THE OMAHA DAILY BEE: FRIDAY, APRIL 6, 1906.

Supreme Court Decides that Act is in

Accordance with Constitution,

COUNTY TREASURER MAY SERVE CITY

Law Providing for the Extension of

Terms of County Commis-

sioners is Held to Be Invalid.

(From a Staff Correspondent.)

LINCOLN, April 5 .- (Special.)-The su

preme court today handed down a decision

in the case wherein John T. Cathers sought

turning over his office to the county treas-

urer as provided in the new city charter, and the decision holds the charter is valid

and constitutional. Commissioner Ames not only holds the charter good, but takes

occasion to hold with the district court

of Douglas county that Cathers did not have sufficient interest to maintain the suit

and therefore only the main points of the

charter are held good, while the minor

points will be passed upon when a party

eally interested brings them to the atten-

In his opinion Commissioner Ames said:

In his opinion Commissioner Ames said: The sole object of this action is to assail the constitutionality of the new charter. It is first contended that the title is not broad enough to cover all the subjects of legislation contained in the act, but this objection surely cannot be upheld. The bensive than that which was upheld in State against Paimer, 10 Neb., 202, and which has served as a model for titles of acts providing for the incorporation and government of municipalities in this state for more than twenty-five years. It is analogous to a title to "provide a system of revenue" or to "provide a criminal code."

tion of the court.

enjoin the city treasurer of Omaha from



NE PIANOS

ever held in Omaha. Since this great plano sale started we have sold 384 high grade standard planos. We have only 57 more on hand and will sell them before Saturday night if cut prices and your own terms will be any inducement. These instruments are all standard makes from the best factories of the world, and represent the latest styles and most exquisite designs. You can not get a better plano if you wait 25 years and you never will get as good a one at such a low price if you wait a life time. Here are a few of the prices that will make our competitors tremble:

² Uprights, regular price \$225, Removal \$95	1 Upright St. Domingo mahogany case, regular price \$335, Removal sale price
² Uprights, regular price \$250, Removal 127.50	5 Uprights, rosewood and mahogany cases, regular price \$338, Removal sale price
4 Uprights, regular price \$285, Removal \$158	7 Uprights, regular price \$425, Remov \$268

In addition to the above great bargains we will sell five square planos ranging in price from \$10 to \$45. Also 15 organs at from \$10 to \$28. These organs and square planos are all in good order. They were taken in exchange as part payment for new uprights.

If you ever intend to buy a piano buy now, for a like opportunity to get a standard piano at such a low cost will never occur again. Where in Nebraska can you find such a line as the following:

Steinway, A. B. Chase, Hardman, Steger, Emerson, McPhail, Kurtzman and the Celebrated Mueller.

Remember this Great Money Saving Piano Sale will positively close Saturday, April 7th at 10 P. M.

SCHMOLLER & MUELLER PIANO

Winding up the greatest Removal Sale of high grade planos ever held in America at their factory at 1407 Harney Street. On Monday, April 9th, we will open our new store at 1311 and 1313 Farnam Street.

WRECK ON THE BURLINGTON

Baggage, Mail and Passenger Cars Piled Up, but No One

Seriously Injured.

ST. MICHAEL, Neb., April 5 .- Westbound train No. 41 of the Burlington, with two engines, was wrecked three miles west of St. Michael at 7:20 this morning while going at the rate of about forty-five miles an hour and making up lost time. The train was made up of three express and mail cars and eleven coaches. It was well filled with passengers. Two baggage and express cars were completely overturned and one da, coach and six chair cars derailed and badly wrecked, but only four people were slightly injured:

people were slightly injured: H. D. Holway, bruised in side: refused sid, being of Christian Science faith. C. M. Osborne, from central Missouri, ankle sprained in getting out of car. Express Messenger James Tipton of Lin-coln, bruised in ch.et and shoulder from being thrown against side of car. Another passenger received sprained ankle and several received slight cuts from complete class.

rashing glass, The escape of such trainload of passer gers with so little injury is regarded by the train crew as perhaps beyond all previous records. Some of the coaches are all right and moveral wars thrown thirty feet

from the track.

