# THE OMAHA DAILY BEE: WEDNESDAY, MAY 14, 1902.

Specifications for Temporary Structure Sub-

mitted to Iowa Board.

COAL MINERS AND OPERATORS CLASH

Employes of Twelve Mines in First

District Walk Out Over Wage Scale

Controversy-Dairyman Ac-

cidentally Shot.

(From a Staff Correspondent.)

state executive council met this morning to

consider the needs of the State School for

the Deaf at Council Bluffs. The members

for the school. In addition to this there

would be dormitories for the boys and for

the girls. The estimate of cost showed a

total of about \$28,000, with the necessity

for furnishing at about \$10,000 additional.

The executive council has at its disposal

only \$35,000 for the entire two years. It is

possible that the Board of Control may find

other ways of helping out the needs at the

It is planned in these temporary struc-

tures that the most of the material can be

for trial is that of the United States against

Letson Balliet, accused of using the mails

to defraud in connection with mining ven-

tures in Oregon. The case was started at

a term of court last fall, with Governor

Trouble Over Wage Scale

the case had to be continued.

architect at their suggestion.

DES MOINES, May 13 .- (Special.)-The

cific since 1886. He lived at 1624 Tenth ave-nue and leaves a wife and four daughters. | PLANS FOR NEW DEAF SCHOOL

# INTEREST FROM NEWS OF IOWA.

# COUNCIL BLUFFS.

#### MINOR MENTION.

#### Davis sells drugs.

Stockert sells carpets and rugs. Woliman, scientific optician, 409 B'way. Take home a brick of Metzger's ice cream. Vanila, 25c; Neopolitan, 25c. Joseph W, Smith left last evening on a short business trip to Chicago.

The Elks will close the season with a dance at the clubhouse Wednesday night. Sherman Morris, colored, was arrested last night for threatening to carve J. A.

Bowse, a white man. No successor to justice Ferrier will be appointed until at the June meeting of the Board of Supervisors.

Social dance given by Knights and Ladies of Security, Marcus hall, Tuesday evening, May 13. Whaley's orchestra. Admission, 250,

May 18. Whaley's orchestra. Admission, 20c, A marriage license was issued yesterday to C. M. Coltrain, aged 21, and Grace Van Wert, aged 28, both of Omaha. They were married by Justice Bryant. The grocery store of F. Gilfoll at 1635 West Hroadway was broken into by thieves Sunday at midnight. They got away with a large quantity of tobacco, coffee, tea and canned goods. They took almost half the stock of these goods. The theves secured entrance to the store by smashing in the front window.

entrance to the store by smashing in the front window.
H. S. Fishburn, charged with the theft of a bicycle belonging to Agent Parsons of the Burlington, was identified yesterday as the person who sold at a second-hand store in South Omaha the wheel stolen a few days ago from Charles Ealley of Harrison street. He will have a hearing in police court this morning.
William Thompson and E. G. Jones, there is a second to the second street is well known to the automore of cigars, had a partial hearing in police court yesterday morning. Thompson was identified yesterday morning. Thompson was dentified yesterday by Omaha officers as Mason. He is well known to the automore second to the coal box at the fire house, was seriously injured Sunday night as heared on the coal box at the fire house when a board gave way and he fell backward into the box. A rusty nail penetrated his charles arous the year way inder the sum of locking we to inderend we on Avenue A and Nincteenth street. chise. der that no mistake should occur in the fu-

#### N. Y. Plumbing Co., telephone 250.

# William E. Haverstock Dead.

William E. Haverstock died yesterday afternoon at his residence, 130 Fairview avenue, from paralysis, after an illness of nearly a year. He was 52 years of age, having been born December 27, 1849, in Duxbury, Mass. He came to Council Bluffs in the early '70s. In the spring of 1883 he formed a partnership with Thomas H. James in the dry goods and grocery business, which existed up to the time of his death.

On May 6, 1874, he was married to Florence A. Teal, daughter of Stebbins A. Teal of the Fremont, Elkhorn & Missouri Valley railroad. Besides his wife he is survived by two sons, Charles S. and Horace T. Haverstock.

