THE PAY OF STATESMANSHIP

Comparison of Salaries Attached to High Positions in England and America.

UNCLE SAM'S PAYROLL MUCH THE LOWEST

Political High Places Within Reach of Boys Here and Abrond-Bunch of Costly Dignituries We

Dispense With.

The bill introduced by Senator Gallinger, from New Hampehire, proposing a substantial increase in the salaries of president and vice president, cabinet officers and comparison of salaries attached to similar positions in Great Britain and the United

We get the whole of our executive de-

The salary of the president of the United States is \$50,000 a year, exclusive of the exin \$8,000 a year, without household expenses.

Royalty's Stipend.

incomes, which by ancient custom are the cared for by the states themselves. perquisites of the reigning monarch and You might think that this would be

sides giving them houses and paying their they were: household expenses. Then \$350,000 a year more is paid to other royal highnesses members of the royal family, to enable them to maintain the state proper to persons near the throne.

So, without taking into account perquisites or household expenses or special grants from time to time or anything of that kind, there goes \$1,250,000 in salaries to a hereditary ruler and his kin before the expenses of real government are touched. Meantime, we are having such duties as the king and his eldest son perform for the British people, and a great many more, done by our president and vice president for \$58,000 a year.

Then comes the cabinet. England manages to worry along and get the sort of government she likes with a cabinet of nineteen statesmen, including the premier, with a payroll for the nineteen of approximately \$400,000 a year. We get along with nine at \$8,000 a year apiece, so we get the same work done for \$72,000 a year.

Advantages on Our Side.

Really, the advantage in this cheapness of statesmanship is even more on our side than these figures show, for there should be added to the British side of the account a number of funds made available to British statesmen in office to defray the cost of entertaining when it happens that offices Brass Band Plays and a Preacher which call for an unusual amount of hospitality fall upon peers or commoners who cannot well afford it.

Besides, there are a number of member of the government who are not in the cabthere are the attorney general and the retaries, whose sole duty it is to uphold in grief-stricken. the House of Commons the policies their chiefs are defending in the Lords.

You might add \$250,000 a year for these, a million dollars against our little expenditure of \$72,000 on statesmanship; and, withal, British statesmen are always complaining that the expenses of office eat up all the salary they receive.

That is why a British foreign secretary, even with \$25,000 a year and almost an unlimited contingency fund to draw upon for the cost of such official entertainments as he provides, invariably complains, if a poor man, that he has trouble in making ends clerical appearance, who, Swenson says, was meet. Yet Secretary Hay, in holding practically the same office, grubs along with Bible, but did not offer prayer. He got \$5

being president. The highest salaried po- gazed for the last time on the remains of litical office a young Briton can hope to fill is Lord Chancellor of England. The coffin was borne to the grave in the docksalary is the same as that of our president, yard. \$50,000 a year, and the chief duty is to preside over the sessions of the House of

If he fails to become Lord Chancellor, he can hope to be one of the nineteen cabinet ministers at from \$10,000 to \$25,000 a year, which ought to be enough to get along on in some sort of way. In England, however, as here, it is an axiom that nobody takes these high places for the money there is in

Look at the Figures.

It is interesting to notice by a comparison of the two cabinets how many surplus offices, with big salaries attached, Uncle Sam has managed to dispense with. Here

Attorney general
Postmaster general
Secretary of the interior.
Secretary of agriculture. Secretary of commerce 372,000 Now take the nineteen British cabinet officers. Here they are:

First lord of the treasury

onial secretary... Indian secretary.
Foreign secretary.
First ford of admiralty.
Fresident Board of Trade
Fresident Local Government Board...
Fresident Board of Agriculture.
Fresident Board of Education.
Fostimater general
Secretary for Scotland.
Lord chancellor for Ireland...
Chief secretary for Ireland...

Total ... The premier, as such, has no salary, but takes another office and the salary attached, usually the foreign secretaryship or the office of chancellor of the exchequer. Sometimes he takes a sinecure office and its salary also, as that of lord privy seal, whose duties are nominal.

