COUNCIL BLUFFS.

MINOR MENTION.

Davis sells drugs. Stockert sells carpets and rugs. Metz beer at Neumayer's hotel. Drs. Green, office 303 Sapp block. Wollman, scientific optician, 409 B way. Dr. Stephenson, Baldwin block, Elevator, Miss. Hattie Siead is visiting in Des Moines.

Judge Thornell adjourned district court yesterday to Monday. Mrs. B. H. Cutier of Harlan, Ia., is guest of Mrs. R. H. Nichols of Gien avenue. 20 per cent discount sale, beginning today, C. E. Alexander & Co., 33 Broadway. Missouri oak body wood, \$5.50 cord. V liam Welch, 23 N. Main street. Tel. 128. Will The Council Bluffs Ministerial associa-tion will meet Monday morning at 10 in Trinity Methodist church and elect officers. Mrs. W. H. Dudley of Prescott, Ia., has been called here by the serious illness of her mother, Mrs. J. M. Chalfon, 1892 South Eighth street.

The adjourned meeting of the Pottawat-amie County Bar association will be this norning in the south courtroom at the ounty courthouse.

A. A. Edson has been called to Seneca, Mo., by the death of his father, Allen Edson, Another son, L. I. Edson, is also a resident of this city.

The County Holiness association will have an all-day meeting January 31 at the lowa Holiness association mission on Main street and First avenue.

Miss Laura Flickinger of this city has been appointed clerk of the senate committee on congressional districts, of which Senator Hazelton is chairman.

Mrs. Mande Watson of Coleridge, Neb., is guest of her grandparents, Rev. and Mrs. Henry DeLong. She will leave today for a visit with her aunt, Mrs. A. McEirath, in St. Paul.

Chester Egbert, charged with the theft of a 55 bill from Jessie Havens, was re-leased yesterday on his recognizance and his hearing continued in police court until this morning.

this morning.

D. M. Sipe, a guard at the Fort Madison penitentiary, and his wife, who are returning from a three weeks' vacation in Denver and other Colorado points, were in Council Bluffs yesterday, visiting friends. The "Hans Hanson" company will be at the Dohany theater tomorrow night. It is said that the company is no ordinary one and both the play and players are joined in the production of one of the most charming stories ever written.

Newell E. Birchard brought suit in the

Charming stories ever written.

Newell E. Birchard brought suit in the district court yesterday for a divorce from Grace Birchard, whom he married in this city December 25, 188. He complains that she deserted him August 8, 1895, and that he has not seen or heard of her since.

U. S. Grant company, No. 44, Uniform rank, Knights of Pythias, will meet tonight. Captain Frederick has been officially notified that Colonel Charles Fraes and staff will be in Council Bluffs February 19 to inspect the uniform rank of this city.

Miss Katherine Warner, who is attending the conservatory of music, at Tabor, came home to attend the Hofmann recitain Omaha Thursday night. Misses Jessie Parsons, Winifred Wherry and Mabel West, fellow students, accompanied her and were her guests while in this city. and were her guests while in this city.

S. P. McCormick of Tabor, Ia., has intimated to Manager Risser of the Citizens'
Gas and Electric company that he will demand damages for the death of his son,
who was electrocuted two months ago
while at work on the top of the light
tower at Twelfth avenue and Sixth street.

Mrs. Gabrilla Pratt. and 75 years died. tower at Twelfth avenue and Sixth street.

Mrs. Gabrilla Pratt, aged 78 years, died
Thursday evening at her home in Crescent.
She was the widow of Charles F. Pratt,
who died October 23. Death was due to
the infirmities of old age. Four sons and
four daughters survive her. The funeral
will be this morning at 11 from the Latter
Day Saints' church in Crescent. Rev. D.
R. Chambers will conduct the services and
burial will be in the Crescent cemetery.

Marriage Licenses.

These marriage licenses were issued yes-

Name and Residence.
George E. Stabell, Blair, Neb.
Margaretta Kuhn, Blair, Neb.
John W. Stone, Carson, Ia
Eleanor E. Ives, Macedonia, Ia.

Rent Entate Transfers.

These transfers were filed yesterday in the abstract, title and loan office of J. W. Squire, 101 Pearl street:

Chicago, Rock Island & Pacific Railway company to James P. Alexander, lot 18, block 13, Town of Car-Lewis H. Eldredge and wife to F. J. Day, undivis of nwis swis swis 12-

Lewis H. Eldredge and white to Day, undivis of nwis swis 12-74-44. w. d.

