theater which has been made by the union; and.

Whereas. The maxim of organized labor is that the concern of one is the concern of all; therefore, be it.

Resolved. by the Central Labor union, That we condemn the action of the Fire and Police board for its unwarranted attack upon organized labor.

Resolved. That the Central Labor union takes upon itself the matter of fulfilling the contract on behalf of our sister organization; and, be it further.

Resolved. That the proceeds therefrom go to the organization for its original intent.

Marconi stock is a safe investment.

AGREE ON EARLY CLOSING

Several Wholesale Houses Will Shut

THIBETANS COULD NOT REACH ENEMY

Attack by Swordsmen Met by Bayonets in Hands of Sikhs and Fearful Fire from

LUNA, Thibet, April 2.-The Thibetan March II at Guru, Thibet.

The small British losses are accounted for huddled together that the majority were dence in the case. unable either to use their swords or to fire. The swordsmen in the front rank could not reach the Sikhs, who had fixed bayonets, while the men in the middle of the of them probably killed each other in the mad excitement. The scene recalled oidtime fighting in cockpits, the grim, determined faces of the Thibetans, lighted with savagery, expressing contempt for the Sikhs, whom they outnumbered six or

seven to one When the general fired the first shot the Thibetans with wild shouts drew their words, fired their matchlocks and surged forward. About a dozen swordsmen made a desperate rush in the direction of Colonel McDonald and a small knot of officers. Four Thibetans attacked Mr. Candler, the correspondent of the London Daily Maik but Colonel McDonald seized a rifle and shot down two of them at a few yards, and another officer killed the

other two, thus saving Mr. Candler's life. Those of the Thibetane who tried to paid him but \$11 of the principal climb the wall met with a terrible magathose beyond springing over the beaps of dead and continuing the fight until riddled First Steps Toward Erection of Edifice with buillets. The mountain battery was brought into action and tore the retreating lines with schrapnel. The trail of dead and dying marked the line of march. At the last wounded. limping Thibetan turned the corner, some 400 yards from the scene of the grim tragedy, where the best of the Thibetan army had perished.

OMAHA VIEW IMPROVERS MEET Extension of Harney Street Car Line to Maple Street Receives an Airing.

line on Thirty-third street from Parker to Maple was up for its usual airing at the Omaha View Improvement club last night and the committee having the matter in to complete its report. The matter of more completion the working plans and specifi- WILL BUY AND SELL TAXES efficient fire escapes on the Omaha View school building was also discussed and the Board of Education.

An invitation was directed sent to City Engineer Rosewater to be present at the next meeting to talk on sewer matters, W. G. Ure of the Real Estate exchange was present on the invitation of the club to impart some information on the bond propceltion to be voted upon next Tuesday. Mr. Ure spoke in opposition to the propoeition and fortified his remarks with an

array of figures on the blackboard. The club voted to go on record as opposed to the issue of bonds, and a vote of thanks the meting and for his address.

ming also in the same interest.

Four Hundred Dollars Offered for Slayer of Man Found at Creston.

Chief of Police Donahue has received advice from Sheriff Burns of Columbus, stating that a reward of \$400 is offered for the murderer of the man found in a vacant house about a mile from Cres-

on, Neb., last Tuesday morning. The man had an ugly bullet wound in the head, had a card bearing the name of Villiam O'Brien" and a copy of The Bee dated the day before the discovery of the body and bearing the imprint of the Omaha Union station news stand stamp.

Part of the plunder stolen from a store at Creston the day before was found in the vacant house, but just what connection may exist between the dead body and the burglary is as yet an unsolved mystery.

would give them away. The Columbus people believe the man to be from Omaha, it advance no reason for their belief The police are trying to find out the caliber of the revolver the man was shot with and see if it will correspond with the caliber of the revolver stolen from the hardware store, which was a .38 and of the American buildog make.

OLD SOLDIER IS RELEASED Cleared by Aid of Three Comrades

Because Mortgage Was Not Recorded.