It is difficult to compare these offices members of congress, gives timeliness to a with our own, but in a general way the duties of the foreign secretary are those of our secretary of state; the chancellor of States, prepared by the New York Sun. In the exchequer those of our secretary of the Great Britain, however, members of Par- treasury; the secretaries of war do the Hament serve without pay, while members | some work, and the first lord of the adof the American congress draw \$5,000 a miralty corresponds to our secretary of the navy.

The lord chancellor is the first law officer

partment-president, vice president and of the crown, as our attorney general is cabinet officers—for \$130,000 a year, that is, the first law officer of the United States, exclusive of the expenses of their offices. but then his other duties take up all his That is just about one-fifteenth of the sum time, so there is an attorney general and a paid by the British for those same ex- solicitor general, neither of whom is in penses of government. It works out in this the cabinet; but both of whom are memhers of the government, to do the work our attorney general does.

The postmaster general is an officer of penses of the White House, which the na- both cabinets, and the British president of tion pays. The salary of the vice president the Board of Agriculture corresponds to our secretary of that department. The president of the British Board of Trade per-British people pay in annuities to forms duties similar to those of our secretheir king and queen, \$550,000. This is ex- tary of commerce, and there are several clusive of household salaries, household ex- officers who do the work corresponding to penses and palace maintenance, which that of our secretary of the interior and amount to \$1,500,000 a year more, and which have a lot of their own besides, due to the the nation also pays, and it is exclusive fact that all local government in the Britalso of a host of grants and fees and land | ish kingdom is centralized, while here it is

which amount to several hundred thousand enough officialdom, but in addition there are all these members of the government Besides this the British pay the prince who are not in the cabinet, but are as much and princess of Wales \$150,000 a year, be- a part of the British political system as if

| - | entry measure |
|----|---|
| 2 | Salary. |
| J | Lord lieutenant of Ireland\$100,000 |
| 1 | |
| | Solicitor general 20,000 |
| | |
| | Chancellor of Duchy of Lancaster 10,000 |
| | Secretary Board of Education 10,000 |
| • | Financial secretary to treasury 10,000 |
| r | Patronage secretary to treasury 19,000 |
| ė | |
| | Financial secretary to the admiralty 10,000 |
| * | Secretary Board of Trade 6,000 |
| 80 | Secretary local government board 6,000 |
| | Three junior lords of the treasury 45,000 |
| | Paymaster generalunpaid |
| | Judge advocate generalunpaid |
| 8 | Financial secretary of war office 7.500 |
| | Under secretary (foreign) |
| | I'nder secretary (colonial) 7 500 |
| | Under secretary (Indian) |
| | Under secretary (war) 7,500 |
| | Under secretary (Home) 7,500 |
| t | Lord advocate for Scotland 25.000 |
| | Solicitor general for Scotland 10,000 |
| t | Attorney general for Ireland *25.000 |
| | Solicitor general for Ireland *10,000 |
| | Lord chamberlain 10,000 |
| | Vice chamberlainnot fixed |
| ì | Lord steward 10,000 |
| 4 | Master of the horse,unsalaried |
| | Comptroller of the householdnot fixed |
| | Treasurer of the householdnot fixed |
| | Captain general at arms 6,000 |
| 8 | Captain Yeomen of the Guard 6.00) |
| | Seven lords in waitingunsalaried |
| 1 | *And fees, †Each, |
| 1 | And rees. TEach. |

QUEER DOINGS AT DOG FUNERAL

Reads a Chapter of the Bible.