Emma K. Cory and husband to Council Bluff's Savings bank, lots 3, 4 and 5, Turley's subdiv. of outlot 7, Jackson's add., w. d.

J. C. Marxen and wife to William Niemann, part of block 46, Allen & Cook's add. Avoca, w. d.

F. J. Day and wife to Newell McGeorge, lot 4, block 27, Burns' add., w. d.

w. d. Buck 27, Burns' add.

Edward W. Nash and Guy C. Barton, trustees, to Willis Scott, lot 6, block 29, Bayliss & Palmer's add., w. d. U. H. White and wife to Jorgen Peterson, undividently nwile swile 12-74-44, lorgen Peterson. Peterson, undivis nwis swis 12-14-18.

W. d.

Jorgen Peterson and wife to Stephen D. Davis, nwis swis 12-74-14. W. d.

D. J. Rockwell and wife to Jorgen Peterson, undivis nwis swis 12-74-14. W. d.

Executors of A. Cochran to L. A. Casper, part of lot 3, block 6, Cochran's add., ex. d.

Richard E. Turner to Margaret L.

McGee, lot 7, block 19; lots 1, 2, 7 and 7, block 25; lots 3, 4, 7 and 8, block, 26 and lots 3 and 4, block 27, Hughes & Doniphan's add., except right of way of Omaha & Council Bluffs Railway and Bridge company, W. d.

DANGERS

of Colds and Grip.

Colds weaken the lungs, lower the vitality and pave the way for catarrh, pneumonia and consumption.

Look around you at the vast number who have contracted these diseases, every one of whom owes his affliction to a neglected cold.

Chamberlain's Cough Remedy

has a world wide reputation for its quick cures of colds and grip and can always be depended upon. It is pleasant and safe to take. It counteracts any tendency toward

ENJOY YOURSELVES!

SUNDAY, JANUARY 26 - THE "YOLLY" COMEDIAN.

JAMES T. M'ALPIN America's sweetest singer, yodler and warbler, and his splendid company, present

the newest and best Swedish-American HANS HANSON

Pleasing specialties liberally interspersed. Everything new, bright, cheerful. Prices-35c and 50c.

LEWIS CUTLER Funeral Director 28 PEARL STREET. Phone D7.

FARM LOANS 5.254

KNOCKED DOWN AND ROBBED

R. W. Keene Puts Up Plucky but Useless Fight Against Feotpads.

DRAWS REVOLVER UPON ASSAILANTS

While One Sinshes Him with Knife from in Front, Other Sandbags Rim from the Renr.

R. W. Keene, who lives north of the city limits, near Mynster Springs, was held up and robbed while on his way home late Thursday night by two thugs, who slugged him and left him lying unconscious in the roadway. The robbers secured his pocketbook, containing \$11.

Keene had reached a point on the continuation of North Eighth street, between the Northwestern watch tower and the bridge, when he was suddenly confronted by a man who stepped out into the roadway from behind some shrubbery. The man's face was partly concealed with a handkerchief tied over the lower portion, leaving the eyes free. The fellow, who had a weapon in his hand, which Keene took to be a revolver, ordered him to hold up his hands. Keene happened to be carrying a revolver himself in his overcoat pocked, and instead of complying with the fellow's demand drew the weapon. He was wearing a pair of thick woolen mittens and this retarded his movements. Before he could use the revolver the thug jumped at him and then Keene noticed that his assailant was armed with a desperate looking knife. He jumped backward and the knife descended on his arm, cutting a gash through his overcoat and undercoat. Before he could

manage to get his finger on the trigger the fellow made another slash at Keene, cutting his coat across the breast. Keene then fired two shots at close range at his assailant, and is unable to account for his failure to hit him. Keene was about to fire the third time

when he heard his assailant shout, "Well, slug him." and then realized that he had two thugs to cope with instead of one. He turned partly around, when he was struck on the head from behind, evidently with a sandbag, and rendered unconscious. When he recovered consciousness some

hours later he was lying in the snow where he had fallen on his face. He was benumbed and stiff with the cold. With considerable difficulty he made his way home. where he discovered he had been robbed of his pocketbook, the thugs having gone through his pockets after he had fallen un-

Returning with a companion to the place where he had been waylaid Keene found his revolver pressed down into the snow where he had fallen upon it. Examination showed three empty cartridges and Keene is of the opinion that he must have succeeded in firing a third shot at the moment ne was knocked unconscious from behind. After recovering his revolver Keene proceeded to the police station, where he reported the holdup to the authorities. He was able to give only an incomplete de-scription of the thug who assaulted him from in front.

