### Boy Hurt by Horse.

TABLE ROCK, Neb., March 29,-(Special.) -Eugene Wood, the 12-year-old son of Mrs Lillie Wood, was the victim of a runaway accident when visiting at his grandfather's three miles southwest of here, Friday afternoon, and as a result lies at home with bree ribs broken and other severe bruises He was riding near the place of D. K. Mil ler, on horseback, and was thrown from the horse and dragged fifty yards or more through a grove of trees, and when rescued was carried into the Miller home, supposedly dead.

#### Aurora Wants Normal.

AURORA, Neb., March 29 .- (Special.)-There is quite a little excitement here over the prospect of Aurora being selected as the use for the purpose of considering the feasibility of trying to secure the same, John Woodward, county superintendent, acting as chairman. Committees were appointed to take active measures in raising the amount required. The attendance was

#### Nebraska University Notes.

The senior class of Friend, accompanied Principal Miss Helen Dorwart, visited a university Friday. The Elien Smith memorial program will be held in Memorial hall on the morning of April 24 from 10 to 11 o'clock.

The engineering society will give a ban-quet at the Lindell hotel Saturday night, April 25. This will be the first banquet in the history of the society, but it will prob-ably be made a regular annual feature in Dr. D. R. Browers of the Rush Medical college, who delivers the commencement address of the Omaha department, University of Nebraska College of Medicine, on May 14, has announced his subject to be "The Art of Medicine."

Major H. S. Mail of the cadet battalion will leave the university May is to enter the West Foint academy. Commandant Chassannounces that the vacancy caused by the departure of Major Hall will be filled by the capitaln of the company winning the Omahacum.

The following will be the order of con-yocation exercises for this week: Tuesday, Prof. H. R. Smith on "Animal Husbandry;" Wednesday, Hon, James Manahan on "The Irish Question;" Thursday, Dr. H. C. Bwearingen of the First Presbyterian church; Friday, music.

The thirty-first annual meeting of the Nebraska Chemical society will be held in room 4 of the chemical laboratory Monday evening, March 30. The program will consist of a discussion on "The Physiological Chemistry of Uric Acid," by Prof. A. C. Stokes of the School of Medicine at Omaha. All interested are invited.

Stokes of the School of Medicine at Omaha. All Interested are invited.

About 200 members and friends of the three literary societies of the university were present at the intersociety party held in the art studie Friday night. The hall was decorated with ferns and flowers. At a stand in a remote corner delicious punch was served. Early in the evening Chancellor Andrews came in and spent some time meeting and conversing with the guests. The first feature of the program was a conversational course. Each one present was furnished a card with a list of ten well chosen topics for conversation. Opposite each subject was a blank for the partner's name. No two of the same society were permitted to sign each other's card. The moment the bell sounded to close the last discussion Roy W. Clark struck the chords on the plano for the grand march to begin, which was indulged in with great merrimont. After the march the selection of the grand march to begin, which was indulged in with great merrimont. After the march the guests seated themselves around the room and listened to the following program: Plano solo, Mr. Husted; song. Delian Male quartet; trombone solo, Mr. Cornell. During the progress of the program refreshments, consisting of loc cream, wafers and candy, were served. The party was a complete success and thoroughly enjoyed by all.

## RUSSIANS OPEN NEW CHURCH

Gorgeous Ceremonial in Presence of Representatives of Many Countries Marks Dedication.

CHICAGO, March 29 .- With the pictures que rites of a religion which has attained the opulent symbolism of ancient Byzantine civilization, the Russian orthodox church, which stands, a transplanted bit of the old world, on the corner of Leavitt street and Haddon avenue, was consecrated today. Five hundred Chicago people, present as invited guests, witnessed the services, side by side with the humble and devout Slav peasants, who compose the congregation.

The ceremony was performed by Rt. Rev. Tikehon, bishop of the Alcutian islands and North America, aided by twelve members of the Russian priesthood from different parts of the country.

Russia was represented officially by von Schlippenbach, the consul; Prince Engalitcheff, vice consul; R. C. Hansen, first secretary of the embassy at Washington; Captain A. G. Butakoff, paval attache at Washington, and Colonel N. W. Raspohoff, military attache. The consular representatives of all the European powers were also present to do honor to the exar. Bishop Grafton of Fon Du Lac paid the respects of the Episcop:fan faith to the eastern church by taking an active part in

Throughout the services the Russian and American flags waved on each side of the sanctuary.