Watt, a 2-year-old St. Bernard dog, owned fnet, yet occupy places in it more analogous by Captain John Swenson, proprietor of to our cabinet officers than to department several dry docks on the shore of South heads in our government. For instance, Cove, at the foot of Warren street, Jersey City, was poisoned recently while his mas solicitor general, the under secretaries for ter was up the Hudson. The dog died, and war, foreign affairs and other great de- Swenson, who had raised Watt from a pup partments and Parliamentary under sec- until he tipped the scales at 170 pounds, was

Watt was the official watch dog at the dry docks, and the employes were fond of him. They condoled with Captain Swenson, So there you get nearly three-quarters of who gave them a half-day off at his expense to attend Watt's funeral. The men knocked off and gathered around the coffin of the St. Bernard, a varnished pine box, six feet long and three feet deep. On the coffin cover was a copper plate with this in-

Captain Swenson stood at the head of the coffin as chief mourner. An Italian of a "real minister," read a chapter from the for his services. When the captain and his An American boy can look forward to forty carpenters, calkers and laborers had Watt, the cover was nailed down and the

The procession was headed by a German hand of four pieces, which played a \$10 dirge. Captain Swenson delivered the culogy at the grave. He said Watt was the best watchman he had ever had. No robber ever had dared to visit the yards while he was on duty, and if there were a "dog heaven" Watt would have a place of honor there When the grave had been filled, the em-

ployes went to their homes and enjoyed he rest of their unexpected holiday. Watt was valued at \$500 .- New York Sun

Driving the Grissly West.

In the days of Kit Carson the grizzly had not learned to look upon man as a foe to be shunned at any cost, but the quick-firing magazine rifle has taught him that if he possibly can he must keep out of man's sight. He has now been driven back into the almost inaccessible solitudes of the northwestern Rocky mountains, and the sportsman who wishes to add his pelt and dangling necklace of claws to his collection of hunting trophies must travel far and endure much hardship and labor, for "Old Ephraim," as he was called by the western pioneers, is as cunning as he is fierce.-St. Nicholas.

THE ILLUSTRATED BEE \$391,125 CILLED WITH ATTRACTIVE

features, each appropriate to the season, the Easter Number The Illustrated Bee will be out on Sunday. The special numbers of The Bee's Magazine Supple ment have always been noted for their beauty and general excellence and the forthcoming one will be no exception to the rule. Its makeup, from the illuminated cover page to the last page, has been on the holiday order, but the general scope of the magazine has not been lost sight of, and in connection with the Easter features, the usual showing of timely articles will be War news is still the dominant factor, and two pages are devoted to pictures and text in connection with the Japanese-Russlan struggle.

FIRST NAVAL BATTLE OF CENTURY occurred at Chemulpo, Core a on February 9. Excellent photographs were made of the engagement by Robert Lee Dunn, the Collier photographer at that place, and by special arrangement with Collier's Weekly, The Bee is permitted to reproduce them. These are the only authentic pictures made of this great event in the

COREAN OPINION OF JAP AND RUSSIAN is expressed by Archer Butler Hulbert, late editor of the Corean Independent, who knows of the inside workings of the Corean government. He explains the system of "graft" that pertains in Corea, and tells why the nobles hate the Japanese, who have tried to secured honesty in the administration of the affairs of the Hermit Kingdom. Pictures made from photographs accompany the article.

CAPITAL is the topic of Frank G. Carpenter for the current week Mayor Harrison defends his city against the aspersions that have been cast upon it, and proves himself the friend of both labor and capital by the views he expresses. Some of the facts he gives are not usually thought of, but are of weight in making up the case for and against Chicago. A fine picture of the mayor at his desk accom-

FLORA OF THE WORLD AT THE WORLD'S FAIR is under the direction of an Omaha man, Mr. Joseph H. Hadkinson, who will have charge of all the wonderful display of flowers at St. Louis during the summer; a fine illustrated article tells of the display as planned, and gives some notion of its enormous extent. As an example, ten acres will be devoted to the Rose Garden.

NEW SERIAL STORY BEGINS in the current number, by Joseph Conrad, who has chosen a romantic period in English and Spanish for his time, and England and Jamaica for his background. The opening chapters promise novel of strength and interest. It will run for about thirteen weeks. The illustrated Women's Department the regular features of the paper, and everything that goes to make it the best of its kind have been given careful attention, to the end that the number will be up to The Bee standard. If you are not now a subscriber, you should leave your order with your newsdealer today.