The man who slugged him from behind he did not see at all.

U. R. K. P. dance tonight. Hughes' hall.

ESCAPES BY A HAIR'S BREADTH tionso Utterback's Horses Killed by Train While He is Un-

Alonzo Utterback, driver on the mail wagon, had a miraculous escape from being ground beneath the wheels of the Burlington fast mail train yesterday afternoon a the Eleventh avenue and Sixth street crossing. The two horses Utterback was driving were killed instantly, but he escaped

without a scratch and the wagon was no even tipped over. The crossing is considered one of the nost dangerous in the city, as the building of the Monarch Manufacturing company at Plans the northwest corner of Eleventh avenue and Sixth street obscures the view of the Burlington tracks from the south. Utterback was driving south on Sixth street and failed to hear the fast mail approaching from the west. The horses had just crossed the north rail of the track when the loco motive struck them. One horse was car ried fifty feet and the other thirty. Both were killed instantly, although neither showed any marks. The peculiar feature of the accident was that the wagon was not overturned, neither was the broken. The reins were pulled out of the

his seat. He naturally looked upon his escape as nothing short of a miracle. Several aldermen who went to the scene of the accident discussed the advisability of requiring the railroad to keep a flagman at this crossing, and it is expected the mat ter will be brought up at the council meeting Monday afternoon. Those who witnesse the accident said the train was running at a high rate of speed, far in excess of that permitted by the city ordinance. The fact that the engineer never stopped the train to ascertain what damage had been done caused considerable comment among those

The team was the property of F. J. Nevins. Scott street liveryman, who has the government contract for hauling the mails between the local depots and the postoffice.

Davis sells glass.

Avoca Now Tries Law Suit.

Sheriff Cousins received word that Judge Macy at Harlan yesterday refused to grant the town authorities of Avoca a writ of mandamus compelling Deputy Sheriff Long at Avoca to execute the warrant issued by a local magistrate in a smallpox case Dohany Theater Judge Macy refused to grant the writ on the grounds that the proper person to exthe warrant was one of the town officers.

Failing to secure the writ, the town officers of Avoca retaliated by bringing suit in the next seat. After a brief chat the against the country for \$573 expenses said detective said: o have been incurred in caring for small- Sam?" prising this claim, were presented to the a cross-eyed woman sitting opposite. board last winter and were rejected. Notice of the suit, which is to be filed for the February term of district court, was served upon County Auditor Innes yesterday. The bills are those of persons who were employed by the Avoca town authorities to care for smallpox patients.

Exciting Runaway on Broadway. Broadway was the scene of an exciting "Also, it is the thirteenth day of the unaway about 7 o'clock last night. A month. horse hitched to a buggy belonging to now," said the detective, pulling out his Liveryman Utterback got beyond control watch, "just exactly 13 minutes pastof the driver and dashed west on Broad- The colored man had risen to his feet way. Opposite Robinson's lewelry store "I ain't supahstitious, Mistah Fall," he

ened and started across the street on a CONTEST IN LEGISLATURE but swerved just in time to avoid crashing through the large plate glass window in Sargent's shoe store. After slipping apecial Committee Takes Up Cless Race of and sliding along the sidewalk for a short distance the thoroughly frightened horses turned into the street again, dragging the buggy behind them, and dashed east on Broadway to First street, where they turned south as far as Madison avenue and then east on Madison avenue past the

U. R. K. P. dance tonight. Hughes' hall. Davis sells glass.

they became exhausted and were flually

City Clerk's Ideas Indorsed. City Clerk Phillips arrived home yesterday from Des Moines, where, with Mayor startled, all conceded that some plan difcities should secure their just proportion, Mayor Jennings is expected home today. and the members of the county board attended the annual meeting of the State Association of County Supervisors.

Mills County Proud of Apples.

A display of luscious looking apples in the window of the Burlington city ticket office attracted the attention of passersby yesterday. The apples, some of which were grown in Colonel W. J. Davenport's orchard in Glenwood, represented the exhibit from Mills county which took first premium along the river. The bill contemplates at the show of the State Horticultural society in Des Moines, at the show of the Southwestern Iowa Horticultural society in Red Oak and at the Farmers' institute of Mills county in Glenwood. They were originally exhibited by J. W. Murphy of Glen-A card displayed with the fruit states that 40,000 barrels of similar apples. the 1901 crop, were shipped from Mills county alone. In the exhibit are specimens of every standard variety grown in this section of the country, their color ranging from a red so deep that at the distance it appears almost black, to a light yellow as bright as an orange.

