\$500.00 DOWN

Balance practically like rent, buys choice brand new, modern cottage, thoroughly built, splendidly arranged inside; large attic; nice hasement; good sized lot; cement walks; surrounded by nice homes; convenient to car. Price \$2,700.00. Located at 1707 Laird St. See owner on premises or call Webster 1841. (19)—M478

KEEP YOUR CASH

You don't need it for these bargains. Neat 5-room cottage, best condition, partly mod. full lot, near 28th and Dodge; only \$2.150; \$78 cash; balance same as rent.

Also a similar proposition on 24th St., near Leavenworth, \$1,850.
Good 7-room modern house and lot 50x127 fronting on paved street, near 22d and Maple; a bargain at \$2.600; very easy terms.

terms.
Attractive 6-room cottage and lot 44x130, large barn, fruit, etc., near 22d and Meredith Ave., for \$1.950; rental terms.
Very desirable 5-room, modern residence, full lot, large shade trees, concrete walks; a choice home place in best location; near 53d and Davenport. Offered at \$3.750 for quick sale; small cash payment; balance same as rent.
Attractive 6-room cottage, entirely modern; new hot water heating plant; choice ern; new hot water heating plant; choice

ern; new hot water heating plant; choice lot; permanent walks; paved street; large shade trees, etc.; best location; close in; near 25th and Davenport; only \$3,750 for quick sale, Easy terms.

FOR EXCHANGE-72 lots, Belvidere Addition. Rapid City. 5 acres. St. Petersburg, Fila.; 2 lots, Fowler Place, South Omaha. 8 lots. Pullman Place, South Omaha. 80 ocres. McPherson county, Neb. R. R. Contract. Owner 409 Paxton Bik All clear. Want acreage. Will assume.

COME TO BENSON afternoon or tomorrow, 23 good lets city water, \$200-\$225. Nicely located NEW STRICTLY MODERN

7-room, bungalow style, cak floors, furnace, electric lights, near car, with walks all in. \$500 cash, balance monthly.

F. S. TRULLINGER,

Tel. Benson 122.

115 S. Halcyon Ave. (19)—M325

FOR SALE—Money making Alberta horse ranch, sickness cause; part cash, big

JUST A SUGGESTION

We don't want to take you out of maha. We do want to give you an opity to make some good money to in Omaha. Nowata county (Okla-land, \$10 to \$35 per acre, will do it. forget that Nowata county has Don't forget that Nowata county has
4,500 flowing oil wells. Natural gas is
sold at 2c per 1,000 cubic feet. You may
get an oil or gas well, or both.
NOWATA LAND AND LOT CO.,
Suite: 624 N. Y. Life Efdg.
Phone, Red 1999. Omaha, Neb.
(19)—M256 6

Four acres adjoining South Omaha Country Club, \$1,000. One and one-half acres with 3-room house. RUSSELL & McKITRICK CO., 432 Ramge Bidg. 15th and Harney. (19)-457 4

ern house; new furnace and plumbing; lot \$2x130; large shade and fruit trees; nice lawn, with thirty feet parking in front; beautiful view. Price, \$3,400. Phone Webster 2708.

\$2,000 Cash

Balance same as rent, 43d and Charles Sts., 7 reoms, modern; hardwood finish throughout; furnace heat; full cemented basement; close to parochial, public schools and churches; one block to car. Price \$4.000.

WALKUP Real Estate Company,

877 Brandeis Bldg. 'Phone Douglas 2888. (19)-507 4

POPPLETON PARK ADDITION SOUTH FRONT CORNER LOT

PAVED STREET, \$800. Just listed with us at a low price for quick sale. A fine lot in a very rapidly developing neighborhood. Will he worth \$1,500 in two years. If you want this lot. buy it today. HASTINGS & HEYDEN, 1614 Harney St. (19)-480 4

Benson, \$1,500. VERY CHEAP. VERY CHEAP.
648 acres, Keith county, \$6 per acre.
649 acres, McPherson county, \$5 per acre.
Five acres near Krug Park, \$2,500.
One share Reduncion Plantation stock \$500.
Owner, 409 Paxton Blk.
'Phones Douglas 1196, A-2198.
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LIST your property with Chris Boyer, 22d and Cuming Sts. (19)-508

A SNAP IN LOTS GRAND AVENUE BETWEEN 36TH and 37TH \$400 EACH.