Bullard and J. G. Beeler; city clerk, Chas. Samuelson; city engineer, Paul Mevers; city treasurer, Robt. Shuman; councilman, First ward, T. M. Cohagen; councilman, Third ward, Wm. Yost of the republican nominees.

New Jail for Blair. BLAIR, Neb., April 5 .- (Special.)-The County Board of Supervisors today voted to build a new county jail to replace the old structure that has served as a jail since the county seat has been in Blair. Lee Smith, B. P. Miller and Joe S. Cook. members of the board, were appointed a committee to submit plans and specifications at their next meeting, May 2. The building contemplated will be a two-story structure 40x40, with offices and up-to-date cells and other fixtures. Architect L. M. Vaughn of this city has been instructed to prepare the plans and specifications.

News of Nebraska.

BEATRICE-About a dozen cases of pneumonia are reported in the vicinity of Pickrell.

Pickrell. VALLEY-The village election passed off very quietly. Only one ticket in the field and three trustees elected. VALLEY-Vest Hutchinson died very suddenly at his home last night. He leaves a wife and several children. GENEVA-W. T. Harris, a former Geneva man, is in the city buying stock for his nursery at Blackfoot, Idaho.

ALBION-Rain fell at intervals yester-

Great Western railroad. They are ship-ping their outfit through by rail except their ninety mules, which are being driven overland in charge of W. M. Barnes, one of the brothers. the brothers. TABLE ROCK-Charles Fritch, a prosper-

TABLE ROCK—Charles Fritch, a prosper-ous young farmer, living three miles south-east of here, and Miss Matilda Verner, a school ma'am, five miles north, drove over to Pawnee City yesterday and County Judge F. A. Barton pronounced the words making them man and wife. TEKAMAH—Jay Bilss, a youth of twelve summers, was sentenced today to the re-form school by Judge Basler. He pleaded gullty to stealing \$13. He was returning a 'washing,' and when paid for it hid the pocketbook, and it was not long until the money was missing and he was arrested with the above result. HUMBOLDT—Miss Stella Leech and Mr HUMBOLDT-Miss Stella Leech and Mr Ernest Gilliand, two well known young people of the Pleasant Vlew neighborhood, were united in marriage yesterday by Rev. John Calvert of the Methodist Episcopal church, the ceremony taking place at the home of the bride's parents, A. M. Leech and wife, in the presence of a few relatives and intimate friends.

and intimate friends. ALBION-After three years of no license Albion went wet yesterday by a majority of five. A hard fight was made by both factions and a full vote was polled. Boone county had but two license towns last year. but will have four this year. Albion elected Jesse Graham for mayor, Frank Roberts councliman from the First ward. W. W. Ladd of the Second and George Pettibone of the Third. BATTLE CREEK-At a meeting of the

of the Third. BATTLE CREEK-At a meeting of the school board last night the following teach-ers were elected for the coming year: Principal, J. Q. Zuck of Chappell, Neb.; assistant principal, Miss Mattie Ingoldsby;

of revenues or to "provide a criminal code." The plaintiff contended that the designa-tion of the county treasurer as city treas-urer is practically an appointment to the latter office by the legislature. This argu-ment appears to us to be far fetched. It is rather a designation of the territorial qualifications of electors who shall be en-titled to choose a city treasurer of Omaha. Similar statutes have been in force in this state from the beginning, as for example the school law, which provides that city and village treasurers shall be ex-officio treasurers of school districts composed in whole or in part of the same conteminous territory as the city or village in which they are situated. If this objection is valid it applies with at least equal force to the provisions of this and the last preceding charter of the edity of Omaha providing for the appoint-ment by the governor of a board of fire and police commissioners of that city, which perhaps might be contended by counsel to be also a subject not embraced in the title of the act. It is further contended that the act at-tempts to confer new powers and duties upon a county officer in violation of the