Mr. Haverstock held the position of treasurer of the school district of Councli Bluffs three different terms, and it was while serving as such last July that he was stricken with paralysis and his partner, T. H. James, was appointed in his place by the court to fill out the unexpired term. Mr. Haverstock was a prominent member of the Ancient Order of United Workmen, being on one of the grand lodge committees, now in session in Council Bluffs. He was also a member of the Woodmen of the World and the Masonic fraternity. The funeral arrangements have not been completed

### Library Wants Free Telephones.

not | investigate the company seeking the fran- Moines, members of the t ution asking the city council

AGREE ON ONE FRANCHISE Davis sells grass. WORKMEN ARE HERE IN FORCE Aldermen, Sitting as Committee of the Everything in Readiness for the Open Whole, Approve Dubuque Proposal. ing of the Grand Lodge

TURN DOWN JOHN H KUHNS' PROPOSITION

Objections to the Latter is the Toll Rate and the Fact that His Company is Not Incorporated in State of lows.

The ordinance as it came before the com-

mittee yesterday afternoon called for the

installation of "long distance equipment"

'phones, which Mr. Stevens explained meant metallic circuit 'phones, but in or-

ture the ordinance was corrected to defi-

nitely name "metallic circuit, long-dis-

Asked as to whether he would agree to

Stevens said the company had made all

could in that respect. He stated that the

company expected to give a discount of 10

per cent to religious and charitable insti-

the request of the Board of Education for

free 'phones for the school houses would

mean a reduction in the percentage of the

earnings that the company could pay the

tutions. He stated further that to grant

tance equipment."

city.

city.

ing a franchise.

hotel, which was selected as headquarters, and here most of the delegates assembled The aldermen, sitting as a committee during the day. of the whole Monday afternoon, decided Small triangular flags of various colors to recommend the ordinance submitted by bearing the words, "Welcome, A. O. U. W.," President Stevens of the Dubuque Teleare to be seen in all parts of the city and phone company in behalf of the Interstate Royal Arcanum hall, where the session of Telephone company for a franchise to the the grand lodge will be held, is gaily city council for its approval and submisdecorated. Handsome badges provided for sion to the electors of Council Bluffs. the delegates by the local committee are The ordinance had been redrafted by

much in evidence. City Solicitor Wadsworth and only a few A class of fifty was initiated last night minor changes in the wording of some of into the mysteries of the side degree of the paragraphs were made. An important the order, the Ancient Phoenician Order of provision of the ordinance as it now stands the Nobles of Tyre. A carload of parapheris one calling upon the company to file within ten days after the electors have palls for the conferring of this degree arapproved the granting of the franchise a rived yesterday morning from Des Moines. Preceding the opening session of the bond in the sum of \$15,000 as a guarantee grand lodge at 10:30 this morning, there that it will carry out its contract, this bond to be forfeited in the event of the will be a street parade, which will form company not completing and having its tel- opposite the Grand hotel at 9 o'clock. This ephone system in operation within eighteen will be the formation: months from the granting of the fran-

will be the formation:
Escort of Degree Team of Council Bluffs Lodge No. 270, In Full Uniform.
Musical Union Band of Council Bluffs. Grand Lodge Officers. Grand Lodge Delegates.
Visiting Members.
Delegations and Degree Teams of Omaha Lodges Nos. 17, 18, 96, 98, 189, 173, 299 and 222.
Delegation of South Omaha Lodge No. 66.
Officers and Members of Council Bluffs Lodge No. 270.
Sioux City is here with the avowed in-

Funeral arrangements will not be made

until after the arrival of relatives from

This Morning.

Delegates to the Iowa grand lodge of the

Ancient Order of United Workmen arrived

on every train Monday, and by night 1

was estimated that 200 visiting members

of the order were in the city. The grand

officers were assigned rooms at the Grand

Sloux City is here with the avowed intention of carrying off the meeting for 1903.

Its delegates are provided with badges infurnish free telephones to the schools, Mr. scribed, "Sloux City, 1908, Sure," which they are pinning onto every delegate they the concessions it reasonably could and can. It is said that by today the delegation that in offering to furnish the city with from Sloux City will be twenty-five strong. twelve 'phones free it had done all it Dubuque is said to be also out for the 1903

Judge Munger Holds Court. Judge Munger of Omaha arrived in the

least

school.