We have just listed two lots fronting south on Grand avenus that are very fine lying lots; have city water and brick sidewalks; they are only \$400 each and can be sold separately. Act quickly if you want one of these.

HASTINGS & HEYDEN, 1614 Harney St. (19)-500 4

POR SALE-Extra good section 33-17-35, McPherson county, \$5 per acre. Owner 409 Paxton Blk. (19)-M537 6

Make an Offer On southeast corner 29th and Grant Sis., 80x121 ft., permanent walks, sewer, city water; one block from Dodge St. car line.

Harrison & Morton,

918 N. Y. Life Bidg. Both Phones.

IF YOU HAVE city property. farms, ranch lands or merchandise to sell or trade, list them with me. It costs you nothing unless I effect a sale. W. W. Mitchell, 333 Board of Trade Bldg. (19)—810

POR SALE-Section 13-16-36, Keith county best land in northern Keith, & valley, all smooth, covered with grass, sandy loam, 15 miles north of Paxton, \$6 per acre. R. R. Contract, \$1,380 back, baiance cash. Agents note numbers. Address owner, 409 Paxton Blk. (19)—M556 6

WEST FARNAM HOME \$7,500 for 2-room 2-story frame house, with finished at-

frame house, with finished attic, strictly modern, quartersawed oak floors and, finish
first floor, pine finish second
floor, full basement, with furnace room, storage room and
laundry, beautiful laying lot,
with shade trees and fruit,
fronting east on 37th St., near
Farnam St. This is one of the
cheapest buys in the West
Farnam district.
For further information call
on or address
GEORGE & CO. 1661 Farnam St.

(Continued.)

WEST FARNAM HOME

room and reception hall finished in oak on first floor, 4 rooms and bath on 2d floor, finished in hard pine, combination fixtures, mantel and fireplace, full ce-ment basement, laundry, vegetable cel-iar, good furnace, cedar closet, cement sidewalks, paved streets; corner lot 80x 134 feet. Price, \$8,500.

P. O. NEILSEN & CO., 763 N. Y. L. Bldg. Both 'Phones. (19)-462 4

Call Webster 1841. (19)—M478

BOULEVARD HOUSE, 2348 North 19th St., 9 rooms, modern, only \$2.500. Thomas Brennan, Room I New York Life Hidg. (19)—809

(19)—402 4

6-ROOM HOUSE, 2862 S. 20TH AVE. We want to sell real badly; make offer. NOWATA LAND AND LOT CO., Suite; 424 N. Y. Life Bidg. Phone Red 1959. (19)—M337 5

To start on for a new home in the finest residence tract anywhere to be found at these prices—\$400 to \$575—for the lots, and neat houses from \$1,100 up. These lots are situated just two blocks south of Military avenue, on Lynn Ave.; are all high and sightly; practically level. \$10 cash and \$5 per month buys a lot, and we can build for you whenever you are ready. See us today, or phone Douglas \$57, and we'll show these lots at your convenience.

RUSSELL & McKITRICK CO. 432 Ramge Bidg. 15th and Harney Sts. (19)—458 4

TWO CHOICE HOMES NEAR FIELD CLUB.

14,500 each for 2 new strictly modern, up-to-date, 5-room houses, mission finish, located at the N. W. corner of 36th and Marcy Sts., very attractive and desirable, ready to move into immediately, keys at our office. Reasonable

GEORGE & CO., 1601 Farnam St.

REAL ESTATE FARM AND RANCH LAND FOR SALE

LAND for sale in Colorado within 6 miles of Julesburg, nice prairie, \$10 per acre; 54 down, balance 5 years' time. Address Thomas Cochrane, Lincoln, Neb.

ranch; sickness cause; part cash; big opportunity. M. J. Whitcomb, Markesville, Alberta. (20)-312 10x

FOR SALE-67 acres of land, 2 miles south-east of Couscil Bluffs. Telephone 9981-K. (20)-M345 14x

Nebraska.

SPECIAL RANCH BARGAIN Phone, Red 1999.

Omaha, Neb. (19)—M256 6

I NEED MONEY. FOR SALE.