It is further contended that the act at-tempts to confer new powers and duties upon a county officer in violation of the principles announced in Wheeler against the State ex rel, 102 N. W. R., 773, and Haverly against the State ex rel., 63 Neb., S3. The objection applies with at least equal force to the clause just mentioned, with reference to the appointment of a board of fire and police commissioners. But in reality the principles of the decisions cited are not involved in this controversy. The court holds the contention that the The court holds the contention that the consolidation of the two treasuries leaves legal because the two defendants were de the school board without a treasury hecause the city treasurer is the ex-officio rectors. school treasurer is not well taken, but that the office is not vacated, but merely

h a change has been made in the manner of filling It. In his syllabus Commissioner Ames save

In his syllabus Commissioner Ames says: 1. It is competant to embrace in one act every detail of legislation connected with or having direct reference to the subject expressed in the title. In an act incorporated a certain class of cities and prescribing and regulating their duties, powers and government it is com-petent to enact that the treasurer of the county in which the only city of that class is situated shall be ex-officio treasurer of the city. The supreme court has decided that a witness who fails to attend before a rotary

witness who fails to attend before a notary public in ob lence to a subpoens may

county treasurer of Douglas county.

Injunction Improper Method.

Hornbeck and Joe Doe were elected school



OMAHA CHARTER IS VALID Consumption and Hemorrhages Cured

MISS MINNIE GILBOY. **Duffy's Pure Malt Whiskey**

cures coughs, colds, consumption, grip, bronchitts and pneumonis. It stimulates and enriches the blood, up the nerve tissues, tones up the heart and fortifies the system against disease germs. It prolongs i young, and the young strong. It contains no fusel oil and is the only whiskey recognized as a medicine. life, keeps the old. This is a guarantee. CAUTION-When you ask for Duffy's Pure Mait Whiskey be sure you get the genuine. Unscruppious dealers, mindful of the excellence of this preparation, will try to sell you cheap imitations and mait whiskey substi-tutes which are positively harmful. Demand "Duffy's" and be sure you get it. It is the only absolutely pure Mait Whiskey. Sold in sealed bottles only; never in bulk. Look for the trade-mark, the "Old Chemist," on the label, and be contained by the real of the real of the real of the trade-mark. the label, and he certain the seal over the cork is unbroken. All druggists and grocers, or direct, \$1.00 a hot-tle. Medical booklet and doctors' advice free to any one. Duffy Malt Whiskey Co., Rochester, New York.

vote was viva voce. They selected a treas-urer and then elected Jennie Cowgiil teacher. Two months later a half dozen citizens met and elected one Hottenstein moderator and one Fugua treasurer. The latter then brought an injunction suit to stop Jennie Cowgill from acting as teacher and the other two directors from acting in that capacity, alleging they had not been elected by ballot as provided by law. The injunction was dissolved by the district court and the supreme court affirmed that lecision and held it would not try title to office in an injunction proceeding. It held the contract made with the teacher was facto officers, if not the legally elected di-

City can Relevy Taxes.

The dismissal of the injunction suit of the S. D. Mercer company to prevent the Omaha city council from relevying a special assessment upon certain property of firmed. The court holds that the Omana charter of 1897 contains sufficient authority for the relevy of a special assessment which was attempted to be levied under a former act, but failed because of irregularity in procedure.

difference what adjoining property has fellows were about to settle a controversy

bank, but afterwards drew it out. Cohou the mud and rain for the fugitive, who was was held to answer at the present term finally discovered in a cornfield covered with mud, and brought back up town, where he was locked up and a guard stationed over the jail during the night.