# WOMAN SHOOTS JEALOUS MAN

Enraged at Lover's Blow She Maims Him and Then Kills Herself.

WICHITA, Kan., March 29 .- Enraged by the abuse of Newton Green, a city employe, Georgia Bentley, aged 26, shot him and killed herself in their room in this city. Green was jealous because the woman was receiving the attentions of other men, and when he struck her she grabbed a revolver from under a pillow and shot him She then shot herself through the head. Bhe was the mother of two young

# A COUGH

CONUNDRUM

When is a cough more than a cough? When it's a settled cold. When it hangs on in spite of all you can do. Cough mix-

tures won't cure it because they are merely for a cough . and this is something more. Scott's Emulsion cures the

cough because it cures the something more. It heals and repairs the inflamed tissues where the cold has taken root and prevents its coming back

We'll send you a sample free upon request. SCOTT & BOWNE, 409 Pearl Street, New York.

MINING IN THE BLACK HILLS

Prospecting is Not Interrupted by the Deep Snows on the Trails.

CUSTER PEAK COMING

Several Good Ore Bodies Discovered During the Winter-The Damage to the Hidden Partune by

Last Week's Fire.

DEADWOOD, S. D., March 29 .- (Special.) The deep snows of last week, which covered the trails throughout the mining with depth, the company will probably disdistrict to a depth of three and four feet, has not, seemingly, interfered with new one of twenty or forty stamps, and the prospector and his work in the mountains. It has kept those who are developing properties close to their ground and the result has been that more work has been done during the past ten days than would otherwise have been accomplished.

Parties in from Raspberry gulch, in the Custer Peak district, say that the work in that neighborhood has uncovered sevsite for the new state normal. A mass eral good ore shoots, the material all being meeting was held Friday evening in the of high grade from the standpoint of a cyaniding proposition. This district has not attracted much attention, but should the reports which are coming from there prove true, this spring will see a great deal of work done there and the installation of much machinery for the better working of the mines. On the Passold group of claims two large shoots of salicious ere have been exposed in the workings, both of them carrying good commercial values. It is too early to talk of putting in treatment plants there, but the owners believe that the developments now under way on the ground will, before the spring has passed, warrant them in making arrangements for the erection of a treatment plant.

The Custer Peak company, which owns a the winter developing its properties, and to take material from the shaft, which at has met with flattering results, several the present depth is in ore, and will regood ore bodies having been discovered. It sult in the company's mill again starting get in condition to allow the transportation values by the free milling process it should of heavy machinery to the different work- prove to be another Holy Terror. ings, and that the developments will be carried on on an extensive scale.

### Damage of Fifty Thousand.

pany by the destruction by fire of one of its shaft houses and hoisting and air coal. T. E. Peters has lately secured concompressor plants last Wednesday night trol of 2,000 acres of land in the vicinity will amount to at least \$50,000, the de- of Whitewood and will continue his exstruction to the timbering in the large plorations during the coming spring and been greater than at first supposed. The shaft will have to be retimbered and re- are good. Quantities of lignite have been equipped for a depth of at least 150 feet, found close to the surface, but it is bealone may be had when it is stated that of bituminous coal will be found, which each of the three compartments is 41/x5 can be easily worked from the surface. The feet in the clear, timbered with squared discovery of a deposit of coal so close to pany's superintendent has prepared plans riches for its lucky finder, being a better for a new shaft house, which will be 120x 60 feet, with a drying room for the use of mine. miners to change their clothes when coming off shift. The new building will contain a hoist capable of lifting material the railroad to the ground of the Cofrom a depth of 1,000 feet; an air com- lumbia Mining company in the Hornblende pressor plant, large enough to furnish district is going ahead, despite the bad of the day. Governor A. M. Dockery of power to run twenty-five drills, and an roads, and the management hopes to have Missouri will deliver an address of welelectric light plant for lighting the work- it in place during the next month. The ings underground and the buildings. It Columbia owns 600 acres of land near will be a much better plant than the one Rochford, in Pennington county, part of after the close of the ceremonies the govdestroyed, and work upon it will begin at it being on Silver creek and part on Castle ernors will proceed to the buildings reordered. The destruction of the plant at a free milling vein, and has already sunk this point will not interfere with the it to a depth of 180 feet. When the new starting up of the company's big mill on machinery is installed this shaft will be Whitewood creek, below Deadwood, which sunk to the 200-foot level, a station estable below Deadwood. This plant was lished and drifting along the vein begun. to have been in operation by the first of The Columbia at this point has a good vein the year, but a railroad accident, in which of ore, a part of which carries better than into its equipment was destroyed delayed arrangements will be made to erect a mill the completion of it. It will be started on upon it this year. A party of the stock the first, so the management says, sure, and it is expected that the initial run of company, visited the ground this week and the big plant will meet with the expecta- inspected the property. tions of those interested; at any rate the people of the Hills will be disappointed should it not do so.