S-room, new modern house, Yates district, \$5,900.

Eight good lots, South Omaha, Pullman Place, \$1,600.

Six lots near Cudahy plant. South Omaha, \$200.

Six lots near Krug Park, facing paved road, \$300.

Four acres adjoining South Omaha Country

SPEUIAL RANCH BARGAIN

1.600 acres joining Nebraska county seat town, on main line railroad. This is farm, hay and pasture land; cuts farm, loss they large, well built hay barn for 1.000 tons; good horse barn, residence and other outbuildings; wells, windmill, etc. "all fenced and cross-fenced. Price for ten days, \$20 an acre. You can sell half of it and get your money back inside of thirty days and have the balance clear. It will require about one-half cash, balance time. Don't wait until the other fellow gets this and then kick yourself for being so slow. Wire, write, 'phone or call on me.

W. W. MITCHELL, Board of Trade Bldg., Omaha, Neb. (20)-506 4

BIG SNAP FOR SALE. Fine improved farm, 160, in central Ne-braska; all in cultivation but few acres; 25 acres alfalfa; handy to town and school; price \$75 acre, good terms; one of the best in the state. Address the owner, Y 76, care Omaha Bee. (20)—M682 J5x

SEND for long list; farms \$6 to \$100 per acra, BEMIS, Brandels Bldg.

NINE HUNDRED acres smooth timber land, grass openings, in eastern Oklahoma. Close to town and railroad. Clear. Want merchandise or income property. R. Gregory, owner, Hamburg. Ia. (29)—M206 5x

Parties coming to Oregon might get some information that will be a help to them intermation that will be a help to them in selecting a home. Thirty years of continual residence in the Willamette valley might enable us, to give you some information that would save you some money. Direct your letters to Everett & McCleod, Room 206, Rothchild Bldg., Portland, Ore. (20)—Mi95 Jel0

GOOD LAND CHEAP.
640 acres in Nebraska, \$3.25 per acre. \$80
cash, balance in eight years, \$160 eaco
year, low rate of interest. P. O. Box 40
Omaha. (20)—M:02 5x

OKLAHOMA

OKLAHOMA

483-320 acres of upland prairle, black sandy soli near Caney, Kan., price \$20 per acre. 487-700 acres of agricultural land in one body; some is leased for oil and gas and some is not; located 9 miles southwest of Nowata; price \$22 per acre. 479-230 acres of extra good farm land, located near Wann, Okl.; 200 acres of this is as rich as you will find, 30 acres has some draws in it; land raised 60 bu, of corn and oats to the acre; 70 acres is leased for oil and gas and is paying \$1 per acre advanced royalty; big bargain at \$20 per acre.

489-1.040 acres of rich valley land, all smooth and part of same is in a high state of cultivation; this land is located within three miles of Watova, Okl., and six miles from Nowata, Okl.; \$00 acres of it is practically in one body, and 240 acres is located three miles south; the land is well worth \$25 per acre; an exceptionally good bargain at \$20 per acre.

We have land in Nowata Co, in any size tract you may desire from 5 acres up at prices ranging from \$10 to \$25 per acre. There are 4.500 flowing oil wells in Nowata Co. Natural gas is soid at 20 per 1,000 cubic feet. You might get an oil well with your land.

Average rainfail in Nowata county, \$5 inches per annum; average from March 1 to October 1, 24 inches and distributed

Average rainfall in Nowata county, 36 inches per annum; average from March 1 to October 1. 24 inches and distributed just as needed.

Good water is found from 20 to 40 feet. Find Nowata county on your map.

The Oklahoma & Cherokee Central R. R. east and west through this county is a certainty. Land will probably double in value within two years. You can't afford to miss this opportunity. Ask Mo. Pac. ticket agent about low rates to Nowata. Come in and see us or write.

NOWATA LAND AND LOT CO., Suite 524 N. Y. Life Bidg.

