

RECOMMENDS SALE OF LAND

Land Commissioner Would Dispose of that Held for Penitentiary Fund.

STATE FAIR MANAGERS SETTLE UP

Legislative Committee of State Teachers' Association Recommends Removal of the State Normal School.

(From a Staff Correspondent.) LINCOLN, Dec. 18.—(Special.)—Land Commissioner Follmer will recommend to the legislature that the land known as the penitentiary land, situated in Lancaster and Seward counties, be either sold and the proceeds turned into the general fund for the construction of a new penitentiary, or else that it be transferred to the school fund and leased, as it is at present. The land became the property of the state at the time of its admission to the union. The greater part of this land was sold at the time of the construction of the present building. A little over a section was not sold, however, for the want of buyers, and that land still remains an unclassified appendix to the accounts of the commissioner of public lands and buildings. Year after year recommendations have been made by the incumbents of that office as to the disposition of the income of this land. At the present time there is to the credit of this land the sum of \$4,088, the income of several years past. Mr. Follmer recommends that this amount be turned over to the general fund or placed in the temporary school fund.

Small Balance in Fair Fund.

At a meeting of the board of managers of the state fair, held at the Lindell hotel last night, the final reports of President Dismore and Secretary Furnas were read. The reports contained an itemized statement of the expenditure of the \$35,000 appropriated at the last session for the establishment of a permanent home for the state fair. There is a balance of 40 cents on hand.

The state fair is under the control of the State Board of Agriculture and for the premiums to be awarded each year the state contributes \$3,000. Usually the premiums amount to \$10,000 and the board is left to hustle the remainder. A list of the annual expenses of the board range from \$25,000 to \$30,000. For the year 1902 from its improvised means the State Board of Agriculture has expended for permanent improvements on the grounds mustered by the state fair purposes the sum of \$5,787.42. This for material, new buildings, painting, insurance and labor. The salaries, the total of which is \$2,500, are paid from the fund improvised by the board.

Chief Deputy Fish, Commissioner O'Brien and Game Warden Simpkins submitted to the board plans for the construction of a new fisheries building. They contemplate a structure five acres each of 15 lateral walls will be placed in the water, forming an aquarium, with a place between it and the wall for the passage of those in attendance upon the fish. In the center of the enclosure will be a large fountain and space set apart for the holding of birds and animals, between which and the aquarium will be large promenades for the public. It is estimated that the cost of the building will be from \$5,000 to \$10,000. In the structure will be suitable sleeping apartments, an office for the superintendent, etc.

Programs of State Meetings.

Dr. Peters of the State university submitted to the board the program of the state meetings which will be held in Lincoln at the time of the annual meeting of the State Board of Agriculture. The time of the state fair will be from September 7 to 11. The annual meeting of the board will be January 20. Presidents of all regularly organized county agricultural societies in working existence are members of the state board and in cases where the presidents cannot attend the society must elect a delegate. Each county society must furnish a report in accordance with blanks submitted and failure to furnish the report forfeits the right of representation.

President Dismore has named the following committees for the work of the coming year.

Auditing Committee—L. Morse, Benkleman; L. D. Stilson, York; H. L. Cook, St. Paul.

Revision of the Premium List—S. C. Bassett, Gibson; Eliza Miller, Beatrice; T. A. McKay, Aurora; Peter Younger, Geneva; R. W. Furnas, Brownville.

Credentials—W. R. Mellor, Loup City; W. G. Harvey, Omaha; V. Arnold, Verdun.

The premium list committee will meet for revision of the list at the Lindell hotel Monday, January 13, and all who have suggestions to make are invited to either send them in to Secretary Furnas prior to that date or be present at the meeting.

The members of the board present last evening were: Messrs. W. R. Mellor, C. H. Rudge, Peter Younger, T. A. McKay, S. C. Bassett, President Dismore and Secretary Furnas.

Discusses School Legislation.

The legislative committee of the State Teachers' association met at the office of the state superintendent this afternoon and discussed questions to be presented to the legislature. Among the most important was the normal school question. The committee passes this resolution: "That we favor the removal of the state normal school in Peru to some point west of the sixth principal meridian."

