

MILES WILL CASE UP AGAIN

Attorney for Williams Children Files a Motion for a Rehearing.

CONVENTION OF COAL DEALERS COMING

Teacher in Hayes County Wants Pay for Dental of Privilege of Combining Teaching and the Millinery Business.

(From a Staff Correspondent.)

LINCOLN, June 16.—(Special.)—A brief in support of the motion recently made for a rehearing of the celebrated Miles case was filed this morning by John L. Webster, attorney for the Williams children, heirs of Stephen B. Miles.

Mr. Webster makes much of the fact that in its decision, which was against the Williams children, the court substantially found that Miles did make a will in St. Louis posterior to the Rulo will under which Joseph H. Miles inherited; that it also found as a question of law that there is no presumption that the St. Louis will revoked the Rulo will, and to have the St. Louis will operate as a revocation of the other there must be proof that the St. Louis instrument contained a revocatory clause or was inconsistent with the Rulo will. The court also found that the declarations of the testator alone were not sufficient to show that the St. Louis will revoked the former one, but that there must be more direct proof and clear, unequivocal and convincing evidence of the contents of the St. Louis will.

The point is made by the attorney that the court erred in that it applied to this case the rule of evidence which obtains where the proceeding is to probate a lost will, when as a matter of fact it is an action to set aside a will made by the testator upon the ground that it was not the last will of the testator. He insists that when a lost will is to be proved the court should know with certainty what the contents are, but to set aside the probate on the ground of a subsequent and inconsistent instrument it is only necessary to know by that reasonable degree of certainty or preponderance of evidence that shall satisfy the court that there was a second will which revoked the first, either by inconsistency or by an express revocatory clause. He insists the preponderance of evidence was sufficient to show an inconsistency between the two.

Mr. Webster also attacks with vigor the presumption of law that a posterior will is not inconsistent with and does not revoke a prior will is a fiction, false in fact and contrary to human experience, and in cases of lost wills leads to dishonor and gross wrongs, and ought not to receive the sanction of the courts. The very purpose of making a second will is to change the manner of distribution provided for in the first. If this is not so, asks the attorney, why make it?

Coal Dealers Coming.

The Iowa and Nebraska Association of Coal Dealers will meet in Lincoln June 24, 25 and 26. The association numbers 250 dealers and a big attendance is expected this time, as some important trade movements are on foot.

The local members deny that the purpose of the organization is to maintain the retail price of coal. They insist that it is to protect the retailers, keep the scalpers out of the market and to promote trade. The officers are: C. H. Chisan, president, Omaha; George B. Rex, vice president, Creston, Ia.; and R. E. Harris, secretary, Fremont, Neb.

Arrangements for the affair are in the hands of a local committee, consisting of John T. Dorgan, J. F. Hutchins, A. F. Burke and D. E. Green. A banquet, theater party and trolley rides form the amusement part of the program.

Ansions to Dodge. The big call of today's session of the supreme court brought nearly 200 lawyers to the court room this morning. The most of the attorneys interested showed a manifest desire to avoid any argument or consideration of their cases at the present sitting of the court. An unusual number of cases of illness were reported, and the health of most of the families seemed to be in a very precarious state.

The truth was, the attorneys were anxious to get away on vacations and dodged all they possibly could. More than half of the cases called were postponed until September 15, to which time the court will adjourn after the session is ended.

Chemical Laboratory.

Within a few weeks a chemical laboratory for the use of the pure food commission will be established at the state house. It will be equipped with apparatus for analytical chemical work and will be fitted up in one of the basement rooms. Heretofore chemist Nelson has been compelled to rely upon the state farm laboratory, and this involved much waste of time. He was willing to continue this, but the board of regents of the university has posted an order forbidding the use of its laboratory, because there are scarcely accommodations enough for the students. Applications for licenses under the new act will shortly begin coming in and the chemist expects to be compelled to work overtime passing upon the surreptitiously obtained samples that will be used to detect adulterations.

Reports on Inmates.