The case of James Shepherd, the old soldier charged with removing mortgaged general, the whole of his personal escort property out of the county, has been disand five high Lhassa officials were among missed in police court and the defendant a deal was closed whereby the board of the hundreds killed in the fighting of discharged. It was shown that the mortgage on which the action was based was eran church will come into possession of not acknowledged according to law and a new site for its place of worship as soon by the fact that the Thibetans were so therefore could not be introduced as evi-

Shepherd, who is a member of the Union Veterans' league, Grand Army of the Republic, was represented by W. S. Shoemaker, Major Miller and S. I. Gordon, all mob could not reach the enemy, but many old soldiers and anxious to see their comrade in arms come out of the fray with colors flying.

The charge was that Shepherd removed some household goods, on which the complainant, F. H. Andrews, held a mortgage, to Colorado, where the furniture is said to have been sold. Shepherd claims he has paid Andrews the amount of the principal \$36, several times over in interest, and that he was forced to dispose of the chattels in Colorado while he was sick and withou

Shepherd has a large family and his needs are being looked after by his comrades of the Union Veteran league. Andrews, who is a barber, emphatically declares he never charged or received one cent of interest and that Shepherd never

sine rifle fire, but they did not falter, PLANS FOR NEW CATHEDRAL

to Succeed St. Philomenas-Money Deposited.

The first step has been taken toward the erection of a new Catholic cathedral. It s announced that the work of foundation laying in all probability will begin in May r June. The building board is composed of the bishop, Father Colaneri, John A Creighton, T. J. Mahoney, T. C. Byrne F. A. Nash, Frank Murphy, C. J. Smyth and Frank Burkley. The building money is deposited in the First National and the Merchants National banks and the list of week. subscriptions is to be published in the The extension of the Harney street car True Voice. Thomas Kimball has been working on the plans and will have them so far finished in a few days that the town site and others who thought it wise building board will be able to settle defi- to locate at some distance from the businitely on the details of construction. When ness district. charge was given until next Friday night this is done the architect will hurry to a

question will be at once taken up with the HEAVY RECEIPTS ON LIQUOR Most of Increased Internal Revenue Collections Come from Distilled Spirits.

cations.

The total internal revenue receipts at three months ending March 31 was \$695,-209.44, as against \$673,211.32 for the corresponding quarter of 1903. The collections by months were: 1904, January, \$239,016.84; was tendered Mr. Ure for his presence at February, \$219,623.92; March, \$236,568.63. For 1903, January, \$232,826.36; February, \$204,-Mr. Ure stated that he would address the 232.43; March, \$236,152.53. Most all of these receipts were for the tax on distilled spir opposition to the bond issue, and that its and a peculiar characteristic of the respeakers would also be present at the port is that the collections for the months North Side Improvement club next Monday of March for both years were but little over \$400 different.

REWARD FOR THE MURDERER EVANS STRUCK BY BAD HORSE Councilman from Sixth Ward Has Narrow Escape from More

Serious Injury.

Councilman E. D. Evans had a narrow afternoon. With a companion, he had taken a young driving horse out to Florence to break to harness. Near Florence the horse, which displayed an ugly temper balked. The councilman from the Sixth ward got out of the light buggy and attempted to induce the animal to move forthe air with its fore hoofs and one blownarrowly missed the councilman's head. Another caught him on the right leg and bruised the leg badly.

Banquet to General Wint.

Sheriff Burns states that some parties are coming from Minneapolis with a view to identifying the body.

The theory at the police station is that the man belonged to a gang of criminals who on last Monday entered a hardware store at Creston and stole \$100 worth of knives and razors and a revolver. It is supposed that the man was killed by his companions in crime, for fear that he handless that the man was killed by his companions in crime, for fear that he handless that the description of the Department of the Missouri, having deferred it acouple of weeks because of the untimely death of Major Bean. General C. F. Manderson will act as toastmaster and the following toasts and speakers are on the program: "Welcome to Our Guest." John L. Kennedya fesponse, General T. J. Wint: "I Am a Citizen of No Mean City." B. G. Burbank: "A National Epoch." J. P. Breen; "The Citizen," Williamson S. Summers.

