no American has a wider repu both literature and the stage a Morris. She knows the stage ne of her personal experience quently her new book, "Stage " Is not only interesting, but in this book she talks with cting life behind the foot lights. epigram and flustration she false glitter and gives valuin passing, to stage aspirants, esting and amusing all readers menner is peculiarly frank eminacences are and those ince she enters

o hrop Publish-

nel," by Francis H. nt of a jorney in the Pelrin to Stan, in the China, thence south neiger to Hankow. The on of Chine, It is essentially a of untraveled roads over which very ite men have ever ventured. Sian of the oldest cities in the world and the capital of China 2,000 years before the Christian era. Two chapters are voted to an account of the recent exile the empress devager and emperor in in sile Pekin was a possession of the led sules. The author saw the "Nestin respect to Sian and visited the Tablets," where are kept the brials of the first kings of es of rubbings from some of will be reproduced in the book or chapters contain a descripof the Hill known country near the Man river and some account soule of the gorges. Pub-

as completed a new estitled "Just So Stor-exceptions it deals with illustrated by himself. Child't is one of the best, he produced below. The this is the first elephant and like many other child-This is the Elephant's Child othing new, got into trouble having the nose pulled by the Crocodile. He is much surprised and astonished and hurt, and he is talking through his nose and saying, 'Led go! You are hurtig be!' He is pulling very hard, and so is the to belp the Elephant's Child. All that black stuff is the banks of the great graygreen, areasy Limpope rives (but I am not allowed to paint these pictures), and the bottly tree with the twisty roots and the eight leaves is one of the lever trees that lished by Doubleday,

are publishing new Instrated editions of Louisa M. Alcott's work. We have remived a copy of "Lit-tle Women." The story is famous and needs no spacial mention, but the new edi-tions are worthy of special mention because of the illustrations, which add to the book greatly. There are fifteen full-page pictured by Alice Barber Stephens, one of the foremost women artists of the The illustrations are printed on

"New France and New England" is by forms the only remaining link needed to omplete the chain of histories of this country, from the discovery of America to The adoption of the constitution, upon which Dr. Fiske had for so many years been sugged, and the achievement of which we his great ambition. It presents In broad, attosophic manner the causes

# DAYS OF DIZZINESS

## Come to Hundreds of Omaha People.

There are days of dizziness, ells of headache, sideache, backache, metimes rheumatic pains, ten urinary disorders. tell you plainly the kidneys are

an's Kidney Pills cures all kidney ills. rs. O. E. Earl of 12031/2 South Eleventh et, says: "Doan's Kidney Pilis cured of trouble with my back which bothered for two years. I tried different remebut none gave me relief until I pro-Doan's Kidney Pills at Kuhn & Co.'s store, corner 15th and Douglas ts. Before I took all of one box I relieved and in a short time cured, ey are a grand remedy and you are at erty to use my name for publication." For sale by all dealers. Price, 50 cents.

ster-Milburn Co., Buffalo, N. Y., sole rents for the U. S. Remember the name, Doan's, and take



Ready Nov. 12 Conquest "The Epic of the West"

MACAZINES and events which marked the victory on this continent of the English civilization The book is full of over the French. dramatic incidents, brightened by the figures of many notable characters. Published by Houghton, Mifflin & Co.

> 'Typhoon' is by Joseph Conrad. As may be conjectured. "Typhoon" is a sen story and is one of the best that Mr. Conrad has yet written. It is both a thrilling descriptive narrative and a character study of unusual flavor and picturesqueness. The entire book is a description of one single storm, but that description is entirely interesting. The vessel was being taken out from its makers to Siam, when it ran into a terrific storm and the horrible experiences near these upheavals of nature are described with a vividness that keeps one's attention from the start. minute they seemed doomed, the next waiting with unfaltering courage for a shock from some source. Published by Putnam's Sons.

"The Ragged Edge," by John T. Mcintyre, is a stirring story of ward politics and of the ward's social life; bosses and heelers and pugilists are the shining lights of the balls as of the primaries; without the life of the ward centers in much-loved homes and is molded by universal human passions. Mr. McIntyre's people are the teamsters, the saloon keepers, the corner grocer, the secondhand dealer, the under taker, the sewer builders, the contractors and their gangs and the families of all these people. The story deals entirely with Irish-Americans, and we are not disappointed in its humor nor in the tender love story that we find there. But it is principally a study of politics, taking us to the primaries and from there to the cliques, where we witness the organization of political schemes and forces. Published by McClure, Phillips & Co.