L. P. Jenkins of Lead will take possesof the United States assay office in this city on the first of the month, relieving P. J. Miniter of Chicago, the present superintendent. Mr. Miniter has made an efficient official and while the people are sorry to see him go out of office they have always felt that the position was one which belonged to the Black Hills and the appointment of Mr. Jenkins of Lead has seen a most popular one, especially with the mining men of the country. Mr. Jenkins will retain the present office force.

## Vincent Succeeds Clinton.

N. W. Chapman has resigned the posttion of superintendent of the Portland and Clinton Mining companies, and has been succeeded by H. S. Vincent of Deadwood. Under the management of Mr. Chapman both of the companies have been very successful, and as the new superintendent is a man of experience and practical mining knowledge, the companies will lose nothing by the change.

The Golden Reward Mining company is mining on an average of 250 tons of ore a day from its four mines near Terry, the Tornado, Double Standard, Fannie and Sundance. Of this amount 150 tons a day are being shipped to the company's cyanide plant in Deadwood, while the balance is divided between the smelters at Denver and East Helena, Mont. The high grade ores are being shipped to the smelters, while the lower grades are being sent to the cyanide plant at Deadwood for treatment The cyanide plant of the company has been running continuously, although but part of the stack capacity of the big smelter of the company has been idla since the labor troubles of last year. It is said that the company may again start up the amelter at its full capacity before long, the rich smelting ores which has made the mines of the company famous occurring in larger

bodies and with higher values. Ex-General Manager Holbrook of the Horseshoe Mining company is out in a circular to the stockholders of the concern, in which he endeavors to place the blame for the present tangled shape of the com pany's affairs upon the shoulders of the new management. It is interesting reading for the stockholder, but poor consolation. The new management, however, appears to be in earnest with the reforms which it proposes to inaugurate, and the Hills people have hopes that it will pull the company through all right, but know that it will take a good long time to remove from its operations the taint of "get-rich-

### Grizzley Bear to the Fore.

HILL CITY, S. D., March 29 .- (Special.) The Grizzly Bear Mine, five miles east from Hill City, which in the early '80s was worked by Robert Flormann, and which on the surface produced a great deal of rich ore, will again become an active producer should the plans of the Lacotah Mining company, which now has possession of the ground, not fall through. Mr. Flormann worked the mine in 1880, treating the ore which he took from it in a one-stamp mill, crushing about three or four tons a day. He was particular as to the quality of the ore he worked, taking nothing but the richest and hunting for it all of the time, paying no attention whatever to the development York, which it announces were transmitted of the property, and the result was that by the Marconi system of wireless teleghe soon lost the vein and not having the raphy. means or the facilities at that time to words.

abandoned work. He simply worked the ore near the surface, and took only what was easy to get out. The property last year came into the possession of the Lacotah Mining company, the principal stockholders of which are Peorla, Ill., men and since that time it has been receiving systematic development. The work has disclosed a good vein of ore at a greater depth than the old workings, which carries ore free milling for the greater part but with some of the values not amenable to amalgamation. The vertical is a strong one, and all of the vein matter will pay to run through a stamp mill, the values which woul be lost at present not amounting to much, but as the experience of all who have followed mining in this district shows, that the ore in the mines grows refractory mantle the present little mill and build a make arrangements to retreat the tailings,

engage in a systematic search for it, he

with it as being one of the best in the neighborhood, and with the proper kind of a treatment plant installed should be made a paying proposition.

probably by the cyanide process. The prop-

erty is regarded by all who are familiar

Holy Terror's Keystone Vein. The Holy Terror Mining company at the horough exploration of the Keystone vein, which was struck in a drift from the 900foot level of the Holy Terror. It is reported that important ore disclosures have been made in the workings, sufficient, in fact, to keep the mill of the company working for an indefinite period. The manageand when the mill does start up again it will be worked to the profit of the stockholders.