KOUNTZE CHURCH BUYS SITE

An epoch-marking event in the church

and a depth of 152 feet and was sold through W. H. Thomas, 503 First National bank building, representing the Hotchkiss estate, to H. G. Harte, chairman of the board of trustees of the Kountze church,

the new edifice will be made soon and the ground broken for the new church without ing will cost \$80,000.

Cost of Present Property.

The last service to be held in the presen building will be on Sunday, April 10, and on the following evening a farewell reception will be held in the building. The work of tearing down the present house of worship has already begun.

It has not yet been decided where services will be held until the new church is ready for occupancy, but it is expected that this matter will be settled at a meeting of the board of trustees some time next

The selection of the new site on Farnam street is looked upon as a happy compro mise between those who favored a down-

tage of Delinquent Sales Under

of the sale of property under the scavenger tax law has filed articles of incorporation with the county clerk. The incorporators the office of the collector of internal rev- are R. C. Peters, T. J. Fitzgerald, M. D. enue for the district of Nebraska for the Cameron and H. W. Pennock, who drew the

transacted by the corporation will be the paying of taxes and assessments on real estate; the purchase of real estate at tax sale, and in general the acquiring, owning, holding, buying, selling, exchanging, improving, subdividing, platting and leasing, either as lessor or lessee, of real property and of any and all estates and interests therein; the acquiring, holding, owning, buying and selling and dealing generally in stocks of corporations and associations, bonds, notes or other evidences of indebtedness, as well as all kinds of obligations and securities.

STANDS UP FOR THE FIREMEN escape from death or serious injury Friday Central Labor Union Assumes Responsibility for Krug Benefit for Fire Fighters.

The Central Labor union at a special the benefit entertainment planned for April ward. The latter began to rear and paw 11-13 at the Krug for the firemen, and which the Board of Fire and Police Commissioners has forbidden them to carry through. The central body will assume charge of the entertainment. Much feeling characterized the meeting and the commis sioners came in for much condemnation because of the Monday order forbidding firemen to solicit for the entertainment which was intended to start a fireman's relief fund. A committee of nine was appointed to carry out the project. The following resolution, signed by Lewis V. Guye of the Barbers' union, B. J. Keegan of the teamster's, John Korff, painters', and J. A. Bradford of the Meat Cutter's union was adopted: Whereas, Local union No. 1946, chartered

by the American Federation of Labor, and known as the Omaha Fire Department Employes' association, has entered into a contract with a local theater for the purpose of giving entertainments, the proceeds of which are to be used for a sick and death benefit fund for its members. Whereas, The Board of Fire and Police Commissioners have seen fit to order all firemen to desist from soliciting further subscriptions to this or any other project not first authorized by such board. Whereas, Such an order is a direct thrust at the firemen's union, since it seeks to compel a breach of the contract with the theater which has been made by the union; and.

Pays Twenty-Five Thousand Dollars for the McShane Property.

DEAL IS MADE ON A CASH BASIS

Plans for New Parnam Street Edifice Will Be Made Soon and Ground Broken for Work.

history of Omaha occurred yesterday, when trustees of the Kountze Memorial Luth-

as the necessary papers can be made out. The new site has a south frontage or Farnam street, between Twenty-sixth and Twenty-seventh avenues, and has been familiarly known as the McShane property for many years, although it passed into the Hotchkiss estate of New York City about six years ago.

the consideration being \$25,000 cash.

