THE OMAHA DAILY BEE: TUESDAY, FEBRUARY 9, 1904

AFFAIRS AT SOUTH OMAHA placed on all of the jall windows and the% a stop will be put to the passing in of Judahy Bids on Another Order for Meat liquor and firearms to the prisoners.

from Russia.

DTHER PACKERS LOOK FOR MORE DEWANDS

Preparing to Send Beef to Far East Should Orders Come as They Now Anticipate.

The Cudahy Packing company is bidding policy of the police department is to rid the for another big order of extra mess beef for the Russian government. This order is for 1,600,000 pounds to be packed in specially prepared casks. All of the bids of packers for this order are sent to agents of the Russian government at San Fran-The expectation is that the order will be placed in South Omaha within a day or two. The last big order for the Russians sont from here passed the inspection of the government and the Board of Trade and was accepted by the Russians at San Francisco without comment. All of the packers here are preparing for big orders to come from the far east before long.

Local Humane Society.

This afternoon at 4 o'clock the committee appointed at the meeting held last night to organize a humane society will meet at the parlors of the South Omaha club. This committee is composed of Bruce McCulloch, Rev. James Wise, Howard Meyers, W. S. King and Charles E. Scarr. It is the intention of this committee at this meeting to select officers and directors and to transact other business. When the com-mittee selects the officers a meeting will called and those who desire membership will be called upon to vote on the report of the committee.

Those who attended the meeting last Thursday night are heartily in favor of such an organization here, as it is asserted that much good can be done. The Union stock yards officials are heartily in favor of the movement and many of the business men in the city are in accord with the plans of the association. Rev. Mr. Wise, one of the prime movers, says that not only dumb animals are to be looked after, but children who are roaming the streets without care of any kind. As soon as the association elects its officers some special officers will be appointed with police powers and then a fund will be provided for a prosocution of those who violate the humane laws. Officers of the Omaha Humane society are, taking a lively interest in the organization of the branch here.

Democratic Dark Horse.

is generally conceded now that the race for mayor among the democrats is between Bam Shrigley, the present city clerk, Minneapolis, San Francisco, St. Louis, and C. M. Hunt. Both of these democrats have declared themselves as candidates. Shrigley has made lots of friends while in the clerk's office and his friends say that he cannot be beat in the nomination. Hunt ahead of many cities of its size and much has a host of friends who belong to the Taxpayers' league and they say Hunt cannot fall if his name goes before the people. As the Crawford county System will prevail at the primaries a lively fight is anticipated. Tom Hoctor is playing the dark figures \$40,000, is to be "slow burning." horse. He hopes to get in a delegation and There are about a dozen isolated frame win out on account of the fight that will be made for supremacy between Shrigley and Hunt. Hoctor's friends say he can slip in and get a majority of the votes at the primaries on account of the contest that will be made by the friends of the two leading candidates.

The woods are full of democrats who want office, but as for the republicans no one seems to be looking for places. It is onceded on all sides that Frank Koutsky will be the next mayor, and that E. L. Howe will succeed himself as city treasurer. Among the republicans there is the utmost harmony, while in the democratic ranks there is nothing but discord.

Briggs After Cocaine Flends. Chief of Police Briggs is after drug flends. He is arresting every known cocalne fiend, and after arrest he gives the person addicted to the drug habit a certain length of time to leave the city. Generally thirty minutes is the limit. Within the last two Few Horses Carl Up, but Cattle, Sheep and Hogs Do Well-Soll weeks Briggs has chased a couple of dozen fiends from the city. He says he will not tolerate them here. A roundup made yesterday showed the city was pretty nearly cleared of well known dope flends. The

city of this undosirable class of people.