One of the really interesting among recent books is the half-historical, half-romantic tale, "Come with Me Into Babylon," by Josiah M. Ward of Denver. Mr. Ward is a lournalist of long experience, and in addi-Ion has been a deep student of Assyrian which in the end does more harm than history. He is thus well equipped to tell a good. I presume these conditions prevail good story, and garnish it with information | in the other towns as well. of historical exactitude. His theme is the fall of Nineveh before the combined Baby lonian and Medean armies, around which he constructs a tale which carries not only a love romance, but shows many of the aspects of the religious and political complications of the time. His style is entertaining, for he mingles the stately flow of the Oriental formal speech with interesting descriptive matter couched in elegant English, thus avoiding what is a fault commor to most of the books dealing with similar subjects, either a jerky transition from one style to another or an effort to sustain the stilted, which becomes in the end dreadfully monotonous. Frederick A. Stokes, New York, publishes the book.

E. W. Hornung, who gave us the debonnair Raffles and the delicious Bunny, has again put out a most entertaining story, "In the Shadow of the Rope." It is in a new vein, and tells the story of a wife who lived unhappily with her husband, the latter being murdered at a time when the wife was preparing to desert. She is tried, but Crocodile; but the Bi-Colored-Python- acquitted. A stranger marries her out of Rock-Snakh is hurrying through the water hand, and they enter society where the deacquitted. A stranger marries her out of tails of the trial, but not the principal, are known. It developes that the second husband was the dearest friend of the first and that he suspected the wife of the murder, but afterward convinced himself of her innocence. Just at the conclusion of the book the real murderer is discovered, and the strangely mated pair learn that they do love each other. It is a novel idea and capitally worked out. - Charles Scribner & Sons, publishers.

ball crank who has won canonization, although the lovers of the game will all join in the hope that many years will intervene before he is numbered with the saints. Many times in the past has Mr. Church testified to his devotion to the great American game, but his latest is also his most ambitious and probably his most worthy effort. He has undertaken the publication of a history of the game from its earliest day. The first volume, which came off the press a few weeks ago, is a magnificent folio, illuminated with full page colored plates, half-tone engravings and smaller illustrations of men and events connected with the game in the past and now. The text is more than a mere compliation of data, and gives clearly and succinctly the story of tho game to the close of the period, from 1845 o 1871. A second volume is promised in ecember. Mr. Church, whose address is 71 Sansome street, San Francisco, is his own publisher. The book is one that will be prized by base ball people everywhere.

"Rhymes and Roundelays from Life" is a collection of sparkling verse collected from "Life." There are various verses by such noted writers as Chapman, Sabin, Tom Mason, Holliday, Bridges and others. The range of subjects is a wide one, including love, sentiment and satire, but all treated in merry vein. There is nothing morbid nor depressing in the little book, which is of desirable size and calculated to go easily into one's pocket as an agreeable companion for a jaunt or journey. By Life Publighing company.

"In the Morning Glow" is by Ray Rolfe Gilson, author of "When Love is Young," which was received with widespread appreciation. It is a book of both joy and sorrow. It is a unique and faithful picture of an American family-the grandfather, father, mother and little sister, etc .- as seen through the eyes of the small boy of the family, giving a division to each one, while the aunt and grandmother each occupy a place in the book. Published by Harper & Bros.

"By Order of the Prophet" is a story of the Mormon church by Alfred H. Henry, Mr. Henry occupied a Methodist pulpit for years in Sait Lake City. It was during this time that Mr. Henry made his study of the early history of the people who have settled the valley of the Great Salt Lake. The story is centered around the life of a sweet English girl who marries a Mormon missionary then. At this time it had not been decreed that plural marriage was to be a basic principle of the church. After the marriage came the journey across this continent to their zion. Later, when Brigham Young issued his famous "revelation" commanding that all true Mormons must consent to and practice polygamy, the blow fell upon this woman with crushing force. Though she used all means of persuasion possible, the hold of the church upon him could not be broken and they persuaded him marry the second time. The story is based upon actual incident. The tragedy of the heart, the degradation of true manhood, the blight of polygamy yield tribute to this novel in the interpretation of its time and of the people of that time. Pub-

lished by Fleming H. Revell company. The latest issue in Mcmillan company's

CARRY BOOMERS TO THE WEST

Railroads Confirm California Fruit Grower's Report of Heavy Immigration.