The semi-annual report of the commandant of the Soldiers' and Sailors' home at Grand Island, just made to the governor, shows that the cost of maintaining the inmates of the institution for the last six months was \$23.71 per capita, as compared with an average of \$23.19 for the half year ending November 30, 1902. The daily average during the past six months has been 247 inmates, as compared with an average of 230 for the year ending December 1, 1902. During the year ending December 1, 1902, there had been an average of 267 men present, as compared with 251 for the last six months, showing a slight decrease, while the number of women present during the earlier period was ninety-eight a day on the average, as compared with the eighty-six shown by the present report.

Combined Millinery and Teaching.

A novel set of facts is brought to light in the appeal recently filed in the supreme court by Alice Marquisee against School

BENNETT'S FIRE SALE BENNETT'S FIRE SALE BENNETT'S FIRE SALE

Our stocks are so gigantic it is impossible to display all bargains at once, for that reason every day is a new Fire Bargain Day.

PIANOS PIANOS PIANOS

All our pianos have to go, no matter what their cost, no matter what we get for them. Look at the figures! See the regular prices of them and the prices we are willing to throw them away for.

Pianos in oak, mahogany and walnut—all latest 1903 Colonial styles. TERMS TO SUIT.

- A \$300 piano \$168 A \$325 piano \$178 A \$350 piano \$228 A \$400 piano \$298 A \$425 piano \$310 A \$450 piano \$325

Terms to Suit—Terms to Suit. Come and see.

Shoe Fire Sale

- Men's vici kid oxfords, plain or tip toes—worth \$2.50, fire sale price.....\$1.48 Men's vici kid lace shoes, nice and stylish—worth \$2.50—fire sale price.....\$1.48 Ladies' vici kid patent tip oxfords and shoes—worth \$1.50—fire sale price.....89c



Costly Dry Goods Slightly Sprayed

DRESS GOODS—White and cream—all the new weaves so much worn this season—only wet on the edges—at one-quarter the regular prices.

BLACK DRESS GOODS—A whole section of elegant Black Dress Goods, so little affected by water that you would never know there was a fire—at half the regular prices.

- 50 Pieces of Silks for Shirt Waist Suits—magnificent goods, only slightly touched by water, worth up to \$3—all at..... 63c WASH DRESS GOODS AND WAITINGS—white and colors—they smell a little of the smoke, otherwise all right, worth up to 75c, at..... 10c IMPORTED FANCY EMBROIDERED DRESS—Swisses—very nobby, worth up to \$1.25—at..... 25c

ON THE SECOND FLOOR

An immense display of women's elegant two-piece Wash Suits at startling prices. Children's dainty gamp and high neck suits in India linen, chambray, organdy, natural linen and Swisses—ages 6 months to 2 years.

Sofa Pillows, Tops and Backs—elegant tinted designs for outing—worth 50c—at..... 25c

An Immense Bargain Table Display of Laces

- Val Laces from 1c up Torchon Laces from 2 1/2c up Normandy Val Laces from 5c up Silk Chantilly Laces from 10c up Applique Laces from 9c up Galoon Laces from 5c up

SOME NOTION BARGAINS

- Pearl Buttons—flat ball and fancy—from 5c to 25c—pick out the 25c ones at— per dozen..... 5c Pins—full count Adamantine—per paper..... 1c Combs—Side Combs, Back Combs, Pocket Combs, Toilet Combs—all new—the smoke never touched them..... 10c CLOTHES BRUSHES—stiff bristles—worth 25c— at..... 10c HANDKERCHIEFS—fine cambric, hemstitched, worth 5c to 10c—Wednesday at 3 a. m.—each..... 1c WOMEN'S HOSE—solid black lace—worth 75c, and a lot of elegant fancy colors—all at..... 25c

Crockery Fire Sale

- HAVILAND & CO. Breakfast Plates—Rouson shape, each..... 24c Three pint Glass Water Pitchers, each..... 10c Best iron stove China handle cups and saucers, set of 6, absolutely first selections..... 35c 10c pieces decorated Semi-Porcelain Dinner Sets, blue and green..... 4.68

Special Fire Bargains, not confined to their regular departments. You will find dry goods on second floor, and bargains everywhere.