At the afternoon session today of the city today to hold court for Judge McPhergrand lodge nominations for officers for son, in accordance with the exchange made the ensuing year will be made and the elecby the two. Tomorrow morning he will tion will be held Wednesday morning. empanel the grand jury and open court. The Mrs. Mary J. Skegg, grand chief of honor; Mrs. Nelly P. Deets, grand receiver, and docket is not a heavy one. The most important case on the docket

Mrs. Iowa Shyrock, grand recorder, Degree Superintendent Lane of the Nebraska of Honor, arrived yesterday. The Degree Telephone company made a proposition to of Honor, the woman's auxiliary to the the committee to pay the expenses of a Ancient Order of United Workmen, holds committee or the entire council to St. Jo- its grand lodge biennially, and this is the seph to investigate conditions arising off year. As the grand lodge of the parent from having two telephone systems in a organization has jurisdiction over the aux-Attorney Wadsworth on behalf of illary, the grand officers of the Degree of the Interstate company suggested that the Honor attend the grand lodge sessions. These grand lodge officers arrived yescouncil make a trip to Dubuque and in-

vestigate the conditions there, where two terday: Past Grand Master Workman R. telephone companies were doing business L. Tilton of Des Moines, Grand Master Workman Will M. Narvis of Muscatine. also, to inspect the character of the equipment that the company proposed installing Grand Foreman W. H. Berry of Indianola. in Council Bluffs in the event of it obtain- Grand Overseer J. K. Townsend of Burlington, Grand Recorder B. F. Rehkopf of Des

bench, the latter being ill. Alderman Lovett urged the committee to Moines, Grand Inside Watchman E. Totman proceed cautiously. He said it had al-ready in the past had experience in two J. R. Haines of Marshalltown. Also P. H.

LAST TOUCHES ON MONUMENT

Everything in Readiness for Dedicat-

ing the Memorial to Col-

onel Kinsman

competing motor lines and the granting of E. Sommerfeld of Dubuque, A. Hartung of a franchise to a new telephone company Des Moines and I. P. Van Cise of Mt. Pleas-The Board of Library Trustees at its might result the same. He said that in ant, grand trustees. H. Michelstetter of his opinion the council should thoroughly Sloux City and J. H. Campbell of Des

session.

penses are shown to be proportionately Inrger.

In discussing this feature of the report Secretary Davison states that he has noticed that the railroads have a habit of figuring up large operating expenses every time there is a heavier showing made in gross earnings. There is little chance, then, of the executive council taking advantage of prosperity and raising the assessment because of the net earnings. Following are some interesting totals of the report of business done in 1901 and comparisons with the reports of 1900: Aggregate gross earnings 1900, \$52,354,817.27; 1901, \$56,048,549.76; operating expenses 1900. \$37,260,745.10; 1901, \$39,609,789.99. The trial of the case sgainst ex-Sheriff G. E. Climie, charged with unlawfully col-

lecting fees for feeding prisoners at the Appanoose county jail, which has been in progress in Centerville for two weeks, came to a close Saturday night, when the jury brought in a verdict of acquittal after being out about five hours. A similar case is pending against the ex-sheriff, but it is also expected to fail, as the evidence in both cases is about the same.

of the State Board of Control presented to BURGLARS ROB POSTOFFICE the council plans and specifications for a temporary structure prepared by the state Secure Seven Hundred Dollars Worth

of Stamps at Monroe, The building would be a one-story wooden tructure, constructed as cheaply as pos-Iowa. sible, but sufficient for a general building

> DES MOINES, Is., May 13 .- The postoffice at Monroe, thirty miles south of this city, was robbed last night by burgiars. The safe was blown open by dynamite and several hundred dollars worth of stamps were taken. The explosion wrecked a portion of the building.

Dennis on Trial for Murder.

SHENANDOAH, Ia., May 13 .- (Special.) -At Clarinda before Judge A. B. Thornell Edward Dennis is on trial for the murder of Oscar Miller in this city on December 18, 1901. Miller was found beaten and half frozen in the Wabash sand house. Dennis and two companions, Eugene Mason and Nesley Irwin, are held for causing the man's death, but were granted separate trials. The evidence is circumstantial.