Numerous threats of summary punishment were heard, but evidently when the crowd found that none of the parties assaulted had been injured dangerously they decided to allow the law to take its course. The county attorney is preparing to give the accused a preliminary hearing tomorrow, and it is thought the nature of the

injuries inflicted on Manning will cause him to receive a term in the penitentiary.

Doctors pronounced as in-

curable Miss Minnie Gilrov, of Morrison, Colo., who suffered

agonies from consumption,

hemorrhages, and severe cough-

ing spells. She wasted away

to a shadow and had given up all hope when she decided to

try Duffy's Pure Malt Whiskey.

at once and gained 15 pounds

during the first two months.

She is today happy, well and

strong, and writes the following

"I suffered for a long time with consump-

tion and had terrible attacks of coughing

and hemorrhages. I lost flesh and was all

run down. My breathing became difficult

and painful, and the doctors pronounced

Malt Whiskey and procured a bottle. I

began to improve at once and gained fif-

teen pounds the first two months, My

cough was relieved, the hemorrhages

ceased and I now feel splendid in every way. I can sleep soundly and have no

"I cannot say to much in praise of Duffy's Pure Malt Whiskey, as it has per-manently cured me after doctors' medicines

failed to do any good."--MINNIE GILROY, Morrison, Colo., November 21, 1905.

'I decided at last to try Duffy's Pura

letter of thankfulness:

me incurable.

more restless nights.

Miss Gilroy began to improve

PROSPECTING NEAR TECUMSER

Colorado Men Seek Leases Before Commencing Work.

TECUMSEH, Neb., April 5 .- (Special.)-Messrs. J. N. Maupin and W. A. Maupin, father and son, respectively, of Boulder. Colo., are in Tecumseh this week. They come here, representing Lincoln, Neb., capital, for the purpose of leasing at least 10,000 acres of land in close proximity to Tecumseh for the purpose of drilling for oil, gas, coal or any valuable deposit that may be

lize all that was happening. The affair started about 8 o'clock on the found in the earth here, and agree to go west side of the square, when two young down to a depth of 4,000 feet if it is necessary to find the deposits. These gentlemon been valued at for assessment purposes, by a resort to blows, and John Johnson. are experienced along the line indicated jr., a young man from Peoria, Ill., who is and are backed by a company which has visiting his parents here, attempted to step plenty of means. At Lincoln the machinery between them and stop the trouble. At this is being put on the grounds for work, and juncture Parker, who was looking on and the same company has been investigating evidently wanted to see a scrap, stepped the matter at Falls City, though Messra forward and struck Johnson a stunning Maupin say nothing will be done in Richblow in the face, and before anyone could ardson county at the present time. interfere was on top of the prostrate man They ask the land owners the privilege kicking and stamping him. Johnson is a of exploring conditions here, not agreeing man of light build, while his opponent is a give cental unless something is realized over six feet tall, weighs nearly 200 pounds n case of valuable finds the property ownand is of a brawny build. Another by rs will receive a royalty of 10 per cent of stander, Len Manning, in an endeavor t the output. Messrs Maupin say machinery cause Parker to desist from his attacks to cost not less than from \$10,000 to \$14,000 upon the unconscious man, was himself will be used here and will soon be on the made a victim of an assault, Parker ground in case the required number of clinching him and both rolling into the acres can be leased. They may they have affect, while the infuriated man clasped eason to believe there is mineral wealth Manning about the throat and sunk his here and are willing to stake their money eeth into his cheek, cutting the flesh on their judgment. to the bone. Assistance came, but Parker PEMBERTON FOR GRAIN CASE managed to clude the authorities and ran around the south side of the square, meet-Beatrice Lawyer Named as Referee ing Tommy James, the 15-year-old sor to Hear Testimony. of T. R. James, who was passing along (From a Staff Correspondent.) the walk. He struck the boy a brutal LINCOLN, April 5 .- (Special Telegram.)blow in the face, knocking him into the M. Pemberton of Beatrice was this street, where he lay unconscious until asnorning appointed by the supreme court sisted to the doctor's office, where he was o be the referee to hear the testimony in found to be suffering only from a badly the grain cases. Senator Pemberton is discolored eve and cuts and bruises about attending the Kansas supreme court at the face. Roy Leech, a grown man, hap-Topeka and it is not known yet whether pened to see this assault and running up he will accept. found himself in the midst of a scrap also.