THE ILLUSTRATED BEE

FIRST COIN OF THE COUNTRY

Rare Specimens of the Half-Cent Piece Turn Up at the Treasury for Redemption.

The treasurer of the United States on May 6, 1903, redeemed two half-cent pieces. This is the first time in the history of the country that any such coins have been presented for redemption. It is more than a century since the first half-cent piece was coined, and it is nearly fifty years since the government discontinued minting them.

Possibly not one person in 1,000 now living The treasurer of the United States on

has included them among the "outstanding" obligations of the government.

The half-cent piece was the coin of the smallest denomination ever made by this country. It enjoys the distinction also of being the first coin issued, and also the first whose denomination was discontinued. The United States mint was established in 1792, and the copper half-cents and cents were issued in 1793. Half the total number of half-cents issued were coined previous to 1810, after which year their coinage, with few exceptions, was limited. None was coined for circulation from 1812 to 1824, nor from 1836 to 1848. Finally, in 1857, their coinage, with that of the big copper cent, was discontinued. On account of their limited issue in the last years of their coinage they practically had disappeared. limited issue in the last years of their coinage they practically had disappeared from the channels of trade.

The needs of adopting the half-cent as our lowest value-computing factor for a coin were made in the early days of the republic. Colonial half-cents and British farthings of the same commercial value were then in circulation, and many articles were priced and sold in half-cents. With the progress of the nation values rose and the needs for a half-cent disappeared. and their use following the first decade of the century was almost entirely confined

to multiples Forran Zarbe of St. Louis was the man who sent the two-half-cent pieces to Washington for redemption. He now prizes highly the little voucher calling for '1 cent," and which was sent to him with that amount of current coin in exchange for the two half-cent pieces he had forwarded.-Chicago Inter Ocean.

SUPREME COURT SYLLABI.

reported:

11612. Union Pacific Railroad company against Stanwood. Error, Douglas, Former judgment vacated; judgment of the district court affirmed. Pound, C. Division No.

1. The value of real property can not be shown by proof of independent sales. 2. When a witness as to the value of real estate has testified that be has based

2. When a witness as to the value of real estate has testified that he has based his opinion upon the prices obtained upon sales of other specifically described real estate in the neighborhood of that in controversy, an offer of evidence of the prices actually obtained at such sales, must include an offer to prove that such prices were in fact different from what the witness, in basing his estimate of values thereon, understood them to be.

12984. Mitchell against Clay county. Error from Clay. Former judgment vacated; judgment of the district court affirmed. Sedgwick, J.

1. The salary allowed a county clerk for services as clerk of the county board must be accounted for as fees of his office.

2. The county board acts judicially in fixing the amount of the salary of the clerk when acting as clerk of the board, but when such fees have been allowed as such, and paid to the clerk, if the total amount of his fees for the year, including the fees so allowed, is more than the limit of his annual salary as fixed by statute, he is liable to the county for the excess.

12913. McLeod against Lincoln Medical college. Appeal from Lancaster Teversed. Sedgwick, J. Holcomb, C. J., dissenting.

1. The directors of a corporation can not bind it by contract with another corporation of which they are also directors, and, which they represent in making such contract.

2. The majority stockholders of a corporation.

bind it by contract with another corporation of which they are also directors, and,
which they represent in making such contract.

2. The majority stockholders of a corporation have no power to exclude the minority stockholders therefrom, by organizing
a new corporation and transferring all the
property and good will of the old to the
new corporation without the consent of the
minority stockholders.

3. The minority stockholders can maintain an action in their own names to set
aside an illegal transfer of all property and
good will of the corporation, when such
transfer is made by the board of directors
of the corporation pursuant to instructions
of the majority of the stockholders.

130%. Grand Lodge, Ancient Order of
United Workmen, against Bartes. Error
from Colfax. Former judgment vacated.
Judgment of the district court effirmed.
Holcomb, C. J.