On the proposition four of the members voted in favor, but Dr. Clark, principal of the school, did not vote and there was one absent. Those present were Fowler, Pearson, Luide, Ward and Clark. The committee also passed a resolution favoring the establishment of junior or summer normal schools, to continue from ten to twelve weeks, at from three to five points in the state where there were public school buildings that could be secured without cost to the state. This committee will report to the State Teachers' association Wednesday, December 31.

Bankers Reserve Deposits.

The Bankers Reserve Life Insurance association today deposited with the auditor \$26,100, making a total of \$59,550 that this company has on deposit to do business during the next year in Nebraska. This is the first company to put up its guarantee for the year 1903.

Court Defines Malice.

W. H. Miles and Nellie Miles had Charles Walker and his father arrested five different times, one right after another, for the same offense, throwing down a fence. The Walkers sued in Frontier county for

FOR CHRISTMAS DINNER DESSERT

Recipe for JELL-O, prepared according to the following recipe: JELL-O SNOW PUDDING. Dissolve one package of any flavor JELL-O in one quart of boiling water, and stir in about half a cup of softened butter, with an egg beater, until the white of one egg thoroughly beaten and stir the whole together until the mixture is into a rice and set in a cool place until firm. This may be served with whipped cream or custard.

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malicious prosecution and recovered damages. Miles appealed to the supreme court, and that tribunal holds the lower court was correct in its awarding of \$100,000. Malice, it says, is not necessarily presupposed to be personal hatred or ill will, but an action based on an improper motive, inferable from a wrongful act based on no reasonable ground. Points in Commercial Law.

A point in commercial law is decided in the case of Oakley against Carr, from Lancaster, which is reversed. The court says that notice of the dishonor of a promissory note—its being protested—is sufficient if sent to the last indorser by the first mail of the day following dishonor, even though such indorser is an agent for collection merely and he is entitled to one additional day to notify the indorser immediately preceding him. This need not be a new one, but he may utilize the one sent him by the protesting officer.

The court holds that an action in the nature of a creditor's bill cannot be maintained to set aside the conveyance of property which is exempt to the defendant as a homestead. The case came from Phelps county, where Henry D. Jayne tried to have a conveyance from the Holdrege National bank to the wife of its president, W. E. Hymer, set aside on the ground of fraud. The court says there was no fraud, that the conveyance was bona fide, and that the temporary residence of the Hymers in the University place for the purpose of educating their children did not rob them of their claim to a homestead in Holdrege. To maintain an action of this kind it must be alleged and proven that the relation of creditor and debtor existed at the time of the conveyance, or that it was executed fraudulently, and that as a matter of fact the part of the husband that he would become indebted to the plaintiff and to hinder the collection of the debt when contracted.

York Can Use Sewers.

The city of York may continue to empty its sewage into the waters of Beaver creek. John Todd and some others resident along the creek sought to enjoin the city from doing so on the ground that it would cause life on their farms to be unbearable and would amount in fact to depriving them of the use of their property. On behalf of the city it was retorted that it was necessary for the health of the inhabitants thereof to have an outlet of the character and that as a matter of fact there had been a lot of hog pens along the creek that smelled louder into the heavens than would the outlet. The district court dismissed the case as lacking in equity, and the supreme court affirms this decision. It holds that it is always a question of fact in cases of this character, the law being that equity has the power to prevent pollution and contamination of running streams.

Must Amend Insurance Contract.

The Sons and Daughters of Protection will have to amend its contracts of insurance and forms of application if it desires to avoid paying death losses to the families of members who have taken their own lives. The supreme court has just affirmed a judgment secured in Cherry county by Emma E. Underwood against the order. The decision of the district court in the case of the Chicago House Wrecking company against the Stewart Lumber company was affirmed.

Will Cases were Decided.

Two will cases were decided. In both of which the validity of the wills was upheld. They were that of John Knox from Otoe county and Jerry C. Elliott from Burr county.

Terminal Company Must Pay.

The supreme court affirmed the award of damages for \$5,959 in the case of Reed against Omaha Bridge and Terminal Company. The company took property on which Reed had a mortgage and the question involved was whether Reed had a right to appeal from the original mortgage, would cause Rank against Gary was a case involving the ownership of some land in South Omaha, formerly owned by Thomas Ryan, deceased. Swift and Armour wanted the property and through a representative arrangement secured on the land, while the sale was pending, Swift offered to buy money for it and the betts accepted this proposition. Suit arose over this. The court held that original contract was good.