trustees at a meeting of electors and the son living in Omaha, who deposited it in a | was down about the station searching in

HUMBOLDT MAN ON THE WARPATH

Runs Amuck and Knocks Down Number of Citizens. HUMBOLDT, Neb., April 5.-(Special.)-Walter Parker, who has been making his

nome with his brother, Pearl Parker of this city for a number of years, caused a great deal of excitement in the city at the plaintiff in the sewer district is af- a late hour last evening by running amuck through the streets, assaulting everyone he met and badly wounding several before he was captured. It is supposed he was under the influence of liquor, although after his capture he seemed to fully re-

Ruling On Assessment.

The supreme court has held it makes no

of the district court and bail fixed at \$1,000 which was given. In the case against Dr. James L. Gandy the motion of the defendant for a new trial was overruled, and the defendant fined the sum of \$500 and costs, amounting to about \$4,000. A motion in arrest of judgment was

also overruled and supersedeas bond fixed at \$1,000. The case will be taken for review to the supreme court.

caught fire, but was thrown out of the coach before it exploded. The explosion set fire to the car, but the fire was quickly extinguished by use of buckets and water in adjacent ditches.

The wreck was caused by spreading ralls, but the engine remained on the track and ran ahead. The engineer, on looking back and seeing the plied up coaches, was confident there were scores of injured, and without taking time to inquire rushed to Ravenna for a relief train. Four physisians from Aurora and five from Grand Island were sent to the scene and attended the few slightly injured. The conductor of the train was J. B. Austin, the engineer C E Finch. Traffic will be delayed at least twelve hours. A wrecking crew has been sent from Lincoln.

Surprise at North Platte.

NORTH PLATTE, Neb., April 5.-(Spe cial.)-The city election of North Platte, which to all appearances was being carried on quietly, came to some very decided and somewhat unanticipated results. In every instance where petition candidates ran, they were elected almost by an overwhalming majority over the republican nominees; an occurrence the like of which has never been to the time when the memory of man runneth not to the contrary, in the affairs of the thrifty metropolis of the western half of Nebraska. For, mayor there were two candidates, the republican, C. M. Newton, who was badly beaten because of the machine which supported him, and Dr. N. C. McCabe, who was elected by a majority of 177 votes. The vote on councilman in the second ward resulted in a victory for Frank petition candidate, as against Tracy; Claude Weingand, republican nomince, the vote giving Tracy a majority of 31 votes.

On the other officers elected there were no opposing candidates on the ticket and the following were elected practically unanimously: Members of school board, F. E.

Pale, Thin,

Nervous?

Then your blood must be in a very

bad condition. You certainly know

what to take, then why not take it?-

Ayer's Sarsaparilla. If you doubt,

then consult your doctor. We know

what he will say about this grand old

family medicine. Sold for 60 years.

We have no secrets! We publish

the formulas of all our medicines.

Mode by the J. C. Ayer Co., Lowell, Mass

Also Manufacturers of AYER'S HAIR VIGOR-For the hair. AYER'S FILLS-For constipation. AYER'S CHERRY PSCTORAL-For coughs. AYER'S AGUE CURE-For malaria and ague.

below the

which were planted in the Beaver river. HUMBOLDT--Claude Williamson of Ful-lerton, Neb., and Miss Ida Kelley of this county, were married yesterday at the Christian parsonage by Rev. Bert Wilson. ALBION-Frank Mathews, a member of the senior class of the high school of this place, was awarded second honors last night in the oratorical contest held at Nor-GENEVA-The Equal Suffrage club gave

its annual election supper last night, and although rain fell during the evening it had a good crowd and was a success financhally. ALBION-Rain fell during most of the night, after which there was a slight freeze, but all indications of further rain have passed and the sun is shining brightly this

REPUBLICAN-Republican City was

voted dry at our election; all anti-saloon men elected. Peter Rolland, D. K. Williams and C. W. Whitney were elected by a large TEKAMAH-Grand Custodian Robert E. French spent a few hours here today with Grand Master Hopewell. Mr. French is on his way to Decatur, where he will hold a three days' school of instruction.