Magie City Gossip. spot of the central west. The past winter Rock Springs coal. Bergquist. Tel. C. has put things in fine condition up there The Board of Education is down for a asseiing tonight. and though there has not been much sale for our crops of alfalfa, hay and corn, The Lotos club will give a mask ball at Masenic hall on Wednesday evening of this because of the good condition of the cattle ranges, we haven't a kick to register. We

Miss Bertha Hollingsworth of Ogalalla is the guest of Mrs. H. B. Fleharty. depend almost wholly on irrigation in the Frank Burness, deputy city clerk, is rapidly recovering from his last sick spell. Councilman M. E. Welsh has returned from a ten days stay at Excelsior Springs, Mo. valley for our crops and hence have no fear of drouth, hot winds or the other have begun the growing of potatoes up

The funeral of Mrs. Michael Fahey, held at St. Bridget's church yesterday afternoon, was largely attended.

week.

year that beat anything I have seen come D. S. Parkhurst came out last night and nnounced himself as a candidate for asyor on the democratic ticket. out of the Greeley (Colo.) district. We are An adjourned meeting of the city council is to be held this evening, when it is ex-pected that some business of importance will be transacted. right against the Greeley products. Much of our alfalfa also is shipped to Denver. though we have a good home market for

Several dozen Eagles from the local order went to Omaha yesterday to attend the innual memorial services heid at the Omaha Rev. R. L. Wheeler officiated at the funeral of Frank Shamblen at 4 o'clock yesterday afternoon. A large number of triends of the deceased attended the serv-

hogs and the farmers up there gradually are increasing their hog bunches, so it will not be long until it will be one of the greatest hog producing sections in the EASY VICTIMS FOR FLAMES

west."

Public Schools and Hospitals Not Fireproof-Omaha Stands Well in

This Respect. at the Arcade yesterday. "The wheat looks pretty thin and we have needed snow According to information compiled and badly. What little snow we have had has advanced by Fireproof, a trade journal dekept on the ground and many of the wheat voted to this class of construction, the fields are well covered with a thin inveraverage school building is a dangerous menof snow now which will help things out ace to life and property. This publication recently has prepared an article to call attention to the alleged wretched construction of hospitals and public schools. It has been found that there is almost an entire absence of fireproofing and that wood is used generally instead.

The statement is made that a tabulation of the cities show that Chicago, Cincinnati and Pittsburg alone of the big towns of the United States have made any systematic effort toward fireproofing their public schools. New York, Philadelphia, St. Paul, Loutsville, Indianapolis, Dayton, Denver, Des Moines and Atlanta are said to be without a single fireproof public school. In this respect Omaha is shown to be far

larger throughout the country. The new high school building is absolutely fireproof, while twelve other buildings out of a total of thirty-five are "slow burning." The new Monmouth Park school, to cost in round schools and annexes in the city.

This is the report on schools from Lincoin, Neb.: "This city has twenty-three school buildings. None is fireproof. Two new buildings recently have been completed, neither of them fireproof. One large central high school building, costing \$40,000 is now being built with no reference to fire protection."

Fireproof has this to say about it:

agree, and the cattlemen are in the ma-

furnigating and scrubbing twice a week RANGERS BRING GOOD NEWS will be followed by a paper by Max Uhlig Stockmen and Farmers Say Stock and Crops Have Fine Prospects.

is in Good Con-

dition.

it among the cattle and sheep men. Hog

raising is growing into a very important

industry in the North Platte region now,

too. Nothing equals alfalfa for fattening

aid at the Merchants last evening:

WINTER IS NOT BAD FOR NEBRASKA Wednesday afternoon the program will

comprise the reports of committees, a paper on "Necessary Factors for Buccess in Retail Business," by C. H. Rudge of Lincoln, and a paper on "Advertising," by J. C. Cornell of Ord, followed by a general discussion of the two papers. M. A. Harglerode of Hoistein will read a paper on "Building Up Wallace Watson of the vicinity of Gering Our Organisation."

Miscellaneous business and the election "The North Platte valley is the garden of officers for the ensuing year will complets the afternoon's work, as well as that of the convention.

The meeting of the Missouri river district of the Iowa Liquor Dealers' association will be held in this city Tuesday. This will be the first meeting held by the organization, and is one of a number to be held in various parts of the state for perfecting the organization of liquor dealers. ources of calamity that make pops down Harrison, Cass, Pottawattamie, Crawford, here in the eastern part of the state. We Monona, Ida and Woodbury counties in Iowa are included in the district and delethere now and some were produced last gates are expected from each of the principal towns and cities in the counties named. The delegates will be entertained by local finding a good market for them at Denver liquor men. The subject for discussion will be the condition of the liquor traffic

> MERELY A FEAT OF STRENGTN After Hearing a Satisfactory Explana

in this and other cities.

tion the Insurance Company Paid Up.