There are two residences on the west part of the property and it is the intention M. E. Smith & Co., American Hand Sewed to build the new church on the east 112 feet of the site, leaving the houses undis turbed. Mr. Harte states that plans for delay. It is est nated that the new build-

The present site of the Kountze Memorial

church. Sixteenth and Harney streets, recently was sold to Judge J. H. Neville for \$90,000 and the north third of the property was disposed of to Shukert during the stringent period for \$26,000. The property originally cost \$3,500 when bought in 1881. since which time it has been occupied by the same church congregation.

Company Organizes to Take Advan Scavenger Law.

A company organized to take advantage with it. It is there for you to examine, The objects are set forth as follows, to-

gether with the intention of building:

AT THE PLAYHOUSES.

'Running for Office" at the Boyd.

Peter Pinchem, the constable ... John Keefe Herman Helberger, Gussie's college chum ... Joe Smith Marba chum Joe Smith as chum Joe Smith as chum Thusber, a theatrical man-Franklyn Flusber, a theatrical man-ager M. J. Sullivan Dan Timmons, Riley's right hand man Hugh Mack Bolivar Bixby, Gayland's servant...... Joseph Leslie Captain Hicks of New Hampshire foot William Forrest ball William Quick Hall, a sergeant of police Charles Bachman

Their Boors at 1 O'clock Saturday Afternoons.

The following wholesale shoe, rubber and clothing houres in this city have agreed to close their places of the country of to close their places of business at 1 o'clock Saturday afternoons from April Williams Shoe company F. P. Kirkendall & Co., Interstate Rubber company, Hayward Bros. Shoe company Shoe company and Byrne & Hammer Dry Goods company. These are all the jobbing houses in these lines doing business in Omaha. They have been in the practice of early closing in former years, but have not got together so early or closed by ommon agreement. John Kelly of the Williams Shpe company circulated an agreement among the firms promising to take this action.

Who is "Marconi?" See page 17.

The New Motor Cycle. Few people ever stop to think what the Motorcycle really is: supposing it to be a crude piece of machinery, violent and dangerous, they shun it. The first bicycles were thought no more of than were the first Autos and these little more of than the Motorcycle, but a little time and the Motorcycle, will stand high above them all, because it involves more advantages than

both of the others combined. Long experiments with these and with the gasoline engine give the Motorcycle the latest, best and safest productions from the inventors. In fact it is such a sim ple machine that anyone can learn to operate or repair one in an extremely short time. The speed can be regulated from five to forty-five miles per hour. This machine not only involves time-saving advantages for the business man, but for the pleasure seeker. No stopping for hills or bad roads, no pushing or pumping till one is worn out with exertion, but free, asy riding without effort or exertion. All in all, the Motorcycle is a time-saving, labor-saving, health-giving invention. Louis Flesher has one of the finest Motorcycles on exhibition at his store. will pay you to call and get acquainted

Homeseekers and Colonists.

investigate and try.

On the first and third Tuesdays of each month the Missouri Pacific Ry. will sell law and the name of the corporation, the both one-way and round-trip tickets at Taxpayers' Protection association. The very low rates to certain points in Kancapital stock is fixed at \$50,000 in shares of sas, Arkansas, Oklahoma, southwest Mis-\$100 each, but may be increased to \$150,000, souri. Texas, etc. On the round-trips stop- port Logan for the Philippines to enter overs will be allowed on the going journey, upon his new duties with the inspector with final limit of 21 days to make the The general nature of the business to be trip. For pamphlets, time tables, rates, ston-transacted by the corporation wall be the etc., write or call on any agent of the company or Thomas F: Godfrey, passenger Douglas streets, Omaha, Neb

Christian Science Lecture.

Mr. Bicknell Young, C. S. B., of Chicago, sember of the Christian Science Board of Lectureship of the First Church of Christ (Scientist) of Boston, will lecture on Christian Science at the Boyd Thursday infantry. evening, April 7. Admission free. Mr Young has devoted much time and earnest thought to his subject and is fitted to speak with authority.