'Phone Red 1999. Omaha, Neb. Open evenings. (20)—M540 8

OKLAHOMA

ORIGINAL ALLOTMENT MAP
Showing each Indian allotment in Cherokee
strip. It is a curiosity. Come in and see
it. We will explain why this land is so chean.
NOWATA LAND AND LOT CO...
NOWATA LAND AND LOT CO...
Suite 624 N. Y. Life. 'Phone Red 1988.
(80)—M541 8

PINE farm lands in Hand and adjoining counties. South Dakota. Hustling agents wanted Jay P. Morrill, 612 Palace Bidg., Minneapolls, Minn. (20)—M747 Ji5x FOR SALE—480 acres of improved land 5½ miles from town in Baadle county, South Dakota. O. E. Wright, Hitchcock, S. D. (20)—M441 9x

189 ACRES, Hand Co., So. Dakota, near Miller: \$14.59 per acre. J. G. Bons, owner, 312 Shugart Block, Council Bluffs, Ia. 'Phone Bell 802-814. (20)—M442 7x

FOR SALE-60,000 acros best wheat and flax land in the northwest; for further information call or write John J. Doyle, Wishek, N. D. (20)-M619 Jiks WHEN you write to advertisers, remem-

PARM AND RANCH LAND FOR SALBPARM AND RANCH LAND FOR SALB

Snake River Valley-Twin Falls Country IDAHO IRRIGATION COMPANY'S PROJECT.

> Engineering and Construction Work by J. G. White & Company, Incorporated.

50,000 Acres Will Be Opened by Drawing Under the Supervision of the Idaho State Land Board.

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Registration Will Open June 1st. Closes June 7, 1909

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Mgr. Land Sales Dept.

BUY cheap Texas land, \$1 to \$3 per acre, balance forty years 'time, 3 per cent in-terest. The last cheap land in the southwest. Send us your name today. Texa Development Publishing Co., Houston Tex. (20)-M649 Je7x

Wyoming.

10,000 Acres of Land

Now Open to Entry under the Carey Act at Wheatland, Wyo

Write us for full information, how to get some of these lands. We will locate you and look after your interests care-fully. This is a spiendid section, the soil fully. This is a spiendid section, the soil is rich; it is a great alfaifs, wheat, oats, barley, sugar beet and potato country. Fruit does well. The land is ready to plow. Building materials are cheap, fuel is abundant. We have railroad, school and church facilities and the best of neighbors. This a dairy country. You can get rich farming here. We want you to have our full descriptive illustrated circular at once, free for the asking. Write, we want to hear from you. Inquire of J. R. Mason, Immigration Agt., Wheatland Wyo. (20)

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\$100 TO \$10,000 made promptly. F. D. Wead Wead Bldg., 18th and Farnam. (22)—815 PRIVATE money to loan. J. H. Sherwood, 616 Brandels Bldg. (22)-816 PAYNE, BOSTWICK & CO., N. Y. Life. Private money, \$500 to \$5,000; low rate.

\$500 TO \$200,000 on improved property; no delay. GARVIN BROS., 1804 Farnam St.

MONEY TO BUILD. \$500 to \$206,000 at current rates. THOMAS, 503 First Nat'l Bank Bidg. (22)—819 LOWEST RATES-Bemis, Brandels Bldg. \$500 TO \$5,000 on homes in Omaha. O'Keefe Real Estate Co., 1001 N. Y. Life. Doug or A-2152 (22)—821

WANTED-City loans. Peters Trust Co. WANTED-City loans and warrants. W Farnam Smith & Co., 1320 Farnam St. (22)-823

SECOND MORTGAGE loans negotiated Apply Rooms 417-18 First Nat'l Bank Bidg. Bell Phone Douglas 2218. (22)-824 MONEY TO LOAN-Payne Invesment Co

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FIVE PER CENT MONEY to loan on Omaha Business Property. THOMAS BRENNAN. Room 1, New York Life Bldg.

REAL ESTATE WANTED WE HAVE BUYERS for a 5-room house, 6-room house and a couple of vacant lots.
NOWATA LAND AND LOT COMPANY,
Suite 624 N. Y. Life Bidg., Omaha.
Phone Red 1999. Open Evenings.

WHEN writing to advertisers, kindly men-

STOVE REPAIRS

NEW furnaces; hot water and hot air com bination heating, 2 and 4-hole laundry hot water heaters, mantle grates, gas stoves repaired, water fronts and flower vases. Omaha Stove Repair Works, 1206-1206 Douglas St. Phones Ind. A-3621, Bell Douglas 960.