It was a most peculiar case, so the insurance men said, with wags of head that meant much more than they might easily be induced to say, with a little more provo-

"The winter has been pretty good to us cation The building had been destroyed by fire down in southwest Nebraska this season and its occupant, one Theodore Titewad. thus far." said Al Koonts of near Trenton testified that he had held the office safe suspended from a window until the firemen had come to his relief.

The attorney for the insurance companies who were contesting the claim on the building looked scornfully at Theodore, and the following cross-examination took place: "Mr. Titewad, will you kindly tell the jury what your approximate weight is?" "About 110 pounds."

"Have you ever been known as an athlete?"

"No. sir."

"Have you ever before performed any noteworthy feats of strength?" "No, sir."

"Now, what is the weight of the safe you claim to have held suspended from the second-story window for five minutes, with one hand and unassisted?" "One ton."

"That will do. The witness may step aside and Fireman O'Rourke will take the stand. Ah, Mr. O'Rourke, will you tell the jury whether Mr. Titewad performed this feat of strength as he has just sworn to?"

"Sure, sor, it weren't in his fate, but in his hands that th' sthringth were, sor." "I mean did he hold this safe as he says "Yes, sir."

"What!" "Yis, sor. Yez see, sor, yez don't know Misther Titewad lolke th' rist av us does, or yes wuddent be surprised. Yes see, th' sa-afe had money in it, an' Titewad was niver knowed t' lit go av annything that had money in it. sir."

Seeing that they were defeated by over whelming evidence, the insurance company at once arranged for the payment of the elaim in full.-Baltimore American

SUPREME COURT SYLLABI.

Goehner of Seward will read a paper on grant a new trial, "What We Know About Local Organiza- 1253. Banking

"What We Know About Local Organiza-tions" and H. Henke of Grand Island will read a paper on "Hardware Profits." This will be followed by a paper by Max Uhilg of the same issues as in the lower

while be followed by a paper by Max Uhilg of Holdrege on "Our Competitors and Our Profits," after which the several papers will be discussed and a submission of the reports of committees and the "opening of the question box." Wednesday afternoon the program will

and fraudulent. 3. Under the facts in this case, held, that the notary public, who took the sc-knowledgment to the mortgage foreclosed, was not disqualified by reason of interest. INMA Albin against Parmele. Error from Cass Judgment. Ames, C. Division No. 1. A remainder in fee may be limited to the heirs at law of one to whom, by the same instrument, is given the precedent freehold. INMA, Sharp against Citizens' Hank of Stanton Error from Stanton. Reversed Oldham, C. Division No. 1. 1. The heirs of an insolvent estate can not prosecute an action in their individual capacity to recover newly discovered assets of the calate until the debts and costs of administration have been paid. 2. The allowance of a claim against an insolvent estate is not a judgment which becomes dormant by lapse of time as against. newly discovered assets of such estate.

against newly discovered assets of such estate. 3. Newly discovered assets of an insolv-ent estate are a trust fund in the hands of an administration for the payment of debus and costs of administration and do not descend to the heirs and distributees until such claims are paid. 4. The statute of limitation does not be-sin to run against a bank on a cretificate of deposit payable on demand until a de-mand hus been made. 5. "A person seeking the benefit of sub-

of deposit payable on demand until a de-mand hus been made. 5. "A person seeking the benefit of sub-rogation must have paid a debt due to a third party before he can be substituted to that party's right; and in doing this he must not act as a mere volunteer, but on computison to save himself from loss by reason of a superior lien or claim on the part of the person to whom he pays the debt. The right of subrogation is never accorded in equity to one who is a mere volunteer in paying a debt of one person to another." Rice v. Winters, 45 Nebr., 517, followed and approved. 6. Evidence examined and held insuffi-clent to show a right of subrogation of the surfices on notes of an intestate to a lien on money of the estate deposited in a bank to which the notes were payable. IMML Burroughs against Powell. Appeal from Merrick. Dismissed. Ames C. Divi-sion. No. 1. Unreported. the claimant is the owner or the land or en-tited to.