#### Choose Site for New Depot.

ONAWA, Ia., May 13 .- (Special Telegram.)-N. M. Hubbard, attorney; Land Commissioner Cleveland and Superintendent Hodge, Northwestern officials, were here today and held conferences with the city council in regard to the location of the new depot. It was decided to erect the structure south of Diamond street, near where the section house now stands. Work is expected to commence at once.

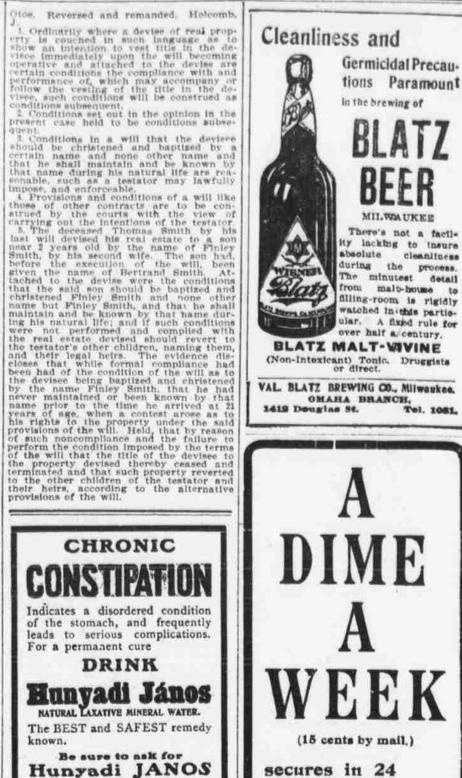
#### School Girl Takes Rough on Rats.

SHENANDOAH, Ia., May 13 .--- (Special.) -Flora Groesbeck, a 15-year-old school girl, attempted to commit suicide yesterday afternoon by taking a dose of rough on rats. Lard was given her a short time afterwards by her sister, preventing a fatal ending of the affair. The girl gave as her reason for taking the polson that she was tired of going to school.

SUPREME Cummins as counsel for the defendant, but COURT SYLLABI in the midst of the trial one of the jurors was accidentally suffocated with gas and

The following opinions will be officially

The following opinions will be officially reported: 10095. Gray against Peterson. Error from Knox. Reversed. Ames, C. Division No. 3. Any distinct and unambiguous act evi-dencing an intention by the seller to part with the possession and an intention on the part of the buyer to acquire the pos-session, accompanied by a tradition of the property from the premises of the former, or from neutral ground to the premises of the latter, satisfies the statute of fraud and suffices to transfer the title so that the former may recover the purchase price if it remains unpaid and the latter as-sumes the risk of safekeeping, and may defend his possession against all the world. 10325. Hare against Winterrer. Appeal from Deuel. Former judgment of supreme court vacated. Judgment of district court affirmed. Sullivan, C. J. Governor Cummins will not appear in the case this time, but Judge Bishcp, who recently resigned from the district bench, will defend. Judge Zala M. Church of Jefferson, Ia., is also in the city and is holding court for Judge Holmes of the district The coal minors in the First district, in and around Centerville and Cincinnati, Ia., are out ont a strike owing to a disagreement with the operators as to the meaning of the wage scale which was adopted last



(full name); substitutes are worth-

Good enough

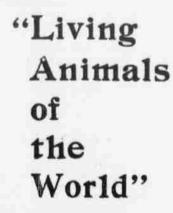
for anybody!

ALL HAVANA FILLER

3 for

less and often harmful.

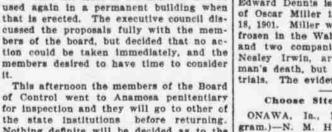
secures in 24 weeks each section of



cleanituess

Tel. 1081.

the most remarkable work on



Nothing definite will be decided as to the plans at Council Bluffs until another meeting is had with the executive council. It 's

certain, however, that temporary structures will be erected for the use of the school, so that it will not suffer in the

to approve any telephone ordinance unless it provided for a free service for the publie library.