NORTH PLATTE-Loren Sturges of this city has purchased an automobile to use in carrying the mail on the rural route. The machine is of sufficient power to carry Mr. Sturges and the mail on the route each day and will no doubt prove more speedy than the old system. interest

than the old system. SCHUYLER-Judge Hollenbeck came here Wednesday and took up the equity docket of the February term of court. The first case was the Balaban divorce case and attracted many people. The next case will be the injunction of Godensch-wager against Bingbarn.

CEDAR RAPIDS-At the election here yesterday the question of license or no li-cense was submitted to a vote of the peo-ple. License carried by a majority of 13. Dr. M. Hasle and W. H. Baker were elected members of the village board for the coming year.

The coming year. BLAIR-Barnes Bros. of Des Mornes, Ia., railroad grading contractors who have been wintering at Bancroft since their work with the Great Northern was com-pleted, arrived in Blair tonight on their way to Omaha to commence work with the

arammar, Miss Gertrude Wade; second intermediate, Miss Elicen Curas; first inter-mediate, Miss Mollie Taylor; primary, Miss Elizabeth Zimmerman. All but the princi-pal are home teachers. punished as for a contempt, but the punishment cannot exceed a fine of \$50 and the notary is not authorized by a statute to commit the witness to a county jail.

pal are home teachers. NORTH PLATTE—At a recent meeting of the representatives of the west Nebraska educational district it was decided to hold another declamatory contest in this dis-trict soon. The contest held in this city last Friday evening had no contestants in the humorous class and the purpose of the new contest will be to procure a represent-ative for the state contest in that class. This contest will be held at Ogaliala. SHELTON—The village classion

This contest will be held at Ogallala. SHELTON—The village election passed off very quietly here Tuesday, only 121 votes being cast out of more than 200 in the limits. As there was but one ticket in the field this accounts in a measure for the lack of interest. The new board of trustees will be composed of J. P. Smith, E. Oliver, Charles Tritt and W. C. Bentley. The vote on license was 30 for and 35 against, which will pobably be the renewal of licenses for three saloons. VALLEY—Ora Deemer died of pneumonia at Cripple Creek, Colo. Last week. The

VALLEY-Ora Deemer died of pneumonia at Cripple Creek, Colo., last week. The funeral services were held in the Valley opera house, conducted by the Masonic lodge, of which he was an active member. He leaves a wife, daughter of J. J. Miller of Valley, and two children. For years he was an employe of the Union Pacific Railroad company, but for the last few months had given his attention to a mine at Cripple Creek, in which he held a large at Cripple Creek, in which he held a large

months had given his attention to a mine at Crippie Creek, in which he held a large interest. NORTH PLATTE-Agents representing the Burlington railroad have started in north of Paxton to buy rights of way for their new road up the valley. It is reported that they are making a clean sweep as far as they go in securing the land for the right-of-way. Some of the land crossed is practically given to the new road and other land brings as high as \$40 an acre. There seems to be no doubt but that the E & M. will build up the North Platte valley, and that as rapidly as possible. GRAND ISLAND-No issues were in-voived in the municipal school election of Tuesday and the lightest vote cast in years was the result. There was no opposition to three candidates for the school board, nor did any of the four counclimen have opposition. The only contest was on water commissioner, R. O. Watters, the present incumbent, and Charles Wasmer being the main opponents, a third candidate receiving a very small vote. Mr. Watters was elected by a majority of 129 out of a total of less than 709 votes. GRAND ISLAND-The city will, on April II, receive sealed bids for the issue of \$35,000 municipal lighting bonds bearing 44 per cent interest, the proposition also being open for bids on 4 per cent bonds, at which rate the city, with the second low-est bonds is said to be perfect, having the at-tention of two atterneys, step by step, and the mamer in which they carried by a vote do file to day to be perfect, having the at-tention of two atterneys, step by step, and the mamer in which they carried by a vote of file to the state, was able to refund its other bonds recently. The history of these bonds is said to be perfect, having the at-tention of two atterneys, step by step, and the mamer in which they carried by a vote of file to the state, was able to be strongly in their favor.