13243

28. Stats against Culver. Error from one Affirmed. Oldham, C. Division No. Unreported. The gravamen of the crime of embezzle.

nt by an agent is the fraudulent and onlous intent to convert the property of principal to his own use.

the principal to his own use. 2. Where an agent converts property of his principal to his own use under an honest but mistaken claim of right, such act does not constitute the crime of embeazlement. 3. "That the relation of debtor and credi-tor exists between a principal and his agent, and that on a balancing the ac-count the sgent could be found indebted to his principal, are not alone sufficient to sustain a verdict finding the agent guility of embezzlement or converting to his own use the property of his principal." Hamil-ton v. State, 45 Neb., 254, 64 N. W. Rep., 955, followed and approved.

followed and approved. 13255. Jones against Stairs. Appeal, Cus-ter. Affirmed. Oldham, C. Division No. 1

ter. Affirmed. Oldham, C. Division No. 1 Unreported. Judgment of the district court confirm-ing sale examined and approved. 1951. Chase County against Meeker. Ap-peal, Chase. Reversed and dismissed. Barnes, C. Division No. 2. Unreported. An action cannot be maintained for the foreclosure of a tax lien unless based upon a tax deed or a tax sale certificate Logan County against Carnahan, 52 N. W. Rep., 384, and 35 N. W. Rep., 512; approved and followed.

nd followed. 12299 Schneider against Vogler. Appeal Juster. Affirmed. Duffle, C. Division No

Custer. Affirmed. Duffie, C. Division No. 3. Unreported. 1. A deed is not operative as a convey-ance until delivery. 2. A deed before delivery is not available as a memorandum of a contract of sale of real estate under our statute. 13000 Wants against Squires. Error, Cus-ter. Affirmed. Hastings, C. Division No. 1. Unreported. The findings of fact made by the trial court, when a jury has been waived, has the force of a verdict and will not be dis-turbed unless clearly wrong. 13002 Eppley against Lovell Error, Clay. Affirmed. Ghaville, C. Division No. 2. Unreported.

13302 Eppley against Lovell. Error. Clay. Affirmed. Gianville, C. Division No. 2 Unreported. 1. Where after appeal in an action for conversion the plaintif pleads facts af-fecting his title inconsistent with those pleaded in the lower court, but the same conversion of the same property is al-leged, the cause of action stated is the same, though there is a departure as to the issues presented. 2. Such a departure cannot be taken ad-rantage of by motion to dismiss the action bor by plea to the jurisdiction of the court. 8. Record examined and held that de-fendant was not deprived of any available defense by such change of issues. 4. It is not prejudical error to exclude from evidence a paper copied into the pleadings by one party and admitted by the other. 5. A paper not signed by or binding upon a party, but examined and rejected by him, may be used as evidence of notice of a claim made apparent thereby when such fact is in dispute.





"I Had a Very Bad Case, Constantly Growing Worse. I Gould Neither Eat Nor Sleep and Looked Like Dea th Nothing Helped The Until I Began Taking Duffy's Pure flait Whiskey: 6 Bottles Completely Cured Me."-J. E. WILLIAMS, 1825 E. Main St., Richmond, Va.

Nine cases out of every ten of throat, lung, stomach and norve trouble begin with Catarrh of the head. Duffy's Fure Mait Whiskoy is the one swift, positive catarrh germ killer that chres without bad after effects. It's prescribed by over 1,000 doctors and used in more than 2,000 leading hosbecame listless, weak and thin. Feople thought I was going to disc manner until I began using pitals because of its effectiveness and abso-

DUFFY'S PURE MALT

In all I have taken but six bottles of your most wonderful medicine and am completely The Catarrh Has Entirely Disappeared; I Sleep Well; My Appetite Is Good;

and My Whole System Seems to Have Been Renewed."