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You Know how bad you need a

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how bad we want to sell BUGGIES, Wagons or Harness YOU'RE WELCOME.

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Charles H. Isard and wife to Thomas
W. Hazen, s80 feet lots 1 and 2,
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John C. Cowin to Lenora H. Reynoida, lots 30 and 32, Niel's add.
W. S. Frank to W. E. Efner, lot 2,
block 3, Omaha View.
W. A. Redick et al, to Frank L. MeCoy, lots 1 and 3, block 122, Florence.

Coy, lots 1 and 3, block 122, Florence
Nebraska National bank to O. C. Redick, lots 9, 10, block 15, West End
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J. J. Anderson and wife to C. N. Bull, w1, nel 27-15-11 (80 acres).
A. S. Rockwell and wife to C. P. Traver, lot 6, Fairmount Place.
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E. F. Bratley, sheriff, to Ellery R. Hume, lots 1 to 5, block 8, Carthage
R. R. Krebs to Nellie M. Garland, Krebs to Nellie M. Garland,

Florence Charles Doll to Louis Doll, 850 acres of seld 22-15-12 of self 22-15-12 Bridget Higgins and husband to Ed

Bridget Higgins and husband to Edward Linowski, sig lot 10, block 357, South Omaha
George Parks and wife to Charles C. Sorenson, lot 7, block 1, Hoctor Terrace
Alonzo O. Tukey and wife to J. Slosburg, sr., lot 3, Tukey's replat. Ida A. Jones and wife to same, same Sylvia Kiser to M. J. Salvito, sig lot 17, block 3, Plainview.
M. J. Salvito to Sylvia Kiser, same. Florena Faris to J. H. Faris, lots 3, 4, 7, 8, block 222, Florence.
H. M. Soennichsen et al. to Frank Hubatka, lot 8, block 4, Mayne's. Katherine Allen and husband to Katerina Veicehovsky, eig lot 2, block 6. Improvement assn. add.
C. P. Traver to Edna F. Rockwell, part lots 4 and 5, block 1, Summit Place. 12. block C. Prospect Place.

Cara E. Curtis et al. to Charles
Loftman, lot 8, block 1, Curtis &
Stone's add

George W. Holbrock and wife to C.

F. Knaack and wife, lots 1 to 12, block 5, Saunders & Himebaugh's...

hand and the seal of the letton, J.

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St. Paul-Minseapolis.... 8:30 pm 8:15 am St. Paul-Minseapolis.... 7:20 am 8:20 pm Chicago Limited 6:10 pm 6:15 am

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SUPREME COURT SYLLABI

Advance Thresher Company against Appeal from Cedar. Affirmed. 1. A contract prepared by a vendor for

his own protection will be construed most strongly against such vendor.

2. The fact that notice of failure of a machine to fulfill the requirements of a printed warranty is not given in the manner provided by the contract, is no defense against an slieged breach of warranty where the vendor under such notice as it. where the vendor under such notice as is given him by the vendee undertakes to remedy the defects complained of by the

where there is sufficient evidence to support it.

Hair against Chicago, Burlington & Quincy Railroad company. Appeal from Lancaster. Affirmed Root, J.

I. A railway company the maintains its station in a public highway in the center of its switch yards and for years has permitted the public to use said yards as a footway, is bound to exercise reasonable care to avoid injuries to persons who are known or reasonably may be expected to own or reasonably may be expected to within those yards in the vicinity of said station. 2. Questions of negligence and contribu

tory negligence, where the facts are such that, from them different minds may rea-sonably draw diverse conclusions, are for sonably draw diverse conclusions, are for the jury, and not the court to determine. 3. If a trial court fairly instructs the jury concerning the law of a case, its judgment will not be reversed because of some slight ambiguity in the instructions, nor because they might lawfully have been stated more favorably to defendant. Chapman against Meyers. Appeal from Otoe. Reversed and remanded. Barnes, J. 1. In an action to recover money sileged 1. In an action to recover money alleged

to have been obtained by misrepresenta-tions, fraud, duress and decelt, the petition must set forth the facts showing such fraud, and a mere allegation of fraud or misrepresentation is not sufficient. 2. Evidence examined, its substance set forth in the opinion, and held not sufficient sustain the judgment of the district

mber 31, 1908:

2. A court will not lend its aid to one who founds his cause of action upon an immoral or illegal transaction.

Nebraska Bitulithic Company against City of Omaha. Appeal from Douglas.