RECORDS THE BEST IN RECENT YEARS

Nebraska Profits by Efforts to Colonise Pacific Coast and Sends Few Out on the Homeseekers' Pilgrimage.

Passenger traffic men of the Burlington and Union Pacific confirm the reports from the west that another boom has struck southern California. These officials say that never in recent history of their roads has the travel been so heavy for as long a period of time. They attribute this largely to the reduced rates which have been in effect from all points in the east and middle states for the last sixty days. This rate, which expires on November 1, is \$25 one way from Missouri river points and correspondingly low from other points. It is not necessary to stop at the state ments of the railroad men, for the same

reports are given from California. L. D. Wells of Los Angeles, the representative of large fruit interests, who was in Omaha yesterday on his way to Philadelphia and other eastern cities on business, has this to say concerning the immigration to southern California:

"There has been a steady influx of tourists for the past two months. It seems that the majority of those who have gone into California have gone for the purpose of making their homes there, consequently the country is experiencing one of the livitest booms it has ever known. Los Angeles Santa Barbara, Ventura, Redlands, Riverside and in fact all the cities and towns throughout our section are showing the effects of this heavy immigration. In Los Angeles and Ventura a great many new buildings are going up, which indicates that the boom is not of that temporary sort

Prepared for the Boom

"You ask if California especially courts booms. Well, yes and no. We have a new country of wonderful resources. We have made remarkable progress in developing our natural resources, but have nowhere near reached the limit in a single instance It is true that in the past California has been injured by what is commonly known as a boom. Booms generally are followed by depressing reactions and we have had our share of these. But conditions are different now. When the boom of the and early '90s was on in California the country was too new to withstand the deteriorating effects which inevitably followed. Now, however, we have advanced twenty-five years in ten of fifteen and we are prepared to take care of any sudden or impulsive impetus that may come to our industrial life. Furthermore, the general prosperity which has prevailed all over the country for these five or six years has had the effect of implanting a business stamina in the far west that was never before known. It has placed us on a firm footing." Mr. Wells says California will have big crops this year and that, while prices of some commodities may not be as high as

will compensate in greater part for any depreciation in market values. A Burlington passenger official said yes-"I was in Chicago last week and while at the general passenger department a call six persons. That from one city will give be sure to try it. It will cure you. you some idea of how large the traffic is

in some other years, the abundant yield

and has been. By a Union Pacific official this statement was made:

"Our road's business in this direction has been increasingly heavy from the day the low rates first went in. We will send our share of the 20,900 tourists during the month

Both officials say there is a great rush for transportation now that the reduced rate season is about to close. And they also state that the business under these schedules has been much heavier than under similar rates last spring.

As an indirect result of this western immigration crusade Nebraska has benefited to a large degree. Many people coming from the east have been induced to settle here and have not followed the pilgrimage any further west. It is a fact, according to the railroad official, that not an appreciable proportion of the number who have gone to settle on the Pacific slope is from

Park Board Business.

The park board held a brief meeting yes The park board held a brief meeting yesterday afternoon, but in the absence of Commissioner Evans deferred all business not of an urgent nature. The regular payroll was approved and the construction of a culvert on Central boulevard at a cost of \$300 was authorized. The matter of paying Florence boulevard was deferred until next Tuesday.

#### LOCAL BREVITIES.

This evening the Young People's society of Immanuel Baptist church will give a Hallowe'en social at the home of Mrs. Young. Twenty-eighth and Sprague streets. Lizzie Hoover of Thirteenth and Howard streets was arrested yesterday afternoon on a charge of petit larceny. She is said to have stolen a velvet jacket from Mrs. S. V. Fullaway of 1001 Park avenue, in whose house she was employed as a servant. Mary A. Brown, widow and administra-trix of the estate of Willis Brown, who was killed while crossing the Union Pacific tracks in South Omaha October 13. has compromised her suit against the railroad company for \$250. She has four children, the eldsat of whom is 9 years old, and three of whom are girls.