The board accepted the invitation to attend in a body the Kineman monument unvelling exercises and the Memorial day exercises under the auspices of the Grand Army of the Republic.

The librarian was instructed to close the library on Sundays from the first Sunday in June until the second Sunday in September, inclusive.

The report of the finance committee showed a balance of \$2,783.95 in the treasury of the library on May 1.

#### Homes for All.

For sale at low prices and easy payments, homes in all parts of the city, including some of the nicest residences and those of moderate size. Also dwellings and business property in Omaha. Farms bought and sold. It will pay you to see us at the office of J. W. Squire.

#### Real Estate Transfers.

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

500

400

Ine abstract, title and lean office of J.
Squire, 101 Pearl street:
J. W. Squire, trustee, to Ellen L.
Stlweil, part lot 3 in lot 32%, original plat, w.d.
Daniel L. Royer and wife to Walter Sceley, w50 feet lot 11, block 4. Park add, w.d.
Bheriff to John Linder, undivis lot 3, block 29, Neola, s.d.
Bheriff to John Linder, undivis lot 3, block 29, Neola, s.d.
Bheriff to John Linder, undivis lot 3, block 29, Neola, s.d.
John Peter and wife to Anna B. Hahn, westerly 30 feet lot 6, block 7. Baylins' lat add, w.d.
John Peter and wife to Alpha Flack, lot 15, McGee's subdiv. of block 24. Hughes & Domphan's add. w.d.
Fremont Benjamin and T. G. Turner and wives to Paul C. DeVol, e304; feet of the Subdiv. of lot 5, block 5. Mynater's add. w.d.
Independent school district of Council Bluffs to H.P. Butler, lot 6, subdiv. of the High school property, w.d.
Suillivan Aldrich and wife to Henry Weirch, neé 34, sis set 37, except 4 acre; with nw% 35, and swis swis 35, 575-58, w.d.
Josaeffs O. Redman and wife to O. S. Bianchard, undivis of et/s set 27, 77-44, q.c.d. 1,800 7,000 Blanchard, undivis of els sels 29-77-44. q. c. d.
E. M. Smart and wife to Mary E. Olney, lot 3, Auditor's subdiv. sels swig 12-75-40, w. d.
Kennedy H. Hansen and wife to Frederick Hansen, els nwis and nwis nwis 5-75-42, c. d.
W. H. McClelland and wife to Mason City & Fort Dodge Railroad company, right of way over nwis 4-75-42, w. d.

Fourteen transfers, total......\$23,157



Dyed and pressed. Special attention given ladies' garments. Also chenilie curtains neatly cleaned, dyed and pressed. 'Phone L-dis. Iowa Steam Dye Works, 304 Broadway.

EWIS CUTLER -FUNERAL DIRECTOR-(Successor to W. C. Estep) OS DEARS. STREET. 'Phone ST

proval and submission to the voters. On convening the committee had the or dinance submitted by J. K. Kuhns of Omaha on behalf of the International Telephone Company of America read. Objections were made to the 2-cent toll for every call on the grounds that it would prove more expensive than possibly the ex-

chise, even if such an investigation occu-

was recommended to the council for its ap-

it was on his motion that the ordinance committee.

isting rates, and Alderman Casper opposed consideration of the proposition because it came from a foreign corporation, saying he would never give his vote to a company organized out of Iowa. Alderman Lougee was also primed with a number of objec-

tions, and the ordinance was laid on the table. Mr. Kuhns stated that the company was organized in Delaware with an authorized capital of \$200,000,000.

Sealed proposals will be received at the office of the superintendent up to 6 p. m. Thursday, May 15, for pulling down wrecked walls of main building and chapel of the lows School for the Deaf, also from carpenters proposals for replacing roof ..\$ 1.525 over the kitchen. Further information at office of

HENRY W. ROTHERT, Superintendent.

SWITCHMAN GOES UNDER CARS Harry O'Neill, Forman of Union Pacific Crew, Instantly

Killed.