In the case of E. C. Hager against South Omaha Hager got \$1,000 damages in the district court because of a fall on a sidewalk. The court reversed the decision because the court in instructing the jury omitted a material allegation that city must have notice.

V. Wrensch against City of South Omaha was a suit for damages. The plaintiff while going over a street viaduct on foot went through a hole, and he was awarded \$1,500 damages. The supreme court sustained the verdict. The city relied on the fact that no claim had been filed, but the plaintiff showed that a letter had been received by a former city clerk.

Osteopathic Doctors Meet.

The State Association of Osteopathic Physicians held its annual convention here today, with an attendance of about thirty. The following officers were elected: President—E. W. L. Welsh.

Woman's Work in Club and Charity

The newest development in the interest of the Nebraska Suffrage association comes from Geneva in the announcement that shortly after the holidays Mrs. P. B. Brayton of that place will give a series of lectures on practical and fancy cookery, the proceeds of the course to go to the Suffrage association. Mrs. Brayton is among the prominent public-spirited women of the state and was instrumental in the establishment of the library at Geneva about two years ago. The Suffrage club of Geneva is among the strongest women's organizations of that county and its work includes educational and philanthropic effort. Mrs. Brayton's home has for several years been its regular meeting place and it was at the earnest solicitation of the women of that vicinity that she has consented to give the course of instruction announced.

A large attendance of women spared the time from their own Christmas preparation yesterday afternoon to attend the meeting of the Visiting Nurses' association, held in the parlor of the Paxton hotel, from 4 to 5 o'clock, to hear the reports from the sick among the city poor and plan for comforts that may brighten the holidays for them.

Mrs. W. R. Adams, superintendent of nurses, reported 415 visits made during the last month, forty-four patients, special nurses provided in seven cases, two deaths and four patients sent to friends. The expense of the association in giving this care has been about \$150. As chairman of the Hemaway Sewing circle, Mrs. L. A. Welsh reported \$175 as proceeds of the card party given by the circle on Wednesday afternoon, which goes to the work of the association. For some time past there has been a desire to make Mrs. Herbert Rogers honorary president of the association, she having been the founder of the work, and at Thursday's meeting this was done and Mrs. Arthur Noe elected as vice president. The announcement was made of an invitation from Judge Woodworth and Mrs.

BAXTER MAY YET GO FREE

Wife Recalls Her Former Story That Old Man Murdered the Baby.

PLEA OF GUILTY MAY BE SET ASIDE

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GRAND ISLAND, Neb., Dec. 18.—(Special Telegram.)—The coroner's jury continued its investigation into the death of the 4-months-old Baxter baby and recalled Mrs. Baxter. To the astonishment of the jury, coroner and officials she absolutely denied every charge she had made against her aged husband last Saturday and admitted that what she had said on Saturday was wrong. She proved herself incompetent to testify, being very weak-minded. She did not know how long she had been married, nor yet how old she was. Baxter, placed on the stand, told practically the same story he had told from the beginning. He is nearly 70 years of age and of more than ordinary intelligence.

The testimony of the woman today removes every particle of evidence against him, and his attorneys will move to have his sentence of ten years set aside. Baxter was, on Saturday night, finally induced to plead guilty to manslaughter, but did so protesting that he was innocent. Judge Thompson on Sunday ordered the negro retained here until a further investigation could be made. The verdict of the jury was that the baby had come to its death by smothering, but whether accidentally or by malicious cause the jurors were unable to determine.

Citizens to Donate Park.

ASHLAND, Neb., Dec. 18.—(Special Telegram.)—Plans are being made by a number of local business men to purchase the south half of block 17, Flora City addition, and present the same to the city of Ashland, to be used as a public park. The ground is finely located for a park, being within one block of the business center. F. H. Chickering and C. N. Polson are circulating a subscription paper, headed by a donation of \$1,000 from E. A. Wigenhorn, and ranging in amount from \$150 down to \$50. It is estimated that \$4,000 will be required to purchase the site and equip it for park purposes.

Box Office is Attached.