Plumbing and heating. Bixby & Son.

Bowers Takes the Blame When Pete Nelson, Mahlon and Henry Bethers were lined up in police court yesterday, charged with the theft of several doormats and rugs from residences on Fifth avenue Gurdon Bowers, one of the men bound over to the grand jury for robbing Lapidus' pawnshop and Dobbins' saloon, testified that he was the guilty party. He said he gave one of the rugs to young Nelson, who took it home. The Bethers boys, he said, were with him when he committed the thefts, but refused to have anything to do with them. On this testimony Judge Aylesworth discharged the two Bethers, but held Nelson until he decided what punishment to inflict. Judge Ayelsworth was one of the victims of Bowers' thieving propensities. A rug and a doormat were stolen

Gravel roofing. A. B. Read, 541 Broadway. N. Y. Plumbing Co., telephone 250.

Claims Signature is Not His.

John H. Gates, a wealthy farmer of comer township, this county, obtained in the district court yesterday a temporary injunction restraining the State bank of Neola from disposing of or attempting to enforce the collection of a note for \$551 purported to be signed by Gates.

Gates in his petition asserts that he never signed or authorized his signature to the note and alleges that his signature on the note is a forgery. He asks that the temporary injunction be made permanent and that he be given judgment against the bank for \$250 damages

U. R. K. P. dance tonight. Hughes' hall

CONNECT THREE ROADS Reported for Joining Great Northern, Northern Pacific and

Burlington. SIOUX CITY, Ia., Jan. 24.-The Journal

"It is learned that plans for a connecting up of the Burlington and the Great Northern and Northern Pacific systems at Sloux City are being developed in the general offices of the Chicago, Burlington & Quincy company. The plans provide for an extension of the Burlington's Schuyler branch to Sloux City and the building of a cut-off driver's hands, but he was not thrown from from Schuyler down the Platte valley to the Burlington's main line to the west."

> LUELLA PICKETT WINS CASE Receives a Verdict Against the Sloux City & Pacific Bailroad

ONAWA, Ia., Jan. 24.—(Special Tele gram.)-In the case of Luella S. Pickett against the Sloux City & Pacific Railroad company, on trial since January 10, in the Monona county district court, the jury, after sixteen hours' deliberation, returned a verdict in favor of the plaintiff for \$2,500 and was discharged.

Unconscious from Asphyxiation. LEMARS, Ia., Jan. 24.-(Special.)-B. C. Custer of Moville, Ia., 27 years of age, was found unconscious in a bedroom at the Union hotel in this city this afternoon. The gas was turned on. Custer went to bed the previous night about 11 o'clock. It is thought the gas tip was accidentally turned of all meandered lakes in Iowa and deon. The young man will probably die.

Where He Got Off.

Detective George Fall of the city hall force was riding uptown in a Thirteenth street trolley car last Friday, relates the Philadelphia Record, when a colored man of his acquaintance came in and sat down "Are you superstitious "No. suh." said Sam. pox patients last winter. The bills, com- a good thing you're not," said Fall. "There's "Ya-as, suh, dat's right," chuckled Sam "And up in the corner there is a hunch "Yas, suh, I sees him." number of the car up there? It's 313." "Yas, suh." "And this is Thirteenth street "You go 'long. we are on, you know." "The cash register, as you may observe, shows the figures 1313." "Yas "Ya-as." "And this is Friday." "Quit yo' foolin', man."

Bruce and Emmert.

BILL FOR NEBRASKA BOUNDARY LINE

schoolhouse out into the country, where to Make Free Text Books Compulsory - House Plan for Municipal Telephones.

(From a Staff Correspondent.)
DES MOINES, Jan. 24.—(Special.)—The special committee having charge of the Jennings, he attended the meeting of the Bruce-Emmert contest case from the Eight-Iowa League of Municipalities. He was centh senatorial district, took up the work much amused at the notoriety he had re- of investigation in committee this mornceived over his suggestion for a change ing and made a beginning in the work. n the methods of assessing railroads. He The county auditors from Cass and Shelby said that while some of the more conserva. were called before the committee and the tive members of the association were attorneys for the contesting parties made their statements. The senate ordered the ferent from the present custom, so that notice of contest and statement and the lowa worth at least \$100,000 in Hancock, should prevail. Mayor Jennings did not senate for reference. It is expected the return with Mr. Phillips, having gone with, committee will proceed slowly at first, and the legislature to Iowa City, where his nothing has yet been done indicating what son is a student in the State university, the result will be. The fact that Dr. Emmert had only one more vote on the face of the returns than Bruce makes it im-