100 Henry O'Neill, foreman of a switching crew in the Union Pacific transfer yards. was run over and instantly killed at 2 o'clock Monday morning while assisting in switching cars. How O'Neill happened 625 to fall beneath the wheels is not known, as none of the crew witnessed the accident. O'Neill's body was terribly mangled and death was instantaneous. The remains John were removed to Lunkley's undertaking rooms, where an inquest was held by Coroner Treynor.

The engine was in charge of Engineer 445 Campbell and Fireman Thomas, who, with Wheeler and Costello, members of the 100 switching crew, were summoned as witnesses at the inquest. Their testimony showed that a string of cars was being 1,200 taken from the east to the west end of the yards for the purpose of switching them on

to various tracks. O'Neill stood on the left side of the footboard of the engine, while the two men under him were on the right side. The train was moving not faster than three or four miles an hour when Fireman Thomas' attention was at tracted by a peculiar noise and he looked back just in time to see O'Neill's lantern Thomas called out to Engineer go out. Campbell and the train was at once brought to a standstill.

O'Neill's body was found under the front end of the fourth car. Marks on the second car from the locomotive showed that it had passed over the body. Fireman Thomas testified that he did not see O'Neill when he looked back, but only caught a glimpse of the light from his lantern for a second. The place where the accident occurred was just about where O'Neill was in the habit of dropping off the engine footboard to go across to the right side and assist the men with him in switching the cars when a string of them would be taken on that track. The theory advanced by the witnesses was that O'Nelll must have stum-

bled in dropping off the footboard and fallen between the first and second cars. The jury, consisting of George Treynor,

loseph Palmer and T. A. Eaton, returned a verdict exonerating the railroad company and crew.

Henry O'Netll was 48 years of age and had been in the employ of the Union Pa-

1001 winter here. W. Eichelberger of Bloomfield, a member pied one or three months. Alderman of the law committee, and Henry Lehman

The operators claim that the agreement gives them the right to choose to pay either Lougee said that he did not question the of Des Moines and J. H. Merckens of Fairgood faith of the Interstate company and field, members of the grievance and appeals on a mine run basis or a screen coal basis They chose the former and the miners objected and have refused to continue at work until a settlement is effected. About Plumbing and heating. Bixby & Soma dozen good mines in the southern part of the state are affected.

Colored Ministers Disagree.

Fees from the Dentists.

fore taking up all the fees received. Some

time ago the executive council employed

expert accountants to examine the accounts

Play Havoc with Strawberries.

Shot While Out Hunting.

doctors fear that internal hemorrhage will

result. McCaughn was to have been mar-

lows Railroad Earnings.

Net earnings of railroads on business

done in lows during the year 1901 were

ried within a few weeks.

matter has not yet been disposed of.

An interesting event took place at the weekly meeting of the Des Moines Ministerial association today. Rev. F. Lomack of the African Baptist church, who has just returned from an extended visit in the

General Grenville M. Dodge arrived in south, discussed the paper which had been Council Bluffs yesterday morning and will read and took occasion to declare his belief engain in the city until after the unveilthat the time is ripe for a war to free the ing of the monument to Colonel W. H. colored people of the south again, that they Kinsman in Fairview cemetery Saturday. are not free, but in bondage; that the General Dodge visited the marble shop, Christian people ought to take some action. where the finishing touches to the monu After he had finished Rev. Mr. Gray of ment and the lettering are being put on. the African Methodist church of this city On the front of the monument, which will took the floor and discredited all that his

face the south, there will be a large bronze colored brother had said. A sharp contromedallion of Colonel Kinsman with the inversy between the two took place and it was only by stern efforts of the chairman Born July 11, 1832, in Cornwallis, Nova that a fierce encounter was prevented.

bayou, May 17, 1863." On the east side

will be the inscription: "Teacher in the The following incorporation papers were public schools of Council Bluffs; lieutenant filed with the secretary of state today: and captain of Company B. Fourth Iowa Iowa and Minnesota Navigation company infantry; lieutenant colonel and colonel of LeClaire, Ia.; capital. \$35,000; by Grant Twenty-third Iowa infantry." The inscrip- Van Sant and others. This is the company ion on the west side will be: "Erected with which the governor of Minnesota is by his comrades and the citizens and school connected.