Affirmed. Barnes, J. 1. A municipal corporation, by contract, obtained the use of an asphalt plant for the purpose of repairing its paved streets. In making the contract the provisions of the city charter were not compiled with, and the contract was therefore void. Held, notwithstanding that fact, that the city was liable for the value of the plant while

making such repairs.
2. Evidence examined, and found sufficient to sustain the judgment of the dis-- 18,693,690.14 trict court.
Nebraska Plumbing Supply Company seal of the against Payne. Appeal, Douglas. Affirmed. 1. In an action to recover the contra

1. In an action to recover the contract price of a steam heating plant where the defense is that the apparatus is worthless and not according to contract, hessay testimony of an opinion expressed by a workman on the job, after the completion of the plant and its surrender to the defendant; held, to be inadmissible.

2 In such an action the rule as to substantial performance applies, and the instruction set forth in the opinion is a correct statement of the law.

Nimic against Security Mutual Hall Insurance Company, Appeal, Boyd. Reversed and remanded. Root, J.

1. A bylaw of a mutual hall insurance

St. Paul-Minneapolis... 8:30 pm 8:15 am St. Paul-Minneapolis... 7:20 am 8:20 pm Chicago Limited 5:10 pm 8:15 am Wahaah—

St. Louis Express... a 6:30 pm a 9:25 am St. Louis Local (from Council Bluffs) ... a 8:00 am all:15 pm Stanberry Local (from Council Bluffs) ... a 8:00 am all:15 pm Stanberry Local (from Council Bluffs) ... b 5:20 pm bio:15 am Chicago, Milwankee & St. Pani.

Chicago & Cole. Spec... 7:12 am all:30 pm Cal. & Ore Express... a 6:00 pm a 3:25 pm Cal. & Ore Express... a 6:00 pm a 3:25 pm Cal. & Ore Express... a 6:00 pm a 3:25 pm Cal. & Ore Express... a 6:00 pm a 3:25 pm Cal. & Ore Express... a 6:00 pm a 3:25 pm Cal. & Ore Express... a 6:00 pm a 3:25 pm Cal. & Ore Express... a 6:00 pm a 3:25 pm Cal. & Ore Express... a 6:00 pm a 3:25 pm Cal. & Ore Express... a 6:00 pm a 3:25 pm Cal. & Ore Express... a 6:00 pm a 3:25 pm Cal. & Ore Express... a 6:00 pm a 3:25 pm Cal. & Ore Express... a 6:00 pm a 3:25 pm Cal. & Ore Express... a 6:00 pm a 3:25 pm Cal. & Ore Express... a 6:00 pm a 5:10 pm Cal. & Ore Express... a 6:00 pm a 5:10 pm Cal. & Ore Express... a 6:00 pm a 5:10 pm Cal. & Ore Express... a 6:00 pm a 5:10 pm Cal. & Ore Express... a 6:00 pm a 6:10 pm Cal. & Ore Express... a 6:00 pm a 6:10 pm Cal. & Ore Express... a 6:00 pm a 6:10 pm Cal. & Ore Express... a 6:00 pm a 6:10 pm Cal. & Ore Express... a 6:00 pm a 6:10 pm Cal. & Ore Express... a 6:00 pm a 6:10 pm Cal. & Ore Express... a 6:00 pm a 6:10 pm Cal. & Ore Express... a 6:00 pm a 6:10 pm Cal. & Ore Express... a 6:00 pm a 6:10 pm a 6:10

the same in violation of law, liquors of the value of about \$2,000 were seized, some of which were in barrels and some in smaller vessels down to half pint bottles, there being 141 of such bottles. The jury found vessels down to half pint bottles, there being lit of such bottles. The jury found defendant guilty as he was charged in the second count in the information 'except as to the bulk liquors.' The court ordered that the liquor in the half pint bottles and sode fountain bottles stamped 'Don't Care,' should be destroyed and the remainder in pint and quart bottles and in larger vessels should be returned to the owner, the proof as to all the liquor kept in the smaller vessels being the same. Held, that the arror, if any, was without prejudice to defendant and the judgment should be affirmed.

