1034. Modern Woodmen of America against Kozak. Error from Gage. Affirmed. Kirkpatrick, C., division No. 1. Reported.

1. The verdict of a jury in a case properly submitted to them when based on conflicting evidence will not be disturbed merely on the ground that the apparent preponderance of the evidence is in favor of the losing party.

erance of the evidence and insurance policy losing party.

2 In an action on an insurance policy proofs of loss made to the company by the beneficiary are admissible in evidence, sub-

ject to explanation or correction, to the extent that they contain admissions against interest extent that they contain admissions against interest.

3. The weight to be given such admissions is a question for the jury, to be determined by a consideration of all the facts and circumstancer showing or tending to show a knowledge of their contents or otherwise.

4. Evidence examined and held that verdict of the jury is supported by sufficient competent evidence.

10540. Bradford Savings and Trust company against Crippen. Appeal from Cass. Reversed and remanded. Ames. C., division No. 3. Reported.

1. A simulated decree of foreclosure and

owner of the debt and instrument which the mortgage was given to secure, and in a name, as plaintiff, that does not appear in the mortgage or upon the records of the register of deeds, and a sale and conveyance pursuant to such simulated decree, are ineffectual upon the rights of the true owner of the debt and mortgage.

No. 11671. Batty against City of Hastings. Appeal from Adams. Affirmed. Pound, C. Division No. 2. Reported.

1. A cloud upon the title of an owner of real property in possession thereof constitutes a continuing cause of action, not

Long,,Rich, Heavy Hair

A great many people want long, heavy hair; but how to get it, that is what puzzles them.

The fact is, the hair needs a little help now and then. The roots require feeding. When the hair is starved, it stops growing, loses its luster, falls out, turns gray.

Ayer's Hair Vigor is a hairhelp. It feeds the hair. The hair grows, stops falling out, and all the gray hairs are restored to the natural color.

"Your Hair Vigor is certainly wonderful. It has made a great improvement in my hair, re-storing it to its natural color and promoting a new growth."—EMMA CALDER, New York City. \$1.00. All druggists.

J. C. AVER CO., Lewell, Mass

amount to lashes.

6. Where acts of a municipality alleged to have been in reliance upon a petition for a public improvement were done before the assessment in question was levited, at a time when irregularities and deficiencies in the petition might have been remedied, and the municipality had the power to perform such acts without assessment against property benefited, delay on the part of the owners of assessed property in investigating and attacking the assessment will not bar their action to establish its invalidity.

7. It is the settled construction of the

7. It is the settled construction of the statutes of this state relating to municipal corporations that the several steps required to be taken in assessing the cost of public improvements against property benefited must be pursued strictly. benefited must be pursued strictly.

8. Property owners whose property will be charged by the establishment of a paying district are entitled to insist that the several petitioners therefore sign in such a way as to be fully and legally bound, and no signatures which do not so bind the owners of the property purported to be affected thereby may be counted in passing upon the validity of such a petition.

9. Legality against Bell 57 Nob. 27 2000. Leavitt against Bell, 55 Neb., 57, and Von Steen against Beatrice, 36 Neb., 421, re-examined and adhered to.

No. 1956s. Woodward against Cutter. Error from Dawes Affirmed. Duffle, C., Division No. 3. Not reported.

This court will not in an error proceeding reverse a case where the error alleged was neither presented to the court below in the motion for a new trial, not assigned as error in the petition filed in this court.

2. Objections to depositions other than Objections to depositions other than

2 Objections to depositions other than for incompetency of irrelevancy must be presented to the court before the commencement of the trial.

No. 19579. Peterson against Estate of M. Peterson. Error from Dixon. Affirmed. Duffle, C., Division No. 3. Not reported.

The judgment of a district court will not be disturbed where the evidence was conflicting, if the record discloses sufficient competent evidence to support such judgment.

competent evidence to support such jungment.

No. 12363. State ex tel DeFrance against
Frye. Mandamus. Original. Norval, C. J.
Writ allowed.

1. It is the duty of the proper officer in
preparing all official ballots to put at the
top and left side of the ballot in blackface capital type, not less than one-eighth
of an inch high, the name of each party
having candidates on the ballot, and to
the right of each party a circle one-half
inch in diameter, with leaders connecting
the party name to such circle.

2. The form of the ballot should be uniform throughout the state

No. 16855. Wiedeman against Hedges. Error from Lancaster. Reversed, remanded.
Holcomb, J.

1. When an answer to a petition consists

Holcomb, J.

1. When an answer to a petition consists of a general denial the defendant may introduce such testmony as will tend to disprove the testimony given by the plaintiff in support of his petition. For such purpose no other allegations in the answer are necessary. Broadwater against Jacoby, 19 Neb., 77.

2. In an action against a defendant for the value of materials alleged to have been sold to him under a verbal contract he may under a general denial prove that the contract on which the cause of action is

contract on which the cause of action is based was made with and the materials sold to a third party. No. 1687. Cunningham against Finch. Error from Lancaster. Reversed and remanded. Duffle, C., division No. 3. Re-