1. The plaintiff, wife of the deceased,
with whom she had lived for twenty years
before his death and to whom she had
talked regarding his birthday at different
times, and who had a general acquaintance
with the family history and tradition, held
to be a competent witness to testify to the
age of her deceased husband.

2. A wife who has lived for twenty years
with her husband will be presumed to know
his age and to be qualified to testify thereto
unless the contrary clearly appears from
the record.

3. The date of a person's birth may be
testified to by members of his family, although they may know of the fact only by
heresay, founded on family tradition.

4. Because the first knowledge obtained
by a wife as to her husband's age is derived from an incompetent source, this will
not disqualify her from testifying as to his
age where by reason of her membership in
the family knowledge of such fact is obtained from other sources to which no valid
objection applies.

5. Evidence examined and held sufficient
to sustain the verdict of the jury.

6. Alleged errors in giving and refusing to
give certain instructions shown.

7. An application for a new trial o

1. In an equitable suit to quiet title 1. In an equitable suit to quiet title a municipal corporation, being defendant, claimed title to the land in controversy by dedication as a public street, but offered no proof of this allegation. The plaintiff showed adverse possession in herself and grantor for more than ten years prior to the commencement of the action. Held, that nightiff was entitled to a decree.

2. Where one goes upon land under no color of title, but as a mere intruder, he can acquire title by adverse possession only to so much of the land as he actually occupies and uses for the period prescribed by statute.

3. Evidence examined and held sufficient to sustain a decree for plaintiff to so much of the land as she is shown to beyond.

4. When necessary to a proper determination of the cause submitted and determined on the amended pleading.

by statute.

3. Evidence examined and held sufficient to sustain a decree for plaintiff to so much of the land as she is shown to have used

to sustain a decree for plaintiff to so much of the land as she is shown to have used and occupied.

13223. Sattler against the Chicago, Rock Island & Pacific Railroad company. Error, from Cass. Affirmed. Glanville, C. Division, No. 2.

1. A fast through train on defendant's road was side-tracked at a small way station to allow another through train to pass. Some fifteen minutes later, plaintiff's intestate left a car on the standing train in which he was a passenger, and crossed diagonally the main track upon which the other train was approaching at a time and in such direction, that he could see the incoming train. He hurriedly went to a pump some ten steps from where he crossed the main track, hurriedly procured a drink and ran back toward his car, attempted to pass in front of the randiv moving train on the main track, and was struck by the engine and killed. Held, that deceased was guilty of such negligence as to preclude a recovery.

2. When the evidence is not sufficient to warrant a verdict for plaintiff, the court should not submit the case to the jury upon the theory that it is so sufficient. A peremptory instruction for defendant in this case held warranted.

3. Chicago, Rock Island & Pacific Railroad company against Sattler. Nebraska, 20 N. W. Report, 550, approved and followed.

12256. Osborne against Missouri Pacific

lowed. 12235. Osborne against Missouri Pacific 12235. Osborne against Missouri Pacific Railway company. Error, from Douglas. Affirmed. Oldham, C. Division No. 1.

1. The general rule is that where ordinary prudence would have prevented the deception, an action for the fraud perpetrated by such deception will not He.

2. A party, who, having the capacity and opportunity to read a release of claims for damages for personal injuries, signed by himself, and not being prevented by fraud practiced on him from so reading it, failed to do so, and relied upon what the other party said about it, is estopped by his own negligence from claiming that the release is not legal and binding upon him according to its terms.

5. In the distribution or partition of an 5. In the distribution or partition of an estate a debt due the estate from a distributee, or some person through whom he inherits by right of representation, which is barred by the statute of limitations, cannot be deducted from the share of such distributes.

5. The appointment of a guardian ad litem is not a mere matter of form, nor are his duties merely perfunctory; he should prepare and conduct the defense of his wards with the same care and skill as though acting under a retainer.