The judiciary committee took up the matter of the bill of Senator Hazelton with regard to a commission for settlement of the boundary line between lowa and Nebraska. The senator had prepared maps and plats showing the land affected and the manner in which the channel of the river has shifted, not only between Omaha and Council Bluffs, but also at other places that the entire matter of the boundary line shall be covered. Owing to the fact that the bills are not yet out of the hands of the printer, little could be done in this or other cases.

text book bill, which provides for free text books in every district of the state and makes it compulsory. The bill is being backed largely by the labor organizations of the state, but is not generally favored

Hospital for Insane.

Senator Lewis introduced the bill for an appropriation at the Hospital for the Insane at Clarinda. This gives \$15,000 for a cold storage plant, \$6,000 for coal house, \$2,500 for engine for dynamo, \$10,000 for land and \$10,000 for the repair and contingent fund, or a total of \$63,500.

The appropriation bill for the deaf school was introduced by Hazelton. The items are: Coal house, \$2,500; closets, \$500; library, \$400; laundry machinery, \$1,200; type and tools, \$400; watchman's clock, \$300; electrical power, \$400; new range, fencing, \$500; heating apparatus, \$1,000; addition to soap house, \$300; resetting boilers, \$2,000; contingent and re-

pairs \$3 000. Senator Hubbard Introduced a bill to authorize the governor to employ Captain J. S. Lothrop of Sioux City to press the state claim against the government on account of the interest on funds raised by the state for the equipment of troops. The amount of the claim aggregates \$456,-

Allyn introduced, by request, a bill for commission of three to examine auctioneers and license them. The fee for examination is to be \$5 and renewals \$2. Womens' and Rables' Home

Hubbard introduced a bill appropriating \$5,000 for a women's and bables' home in Sloux City. Porter introduced a bill legaland in certain lines of private employment, especially the mines.

The senate appointed two committees on nemorials, one for the late Henry Hospers of Sloux county and one for the late Preston M. Sutton of Marshall county.

House on Municipal Telephones.

In the house Representative Sweeley of Sioux City introduced a measure which provides practically for municipal telephone systems and authorizes cities and towns o establish or acquire the same and oper-

Powers introduced a bill providing that small rural schools may be closed by the directors with the approval of the county superintendent and the pupils be transferred to other schools. The bill also provides that schools of high grade, employing teachers with two-year certificates or with state certificates, shall receive \$50

year from the state direct. Cummings has a bill to give shorthand reporters a salary of \$1,500, instead of paying by the day. This is favored in the districts where there is little to do and where good reporters will not remain. Campbell introduced a bill to make it

mploy another to commit murder. Hamann asks an appropriation of \$75,300 for the Orphans' home at Davenport. He also has a bill for giving assistance to school secretaries in cities in making the

Marriage of Octoroons.

Anderson has a bill to prevent the marringe of white persons and those having one-eighth negro blood, the jury to deter mine by the looks of the person the amount

Resolutions were adopted in the house relative to the late Judge James Hilton of Monroe county and, pending this, enerretic speeches were made by Kendall and

Wilson of Washington introduced a bill to repeal the present law for music teaching in the schools. Warren offered a joint resolution assert ing the right of the state to the lake beds

manding that the government protect this Both houses adjourned until 10 Saturday.

REAPPEAR

CASES

Desire Rehearing-Sarah Kuhn Asks for a New Trial. (From a Staff Correspondent.) DES MOINES, Jan. 24 .- (Special.) -- In the supreme court this afternoon the case of the State against Sarah Kuhn was sub-

mitted, the oral arguments being made by

former Senator C. H. Mackeye and Attor-

ney General Mullen.

Two Women Serving Life Sentence

Mrs. Kuhn is serving a life sentence from Keokuk county for the murder of Charles Kuhu, her husband, two years ago. Mrs. Kuhn is only 20 years old and had been "It is married to Kuhn only about six months. He was a crippled shoemaker who had some property and one day the two had beer which contained strychnine. He took enough to cause his death and before it collided with a double team belonging said, "but heah's where I gits off. You he died he accused her of the crime of to Dr. F. Bellinger, which became fright- do make a man mighty oncomfable." murdering him. She was convicted and murdering him. She was convicted and

given a life sentence, which she is now serving. The defense claimed that the testimony was entirely circumstantial and made out a

strong plea for a new trial. The Hassock murder case, which was set for submission today, went over to the close of the term by consent on account of illness in the family of Mrs. Hassock's attorney. She is also serving a life sentence for the murder of her husband.