JOE'S LUCK Drew a Prize in Matrimonial Lottery.

preme court.

"Before we were married my husband was a coffee drinker and subject to severe attacks of sick headache, which interfered factory." writes a young Massachusettes matron.

" I had made up my mind that Coffee was at least partly to blame, and that I could cure him after marriage by the use of Postum Food Coffee.

"When I told my younger sister about it, she laughed and said: "Just wait and see After you are married you'll find out that Joe will have his coffee anyway."

"I proceeded gradually, first eliminating by degrees the pastry and sweets from the daily menu, and as his meals were always served daintily and appetizing he began to have faith in his wife's ability as a cook. 'Meantime his headaches became less frequent, but did not cease altogether.

in their favor. FREMONT-A plainly dressed German woman, rather past middle age, made some-what of a sensation here yester may by announcing herself as the widow of Au-gust Fuchs, former manager of the Con-unuous Brick Kiln company and an old resident of this vicinity. She claimed they were married in Germany and that he left her in Denver, Colo., many years ago. An examination of the court records effectually punctured the claim, as they showed that Fuchs had obtained a divorce from his first wife for a very aufficient cause something like twenty years before he married the one who survived him. NORTH PLATTE-The gross receipts of When the time was ripe and I proposed to use Postum Food Coffee he consented upon the promise that he should have the old kind of coffee at his Sunday breakfast. He grew fond of the new food drink, however, and noted that after drinking the old coffee on Sundays he suf-

fered from unsteady nerves and a dull heavy feeling that he never had on the days when he drank Postum. The result was that at last he said: 'I would rather have the Postum Food Coffee Sunday morning, too, if you don't mind, my dear. The old kind makes me feel like a fool

all day.' You may imagine how ready I was to fall in with this suggestion. old kind of coffee has been banished from our table for more than two years now Joe's beadaches are only a memory and he always has steady nerves and a clear brain to meet the exacting demands of his business. On hot summer days he relishes a glass of clear, cold Postum with a squeeze of lemon, at noon, finding it most refreahing

"In the winter I make up a pot of Postum Coffee in the evening, boiling it fifteen minutes, and let it set on the back of the range till morning, when it is heated and ready to serve in a few minutes." Name given by Rostum Co., Battle Creek. Mich

There's a reason.

when a party appealing from the decision of the County Board of Equalization proves his property has been assessed at a figure in excess of its true value.

This is held in the case wherein Jennie Last of Biennial Election Law, E. Brown of Lincoln appealed from the The last of the biennial election laws. assessment of her property by the county assed by the legislature of 1905, an act deassessor. The assessor valued the property fining the terms of office of county com at \$31,850; this valuation was reduced by missioners has been declared invalid by the County board to \$25,000 while the disthe supreme court. The judgment of the trict court valued the property at \$30,000, district court of Douglas county is affirmed in the case of William G. Ure and Emmel the sum the plaintiff claimed it Willi worth, and which she proved was the cor-G. Solomon against the county clerk and rect value of the property.