Furniture Fire Sale

Slashing and cutting of prices on goods slightly discolored by smoke, to move them quickly.

- \$1.28 woven wire bed Springs..... 69c \$7.48 kitchen table cabinet, for..... 3.98 \$4.28 rattan rockers..... 2.95 \$5.48 rattan rockers..... 3.65 \$7.50 oak chiffoniers..... 5.25 Oil cloth, square yard..... 1.14 China Matting, yard..... .8c One roll, 40 yards only, to one customer. 75 heavy wave 2-ply extra super carpet, mused, at, yard..... .450 Carpet and hassocks, each..... .16c Serim, striped, 36 inches wide, yard..... .30 5-foot oak pole, complete with ends & brackets 15c Odd shades, 50c, 60c, 65c, each..... .24c

STATIONERY

Writing Tablet, with good quality paper, regular 5c value..... 3c Juvenile Note Paper and Envelopes to match, put up in fancy boxes, 25c value, for..... 10c

BOOKS! BOOKS! BOOKS!

Large assortment of titles by leading authors, bound in cloth, fancy decorations in gold and cover..... 23c TOILET PAPER AT A PENNY.

Groceries

RELIABLE, FRESH, CLEAN AND WHOLESALE TABLE PRODUCTS ONLY HANDLED IN THIS DEPARTMENT.

Tuesday's Specials

- Potted Meats, assorted, for picnics, per can..... 3c SPECIAL REDUCTION IN CALIFORNIA CANNED FRUITS—15c values..... 10c for..... 10c 25c values..... 15c for..... 15c THESE PRICES ARE FOR WEDNESDAY ONLY.

Candy

- VELVET CANDY SPECIAL. 25c packages..... 15c Wednesday..... 15c 15c packages..... 8c Wednesday..... 8c 10c packages..... 4c Wednesday..... 4c

Great Smoke Sale For the Smokers Wednesday

- CREMO CIGARS—Each..... 2 1/2c Two for 5c Ten for 25c A FULL LINE OF SMOKERS' SUPPLIES.

Remember the Contest Closes Thursday, June 18

THE LATEST AT THE SODA FOUNTAIN— Ice Cream Sandwich It just melts away in your mouth—each..... 5c

District No. 64 of Hitchcock County and No. 23 of Hayes County. The plaintiff in the amount of the claims contemplated in the \$40,000 appropriation by the recent session this may invalidate, but it is suggested that it will knock out a great many of the pending claims. Quite a large number of claims have been paid, probably \$2,000 or \$3,000.

Two Convicted of Murder.

VALENTINE, Neb., June 16.—(Special.)—District court just adjourned after nearly a three weeks' session. This has been the longest term of court in the history of Cherry county. While litigation all over the state seems to have gradually decreased, in Cherry county, judging by the amount of business at the present term of court, it has increased. None of the litigation was of a trivial character, and many of the cases were of great importance. In the criminal business transacted there were two murder cases, and in each instance a conviction of manslaughter was secured. This is pointed to by the people of the county as evidence that even this far west in Nebraska human life may not be any longer taken with impunity. The civil suits were generally controversies between cattlemen over the sale of cattle and wintering thereof, and one very important insurance case, involving many intricate questions of law, was also disposed of. Judge Westover was to hold the present term of court, but owing to sickness in his family he exchanged with his associate, Judge Harrington, and held the term at his home at Rushville, where it was intended Judge Harrington would preside.

Building is Too Expensive.

YORK, Neb., June 16.—(Special.)—The Young Men's Christian association building committee called a meeting last evening for the purpose of explaining to the contributors of the Young Men's Christian association fund the difficulty they were experiencing in securing plans and bids for the new building. Fifteen thousand dollars was contributed for the erection of the building, of which \$10,000 was donated one night at a meeting. This is the amount the committee has to build with and the plans which they accepted for the building completed cost over \$20,000. A large number of those present at the meeting believed that the committee could reduce the cost of the building and yet have a building thoroughly equipped and adapted for Young Men's Christian association purposes at a much less cost than the plans proposed. The committee will make another effort to secure lower bids or to increase amount of donations.