Supreme Court Decisions.

The supreme court today handed down these decisions: James Be'l against Town of Clanon, ap-pellant, Wright county, Judge Weaver;

affirmed.

W. E. Downie, appellant, against C. Christian; Wineshiek county, Judge Fellows; affirmed.

Anna M. Garner et al against Elisha Mahoney et al, appellants; Harrison county, Judge Oliver; affirmed.

Henry Boettger et al, appellants, against Laura Galloway and D. A. Downing; Cedar county, Judge Trichier; affirmed.

Samuel Decatur against W. L. Simpson, appellant; Poweshiek county, Judge Dewey; reversed.

Receives Inheritance Tax.

State Treasurer Gilbertson today received draft from the executors of the estate of the late John Corwith of Galena, Ill., for \$6,300.66, being the collateral inheritance tax imposed by the state of lowa. Corwith died three years ago, leaving an estate valued at \$500,000, including real estate in reply thereto printed in the journal of the Marshall and Pottawattamie counties. The collateral inheritance tax assessed against the property was resisted by the executors and suit was brought in Hancock county, which was won by the state. It was expected by the state treasurer that the case would be appealed, but about two weeks ago the executors asked for a statement of the claim and today the draft for the full amount was received.

Expenditures of Board of Control.

Secretary Treat of the Board of Control has prepared a statement showing where the money appropriated for the state institutions under the Board of Control is spent. The statement refers to the first quarter of the current year, but it is believed that the expenditures in the past have been proportionately about the same. From this statement it appears that these ontracts for the quarter have been

... \$142,965.95

The contracts of outside parties are largely for machinery and supplies not produced in Iowa and obtainable only from

The foregoing does not include money paid to officers and employes, which will amount to \$100,616.71. It thus appears that the total expenditures for the quarter, exclusive of purchases which will be made from time to time by the heads of institutions chiefly of Iowa dealers, will be approximately \$243,582.66, of which 85.8 per cent will go to Iowa calers and Iowa people and 14.2 per cent to parties outside the state. If the money to be spent by the heads of institutions be added, the percentage of expenditures in Iowa will be still larger.

CASTRO BARS OUT FRENCHMEN

War Ships to Be Sent to Venezuela to Enforce His Right.

WILLEMSTAD, Island of Curacoa, Jan. 24.-In spite of the protests made by the French consul here, President Castro has sustained the action of the Venezuelan aumit M. Secrestat, jr., of Bordeaux, to land although the government had previously assured the consul that the traveler might embark. It is held by the authorities that while the French line steamer St. Laurent on which M. Secrestat was a passenger, was at Fort-de-France, island of Martinique, or at the island of Trinidad, he conferred with General Matos, the revolutionary leader. The consul made inquiries on the subject which established the fact that General Matos was not at Martinique or at Trinidad when St. Laurent touched at those islands, but, was off the Venezuelan coast, on board the revolutionists' steamer Libertador. All the passengers of St. Laurent, and notably the secretary of the Spanish legation at Caracas, assert that the behavior of M. Secrestat was always most correct and that he did not see Gen-

eral Matos. This seems to make it necessary for the French government to take steps to cause the French citizens to be respected, and it s believed that the French cruisers Tage and Suchet, now at Fort De France, will

receive orders to go to La Guaira. The French cruiser d'Estrees is at Caruano, a seaport town in the state of Ber-

mudez Venezuela. PARIS, Jan. 24.-The French government this afternoon received a cable message from the French consul at Caracas, Vene zuela, announcing that President Castro has absolutely refused to allow M. Secrestat, jr., wo land in spite of the consul's repeated vigorous protests.

M. Secrestat, jr., the son of a merchant of Bordeaux, France, arrived at La Guaira, January 14, with the intention of going t Caracas, to protest there against the seizure of the estates of General Matos, by the Venezueinn government, the general's property having been legally leased to M. Secrestat, ar. The French government fanuary 16, cabled to Caracas, instructing the French consul there to insist that M. Secrestat, jr., be allowed to land.

SUPREME COURT SYLLABI.

16898. People's Building, Loan and Savings association against Shaffer. Appeal from Nuckolls. Affirmed. Oldham, C., division No. 2. Reported.