"Thave to work over thirteen hours a day, but now have none of that tired, played-out feeling I used to have. I am heavier and in all-round perfect health, thanks to Duffy's Pure Malt Whigkey." This is just exactly why Duffy's cures where all other treatments fail. It goes right to the root of the trouble and purifies the blood, atimulates the directation quets right to the root of the trouble and purifies the blood, stimulates the circulation, quiets the nerves, strengthens the heart's action, brings into play all the vital forces, and enables you to get from food all the nour-ishment it contains. It replaces diseased tissues and builds up a strong, healthy body, firm muscles and clear brain-it re-news the system.

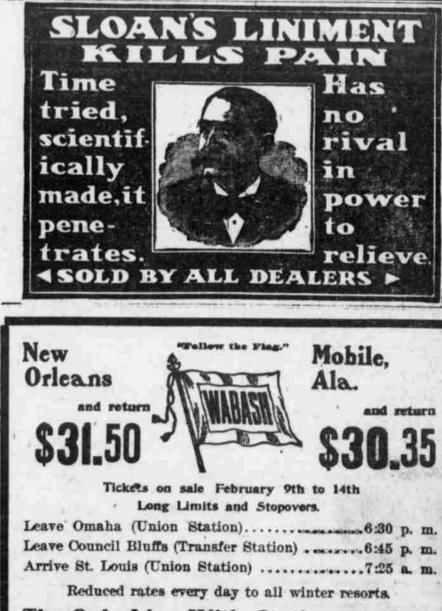
news the system. Cures and prevents catarrh, coughs, colds, grip, bronchitis, asthma, pneumonia, pleurisy, consumption and all diseases of throat and lungs; dyspensia, indigestion and every form of stomach trouble; nerv-ousness; malaria and all low fevers. It is invaluable in all weakened, wasting, dis-eased conditions, no matter from what cause



MAKES THE WEAK STRONG-KEEPS THE STRONG WELL.

It is a promoter of health and ripe old age. Duffy's contains no fossi oil, and is it is a promoter of health and ripe old age. Duffy's contains no fossi oil, and is the only whiskey recognized by the Government as a medicine. This is a guarantee. CAUTION-When you ask for Duffy's Fure Malt Whiskey be sure you get the genuine. Unscrupulous dealers, mindful of the excellence of this prop-aration, will try to sell you cheap imitations and malt whiskey substitutes, which are put on the market for profit only, and which, far from relieving the sick, are positively harmful. Demand "Duffy's" and be sure you get it. It is the only absolutely pure Malt Whiskey which contains medicinal, health-giving qualities. Duffy's Pure Malt Whiskey is sold in scaled bot-tles only, never in flask or bulk. Look for the trade-mark, the "Old ties only, never in flask or bulk. Look for the trade-mark, the "Old Chemist," on the label, and be certain the seal over the cork is unbroken. Beware of refilled bottles.

Sold by all druggists and grocers, or direct, \$1.00 a bottle. Medical booklet free Duffy Malt Whiskey Co., Rochester, New York.



if we can get a little more moisture. The cattlemen up along the Stinking Water and in Chase county have had a good season and plenty of range. Things also are in fair to good shape in the sand hills region. The winter has not been excessively cold and the settlers up there have managed to keep warm. They raised some good crops of corn in some localities last fall and with the present high price of corn those that have it to sell are making a good thing. There has been no winter suffering among either the people or live-

stock. In fact livestock has withstood the winter well. There is fine winter grazing in the sand hills canons and stock looks better than last winter at this time.

"We have had some snow up in the Belle Fourche country this winter, but there has been no suffering among the cattle," said E. C. Larkins of that locality at the Merchants yesterday. "Live stock has been he did?" out on the range all winter and the grazing has been very good. The cold snap has ourled up a few of the horses, as they are not quite as good rustlers as cattle. The

losses among horses has been very light, though, as there is plenty of good shelter in the hills for them. A few homesteaders are coming into the country and the range is being contracted somewhat by them. Very little farming has been done in that

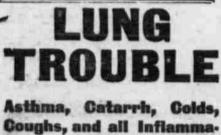
section, except a few acres of corn and some garden truck. It is hardly the coun-

try for a homesteader, unless he is fixed to stand a very hard life. There are no

sheep to speak of up there, none, in fact, as the cattlemen and sheepmen do not

Masson Inspects Jail.