Ditch Petitions Scare.

FREMONT, Neb., June 16.—(Special.)—The county board adjourned yesterday as a board of equalization and met immediately thereafter in regular session. Of the many drainage petitions rumored to be in existence only one, for a ditch into the Elkhorn east of Hooper, was presented. Proposals for all the smaller banks in the banks in the county except those at Ames, Nickerson and one at Scribner, for the deposit of county funds. The interest offered in each case was 2 per cent on amounts varying from \$5,000 in the propositions of the four national banks of this city to \$2,000 for some of the smaller banks. Unless the expected ditch petitions come in the session will be short.

Long Jail Sentence.

FREMONT, Neb., June 16.—(Special.)—Mike Elmore was given an eighty-five-day sentence in the county jail yesterday in police court for assaulting his wife. The first, last and intermediate ten on bread and water. The officer had to break in a door to get his man. Elmore has already served out a thirty-day sentence this year.

District Court in Custer.

BROKEN BOW, Neb., June 16.—(Special.)—Judge Guterson convened district court here yesterday. A number of equity cases will be disposed of. A saloon case from Mason City and a billiard hall case from this city were taken up yesterday, but neither has yet been disposed of.

DANCE INTO GUARD HOUSE Number of Cadets Disobey Orders and Detail Place Them Under Arrest.

EXCURSION BRINGS OMAHA VISITORS

Lincoln High School Base Ball Nine Comes Over and Wins a Close Game from the Omaha Boys.

AUBURN, Neb., June 16.—(Special Telegram.)—The excursion from Omaha to visit the high school cadets in camp arrived here at 11:45 a. m. There were about 600 visitors in all and they were allowed the full liberty of the camp. The regular camp routine of the day was gone through with, Captain Chaffee acting as officer of the day. The Lincoln High school base ball team played the Omaha team here today, winning by a score of 4 to 2.

An unpleasant incident occurred in camp today, caused by a dance given by the cadets in the afternoon. The dance was to have been given at night, but the Board of Education ruled against this, so the boys decided to give it in the afternoon before dress parade. Through some misunderstanding those in charge forbid this also, but notwithstanding some of the boys proceeded with the dance. A number of cadets were dancing in the opera house when a special detail from camp under charge of the officer of the day arrived and ordered all cadets back to camp under arrest. Some of those present obeyed the order, but others, mostly members of the band, did not. When the latter arrived at camp they were arrested by the guard and confined. Because of this almost the entire band refused to turn out for dress parade. As punishment for this refusal to obey orders the band was ordered home on the excursion train. Those who returned from the dance when ordered to do so were released from confinement later in the evening.

Given Farewell Reception.

BEATRICE, Neb., June 16.—(Special.)—Mr. and Mrs. A. Conlee, old residents of this city, who have but recently removed to Kansas City, were tendered a farewell reception Saturday night by Rawlins post No. 23, Grand Army of the Republic, and Rawlins Woman's Relief corps No. 22, both of them being members of these respective organizations. A splendid literary and musical program was rendered, at the close of which Mrs. Conlee was presented with a beautiful souvenir upon from the members of the corps as a token of respect, which she is held by her friends. The affair closed with the serving of refreshments.

Judge Estelle Talks at Harvard.

HARVARD, Neb., June 16.—(Special.)—Appropriate Flag day exercises were held yesterday afternoon at Stokes opera house under the direction of Richardson post, Grand Army of the Republic, at which time Judge Lee Estelle of Omaha, department commander of the Grand Army of Nebraska, made a fine address. Other special and interesting features of the exercises were the flag drill by about forty small school children under the direction of Miss Kittie Lee, one of the teachers of the public schools, and special music under the direction of Mrs. Rockhill, with Mrs. Kate M. Harbour as pianist.

Good Attendance at Normal.

NORTH PLATTE, Neb., June 16.—(Special.)—The first week of the North Platte Junior normal closed with an attendance of 146. Two institutes now in session in the territory of the North Platte normal

have detained a number of teachers for a short time. Consequently the attendance is less than it will be later on. County Superintendents Neale, Sotley and Treasurer of Lincoln, Perkins and Keith counties respectively are in attendance. The teachers in attendance are showing great interest and appreciating the opportunities given by the North Platte normal.