The Clara Belle company has purchase the hoisting plant of the Edna Exploration company of Garden City and will move it to its ground near this city. The plant will be installed at the new working shaft of the Clara Belle, which has been following large acreage of ground in this vicinity, the vein, and which now has reached a the day. has kept a force of men engaged all of depth of 190 feet. The hoist will be used is said that the company will increase its up. The ore of the Clara Belle is very rich, working force just so soon as the roads and if it is possible to save all of its

> Finding Coal Near Whitewood. WHITEWOOD, S. D., March 23 - (Spe

cial.)-A diamond drill has been put in operation south of Whitewood for the pur-The damage to the Hidden Fortune compose of exploring the lower formations for three-compartment working shaft having summer. The formation is right for coal, and some idea of the cost of this work lieved that at a greater depth a good grade twelve-inch sets and lagging. The com- Lead and Deadwood would mean untold paying proposition than the best gold

ROCHFORD, S. D., March 29.-(Special.) -The work of moving the machinery from great deal of the machinery entering average values, and it is probable that holders, chaperoned by the officers of the

TO CURE A COLD IN ONE DAY Take Laxative Bromo Quinine Tablets. All druggists refund the money if it fails to E. W. Grove's signature on each

Sixty-Four Thousand Intending Set-

tlers Land at New York in Month.

NEW YORK, March 29 .- Immigrant arrecords for Sunday. By nightfall, when through the great mass brought in by Philadelphia, Campania, Savoie and Graf Waldersee, it was found that 4,569 had passed the chutes and were either speeding to their new homes or awaiting further investigation in the detention compartments. This is the beginning of the rush season for immigrants and this year's record is expected to exceed all others by many thousands. During March of last year 54,000 foreign born persons were passed through the bureau. This year March, with two days yet to come, has brought 64,000, while porrow and Tuesday will add perhaps 10,000 to the list.

## SKYSCRAPERS ARE MENACED

Chicago Structural Iron Workers Threaten Strike for Rejected

CHICAGO, March 29 .- Structural iron workers, the men who build the framework of skyscrapers, threaten to tie up building operations in Chicago with a general strike on Wednesday because the contractors have refused to sign an agreement granting them 60 cents an hour, or an increase of 10 per cent in wages.

At a meeting tonight the union appointed a committee to meet the contractors tomorrow and if the scale is not signed it was agreed that a strike is the only alternative.

### FAMILIES FIGHT FATAL FEUD Three Are Killed and Two Receive Injuries in Kentucky

Venderts.

LEE CITY, Ky., March 29 .- In a fight today between the Howard and Maus families of Morgan county, Nicholas Strickland was killed and Charles McCormick and Clay Ross were fatally wounded. William Maus and Robert Howard were also wounded.

## Miners Get Raise.

JOHNSTOWN, Pa., March 29 .- The Berwind White company of Windber, employing 4,000 miners, has posted a notice of an advance of wages to machine miners of 12 per cent. Motormen increase from 24 to 30 cents an hour. Spraggers increased from 20 to 26 cents per hour. Labor, 10 per cent The new scale goes into effect April L.

Prints Magic Press Messages. LONDON, March 80 .- The Times this norning publishes two dispatches from New York, which it announces were transmitted

The disputches contained about 150

#### DEDICATION FAIR

St Louis Board Arranges Program for

President's Visit. MASSED TROOPS TO PARADE STREETS

Songs, Speeches, Salutes and Military Parade Will Mark First Day of

> Elaborate Ceremonial at Exposition.

ST. LOUIS, March 29.-The program for the three days' dedicatory exercises of the Louisiana Purchase expesition was adopted this evening.