The Edwards & Bradford Lumber com children of Council Bluffs, Ia." A meeting of the committees was held pany of Sloux City increased its capital last evening at the residence of General stock to \$700,000.

company.

green.

Dodge and arrangements for the unveiling The J. E. Sedgwick Abstract company of exercises completed. Waterloo increased its capital stock to The procession will form at 1:39 p. m. \$35,000 on Bayliss park and move at 2 o'clock. It Hayward Bros.' Shoe company of Vinton will form as follows:

Dodge Light Guard. High School Cadets. Kinsman Post of Des Molnes. Fourth Iowa Veterans. Twenty-third Iowa Veterans. Iowa Society Army of Philippines. Iowa Society Army of Philippines. Union Veteran Legion. Abe Lincoln Post, Grand Army of the Re-public. Dr. F. A. Lewis, secretary and treasurer of the State Board of Dental Examiners. \$559.40, being excess of fees over expenses

day. Lieutenant J. A. Straight, Emmet Tin-ley and J. W. Deweese of Lincoln, speak-

rs. Rev. George W. Snyder, chaplain. Abe Lincoln post and Union Veteran ogion will meet and escort Kinsman post rom the train to Grand Army of the Re-Legion from t

Davis sells paint,

WASHINGTON, May 13.—The president has granted a pardon to C. A. 8. Forrest, who was involved in the contempt pro-ceedings in the United States court in San Francisco in which Judge Noyes was the principal. Forrest was sentenced to one year's imprisonment.

ssue of fact is conclusive in this court un-

issue of fact is conclusive in this court un-less clearly wrong. 2. If the lender's agent exacts from the borrower for the use of a money a bonus or commission in addition to the highest lawful rate of interest the transaction is a violation of the law against usury. 3. Where a person through whose agency a loan was negotiated rendered valuable services to the lender, and there was no reason to suppose that such services were gratuitous, the court or jury will ordinarily be justified in presuming that the lender mew the borrower had been required to pay for such services. 4. It would seem to be a warrantable pre-sumption of fact, based on common experi-ence, that men who rely habitually, in business transactions, on the advice and judgment of persons representing adverse

udgment of persons representing adverse nterests, seldom or never have money to Evidence examined and found to

5. Evidence examined and found to jus-tify the conclusion of the trial court that an agent who had negotiated a loan acted for the lender and not for the borrower. 10473. Youngston against Bond. Appeal from Kearney. Reversed and dismissed. Kirkpatrick, C. Division No. 1. 1. Under the laws of this state the right of an administrator to the real estate of his decedent is possessory only, and such interest is not sufficient to authorize him to maintain a suit to quiet title to such real estate.

to maintain a suit to quiet the to such real estate.
2. Where a cross bill asking affirmative relief against a co-defendant is filed out of time, and no summons is issued thereon or served upon such co-defendant, and no appearance is made thereto, the court has no jurisdiction to try the issues tendered by such cross bill.
10708. Huffman against Ellis. Error from York. Affirmed. Kirkpatrick, C. Division No. 1. Sedgwick, J., not sitting.
1. Evidence tending to establish a separate ora; agreement between the parties to a written contract as to matters upon

a written contract as to matters upon which such contract is slient, if it does not tend to vary or contradict the terms of the written document, is admissible. Instructions examined and held prop-

2. Instructions examined and held prop-erly given. 10777. Garey against Kelly. Error from Dodge. Affirmed. Day, C. Division No. 1. 1. Instruction that plaintiffs in action against liquor sellers are entitled to com-pensation for loss of support caused by the husband and father's intoxication from all who sold or gave him the liquor causing such intoxication, held not to assume im-properly any continuity of such intoxica-tion. changed its name to Hayward-Glock Shoe

tion. 2. Instruction that "support" in the statute as to intoxicating liquors does not mean the bare necessaries of life, but such means as would enable plaintiffs to live in a "style and condition and with a degree of comfort suitable and becoming their station in life." Held proper. 3. Instruction that the furnisher of any part of liquor causing the loss of support is liable to the full extent of the loss, ap-proved. The state treasurer today received from

of the board. This is the first time in the history of the board that there has been a surplus, the expenses of members hereto-

is liable to the full extent of the loss, approved. 4. Evidence examined and held sufficient to uphold verdict for plaintiffs for \$400. 11082. Thomas against Thomas. Error from Douglas. Reversed and remanded. Hastings, C. Division No. 1. 1. Error in placing a law case on an equity docket over plaintiff's objection is walved if at the trial plaintiff expressly declines hearing before a jury. 2. Error in holding witness incompetent and refusing all her testimony is imma-terial if the testimony offered together with the proofs received shows no right of action.