Valentine Plans Big Time.

VALENTINE, Neb., June 16.—(Special.)—Valentine is making great preparations to celebrate the Fourth of July in a fitting manner. All sorts of sports are being arranged for the day. The Fort Niobrara military band will furnish the music and the entire garrison will participate. An effort is also being made to have several hundred Indians present from Rosebud reservation. One of the most interesting events will be a boat race between a team from the post and a local team. This is unusual for an interior town. The race will take place on the millpond of the Minnehadousa river.

Cuts Down the Noncoms.

FREMONT, Neb., June 16.—(Special.)—The reorganization of the signal and engineering corps of the Nebraska National Guard as a signal corps only has caused quite a loss of chevrons. As first organized the company had twenty-six noncommissioned officers. As a signal corps they are only entitled to twelve. An examination for the purpose of deciding which of the noncommissioned officers will retain their positions will be held July 15, and there is a good deal of hard work being done by the guards to retain their coveted honors.

Doubts Suicide Theory.

COLUMBUS, Neb., June 16.—(Special.)—D. W. Shaft of this city is much inclined to scout the theory that W. L. Walker has committed suicide, as indicated by the letter left to Chief Donahue and published in The Bee. Walker was well known in this city and had been for a number of months acting as timekeeper for a bridge gang on the Union Pacific. He commenced work for Mr. Shaft May 1 and worked one month. Shaft is a nurseman and Walker engaged to him as traveling salesman. He left here June 1.

Institute Lodge of Eastern Star.

LEIGH, Neb., June 16.—(Special.)—Last night was a red letter one for the Order of the Eastern Star. For two years they have been working under dispensation, but at the recent grand lodge a charter was granted. Last night at a special meeting Peter Rubendall, worthy patron for Nebraska, of Madison, installed the officers-elect and put the order in good working order. After installation the evening was given over to social intercourse, at which refreshments were served.

Injured Boy Will Recover.

M'COOL JUNCTION, Neb., June 16.—(Special.)—Little Joe Smith, son of Bud Smith and grandson of T. W. Smith of York, will recover from his injuries. He was riding with his father in a lumber wagon and the team became frightened, throwing him in front of the wheels, which passed over his face, crushing in part of the cheek and jaw bone. Physicians in attendance did not believe at first that the child could recover.

Hard to Agree Upon Administrator.

YORK, Neb., June 16.—(Special.)—There was a lively time in the county court room this morning over the appointment of an administrator for the estate of Pierre Brechon, widow, and Miss Brechon, daughter, could not agree and every person mentioned refused to act. Finally they agreed upon W. B. Long and Hugh Lgasse.

Triplets in York County.

YORK, Neb., June 16.—(Special.)—Mr. and Mrs. Carmony, prosperous farmers of Arborville township, had born to them triplets, one boy and two girls, weight 7 1/2, 6 and 7 1/2 pounds respectively.

Chicago and return \$14.75 St. Louis and return \$13.50 Burlington Route Tickets on sale June 18 and 30 and July 1; return limit September 15. Flyers for Chicago leave Burlington station at 7 a. m., 4 p. m. and 8.05 p. m.; for St. Louis at 5:10 p. m. J. B. REYNOLDS, City Passenger Agent, 1502 Farnam St. Omaha.

THE SCRUBWOMAN Every office in the Bee Building has good light—plenty of air and is attractive—a complete office building in every sense of the word. Open day and night and Sunday. Elevators run all the time. Electric light—water and janitor service free. R. C. Peters & Co., Rental Agents. Ground Floor, Bee Building.

PENNYROYAL PILLS

WOMEN TWENTIETH CENTURY FARMER Fine Photographic Illustrations.

Ayer's Hair Vigor Stops falling hair. Makes hair grow. Restores color. Cures dandruff. Could you ask anything more? And it's so economical, too. A little of it goes a great ways. Sold for 60 years. Lowell, Mass.