The dedication of the buildings will begin on April 30, on the centennial anniversary of the acquisition of the Louisiana territory by France, and continue through May

The principal ceremonies will be on April 30, when President Roosevelt and former President Cleveland will be among the speakers. At 10 on that day the freedom of the city will be tendered the president of the United States by Mayor Wells. Then present time is devoting its attention to a will follow the military parade, composed of United States troops and National Guards of various states. These bodies will be assembled under the direction of General Corbin, the grand marshal, and will move, preceded by the president and official guests in carriages, through Forest Park to the exposition grounds, where the ment of the company is now in good hands | presidential salute will be fired. From a grandstand on the exposition grounds the parade will be reviewed by the president. Promptly at 2 the assembly in the Liberal Arts building will be called to order by David R. Francis. The ceremonies will be

as follows: Invocation by Cardinal Gibbons. Introduction of Hop. Thomas H. Carter of the national commission, president of Grand chorus, "The Heavens Proclaim-

Presentation of the building by President Francis. Dedication address by the president of

the United States. Chorus, "Unfold, Ye Portals."" Address by Hon. Grover Cleveland.

"America," with full chorus and band companiment. Prayer by Bishop E. R. Hendrix, Benediction by Rt. Rev. Henry C. Potter.

Centennial salute of 100 guns. On the morning of the second day mem bers of the diplomatic corps, the representatives of foreign governments to the exposition and other official guesta will be escorted to the Liberal Arts building, where Corwin H. Spencer, chairman of the mmittee on ceremonies, will call the meeting to order. John M. Thurston of the national commission will be president of the day. President Francis of the exposition company will extend a greeting to the representatives of the foreign governments and there will be addresses by the French ambassador and Spanish minister.

The civic parade will be held on the third day and will be reviewed by the governors of states. In the afternoon William H. Thompson, chairman of the committee on grounds and buildings, will call the meeting to order and William Lindsay of the national commission will act as president come, which will be responded to by Governor Odell of New York. Immediately served for their respective states, where cornerstones will be laid and state colors

# Insurance Companies Hesitate to Pay

Cash Due on Burdick Suspect's Life.

BUFFALO, March 29 .- Tomorrow morning Judge Murphy will reopen the inquest into the death of Edwin L. Burdick. Three or four witnesses will be examined and the inquest will be closed.

Alexander J. Quinn and F. G. Hall King respectively bartender and cashier of the Hotel Roland, New York, in whose presence, it is alleged, Arthur Pennell threatened to kill some one, arrived today and IMMIGRATION PASSES RECORDS will be the first witnesses called. The clerks in Walbridge's hardware store who sold Pennell a revolver on the morning after the murder may be called to tell what they know about Pennell's strange actions on that morning.

After the Burdick inquest is closed the official inquiry into the death of Pennell rivals at Ellis island today broke all will begin. District Attorney Coatsworth will be present during the examination of Commissioner Williams' staff had sifted witnesses in the Pennell inquest, but Judge Murphy will conduct the inquest and question witnesses from the bench.

Former District Attorney Thomas Pen ney will represent the Pennell family. Several attorneys representing accident insurance companies in which Pennell was insured will be present. It is known that some of them are inclined to contest the payment of policies. Pennell carried \$35,000 in accident insur-

ance, none of which has been paid. Besides that, his life was insured for \$215,000. The policies, with one exception, were taken out four or five years ago. The suicide clause gives one year from the date of issue as the term during which the insurance, if death was by suicide, would not be payable. Of the \$185,000 insurance which is incontestible four policies amounting to \$30,000 have been paid.

Nip Them in the Bud. If you have loss of appetite, headache constipation or biliousness take Electric Bitters. It cures or no pay. Only 50c.

considered by the appellate court in the absence of a ruling by the trial court on such motion.

5. An accident insurance policy provided that in case of death resulting from an accident the beneficiary would be entitled to the full sum of one regular assessment upon all members of the association in good standing, not to exceed \$3,000, and in case of the accidental breaking of an arm or leg the insured would be entitled to one-tenth of the sum which the beneficiary would have received in case of the death of the insured. In an action on the policy, sating the accidental breaking of an arm, the plaintiff asked a witness if he knew how many members the defendant order had. Objection that the testimony was "immaterial and irrelevant" was sustained. The defense was based solely upon the ground that the accident as alleged had never occurred. An instruction authorized the jury if they found for plaintiff to assess his recovery at the full sum of \$300. Held, that the absence of proof as to the membership of defendant would not warrant the setting aside of a verdict in that sum.

6. A judgment will not be reversed except for error prejudicial to the party complaining, affirmatively appearing in the record.