HUGO JONES, OFFCIAL CHEMIST for the city of Chicago, in a letter to the NA-TIONAL FIREPROOF PAINT CORP. says under date of March 24: "I certified meeting Friday night resolved to take up to the Commissioner of Buildings that you paints are as EFFECTIVE AS IS RE-QUIRED BY THE CITY ORDINANCE. THEY conform to its ruling. This test was made for official business.

> Rend about "Marconi" on page 17. DIED.

LAMPHERE—Adella M., April 2, 1904, aged 81 years 2 days, mother of Mrs. S. M. LeClaire and grandmother of Mrs. George A. Ostrom. Services at late residence, 3843 Franklin street, Sunday at 1:30. Interment, Daven-

port, Ia. WELLER-Frank, at Nebraska City. Neb., aged 2 years 1 month and 26 days, young-est child of Mr. and Mrs. R. B. Weller, of pneumonia. Funeral from family residence, Nebraska City, Monday afternoon, April 4

Send me the book checked above.

The Four Cohans in "Running for Office,"
a "frivolity" by George M. Cohan; under
direction of Mr. Fred Niblo. The cast:
Andrew Riley, Mayor of Tigersville...
James H. Manning
Sam Gayland, the popular man.
William Keough

Charles Bachman

Jim Fizz, a temperance crank

William Seymour

Alf Bach, a foot ball player, Fred Williams

William Raid, a policeman.

Walter Stanhope

Swift Chase, a pairolman. John Kauffman

John Tiger, prohibition candidate...

Jerry J. Cohan

August Wright, "Rah, Rah, Rah"

George M. Cohan

Gertie Gayland, a noisy kid Jessie Joyce Mary, Mrs. Tiger's servant. Florence Little Just a little something doing all the while; not an idle minute, and certainly not a dull minute, during the whole show, and the Cohan family isn't the whole thing, either, Naturally, Mr. and Mrs. Cohan and their gifted son and equally gifted daughter occupy a great deal of space in the lime light, but there are others in the cast, and each has his or her work to do, and it is done in a way that is most artistic. "Running for Office needs a new adjective to describe it. It has farce and comedy and music in it, although hardly enough of the latter in gredient to make it a feature; and it has some vaudeville, and some serious acting, and it is full of fun from the time the lid is pulled off until the can is emptied. The little plot it contains is sufficient to tell a good story. A widower marries a widow, and each conceals from the other the fact that there are children. widow has a son and the widower has a daughter, both in school near the home of the widower, who is running for the office of mayor of his own town on the prohibition ticket. The young people fall in love with each other and very natural complications follow, which are worked out on original lines, with the result that much fun is engendered. In every way the piece is bright, even sparkling at times, and many pretty little bits of new ness are offered in each act. This is one of the greatest recommendations for the Cohan offering; they don't do what one naturally expects them to, but do something else, and keep the laughter going all the while. Everybody named in the cast has something to do, and every bit of it is done well. George Cohan's songs and the dancing of he and his sister Josephine are the main points of the pro-

BRUSH SAILS FOR THE EAST Leaves on Transport Logan for Three Years Service in Philippine Island.

gram, but the chorus is pretty and can

sing, and the character acting of Messra,

Manning, Keough, Keefe, Sullivan and Mack and Miss Nivens is excellent.

Lieutenant Colonel D. H. Brush, Eleventh infantry, sailed Friday on the transgeneral's department in that military divi-

Orders were received at local army head quarters detailing Colonel Brush for duty and ticket agent, southeast corner 14th and with the inspector general's department for four years. This will give him three years' duty with that department in the Philippines and one year in the United States before returning to his duties as a line officer. His appointment to the inspector's department will necessitate the appointment of another lieutenant colonel for the Eleventh

SUPREME COURT SYLLABI.

The following opinions will not be offi-12753.

753. Sorenson against Sorenson. Error Walley. Former judgment adhered judgment to the district court reversed, ert, C. Division No. 2. Unreported. 1. In a proceeding for the distribution of between parties, each claiming as next of kin and heir at law to the exclusion of the other and all other persons, the right to open and close rests in the discretion of the court. Disaffirming the rule announced on former hearing, 24 N. W. Rep., 540, on former hearing, 34 N. W. Rep., 540.