The German day celebration will take place next Sunday in Turner hall, Thirteenth and Martha streets, under the auspices of the South Side Maennerchor. An interesting program has been arranged by Prof. Charles Petersen. Steinhauser's orchestra will furnish the music and Mrs.

Wagner-Thomas, the well known soprano, will be the soloist. Albert Kaplan, father of Minnie Kaplan Albert Kapian, tather of Minnie Kapian, has petitioned the district court to dissolve her marriage with Clyde McCreary, alleging that when the two were wedded in Council Bluffs last Monday the girl was but 15 years old and therefore not competent legally to make the contract. The father further states that she did not give her real name, but was married as Minnie B. Lenora.

B. Lenora.

Samuel D. Roby petitions the district court for \$20,000 judgment against George Schuler for damages alleged to have been inflicted by Roby when he struck him on the head with a heavy iron November 4, 1901, and broke his skull so that now he (Roby) has only scalp where he should have bone, an operation having been necessary. The operation and other medical attendance cost \$900, Roby states.

The jury in the state's case against Aifred The jury in the state's case against Afrec

The jury in the state's case sgainst Affred Liebscher, charged with committing criminal assault upon Hattle Pickard of Valley on July 28, was out two hours yesterday afternoon and then returned a verdict flading the defendant guilty of the assault with intent to desecrate, but not of the accomplishment of his purpose. The prisoner was remanded to iall, there to await sentence, which must be from two officers years' imprisonment. to fifteen years' imprisonment.

"English Men of Letters" series has reached us and is a biography of John Ruskin by Frederic Harrison. It is a complete biography of his life from his birth through his school days and life, treating of his literary work, his lecturing tours, his life as a social reformer, etc., with a special chapter on his last days.

The above books are for saie by the Megeath Stationery Co., 1808 Farnam street.

HOPEFUL MILLARD RIFLES

Recent Events and Actions Encourage Their Bellef that Better Days Have Come,

The amusement committee of the Millard Rifles is preparing for an entertainment to be given soon and to which will be invited members of other similar organizations in Omaha and South Omaha. The practice for the drill contests soon will be open to friends also.

"We are the infant company of the Nebraska National guard, but we are a most healthy cub now," said a member of the organization yesterday. "The acquisition of several ex-National guardsmen who for merly served with the Thurstons and Omahas has helped us to new life, as has also the summary expulsion last Monday night of seventeen privates and noncommissioned officers. We have chosen Sergeant Burt McMahilf, Sergeant A. L. Hardy, First Sergeant Guy M. Matsen, George W. Batty, Harry Naylon and Harry H. Brown a board of directors to administer the civil affairs of the company. We have also made these promotions: Private Burt McMahill, to be second sergeant; Privates Harry Nay lon and A. J. Higgins, to be corporals; Privates Harry H. Brown and Carl Bloom, to e musicians. Sergeant McMahill is an exrolunteer, who saw service in the Phillip pines as a member of the Thirty-Second regiment.

"Captain Baughman gave us the other day an oak gunrack of regulation pattern, which he had carved elegantly in his spare moments."

EDUCATORS VISITING OMAHA They Come from Convention of Teach

> ers' Association at Couneil Bluffs.

The Southwestern Iowa Teachers' associa tion is now in session at Council Bluffs, and yesterday a number of the teachers in attendance visited the schools of this city. The meetings of the association are being held in the auditorium of the High school at Fifth avenue and Bluff street, and there are present a number of well known educators from other states as well as those of prominence in Iowa. Among these are E. G. Cooley of Chicago, Prof. Frank Dar ling of the Chicago Normal school, Thomas Nicholson of Cornell university and John Gordon, president of Tabor college.

MR. AND MRS. LININGER HERE Reach Their Omaha Home After Two

Months' Absence on European Tour.

Mr. and Mrs. George W. Lininger returned to their home in Omaha at 4 o'clock Europe, but when they reached Genoa Mr. Lininger found himself so uncomfortable with catarrhal and other maladies that they decided upon an imemdiate return, and and Myles Weish, and there was a seance. were only one week in reaching Omaha from Paris. Mr. Lininger is now feeling considerably improved, though not, as yet, quite himself again. 'Mrs. Lininger's health has been such that she has been able to enjoy every day of the tour.