7. Instruction examined and held not errorocous.

1245. Harker against Burbank. Error For sale by Kuhn & Co. MORGAN PLANS BIG ART GIFT Proposes to Build Gallery and Present Treasures to American

People. NEW YORK, March 29.-There is excelleut authority for stating that J. Pierpont Morgan is planning to build a splendid art museum and present it to the American nation. The most valuable of his treasures

are now abroad, scattered over continental

Europe and England. "This much can be said definitely," one of Mr. Morgan's friends, "that Mr. Morgan has not made his vast collection with a view of keeping them secluded for the personal enjoyment of himself and his friends. He is planning to house all his collections in some one place, and it is likely the great museum of art which he

## No Dessert More Attractive Why use gelatine and JEU-O

sweetening, flavoring THE PLAN and coloring when Jell-O

produces better results in two minutes? Everything in the package. Simply add hot water and set to cool. It's perfection. A surprise to the housewife. No trouble, less expense. Try it to-day. In Four Fruit Flavors: Leinon, Orange, Strawberry, Raspberry. At grocers, 10c,

SUPREME COURT SYLLABI

correct solution, such finding may be en-titled to.

2. In ordinary cases, where the evidence is entirely oral and the trial court may be presumed to have had a general local knowledge of the parties, the witnesses and

the subjects of controversy, the finding of the trial court is often entitled to almost

Compiled Statutes, "that all roads that have not been used within five years shall be deemed vacated," was intended to apply exclusively to roads that had not been use:

isively to roads that had not been use: In five years before the enactment of

Affidavits addressed to the trial cour

romeous. 12475. Harker against Burbank. Error from Burt. Affirmed. Ames, C. Division

Modern Brotherhood of America Cummings, Error from Buffalo.

Washing on and Cuban Officials Decide to The following opinions will be officially Break Through Precedent.

The following opinions will be omcially resported:

10067. Fachkner against Simms. Appeal from Harian. Fermer judgment modified and adhered to. Paund, C. Division No. 2.

1. In passing on findings of fact upon appeal the reviewing court should go over all the evidence and reach its own conclusion thereon, giving such weight to the determination of the trial court as to credibility of witnesses and its finding on conflicting evidence as, under all the circumstances of the case, the nature of the evidence before the trial court, and that court's special opportunities, if any, for reaching a correct solution, such finding may be entitled to. **BOWEN READY TO RESUME NEGOTIATIONS** 

Hopes to Discuss Final Protocols with Three European Powers Allied Against Venesuela During the Present Week.

comewhat out of the regular order the expectation is that informal exchanges of ratification of the Cuban treaty will be made tomorrow or Tuesday by telegraph. ment of his personal estate. so as to meet the requirements that ratification shall be complete by the 31st.

Formal ratification by the usual method will be exchanged later. Minister Squires has notified Secretary Hay of the action of the Cuban senate in ratifying the treaty yesterday.

Venezuelan Talk to Continue. Mr. Bowen hopes to begin work during the present week with the diplomatic repre sentatives of the Venezuelan blockading powers on the protocol for sending to The Hague tribunal the question of preferential

the trial court is often entitled to almost decisive weight.

3. A finding on conflicting evidence in such cases will be adhered to unless clearly wrong. But if clearly wrong it will be set aside, notwithstanding there may be some competent evidence in support thereof. Seymour v. Street, 5. Neb., 85, approved.

4. Dicta in prior opinions of this court with respect to review of findings of fact explained and qualified.

5. The statements that the reviewing court will not "weigh conflicting evidence, that it "will not review findings on conflicting evidence" and that "findings on conflicting evidence" and that "findings on conflicting evidence are conclusive," as announced obtier in several prior decisions, disapproved.

6. Where a finding is based largely upon depositions or written testimony, as to which the trial judge has no special advantage over the reviewing court, the rule that his findings will be adhered to unless clearly wrong does not apply with the sams force.

7. But in such case, if the gral testimony treatment in the payment of claims. Mr. Bowen heretofore has submitted to the British ambassador the draft of the clearly wrong does not apply with the sain's force.

7. But in such case, if the oral testimony is evidently the basis of the finding or the written testimony relates to matters as to which the trial judge is better able to reach a satisfactory conclusion than the reviewing court, the rule may be applied. Male v. Dahlgren, Neb., 92 N. W. Rep., 632; First National Bank v. Waldron, 60 Neb., 245. protocol, a notable feature of which is that the czar shall name the members of the court. It is known that the allies intend to offer some amendments, but their nature has not been made known, although one of them is believed to be regarding the proposition relatives to the czar, as there is thought to be some objection on their part 8. If the evidence before the trial court 8. If the evidence before the trial court is entirely written and relates to matters as to which the trial judge is in no better position to reach a correct solution than this court the rule has no application, and this court should be governed by its own conclusion as to the weight of the evidence.