2 A judgment in rem is binding and conclusive on all parties, as to every matter necessarily involved in an adjudication upon the status of the person or thing which is the subject matter of the proceeding, but as to matters involved in collateral litigation in such proceedings, between particular parties, and not necessarily involved in such adjudication, it is binding only upon those who actually litigated such matters and their privies.

3 Privity, so far as concerns the effect of a judgment on property rights, does not arise from mere relationship by blood or affinity, nor because two parties may have an interest in the same subject matter of litigation; it implies a relationship by succession or representation, between a party

cession or representation, between a party to the first action and a party to a sub-sequent action, in respect to a matter ad-judicated in the first.

cession or representation, between a party to the first action and a party to a subsequent action, in respect to a matter adjudicated in the first.

4. In a proceeding for the distribution of the estate of an intestate, the administrator is an adverse party, and where one of the issues between rival claimants is a marriage of the intestate with a third party in the testimony of such third party is inadmissible on such issue under the provisions of section 329 of the Code of Civil Procedure

13372. Hixon Map Company against Nebraska Post company. Error from Lancaster. Reversed. Fawcett, C. Division No. 12. Unreported.

1. Eliber party to an executory contract may abandon or renounce his contract at any time before performance is due, on the usual terms of compensation to the other for damages, which the law recognizes and allows, subject to the jurisdiction of equity and decree of specific performance in proper cases. Ribbons against Bente, 53 N. W. Rep. 76, and cases there cited.

2. A mere declaration by a party to a contract, before performance thereunder is due, that he does not intend to carry out the terms thereof, will not constitute a breach so as to authorize the other to at once maintain an action for the part at any time before the period fixed for performance has the right to recant and comply with his agreement; but if he falls to withdraw his declaration before the time comes for performance, it will excuse the default of the other party. Carstens against MacDonald, 38 Neb. 85, and King against Waterman, 55 Neb. 224, followed and reaffirmed.

2. Where a party gives a reason for his conduct and decision touching anything involved in a controversy he can not, after Higation has begun, change his ground and put his conduct upon another and different consideration. Ballou against Sherwood, 28 Neb. 86, and Frenzer against Dufrene, is Neb. 82, followed and reaffirmed.

4. When the evidence as to the alleged treach of contract is all contained in letters which had passed between the parties, and there has

plaintiff is the owner thereof, and plaintiff actually has possession of such contract and produces it upon the trial, it is the duty of the court to instruct the jury, as a matter of law, that plaintiff is entitled to maintain the action, if a right of action in other respects exists.

13431. Story against Robertson. Error from Pawnes Affirmed. Fawcett, C. Division No. 2. Unreported.

1. When the issues presented by the parties in their pleadings, or the record of the trial of a case conclusively shows, that one of the parties was entitled to the judg-

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CARLOADS UPON CARLOADS OF BRIGHT, NEW GLISTENING PIANOS FROM THE MOST DISTINGUISHED MAKERS.



that Steinways are the pest.

CHOOSE YOUR PIANO Public Opinion carefully, as you would choose a friend-and let us introduce you to No one told you so. The world says so, and when the the exclusive Piano set.

Steinway goes home you will Steger & Sons know why better every day. Hardman All Other Makes Taken Emerson A. B. Chase

Vose & Sons Truly a charming and highly distinguished cir-le-easy to meet with the Schmoller & Mueller prices and

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Used Upright, Grand and Square Pianos taken in exchange, or returned from rent will be closed out regardless of value.

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in Exchange at Clarket

Value.