1. Contracts made in Nebraska with residents of this state by a foreign building and loan association, if made by agents of such association, if made by agents of such association, within this state are New New York and State are New York and State and State are New York and State and

1. Contracts made in Nebraska with residents of this state by a foreign building and loan association, if made by agents of such associations within this state, are Nebraska contracts and their construction, validity and enforcement are governed by the laws of this state.

2. The provision of the homestead association act of 1873 did not exempt foreign building and loan associations from the penalties of usury.

10201. Teske against Dittburner. Appeal from Madison. Reversed and dismissed. Ames, C. division No. 3. Reported.

1. An alleged oral agreement between a son and his parents that upon the death of the latter he shall become vested with the title to the family homestead in consideration of his carrying on the business of the parents and providing them with a home and maintainance is void.

10206. Mead against Hoover. Appeal from Buffalo. Affirmed. Norval, C. J.

1. A decree foreclosing a real estate mortgage is sufficient authority to the sheriff to make the saie thereunder.

2. Mere ciercal errors in an order of sale which are not prejudicial will not invalidate a sale made in pursuance thereof.

2. A sale will not be vacated merely because the notice of sale does not correctly state the date of the decree was rendered where the notice of sale does not correctly state the date of the decree was rendered where the notice otherwise with sufficient accuracy describes the decree under which the sale was made.

10610. Cross against Leidich. Appeal from Buffalo. Affirmed. Norval, C. J.

1. A sale of real estate under a decree foreclosing a mortgage will not be set aside merely because the officer did not return the order of sale within sixty days from the date thereof.

2. That the meridian in which lands are situated is not stated in the notice of sale will not invalidate the sale made thereunder, when the county, town, range, section and part thereof are correctly given in the notice.

3. The statute does not require that a sale of real estate under a mortgage foreclosure shall be held open for any specific

CHILLS? IT'S GRIP!

Duffy's Pure Malt Whiskey Cures Malaria, Grip, Consumption, Bronchitis, Asthma, Catarrh and All Diseases of the Throat and Lungs.

Grip is an infections disease, which attacks weak and strong alike, especially if the blood is sluggish, and generally involves the mucous membrine of the air passages from the nostrils down to and including the lungs. Serious complications are liable to develop in the course of the disease, as grip settles in the weakest part of the system, sometimes the kidneys, the brain, the stomach or the heart, resulting often in heart failure, but the most dreaded of all, penumonia, which is particularly fatal

when arising from grip.

The fatalities resulting from this disease within the past few years have sufficiently aroused doctors to the importance of givng the malady the closest investigation. Duffy's Pure Ma't Whiskey is the only absolute cure for grip, influenza, asthma, bronchitts, catsirth, consumption and all discases of the throat and lungs; it prevents complications and bad after-effects thats grip so often leaves in the system Duffy's Pure Malt Whiskey not only kills aids digestion and tones the action of the 1 Dr. Willard H. Morse, the well-known



Gentlemen-My family had "La Grippe."
I pu'led three of them through with
Duffy's Pure Mait Whiskey and milk.
WILLIAM H. YATES, Rochester, Mich.,
Sept, 13, 1901. CURED GRIP.

Gentlemen-I take pleasure in dropping you a few lines to inform you that I have been cured of a severe attack of grip by using your Duffy's Pure Malt Whiskey. My age is 70 years. Mrs. ELIZA H. REAM, 711 Cherry St., Reading Pa. Dec. 11, 190.

Gentlemen—Duffy's Pure Mait. Whiskey has been of great benefit to me. I do not think it safe to be without it, especially when the grip is about Mrs. H. CORNELL. 2104 N. 20th St., Philadelphia, Pa. Oct. 6, 1901.

It is the only whiskey recognized by the Government as a medicine. This is a guarantee. All druggists and grocers, or direct, it a bottle. FREE-1f you are sick or run down, write Duffy Mait Whiskey Co., Rochester, N. Y. All correspondence in strictest confidence, It will cost you nothing to learn how to regain health, strength and vitality. Valuable medical booklet free. Two game counters for whist, euchre, etc., sent free. Send 4 cents in stamps to cover postage.

merely because the notice of sale does not state the amount due on the decree.

2. Evidence will not be reviewed where it is not disclosed that all the evidence adduced in the court below is contained in the bill of exceptions.

3. Reported.

4. Lyon against Gombret. Error from Nuckolls. Affirmed. Albert, C., division No. 3. Reported.

5. Where the docket of a justice of the round that the undertaking was filed out of time.

5. Where the docket of a justice of the round that the case was taken under the United States, but before it issues. No. 3. Reported.