The supreme court today granted a writ In reversing the judgment of the distric of mandamus to the city of Red Cloud to court of Douglas county with directions compel the auditor to register a series of to dismiss plaintiff's petition in the case of lectric light bonds to the amount of \$5,000. the United States Fidelity and Guaranty The county of Lancaster has again won company against Henry Rieck the court in the supreme court its suit for money holds that a surety on a waste bond given which was paid to the state after the fail- badly, and also biting the latter's thumb to supersede an order of confirmation of ure of the Capital National bank. This sale in a foreclosure proceedings is not money had been collected by the county liable to the mortgagee nor to the purand deposited in this bank. Some of the chaser at these sales, for the taxes as money belonged to the state and the county sessed against the property pending the treasurer paid to the state that amount final confirmation of the sale in the suwhich it lost in the bank. The county held the treasurer had no right to pay out this money and suit was brought. To this suit

the state filed a demurrer. The court holds The supreme court has refused now to try the loss must fall upon the state and that title to an office by injunction proceedings the county has the right to recover the The case came up from Phelps county, where they are having all manner of amount paid in. trouble over the office of treasurer and

Harrowing Tale in Court.

moderator of school district No. 77. Frank In the divorce court of Judge Frost Mrs. Valetta A. Gribbin told a story today which rivals the most soul stirring efforts of the yellow-back novelists. She told the tale under oath and solemnly averred that it

was true in every detail. She was formerly the wife of J. W. Hardcastle, a United States customs officer in New York. They were married at Orange, N. J., and afterward went to Capetown, South Africa. In with his duties as superintendent of a large the latter place her husband died. While she was suffering from the delirium of fever she was married to Gribbin. She charges him with being a thief and a

scoundrel and a companion of murderers After indescribable sufferings, her husband being sentenced to prison, she made her way to America and finally came to Lin-She wishes a divorce and the custody of her son.

Minor Matters at Capital.

Fire this afternoon caught in the Curtis & Bartlett factory at Sixth and K streets, Prompt work by the fire department stopped the flames and kept the loss between \$3,000 and \$7,000. How the fire originated is a mystery.

Chief of Police Cooper this afternoon received a telegram from Ravenna stating that his brother-in-law, Abe Hill, was dead. Hill was a pioneer Nebraska settler and served in General Thayer's regiment during the civil war.

Students of the State university are in favor of appointing an investigating committee to investigate grafting among the various societies. The agitators favor investigation of the finances of all class affairs. It is asserted that money has been diverted from the proper funds and used by students.

District Court at Auburn.

AUBURN, Neb., April 5.- (Special.)-The district court has been in session the last two days, with Judge John B. Raper of Pawnee on the bench. He sat as an examining magistrate in the case against J. P. oe, charged with stealing \$1,000 in gold. It developed that Cohoe was living in the house of Joseph Ulbrich, who is confined in the asylum at Lincoln, and on or about October 12 he found buried in the ground in a woodshed \$1,000 n gold and some currency. He took this money and went to Nebraaka City and engaged in a poker game and lost part of it. He then went to Omaha and lost several hundred dollars in gaming. He also spent part of his find on a drunken spree and turned \$300 over to his

A number of blows were exchanged, but Criminal Cases at Beatrice. neither party received much injury, al-BEATRICE, Neb., April 5 .-- (Special.)though Leech was unable to detain the harged with selling liquor without license, scrapper. About this time Marshal Gra-Scott Conners of Courtland was held to the ham appeared and took charge of Parker, next term of federal court by United States who was apparently going without resist-Commissioner Cobbey today. He gave ance to the lockup, when he bolted and bond in the sum of \$300 and was released. ran down the street towards the depot. Charles Bland, who was lodged in jail

stopping at the street corner long enough several days ago charged with assaulting to knock August Mitchell, a young clerk his wife with intent to do great bodily inwho was standing in the doorway, down jury, was released today on bond of \$1,000. the steps and into the street by a body furnished by A. Q. Smith, a relative. His blow. Within a few minutes a large crowd preliminary is set for April 10.

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