Japan Builds Our Gunboats.

Our government has ordered six gunboats to be built in Japan for coast defense in the Philippines. An order of this kind shows the remarkable progress made by the Japanese in the past half-century and which might be favorably compared came from Boston for two sleeping cars for to the progress made by the celebrated through service from Chicago to California. Hostetter's Stomach Bitters in curing The parties were going to settle in the southern part of the state. Now, when you dypapepsia and malaria, fever and ague. figure this up you will find it means ninety- If you are a sufferer from these diseases

## STREET ARABS MAKE TOYS

Novel Training Started by a Gener ous Frenchman.

In every city today almost every month some new scheme is devised for the purpose of alleviating human misery. The latest public benefactor in this direction is a wealthy Parisian. Some months ago this gentleman's attention was drawn to the fact that there are in Paris a number of very poor children who have no means of livelihood, and he at once conceived the idea of doing what he could to better their con-

He decided to take these poor children from the streets and to teach them to become self-supporting. Instead of employing paid agents the philanthropist and his wife went out daily on their errant of mercy Two large and neat workshops were prepared, and within a week after they were opened they were crowded with children. One of the shops is devoted to girls, and in it daily instruction is now being given in the art of making paper flowers. The other is intended for boys, and the little lads in it are being taught to make toys out

of old boxes. That the task of teaching these street arabs is not easy can be imagined, but the founder of this novel school is not lightly discouraged, and, though some of his pupils are dull, all are, so eager to learn that he has great hopes of their future. And some learn very quickly, finding little difficulty in shaping a common soap box or cigar box

into a presentable toy. Their patron assists them at the work showing how it should be done and commending those who do it properly. In like manner his wife instructs the girls, and some of her pupils have already made so much progress that they are able to manufacture paper flowers as deftly as though they had spent a full year learning the art. The excellent feature of this work, ac-

strict sense of the word. Sucklen's Arnica Saive. The best in the world for Cuts, Corns. Boils, Bruises, Burns, Scalds, Sores, Ulcers, Salt Rheum. Cures piles or no pay.

cording to those who have seen the busy

children, is that it is not charitable in the

For sale by Kuhn & Co. Drawing the Long Bow. Catholic Standard: "I noticed," said the ew guest, "that everybody calls that er-

rand boy of yours 'Buttons.' " "Yes," replied the hotel proprietor, a so called because it is his duty to gather up from the dining room floor after each meal the numerous buttons which the gentlemen burst off their vests."

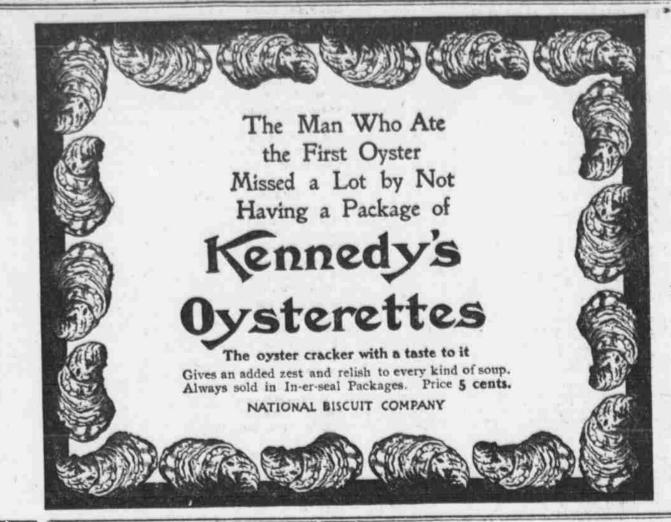
Mourning for the Old-Time Doughnut. Chicago Post: "He doesn't look as if he would be of any value to a foot ball team." 'Well, that's all you know about it. Why, he's the greatest of all in his line." "What's his line?"

"Explaining how easily his team would have won if it hadn't been for a measly little fluke and a poor decision."

A few doses of Dr. King's New Life Pills will cleanse, tone and invigorate the whole system. Try them. Only 25c. For sale by Kuhn & Co.