9. In furtherance of justice, where a finding is set aside on appeal and the former trial was unsatisfactory, instead of entering or directing a new decree, this court will remand the cause for further proceedings.

11943. National Aid Association against Bratcher, Error from Clay. Former judgment adhered to. Aibert, C. Division No. 3. to that monarch naming the members of the court. Mr. Bowen is anxious to have the work completed as soon as possible and will urge this on the allies' representatives.

According to the terms in the protocol of February 13, the first payment of the 30 per cent of the customs receipts of La Gusyra and Puerto Cabello for the month of March is to be made to the representative of the Bank of England at Caracas on April 1. This will form the nucleus of the fund with which the claims of the various nations that are adjudicated by the mixed commis-12075. Peycke against Shinn. Error from Douglas. Reversed. Albert, C. Division sions which are to sit at Caracas are to be

light. Peycke against Shinn. Error from Douglas. Reversed. Albert, C. Division No. 3.

1. Where it is sought to establish a contract by letters, there must be evidence tending to prove that they are in the handwriting of the defendant, or that they came from him or his authorized agent, or were received in due course of mail in answer to letters duly mailed to the address of the party sought to be bound.

2. Ordinarily to justify the receipt of a copy of a private writing in evidence it must appear that it is a true copy of some writing, admissible in evidence, which has been lost or destroyed or which is in the possession of the adverse party, who refuses to produce it upon due notice.

3. If a message to be sent by telegraph is not reduced to writing by the sender hamakes the company his agent for that purpose, but he is not thereby estopped to deny that a paper offered in evidence was in fact reduced to writing by the telegraph company or delivered as his message.

4. Where depositions are withdrawn from a case to entitle them to be read on the trial they must be refiled in accordance with the provisions of section 287, Code Civil Procedure.

5. In this state the taking of depositions is regulated by statute, and there is no provision which requires leave of court foentitle a party to take a second deposition of the same witness for use in the same case.

12342. Vila against Grand Ishand Electric Light, Ice and Cold Storage Courselve.

believe that in a week or ten days he will be able to leave his bed.

of the same with the case,
12242. Vila against Grand Island Electric
Light, Ice and Cold Storage Company, Appeal from Hall, Judgmers. Lobingier, C.
Division No. 1.
1. A receivership is a purely ancillary remedy and cannot be maintained in a proceeding instituted solely for that pur-CZAR TAKES PEASANTS' DEBTS Shoulders Oppressive Burden of Tax ation as First Step in Reform Movement.

proceeding instituted solely for that purpose.

2. Unless expressly authorized by statute a court has no jurisdiction to appoint a receiver at a court has no jurisdiction to appoint a receiver for corporate property upon grounds which would not be sufficient were the owner a natural person.

3. A receiver cannot be appointed at the instance of a mere mortgagee for property not covered by the mortgage.

4. Jurisdiction to appoint a receiver of corporate property cannot be conferred by the mere consent of the corporation where neither equitable nor statutory grounds exist and where other parties whose rights are affected have not been notified, nor is a stockholder concluded by such an order.

12455. Reischick against Riger. Error from Richardson. Reversed. Albert. C. Division No. 3. LONDON, March 30 .- The St. Petersburg correspondent of the Daily Telegraph says the measures for the relief of the peasants outlined in the csar's recent reform decrees are already being carried out. Arrears of taxes amounting to about \$57, 000,000 have been canceled, and overque taxation exceeding \$45,000,000, which the peasants owe to the district authorities, has been assumed by the central govern-

It The county court has exclusive original urisdiction of all probate matters, and where the relief sought by an action is such as the county court, in the exercise of its probate jurisdiction, might grant, the ment. Other measures alleviating the burdens on the peasantry are expected to be adopted shortly. district court has no original jurisdiction.