12316. Brown against Brown. Error, from Hamilton. Reversed. Albert, C. Division No. 2.

No. 2:

1. Section 149, chapter xxiii, compiled statutes (5601 Cobbey's Ann. St.) provides that "when any testator shall omit to provide in his will for any of his children, or for the issue of any deceased child, and it shall appear that such omission was not intentional, but was made by mistake or accident, such child, or the issue of such child, shall have the same share in the estate of the testator as if he had died intestate, to be assigned as provided in the preceding section." Held (1) That parol evidence is admissible to show whether such omission was intentional; (2) That the

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4. When necessary to a proper determina-tion of the cause, it is not error to permit an amendment to a pleading after trial and reopen the case for a trial of the is-sues tendered by such amendment. 5. Evidence examined, and held, insuf-ficient to sustain the finding of the trial court.

court.
BEG. State ex rel Prout against Nolan
Quo warranto. Writ denied; action dismissed. Barnes, J.

Quo warranto. Writ denied; action dismissed. Barnes, J.

1. An answer to a petition in quo warranto, which alleges that the respondents are holding the office in question by lawful appointment, under the provisions of a legislative act, and which sets forth the facts in relation thereto, is sufficient to put the validity of such act in issue.

2. A legislative act should not be declared unconstitutional unless it is so clearly in conflict with some provision of the fundamental law that it cannot stand.

3. The legislature may, by statute, conferupon the governor the power to appoint the board of fire and police commissioners for cities of the first class.

4. Where general and special provisions of a statute come in conflict, the general law yields to the special without regard to priority in dates, and a special law will not be repealed by general provisions unless by express words or by necessary implication.

less by express words or by necessary implication.

5. The several sections and provisions of a legislative act should be construed together and harmonized if possible and lifethere is a conflict in them the general expressions must give way to special and specific provisions.

6. That part of the charter of South Omaha providing for the election, and defining the jurisdiction of the police judge is separable from the rest of the act, and if necessary may be rejected without affecting the validity of the charter.

7. Held, that the respondents are the lawfully constituted Board of Fire and Police Commissioners of the city of South Omaha.

13379. McKibbin against Day. Error, from

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2. Where the allegations of the petition

to a dismissal.

3. In an action for false and fraudulent representations in the sale of property, where a co-partnership and the alleged members thereof are made defendants, and the relationship of the other defendants to such co-partnership is put in issue, it is error for the court to instruct on the theory that the individual members of the co-partnership are the only partnership are the only partnership are the only partnership. partnership are the only parties defendant

partnership are the only partners defendant.

4. Ordinarily where a vendee has an opportunity for inspection, representations by the vendor as to the value of the property are regarded as mere expressions of opinion, and afford no besis for an action of fraud and deceit.

5. But where such representations are based on special knowledge of the vendor, which he obtained, or pretends to have obtained, by handling the property or invoicing it, and are believed by the vendee, and acted upon by him to his injury, they amount to actionable fraud.

13.49. Haish against Dillon. Error, from Kearney. Reversed. Duffle, C. Division No. 3.

1. In stating an account as in making

No. 3.

1. In stating an account as in making any other agreement, the minds of the parties must meet, and the transaction must be understood by the parties as a final adjustment of the respective domands between them, and the amount then due. 13400. Perrine against Knights Templar and Masons' Life Endowment Company. Error from Jefferson. Reversed. Oldham, C. Division No. 1.

1. An action upon a benefit certificate or insurance policy is transitory and not local in its nature, and may be brought in whatever state the company issuing the policy can be found, without any regard to where the contract of insurance was made or the subject thereof was located.

2. The appearance of a defendant for the sole purpose of objection by motion to the jurisdiction of the court over his person is not an appearance to the action; but where the motion also challenges the jurisdiction of the court over his person is a veluntary appearance equivalent to a service of summons.

1418. Gaffey against Northwestern Mutual Life Insurance Company. Error from Lancaster. Reversed with instructions. Letton. C. Division No 3.