Marriage Licenses.

Marriage licenses were issued yesterday to the following: Name and Residence. Harry E. Mason, Weeping Water, Neb. 27 Lena Allen, Omaha. 27 Charles Shell, Pender, Neb.



AFFAIRS AT SOUTH OMAHA

A. O. U. W. Building Excavation.

EFFORT TO SECURE FULL REGISTRATION

City Clerk Announces that Hereafter Parties Who Swear in Votes Must

Secure Affidavits in the Voting Precinct.

After a bit of arguing and some persuasion the city officials yesterday succeeded in securing the dirt from the lots at the northwest corner of Twenty-fifth and M streets. This dirt was bought by the city last August at the solicitation of the building committee of the Ancient Order of United Workmen and an agreement was entered into whereby the city was to pay Thursday afternoon after an absence of 8 cents per yard for it. When work on the two months. They started August 1 to tour excavating commenced yesterday it was ging, had sold the dirt to another party. here without first obtaining a license. The Then came Mayor Koutsky, Engineer Beal annual license fund commences to amount The result was that the agreement made between the city and the lodge was adhered to and the dirt is now being hauled to Twenty-second and L streets according to the agreement. The officials of the lodge stood by the agreement and blamed the grading contractor for making different ar-

rangements. Then came up the question of why L street needed to be repaired constantly. This brought forth a declaration from the engineer that L street as it stands today can never be kept in first-class condition until it is paved. In the first place, a storm water sewer is needed on Twentyfourth street to prevent the continual washing away of the fill at Twenty-second and L streets. While there is a twelveinch sanitary sower on Twenty-fourth street, there is no storm water sewer, and consequently dirt roads east of Twentyfourth street are continually being washed

An engineer who has looked over the ground says that there should be a storm water sewer from A to H streets and another from I to N streets. These would carry off the storm water on Twentyfourth street and turn it into the main

sewer at the foot of N street. An improvement of this kind will cost considerable money, but it is asserted that bonds for a sewer would carry. There would be a great saving in street repairs should the people vote for or petition for a storm water sewer along Twenty-fourth street from the northern limits to the center of the city.

Registration Saturday.

Saturday, November 1, is the last day o registration this year. Every voter is exsected to register. An effort is now being made by both republicans and democrats to get out every voter on this last day of registration. Yesterday committees both political parties mentioned visited the stock yards and packing houses and requested that the men be given time off in which to register. In some cases the request was granted, but generally the committee was told that the forces quit work before 6 o'clock and the men would therefore have ample time to register before p. m. if they so desired. It is expected, however, that when Saturday comes arrangements will be made for all employes of the hig corporations here to secure time off in which to register. The registration booths are located as

follows:

follows:
First Ward—First precinct, drug store,
Twentleth street and Missouri avenue; Second precinct, Collins' music store, Twentyfourth and L streets.
Second Ward—First precinct 2017 S street;
Second precinct, Evans' laundry building.
Twenty-third and N streets.
Third Ward—First precinct, Crosby &
Rich's coal office; Second precinct, Comelius
building, Thirty-fourth and U streets,
Fourth Ward—First precinct, Offierman
hotel, Twenty-fifth and P streets; Second
precinct, Kilker building, Thirty-first and
O streets. Ward-First precinct,

Kennedy lumber office. Twenty-fulth and tion of streets: Second precinct McCrann building. Thirty-sixth and Q streets. Sixth Ward-First precinct, Guthris's meat market. Twenty-fourth and E streets; ley R Becond precinct, Gallager's cigar store. Twenty-fourth and N streets. New Ruling Made.