BEATRICE, Neb., Dec. 18.—(Special Telegram.)—The "Hello Bill" company, which showed here last night, had the receipts of the box office and baggage attached by Miss Mildred Clair and Frank T. Glenn, members of the company, who claimed that Manager Kellogg owed them back salaries to the amount of \$100 each. Mr. Kellogg denies the fact that he owes the alleged debt and proposes to fight the case. The company expects to fulfill its engagements for the next week, which the manager will return to the city and settle the matter in the courts.

Some Corn Decaying.

WEST POINT, Neb., Dec. 18.—(Special Telegram.)—Over one cent of new corn lies over during the winter. Considerable corn is lying in the field, but the major part is husked. In the hall belt, which comprises about ten miles longer by three miles wide in the northeastern part of the county the corn is decaying badly since it was cribbed. The farmers are unable to get it out. It is a problem with the farmer what to do with the corn. Most of them will use it for fuel.

To Build New Elevator.

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Pythians to Meet at Beatrice.

BEATRICE, Neb., Dec. 18.—(Special Telegram.)—The Knights of Pythias lodge will hold a district meeting in this city February 4, at which time representatives from Wyoming, Fairbury, Liberty, DeWitt, Tecumseh and other lodges of this section will attend. Several state officers of the order will also attend the meeting.

Painters' Union Elects Officers.

BEATRICE, Neb., Dec. 18.—(Special Telegram.)—Painters and Decorators union No. 595 met and elected the following officers: E. H. Oden, president; Wilson Lunbeck, vice president; Charles Walter, recording secretary; Harry Leach, financial secretary; Charles Robinson, C. Freeman and Len Thomas, trustees.

Valuable Farm Changes Hands.

BEATRICE, Neb., Dec. 18.—(Special Telegram.)—Chris Knoche, a prominent German farmer residing near Ellis, this county, yesterday sold the farm of a quarter section for \$45 per acre to Otto Scherer. Mr. Knoche will locate in Plymouth, Jefferson county.

CONDITION OF THE WEATHER.

Table with 4 columns: Date, Maximum Temperature, Minimum Temperature, Precipitation. Rows for 1902, 1901, 1900, 1899.

Reports from Stations at 7 P. M.

Table with 4 columns: Station, Maximum Temperature, Minimum Temperature, Precipitation. Rows for Omaha, Valentine, North Platte, Cheyenne, Rapid City, Huron, Williston, Chicago, St. Louis, St. Paul, Davenport, Kansas City, Denver, Gypsum, Galveston.

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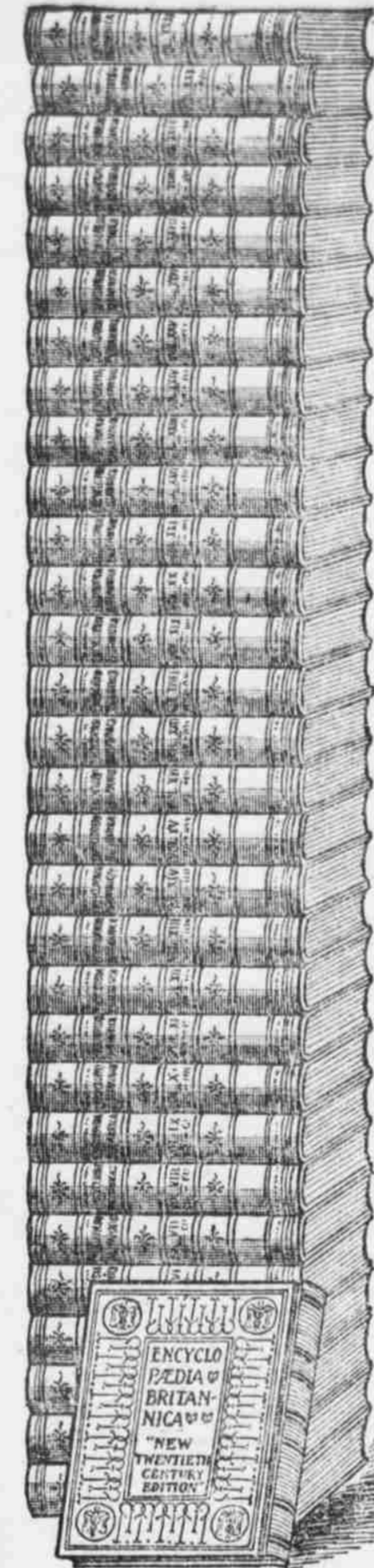
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