of all state officers and boards and examination was resisted by the dentists. The

Secretary Wesley Greene of the State Horticultural society has discovered that

with the proofs received shows no right of action. 3. Section 21, chapter xxiii. Complied Statutes, in making an illegitimate child an heir of the person who "shall in writ-ing signed in the presence of competent witness acknowledge himself to be the father of such child" only provided for evidence of paternity of the prescribed kind. unless heroic measures are taken there will be a small strawberry crop in Iowa. The sawfly is getting in its work in defoliating the vines, leaving only the skeleton of the leaves. Unless this is stopped the crop will be greatly reduced. Mr. Greene urges the spraying of the vines with helibore or paris

4. No intention to make the child an heir and no distinct statement that it is an il-legitimate child need appear in the writ-

ing. 5. A woman whose marriage with de-cedent was annulled during his lifetime be-causa of the existence of a former hus-hand at the time of the marriage is a com-petent witness against his estate as to facts learned otherwise than by communi-cations from deceased during the existence of marital relations. 11312 Moseley against Fillebrown. Ap-peal from Milimore. Affirmed. Sedgwick, J. 11320 Hall against Hopper. Error from George McCaughn, a dairyman living in the country south of Des Moines, was shot and perhaps fatally wounded Sunday evening. He and his hired man were out shooting sparrows when a shot, fired by the latter, struck McCaughn in the abdomen. The

12 Moseley against Fillebrown. Ap-from Millmore. Affirmed. Sedgwick, J. 20. Hall against Hopper. Error from gias. Affirmed. Oldham, C. Division eal. 11820

Bougnas. Amrmed. Onliam, C. Division No. 2.
1. A principal cannot accept the part of an unauthorized contract entered into by his agent which is beneficial to him and repudiate the part which is to his detriment. He must either ratify the whole contract or repudiate it entirely.
2. Where a pialntiff sues on a contract entered into through an agent who apparently acted with general authority, he will not be permitted to show a limitation of the authority of his agent in making such contract unless he proves that such limitation was known to exist by the defendant at the time the contract was entered into. \$1,344,687.60 more than during the year These figures are deduced from the abstracts of reports of railroads which have just been completed at the office of Secretary Davison of the state executive council and for the reports of the previous year. The gross earnings show an increase of over \$3,000,000, but the operating ex-

11331. Smith against Smith. Error from



Veteran Soldiers and Sallors. Veteran Solders and Ballors. Civic Societies. School Children. Mayor, Council and City Officials, in Car-riages. Public Library Trustees. Fire Department. Citizens in Carriages. John Lindt will be grand marshal. Major General G. M. Dodge, president of day.

from the train to Grand Army of the Re-public hall. R. N. Merriam and William H. Campbell of Company B. Fourth Iowa, will meet the Fourth Iowa Veterans and assign them to their place in the procession. H. W. Goss and Captain L. B. Cousins will have charge of the Twenty-third Iowa. Headquarters of these two regiments will be at the Grand hotel.

Gravel roofing. A. H. Read, 541 Broadway.

Wreck on Chicago & Alton. Wreck on Chicago & Alton. JOLIET, III., May 18.-The Prairie state State express on the Chicago & Alton, leaving Chicago at 9 a. m. today, was wrecked near Elwood below Joliet. Four ccaches were deralled by an open or de-fective switch and thrown against a high ciny bank, but none of the passengers were seriously hurt. One woman, reported to be Miss Stachle of Wilmington, was thrown through a window and cut by glass. The track was torn up for a considerable dis-tance and traffic delayed.

Pardoned by the President.

scription: "Colonel William H. Kiusman, Scotia. Killed in battle of Black river New Corporations in Iowa.