We can tell you. It is

Upright Pianos in Our Bargain Room Chase. Schubert, Kimball, Pease, Hallet & Davis, Arlon, Howard, Har-rington, Gramer, Stetson, at prices rington, Gramer, Stetson, at prices from \$148.00 down to \$69.00, \$1.00 to \$4.00 monthly payments. Square planos, nearly all makes, \$10.00, \$18.00, \$27.00, \$40.00 to \$60.00 for the very best. \$2.00 monthly payments.

the new, light running Pianola, with the metrostyle music, is far and away in advance of its imitators. Emminent musicians like Paderewski, Bauer, Meszkowski, Chaminade, etc., have marked detailed interpretations on music for the Pianola ONLY. This feature alone more than doubles the VALUE TO YOU of the Pianola. Purchasable by moderate monthly We are sole agents. Visitors wel-

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Bulletin of Reduced Rates.

Travelers of an economical turn of mind will be interested in

They apply from Omaha to

San Francisco Los Angeles Portland Seattle

Home-seekers'

Excursions to

the West and

California and

Southwest

Return

error, if any, committed in the overruling of the motion.

2. The act of 1897, commonly known as the deficiency judgment law, does not take away or impair the right of the holder of a mortgage, executed before its enactment, to apply for and obtain in an action for the foreclosure of the instrument a personal judgment for the residue of the mortgage debt remaining after the application of the proceeds of the foreclosure sale. Burrow against Vanderbergh, 25 N. W. Rep. 57, Neb. followed.

1232. Sand Hills Com. company against Phillips Bros. Error from Hocker. Dismissed. Letton, C. Division No. 2, Unreported.

or will not lie from an order dis-following opinions will be officially

The following opinions will be officially reported:

12:60. Cleland against Anderson. Error from Dawson. Affirmed. Sedgwick, J., Harnes, J. disserting separately.

1. A right of action for tor't is not properly within the meaning of the national bankruptcy act, and, even though an action is pending thereon, such right does not pass to the trustees in hankruptcy.

2. An action for conspiracy whereby plaintiff was "driven out of business as a dealer in lumber," under section it chapter vel a Compiled Statutes, 1901, is an action in tort, and does not arise "from the unlawful taking or detention of or injury to his property" within the meaning of the federal bankruptcy act.

13826. Horst against Lewis. Error from Madison. Affirmed. Ames. C. Division.

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One fare plus

\$2.00 or the round trip

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Today and every

day until April

April 23 to

May 1.

Full information at all Rock Island ticket offices or by ad-



F. P. RUTHERFORD, G. P. A. 1323 FARNAM STREET,



dressing

OMAHA, NEB. ment of the district court, it is within the power, and is the duty of this court to put an end to the judgment, which it ought to have entered in the first instance.

2. When this court remands a case to the district court with directions to enter a specified judgment, either in an action at law or suit in equity, the district court has no discretion to do other than literally obey the mandate of this court.

3. When the clerk of the district court pays money in his hands belonging to A over to B as attorney for C, and B pays the same, less his fee to C, they are all three liable to A therefore, Robertson against Brooks, et al. 91 N. W. Rep. 709.

4. And in such case, it is immaterial whether their act was the result of intention or ignorance of the law.

1532 Whitaker against McBride. Appeal from Buffalo. Judgment. Albert, C. Division No. 2. Unreported.

1. Where the title to real estate has been quieted by a decree in equity against one in possession, a mandatory injunction is a proper remedy to enforce the decree.

2. A supersedeas is a statutory remedy, and if not given within the time limited by statute, the right to such remedy is lost, and if given thereafter, is ineffective. 1275. Hunter against Lang. Error from Lancaster. Affirmed. Letton, C. Division No. 3. Unreported.