Yesterday afternoon G. W. Masson, one of the members of the Fire and Police board, inspected the city jail and also the new woman's department. It is expected that this new room for women and children will be ready for occupancy inside of ten. days. The east portion of the basement room has been partitioned off for women and children and cots will be placed in this apartment. The members of the board seem to think that the front portion of the room can be used "to accommodate sleepers. This idea of the commissioners is not favored by the police, as it will necessitate constant fumigration. The police want to let the sleepers and one night vagrants go into the jail room. This room can be scrubbed and fumigated without any trouble. By doing this the female department ian be kept in good sanitary condition by



tions of Mucous Membrane



WE GUARANTEE AN ABSOLUTE CURE. Purchase price refunded by your druggist if first the does not give relief.

Thousands of testimonials certifying to wonderful cures can be had free by writing THE MILES' EMULSION Co., Terre Haute, Ind.

Read these Testimonials:

The Milles' Emulsion Co. Twere Hause, Ind.: The Milles' Emulsion Co. Twere Hause, Ind.: Continuous obset that my friend search compared to the search of t

to people afflicted with and a plaints. Yours truly, GEO. W. ZINN. Contractor, 2025 N. Nineteenth St., Turre Haute, Ind, November 3, 1902

The Milks' Emulsion Co., Terre Haute, Ind.: Gontiemen - have tried Milks' Emulsion in the treatment of several cases of bronchial and lung trouble, and an very much pleased with tho treating to before it. Please send the one-half dozen jars. by express. Respectfully yours. Du. J. READY, Pebruary 1, 1902. New Augusta Ind.

The MILKS' EMULSION is pleasant to take and

ACCOMPLISHES WONDERFUL RESULTS. **MILKS' ENULSION CO.,** Price 50 cents. Terre Hauts, Ind.

GUARANTEED AND FOR SALE BY DRUG DEPARTMENT



Fireproof has this to say about it: Public schools can be built fireproof and ought to be. If the press of the country will voice this protest against the waste of building funds and sustain the efforts making for better and safer school construction, school board incompetency may yet be delivered of some-thing worth while. When taxpayers and parents and teachers come to realize and know what the boards are doing and not doing there will be changes in the boards or changes in the building methods now fol-lowed. No other American institution comes closer to the popular heart than the public schools.

Nothing so close to the hearts of people a their children and their children's

Nothing so desperately hazardous as to wall them up in firstraps 200 days a year. The following report on the capitol build. ing and state institutions will be of keep interest to Nebraskans:

interest to Nebraskans: The state of Nebraska has \$1,600,000 wrapped in a capitol building here that is a firetrap. In it are stored the state's most valuable records. Nearly \$125,000 was expended to build the penitentiary as it now stands, \$50,000 to make repairs because of fires that have claimed one convict's life. The state has asylums and public build-ings at Lincoln. Heastings, Kearney, Nor-folk, Peru, Nebraska City and Omaha en which more than \$5,000,000 has been ex-pended. Excepting a fireproof wing to the Hastings asylum and a wing costing \$40,000 to the Lincoln Hospital for the Insane, all are firetraps.

to the Lincoln Hospital for the Insure, all are firetraps. The Norfolk asylum main building was burned to the ground eighteen months ago. One person perished in the fire and other immates were saved almost miraculously. The state penitentiary fire, less than two years ago, burned a great gap in the in-closure, and more than 500 convicts were herded together, practically in the open, for several weeks before the stockade was reinclosed. Two serious fires have taken place at that institution within four years. On the state university campus in this city six large three and four-story brick struc-tures stand, each built from plans that invite total destruction from fire.

In some cities, notably Chicago, fire

drills among the school children have be

come customary. In Chicago they form part of the routine work mapped out for the pupils, the Board of Education having adopted rules compelling at least three such drills a week. By a system of bell alarms, just like fire alarms, the puplis march out of the rooms and down the stairs or fire escapes, where there are any, such as on the older buildings. The pupils are dismissed by the nearest stairway. The drill exacts order, precision and promptness-in a word seeks to train the

pupils to be able to take care of their lives in event of fire. Shortly after the Iroquois disaster in Chicago, which doubtless served to quicken the public mind everywhere along such

lines, a fire drill or two were had in the Omaha public schools, but thus far it has not been reported that they have become egular or are exacted by the Board of Education.