City Clerk Shrigley announced to the press yesterday that on election day there would be a change in the method of swearing in voters who had failed to register. Heretofore two ward property owners were sufficient to vouch for a voter. This will

not go any more. This fall each person who desires to swear in his vote will be compelled to produce two property owners from the precinct in which he resides. City Finally Secures the Dirt from the Judge Baxter not long ago gave a decision to this effect and the order of the court will be carried out here. It is expected that the change in the rul-

ing will materially decrease the number of votes sworn in. Clerk Shrigley says that he will adhere strictly to the ruling

of the court in this matter. Republican Rally Tonight There will be a rally of republicans at the hall in the city building, Twenty-fifth and N streets, tonight. A number of can-

didates are billed to speak and it is expected that the hall will be crowded. This meeting will probably be the last big rally held during the campaign and every re-

publican is urged to attend. License Money Duc. Peddlers' licenses are due on November and the police are now looking out for violators of the ordinance governing the peddling of articles on the street. Quite a number of arrests were made yesterday, and a special force has been detailed to found that Hunter, who is doing the dig- look after peddlers who try to sell goods

were given jail sentences. The judge declined to send any of the suspects to the county jail on account of the expense, but will hold them here pending a further investigation. All police officers are now engaged in hunting out suspicious characters, and it is expected that within a few days the run of petit larceny thieves to this point will be stopped.

Magie City Gossip.

A daughter has been born to Mr. and Mrs. Henry Barrett, 2723 Q street. A daughter has been born to Mr. and Mrs. J. F. Kinney, Twentieth and J streets. James H. Kyner of Omaha is billed to

Mr. and Mrs. Bert Anderson announce the birth of a son at their home, Twenty-second birth of a son a and H streets.

Ed Seater, Twenty-eighth and Madison streets, secured a permit yesterday for the erection of a store building. John Murphy, Thirty-fourth and U streets, was doing the honors yesterday on account of the arrival of a daughter at his home.

## SUPREME COURT SYLLABI.

The following opinions will be officially Edmisten against Herpolsheime 10671.

Error from Lancaster. Former opinion ad-hered to. Oldham, C., division No. 2. Sedgwick, J., dissenting.

1. It is the duty of the holder of a check, if he receives it after banking hours, to present it during banking hours of the next day, if the bank is located in the same town; if not, then to forward it by mail Hunt against State maurance con

16932. Hunt against State maurance company. Reversal. Pound, C., division No. 2.

1. Breach of a condition in an insurance policy against vacancy or change of occupancy does not of itself avoid the policy, but merely affords ground of forfeiture at the option of the insurer.

2. If with knowledge of the facts by reason whereof it is entitled to claim a forfeiture the insurer continues to treat the policy as in force or does any act inconsistent with an intention to insist upon the forfeiture, the forfeiture is waived.

3. Notice of facts entailing a forfeiture to the local agent of the insurer who has authority to issue policies, is notice to the insurer.

authority to issue policies, is notice to the insurer.

4. German Insurance company against Heiduck, 30 Neb., 288, limited.

5. Where a tenant has removed from the insured premises and a loss occurs the same day, within a few hours, whether there was a vacancy or a mere temporary cessation of occupancy until the tenagt could fully remove his effects, and some one else could be put in, is a question for the jury.

11161. Fremont, Elkhern & Missouri Valley Raliroad company against New York, Chicago & St. Louis Raliroad company. Error from Clay. Reversed. Ames, C., division No. 3.

11113. New York, Chicago & St. Louis Raliroad company against Fremont, Elkhern & Missouri Valley Raliroad company. Error from Clay. Ames, C., division No. 3.

1. Although a raliroad company entere into a joint contract with another such company for the transportation of goods to a point beyond the end of its own line, it is competent for it to enter into an ex-

press contract with the shipper limiting its liability to the transportation of the property over its own line.

2 An agent employed to solicit traffic for a foreign reliroad company having no line of road in this state has implied authority to bind his principal for the safe delivery of goods at a point beyond its own lines and to contract over what road beyond that line the property shall be transported.

3. A manager of an agency established in this state by a foreign railroad corporation for the purpose of soliciting traffic over its line of road is a managing agent within the meaning of the statute with reference to the service of summons upon such corporations.

tions.

11248. Allen against Hall. Error from Scotts Bluff. Judgment. Barnes, C., division No. 2.

1. A tenant cannot dispute his landlord's title, but in an action by a lessor to recover rent the lessee may show that the lessor has sold and conveyed the premises to another by a deed of general warranty without reserving the rent thereafter to become due.

due.

2 One who has conveyed his land to a third person by deed, without reserving the rent to become due thereafter cannot recover such rent.

3. A tenant under such circumstances may defend against an action by the lessor to recover such rent, without, having been evicted by title paramount or disturbed in his possession during the terms.