1. Where a motion filed to a petition has Home Seekers, Low Rate Excursions



and Iron Mountain Route To certain points in the Southwest and Southeast, at one-nail rates plus \$2 for the round trip. Final limit of tickets, I'd days. Stop-overs will be allowed within transit limit of fifteen days going, after reaching first home-seekers point or route. For further information or land pamphlets, folders, maps. etc., address. H. C. Townsend, general passenger and ticket agent, S. Louis, Mo., T. F. Godfrey passenger and ticket agent, Tom Highes, traveling passenger agent, S. E. Cor. Fourteenth and Douglas Sts. Omans, Neb.

joined as defendants in a single action to recover dismages and if a part of them do not reside, or cannot be found, in the county in which the action is brought, summons may be served upon them elsewhere. A brewing corporation may become hable as surety upon a liquor Heense bend executed by it to induce the licenses to lease a building from it and deal exclusively in its products.

Elks. Attention!

Special invitation has been extended by Brother Rev. Mackay for all Elks to atend Easter services at All Saints church this (Sunday) evening at 7:20 o'clock. Special music will be rendered in addition to an instruction by Brother Mackay State will be reserved for Elks and their ladies. Be sure and come. Fraternally, FRANK A. FURAY, Secretary,

Madison: Affirmed. Ames. C. Division
No. 1.

1. Persons engaged in selling intoxicating
liquors under licenses in this state are
jointly and severally liable for all damages
arising from such traffic to the cause of
which they have contributed, and such
liability extends to the sureties upon their
bonds
2. All such persons and sureties may be Grand ball given by Laurel hive, L. O. T. M., Thursday, April 7, at Washington hall. Rachman's music. Tickets 25 cents.

Simply Sign the Coupon. Know How to Get Well.

That is all. Send no money. Simply sign above. Tell me the book

you need. I will arrange with a druggist near you for six bottles of Dr. Shoop's Restorative

druggist will bill the cost to me. And I leave the decision to you.

Take it a month at my risk. If it succeeds the cost to you is \$5.50. If it fails the

Don't Wait Until You Are Worse

Taken in time, the suffering of this little one would ave been provented. Her mother writes me: "Two years ago my little girl was sick continuously for als months. We tried many noctors, and they falled, yet it only took two bottles of your remedy to cure her, and she has remained cursed. You can tell others of this ours if you so desirs. Mrs. C. H. Avery, Rockdale, N. Y.

'Tis a pity she did not first write me, before the

The wife of Omer Andrus of Dayou Chicot, La., had been sick for 30 years. For a years could do practically no work. He writes: "When the first started taking the Restora-tive she barely weighed 50 pounds; now she weighs 128, and is able to do all her house-work."

Twenty "dark" years might have been "bright"

"I apent \$350.00 for other medicines, and the \$5,00 I have spent with you have done me more good than all the rest." Both money and suffering might have been saved. these are only three from over \$5.600 similar These letters—desens of them—came every

Why the Restorative Succeeds.

You may all and rub, adjust and repair a weak en-gine. It will never be stronger nor do its work bet-ter without steam. More power-more steam is nec-And so with the vital organs. Doctor them as you will. That's mere repairing. Permanent cures never come save through treating the nerves that operate And that my Restorative does.

After almost a lifetime of labor-of study at bed-sides and research in hospitals—I made discover-ery. I found a way to treat, not the organs them-seives, but the nerves—the inside nerves—that ope-rate these organs and give them power and attempth and health. That discovery has shown me the way

It makes my offer possible.

I know the remedy. I never can forget the study, all she research, the trials and tests that perfected it. I have suched its action year after year in cases difficult discouraging. Time after time I have seen it bring back health to those poor ones whom hope had almost descreed. I know what it will de-

And so I make my offer. And the hare fact that make such an offer ought of itself to convince you that I know how to cure. Please read it again, it means exactly what I say. No catch—no misleading phrases in it. Simply this-you take the medcine and

And you use I decide if you are to pay.



well. Will learn from my book a way to get well. Perhaps, as 1 say neighbor, simply write?

He will learn my book a way to get well. Perhaps, as 1 say the only way for him. His case may be serious—hopeless almost. The matter is urgent, then. Write me a postal or sign above today.

Address Dr. Shoop, Box 6075, Ranine, Wis.