CORNMEAL FOR AUDITORIUM

J. E. Baum Will Devote First Car of Corn Sold on Grain Exchange to Popular Purposes.

J. E. Baum, who bought the first carload of corn sold on the Omaha Grain exchange at its opening last week will put his purchase to a practical and popular use.

He intends to have the corn ground into meal, packed into specially prepared packiges and sold for the benefit of the auditorium fund. Just how soon it will be

placed on the market he has not determined, but due announcement will be made of the time. If Mr. Baum'will only have the corn ground by the good old slow buhr process,

so that the strength and flavor will be preserved, he will confer a double favor on the public, by teaching a lot of people what a delicious article of diet properly ground comment is, and may thus open a larger market for the consumption of one

of Nebraska's staples. May Yet Be Saved.

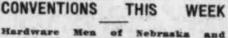
All who have severe lung troubles need Dr. King's New Discovery for Consumption. It curves of no pay, 600, \$1.00. For sale by Huhn & Ca

fority by long odds. That is going to be a great horse country in time. Some government agents were in there this winter buying cavalry horses and they took out a fine bunch. They sold all the way from

\$50 to \$75 right off the range." Tom Kennard of the vicinity of Alliance

said at the Arcade last evening: "Cattle is looking fine as silk up in ou section, having come through the winter thus far in the best of shape. Grazing on the range was good all winter and the stock is fat and in prime order. The only fault we have to find is the low markets, with the grade of cattle we are sending in. But I haven't heard that you down here are getting any cheaper round steaks on that account. There has been no sickness among cattle in that section that I have heard of and the sheep, I understand, over near Northport and up the valley are thriving in great shape. There has been

very little scab and the sheep have ranged the winter well. No snow to speak of has fallen and very little feeding has been done this winter. Yes, the live stock outlook around Alliance this winter is better than for a good many years."



Liquor Dealers of Iowa Hold Annual Meetings.

Two conventions, those of the Missouri river district of the Iowa Liquor Dealers' association and the Nebraska Retail Hardware Dealers' association, begin deliberations in Omaha Tuesday.

The convention of the hardware dealers will assemble at 10 o'clock a. m. for a two days' session. The meetings will be held in the Commercial clubrooms. The officers of the association are: A. C. Peterson, Oakland, president; Nathan Rob-

erts, Omaha, first vice president; Alex F. Meyer, Hastings, second vice president; Frank Hacker, Friend, third vice president; H. J. Hall, Lincoln, secretary and treasurer; W. E. Jackway, M. D. Hussle and M. A. Hargierode, executive committee. The local committees are: Reception, G. W. Morton, L. Pettingill, C. F. Schram, Theodore Sinhold, M. D. Hussie, Nathan Roberts, G. W. King; entertainment, Na-

than Roberts, C. F. Schram and Morris Hussle. The morning session will be devoted to registration, payment of dues, initiation of new members and miscellaneous prelim-

inary work At 2 o'clock tomorrow afternoon the meeting will be called to order by President Peterson, after which will follow an invocation by Rev. T. V. Moore. The address of welcome will be delivered by Mayor Moores, with a response by Nathan Roberts. Then will follow the president's annual address and the appointment of committees, after which Secretary Hall

will read a paper on "Insurance." Tuesday evening the association will be entertained by the local committees at the Commercial clubrooms. The program for Wednesday contem-

plates first the reading of the secretarytreasurer's report. An address by M. L. Corey, national secretary of the associa tion, of Argus, Ind., on "Parcels Post Bill and Practical Results of Retail Association Work in the United States." J. F.



If it beats fast, then slow-ships beats, your heart is weak and should be treatyour heart is weas and should be their ed at once. Dr. Miles' Heart Cure is the best and sufeat remedy. Sold on guar-antes. Send for book on the heart. DR. MILES MEDICAL CO. Elkhart, Ind.