6. Where one entitled to a patent to land from the United States, but before it issues. No. 3. Reported.

7. Lybere one entitled to a patent to land from the United States, but before it issues. No. 2. Where the docket of a justice of the round that the undertaking was filed out of time.

5. Where the docket of a justice of the round that the case was taken under the parties are bound to not later than the fourth day after the round that the case was taken under the parties are bound to not later than the fourth day after the rounds that the decision must be rendered not later than the fourth day after the rounds that the case was taken under the parties are bound to have that the decision must be rendered not later than the fourth day after the rounds that the case was taken under advisement, the parties are bound to the round that the court in the decision must be rendered not later than the fourth day after the rounds that the case was taken under advisement, the parties are bound to the round that the undertaking was filed out of time.

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Gosper. Affirmed. Sullivan, J.

1. A decision of the trial court based upon competent evidence, not intrinsically improbable, will be sustained even though the reviewing court may think the preponderance of the evidence is opposed to the conclusion reached.

10923. Unland against Crane. Appeal from Washington. Affirmed. Holcomb. J.

1. An objection that an appraiser of real estate appraised for judicial sale in fore-closure proceedings is disqualified comes too late if it be not interposed until after sale and, when confirmation is asked. The objector in such case will be deemed to have walved the objection.

2. Where real property sold at judicial sale sells for more than, two-thirds of its allieged value by those objecting an objection that it was appraised too low is unavailing. tion that it was appraised too low is un-availing.

10949. People's Building, Loan and Savings association against Cook, Error from Cass. Affirmed. Sullivan, J.

1. An appeal undertaking filed with a justice of the peace on the eleventh day after the rendition of a judgment is not an

effective proceeding.

2. A case removed to the district court from a judgment of a justice of the peace is rightly dismissed if the appellant, by reason of his own laches, falled to file an appeal bond within the time limited by statute for that purpose. statute for that purpose.

3. One learned in the law is not justified in relying absolutely on the legal conclusion of a justice of the peace touching the time when an appeal bond should be filed. And this rule holds even though the justice consults an almanac before stating his conclusion.

4. The bare fact that a justice of the peace was not at his office after 5 o'clock

Hastings, C., division No. I. Reported.

1. Matters merely in the judge's mind and which were in no way a part of the public proceedings at a hearing, are not properly a part of a bill of exception and one who is refused a bill of exceptions, unless such matters are incorporated, is entitled to a writ of mandamus to compel the settling of a bill which shows the actual proceedings.

16403. Swofford Bros.' Dry Goods Company against Cowgill. Error from Phelps. Reversed and remanded. Hastings, C. Division No. 1.

Evidence examined and held sufficient to

Division No. 1.

Evidence examined and held sufficient to require submission to the jury of question of liability on the part of defendant in error, as partner, in the purchase of the goods for whose price the action was brought, and action of trial court in instructing for verdict for defendant therefore erroneous.

fore erroneous

10437. News Publishing Company against
Tyndale. Appeal from Lancaster. Reversed. Hastings, C. Division No. 1.

The fact that a chattel mortgage was
withheld from record from January 17 to
March 12, following, with intent to avoid
injury to mortgagor's credit, does not renter it fradulent as against one whose first der it fradulent as against one whose first dealing with mortgagor was on April 8, afterward, and who does not appear to have examined the chattel mortgage rec-ords during the transactions. 10602. Rohrer against Fassler. Error from Webster. Reversed. Sedgwick, C. Division

Sales of real estate upon foreclosure of tax ilens should be, as far as practicable, the same as upon mortgage foreclosures, and unless the decree provides otherwise the tracts or lots must be appraised and sold separately.

StopsPain



Pains are very much alike. As the old saying goes, "Six of one are half a dozen of the other." The principal difference between pains is the names given by doctors. The name doesn't amount to anything. If the pain is in the back the doctors call it one thing, and if it is in the leg they call it another, and yet if they should change those names the pain would hurt just as bad. Omega Oil stops pain. The trouble may be in the neck. shoulders, back, arms, elbows, wrists, hips, legs, knees, ankles or feet. No matter. Omega Oil puts out pain in all parts of the body just as water puts out fire in all parts of a house. It has been tried so often that there is no longer any doubt about it. Hundreds of thousands of bottles have been used and given satisfaction everywhere. Omega Oil stops pain, and don't forget it.

Omega Oil is good for everything a liniment ought to be good for.