2. On the facts stated, held that the district court was without jurisdiction to construe a will and order distribution.

12488. Williams against Smith. Appeal from Gage. Affirmed. Ames, C. Division No. 3. MRS. MILES IS TAKEN ILL Attacked with Heart Trouble at West Point and is Carried Into

NEW YORK, March 29 .- It is learned tonight that Mrs. Nelson A. Miles, wife of the lieutenant general, was taken ill with 1296. Modern Brotherhood of America against Cummings. Error from Buffalo. Affirmed. Kirkpatrick, C. Division No. 1.

1. Where an insurance company denies all liability on a policy, basing its refusal on the ground that the loss or injury insured against has not occurred, the insured may bring an action thereon without waiting for the expiration of the period limiting the time within which an action may be brought.

2. In an action on an accident insurance. heart trouble at West Point on Saturday. and had to be carried to her hotel. General Miles was telegraphed for and arrived from New York today. Mrs. Miles is much improved today, though still confined to her bed.

PRAY RAIN TO STAY FLAMES Virginia Fire Gets Beyond Human

Control and People Cry to Heavens.

time within which an action may be brought.

2. In an action on an accident insurance policy plaintiff alleged the accidental breaking of his arm. The theory of the defense was that the arm had not been broken, and resistance of the cislim was based upon this ground. Held, that it was not error to exclude evidence that the action was prematurely brought under the terms of the policy.

3. The evidence that proofs of loss or injury under an insurance policy were duly furnished being undisputed, the defendant at no time urging the failure to furnish such proofs, litigating its case upon the merits, an instruction purporting to state the essential elements of plaintiff's proof will not be held erroneous for omitting to mention the necessity of filing proofs of loss.

4. Affidavits addressed to the trial court. CUMBERLAND, Md., March 29 .- A fire has been raging for some days on Mount Pasagh in Clay county, West Virginia, and s assuming such a threatening nature that the people in that locality are praying for rain The village of Clay is reported to be in

mminent danger of destruction. DIES IN SQUIRREL QUARREL

after judgment on a motion to amend the reporter's notes of the evidence cannot be considered by the appellate court in the absence of a ruling by the trial court on Farmer Shoots Companion Dead in Row Over Quantity of Rodents.

> CUMBERLAND, I. T., March 29 .- Luther Mays and William Lindsay, both farmers, quarreled over a quantity of squirrels today and Lindsay shot Mays dead. Lindsay surrendered and asserts he fired

HOLDUP MEN FREEZE VICTIMS Lock Saloon Patrons in Ice Box While

They Are Looting Kansas Bar. ATCHISON, Kan., March 29.-Two masked

obbers held up three men in George

Keene's saloon at East Atchison at mid-

night and after securing \$100 and some lewelry locked them in the ice box and escaped in a stolen rig. Many May Strike in Sympathy.

No. 3.

1. Under the provisions of section 29 of the Code of Civil Procedure, a joint obliges in an appeal bond may maintain an action thereon in his own name without joining the other joint obliges, where he alleges and proves that he has purchased the interest of his joint oblige, is the owner of the bond and the real party in interest therein. in an appeal bond may maintain an action thereon in his own name without joining the other joint obligee, where he alleges and proves that he has purchased the interest of his joint obligee, is the owner of the bond and the real party in interest therein.

2 Where such an allegation is contained in the petition and is denied by the answer the plaintiff must prove the facts so alleged by some competent evidence and failing to do so he cannot maintain the action.

2 In such a case plaintiff having introduced all of his evidence without proving such allegations, it is not error for the court to direct a verdict for defendants.

4 The propriety of allowing the plaintiff under such circumstances to withdraw a jurer and continue the case in order to obtain further testimony is a matter reasting in the sound discretion of the court. Violet v. Rose, 28 Neb., 581.

5 The record of the trial court examined and held that the court was not guilty of an abuse of discretion in refusing such a request. NEW YORK, March 29 .- A question arose oday in the Central Federated union on the advisability of calling out the engineers fremen and brewery workers in a final effort to assist the horseshoers to win their strike. The horseshoers have been out for seventeen weeks, and are making no head-A committee had been appointed to

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reported they had met with a flat refusal.

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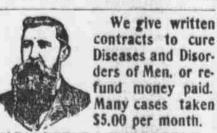
Wise business men carry special insurance to relieve their personal estate of this risk. All such will be in-terested in "A Banker's Will," WASHINGTON, March 29.-Although containing the instructions of a New York Bank President to his trustees regarding invest-

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ureship of the First Church of Christ, Scientist, Boston. Admission free.