1. When a court of equity has taken cognizance of a case involving the right of rival claimants to the possession of leased premises, with all parties interested in the premises in court, it has full power to do equity by placing the party whom it finds entitled thereto into possession of the premises. No. 3. 1. In stating an account as in making

entitled thereto into possession of the premises.

2 Findings of fact made in a case tried to a court are entitled to the same weight as a verdict of a jury and a judgment inconsistent with and contrary to the findings will be reversed.

18428. Kitchen Bros against Dixon. Error from Douglas. Reversed. Duffle, C. Division No. 5.

1 A belibov in a hotel, a part of whose

from Douglas. Reversed. Duffle, C. Division No. 3.

1. A bellboy in a hotel, a part of whose duties consist in showing guests to their rooms, using the elevator for that purpose, and the elevator boy in charge of the elevator both being employed and subject to the directions of the same master, are fellow servants.

2. Petition examined and held to charge negligence causing the accident for which damages are sought to be recovered, to the acts of a fellow servant.

3. An issue not made by the pleadings may be regarded as an issue in the case where evidence is introduced and received thereon without objection, but when objection is made that evidence offered is not within the issues, it is error to receive it and to try and submit the case on the theory that such question is an issue in the case if it is not in fact made so by the pleadings.

eadings. 13439. Pitman against Mann. Appeal from

pleadings.

1349 Pitman against Mann. Appeal from Dawes. Reversed with instructions. Ames, C. Division No. I.

1. One of the most salutary rules of the law is that one shall not profit by his own wrong. A man who has fraudulently executed and put in currency a mortgage upon his hemestead, without procuring his wife to join therein, cannot, in an action to foreclose the instrument, after her death, gain any advantage by his own wrong unless he can make it appear that such advantage will secrue, at least in part, to some one other than himself, belonging to mose of the classes of persons sought to be protected by the homestead act.

1252 Prudential Insurance Company of America against Connelly. Error from Douglas. Affirmed. Oldham, C. Division No. I. Unreported.

1. Evidence examined and held sufficient

1. Evidence examined and held sufficient o sustain the judgment of the trial court. 1833. McBride against Whitaker, Ap-

burden of proof is on the pretermitted child or grandchild to show that the omission was unintentional.

2. Section 50a, code civil procedure, which provides for intervention before trial, does not curtail the power of a court to bring other parties before it when satisfied that their presence is necessary to a proper determination of the cause.

3. An erroneous ruling overruling a defendants jointly.

2. Where the allegations of the petition.

petition

2. Where a cause is thus remanded, the correctness of the decision of this court is not open to inquiry in further proceedings in the cause in the district court.

3. The refusal of the district court to fix allenged in the amount of a supersedess for an appeal involves merely a mandament of the county, remedy is by mandament. 2. Where the allegations of the petition in a case of that character are such as to include both a joint and several liability against the defendant, the jurisdiction of the court as to the non-resident on his several liability, is sufficiently challenged by a plea to the jurisdiction, setting forth the fact of his residence in another county, and the service of process upon him therein, and upon the return of a verdict which negatives a joint liability, he is entitled to a dismissal.

3. In an action for false and fraudulent.

2. Where a cause is thus temanded, the correctness of the decision of this court is not repen to inquiry in further proceedings in the cause in the district court.

3. The refusal of the district court to fix the amount of a supersedess for an appeal involves merely a ministerial duty, and the remedy is by mandamus.

12462. Herst against Beard of Supervisors, Dodge county. Error from Dodge. Appeal distributions of the colision of the court as the district court.

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4. There is no provision of the Code makents of the district court.

5. In a provision of the district court.

5. The refusal of the district court.

6. There is no provision of the court to fix the amount of a supersedess for an appeal involves merely a ministerial duty, and the treatment of a supersedess for an appeal involves merely a ministerial duty.

6. There is no provision of the court to fix the amount of the district court.

7. There is no provision of the district cour

reported.

J. There is no provision of the Code making an order dissolving or modifying a temporary injunction appealable except in connection with a final judgment disposing of the case.

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