15179. Lackner against Sawyer. Error from Saline. Affirmed. Kirkpatrick, C. Division No. 1. Unreported. 1. Answer examined and held, not to charge a fraudulent conveyance of prop-erty levied on under an execution. 2. Evidence examined and held sufficient to sustain verdict and judgment. 1206. McKnight against McKnight. Ap-peal from Antelope. Judgment modified. Kirkpatrick, C. Division No. 3. Unre-ported.

1. Under the provision No. 3. Unre-ported. 1. Under the provisions of section 7, chap-ter xxv., Compiled Statutes, whether a pialntiff shall be granted a divorce from bed and board, or a divorce from the bonds of matrimony, is vested in the sound dis-cretion of the trial court. This discretion is not an arbitrary one, either form of re-lief to be granted according as the appli-cant may ask for one or the other; but the court will look primarily to the con-duct of the parties, and absolute divorce being granted where the separation has been brought about wholly through the fault of the defendant, the plaintiff being without reproach.

down here steaks on set of the brought about wholly through the fault of the defendant, the plaintiff being without reproach.
Evidence examined and held, that plaintiff was entitled to an absolute divorce.
Evidence examined and held, that plaintiff was entitled to an absolute divorce.
A settlement between husband and wite in contemplation of a separation, alwalley are has been to alimony in a subsequent suit by the wife for divorce; but it may be considered in determining the amount of all mony to be awarded.
A fudgment for alimony is the legal method for enforcing the husband's moral obligation to provide sustanance for his wife, the amount thereof to be determined primarily by consideration of the wife's need and the husband's ability. So, where a husband abandoned his wife and two miner children, having first deeded to his wife half of the property, and in subsequent action for divorce it appeared that the property retained by him in the settlement by which he received his support him, had made an arrangement with the property retained by him in the settlement was no need, and that the husband, in addition to an income amply sufficient to support him, had made an arrangement with the property retained by him in the settlement was no need, and that the settlement was no and equate discharge of the husband's obligations to provide for his wife and that further provision should be made for the plaintiff had a substantial and megitorious defense in the prior action was oblected to and excluded on the ground of the wite of the properse of proving the plaintiff had a substantial and megitorious defense in the prior action was oblected to and excluded on the ground of the substantial and megitorious defense in the prior action was oblected to and excluded on the ground of the substantial and megitorious defense in the prior action was oblected to and excluded on the ground of the substantial and megitorious defense in the prior action was oblected to and excluded on the

the plaintiff had a substantial and mettor-lous defense in the prior action was ob-jected to and excluded on the ground of ir-relevancy and immateriality and a ruling of the trial court procured limiting the evi-dence to the alleged ground of fraud and the suit was tried upon that theory. Held, on appeal to this court from a judgment dismissing the suit, that it is proper to adopt the same theory in determining whether the plaintiff is entitled to a new trial and that for the purposes of the case, it will be assumed that a valid and meri-torious defense existed in his favor in the original action.

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William C. Whitney.

William C. Whitney. OMAHA. Feb. 6.—To the Editor of The Bee: The late William C. Whitney died deving a vast personal fortune. estimated to some the second floor. An estimated to the second floor. The interest in this remarkable man and to make the second floor. The interest in this remarkable man and to some him long and well and will relate a personal incident which shows his great in and is great to be universal to the which is personal affairs after he wrought in, his personal affairs after he wrought in this personal affairs after he wrough in this personal affairs after he wrough in the had been practically named for a place in the cabinet of Mr. Cleveland that I was walking up Broadway and he was walking down. We met by chance just above Wall street. After the much sametines, in his open, frank, hearty way "Miller, I don't want to go to Wash-much arm a poor man and if I could tay here the four years instead of going to tay here the four years instead of going to to the four years instead of going to to man in the some instead of going to tay here the four years instead of going to tay here the



and easy. "Six bottles brought me health, and was worth more than months under the doctor's care, which really did not benefit me at all. I am satisfied there is no medicine so good for sick women as your Vegetable Compound, and I advocate it to my lady friends in need of medical help." - Mus. B. A. BLAN-CHARD, 453 Broad St., Nashville, Tenn-- 55000 forbat is original of abuse holds passing annual ansat to be abuse holds passing

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