4. The lessor, notwithstanding he has conveyed the land to a third person, may reserve the rent by separate written instruction to otherwise, and where that fact is put in issue by the pleadings the evidence on both sides should be received and the question submitted to the jury, under proper instructions.

annual license fund commences to amount to quite a sum and the city officials say that it is well worth looking after.

Boys Piay Pranks.

Youngsters who are permitted to run the streets at night are amusing themselves just now by rubbing soap on store windows much to the annoyance of shopkeepers. Not only is this done in the business portion of the city, but in the residence districts as well. As the police force is so limited as to numbers the youngsters cannot be apprehended. Complaints have been made to the police and a special watch will be set for the purpose of putting a stop to the so-called sport.

Gives Jail Sentences.

A majority of the suspicious characters arrested here within the last few days appeared before Judge King yesterday and were given jail sentences. The judge declined and the guestion studied to the judge declined as to a more appropriation of the carrier's liability that accrues to them, merely ability that accrues to them, and transportation agencies have the right to contract against their assumption of liability that accrue to them.

Douglas. Affirmed. Kirkpatrick. C., division No. 1.

1. Where a note and mortgage securing it are made contemporaneously they are to be construed together, and all persons chargeable with notice of the conditions of the mortgage are bound by its terms affecting the negotiability of the note.

2. A provision in a mortgage, which by the terms of the note to secure which it is given, is made a part thereof, that the mortgagor shall pay taxes on the premises, and on his failure to do so, the holder may pay the same, and the mortgage shall stand as security for such payment and interest thereon, does not affect the negotiability of the note.

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3. A provision in a mortgage, which by the terms of the note to secure which it is given, is made a part thereof, that the whole debt shall become due and payable without notice to the mortgager, does not affect the negotiability of the note.

4. A provision in a note and mortgage that in case of a default in some particular, the debt shall draw a higher rate of interest than would otherwise be the case, is in the nature of a penalty, is non-enforcible, and its incorporation in the note does not affect its negotiability.

5. The finding of the trial court upon contradictory testimony will not be disturbed if supported by sufficient competent evidence.

dence.

6. Where a foreclosure suit has been prosecuted to decree, and an appeal taken therefrom has resulted in a reversal of such decree, whereupon the plaintiff dismisses his suit without prejudice. Held, that such proceedings were not a bar to a suit at law upon the indebtedness, and the answer of an enderser upon the note, pleading the commencement and dismissal of the foreclosure suit falls to state a defense.

11768. Chicago, Rock Island & Pacific Railway Company against McDowell. Error, Jefferson. Reversed. Ames. C., Department No. 2.

In an action for personal injuries com-

ror, Jenerson. Reversed. Ames, C., Department No. 3.

In an action for personal injuries compensation can be recovered for only such future damages as are shown with reasonable certainty to be consequent thereupon. 1956. Chamberiain against Woolsey. Error, Johnson Reversed. Johnson county claims dismissed and new trial granted. Duffie, C., Department No. 3.

1. A failing debtor transferred his stock of merchandise in payment of two claims against him of the aggregate amount of \$1.821.54. The value of the property was estimated by witnesses at from \$2,250 to \$2,500, but immediately after the transfer it was seized by the sheriff, under process, and after advertisement, as upon execution.

it was seized by the sheriff, under process, and after advertisement, as upon execution, was sold for \$1,368.73. Held, that the disparity, if any, between the value of the property and the consideration of the transfer, was not so great as to justify the interence that the transaction was intended to defraud other creditors of the vendor.

2. The seizure upon a tax warrant of \$541 of merchandise of the value of from \$1,400 to \$1,500 or \$2,000 or more, is oppressively excessive and void.

3. The right of action for the enforcement of a lien for personal taxes is vested in the county treasurer, or, in counties under township organization, in the township tax collector alone.

4. A county in its corporate capacity has

4. A county in its corporate capacity has no duty to perform with respect to any of the matters mentioned in the preceding paragraph except, through the county

the matters mentioned in the preceding paragraph except, through the county coard, to authorize the bringing of an ac-tion by the treasurer or collector. It can-not itself begin or prosecute such an action. 5. When the statute provides a remedy for the collection of taxes under given circumstances, that remedy is exclusive of all others. DIAMOND "C" SOAP

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