5. On the trial, the defense sought to prove that the liquors contained in the barrels and larger receptacles were kept for purposes of manufacture and not for sale, but no syidence of the kind was oftered as to the liquors in the small vessels and bottles. Held, that, as aided by the legal presumption contained in the statute this was sufficient to sustain a verdict of suity.

6. The criminal presecution was inside.

In was sufficient to sustain a verdict of suitty.

6. The criminal prosecution was instituted against R. The proof showed that the business and stock belonged to the R. pharmacy company of which R. was the principal and majority stockholder, president and general manager, and that he had charge of the business both in buying and selling, the remainder of the common stock being held by his wife and her sister. Held, that the prosecution against him could be maintained and that there was no fatal variance between the allegations and the proofs.

Wilkins against Wilkins. Appeal from Johnson. Judgment of district court modified and affirmed. Calkins, C. Commissioner's opinion.

sioner's opinion.

1. Where a wife brings a sult for divorce on the ground of cruelty, and such suit is finally determined against her on the merits, she cannot afterwards, in & suit for divorce brought by her husband charging her with desertion, plead the facts upon which she depended to estab-lish the charge of cruelty as an excuse for

given him by the vendee undertakes to remedy the defects complained of by the latter.

2. Where a contract for the sale of machinery provides that a retention of such machinery by the vendee beyond a given period will operate as a waiver of defects therein; held, to be inapplicable where the vendor induced the vendee to retain the machinery under a promise that the defects would be remedied.

4. The verdict of a jury rendered uring conflicting evidence will not be disturbed where there is sufficient evidence to support it.

will not be reviewed where it does not appear that the wife has been hampered in making her defense, or is financially unable to pay expenses necessarily in curred. William Krotter & Co. sgainst Norton.
Appeal from Holt. Reversed and remanded Epperson C.

1. The service of a summons upon a

wife at her home is personal service, if the copy intended for her is actually delivered to her husband for her, in her presence. and at the same time is read to her by the officer, and she understands that the copy was intended for her.

2. An unnecessary endorsement upon a summons, which has no tendency to mis-lead or prejudice the defendants, will not render the service void.

3. A court acquires jurisdiction over a defendant by personal service of process, even though she be defectively described Holz against Burling. Appeal from Gage. Reversed and plaintiff's action dismissed. Calkins, C. Commissioners' department I. A purchaser at an administrator's sale who assumes a prior mortgage on the land does not thereby incur any obligations to an heir who repudiates the sale on the ground that the property was the home-

ground that the property was the home-stead of the deceased.

2. A party who sustains no fiduciary relation to nor privity of estate with a remainder man, may lawfully purchase a mortgage which is a paramount lien upon the property and have the same foreclosed with the purpose of obtaining a title good as against such remainder man.

Strong against Thurston county. Appeal from Thurston. Affirmed. Rose, J.

1. A former county attorney who has been deprived of his salary and office rent for a number of years through mismanfor a number of years through misman-agement of county affairs or misapplica-tion of county funds, may sue the county

in the district court to recover the amount due him on cialms allowed by the county board, where there is no fund available for their payment.

2 Failure of a county attorney to institute proceedings to abolish a fiscal sys-tem through which county business was mismanaged and payment of his allowed claims for salary delayed. does not estop

him from asserting his rright to judgment for the amount due. Exchange Bank of Wilcox against Un-Exchange Bank of Wilcox against Underwriters Insurance company. Appeal. Kearney. Reversed and remanded. Duffle, C. commissioners' division.

1. In a suit on fire insurance policies covering certain personal property, and conditioned that a change in the title of the property should avoid the policy, notice to the company of a bill of sale made by the insured to a bank was attempted to be shown from the knowledge of such bill of sale possessed by the agent of the comshown from the knowledge of such bill of sale possessed by the agent of the company, who at the time, was also assistant cashier of the bank. Held, that while notice to an agent will generally be imputed to his principal, the rule does not apply where the agent's duty to his principal is opposed to his own interest, or conflicts with the interest of another party, for whom he acts, in the transaction where knowledge is obtained.

PATRICK STAYS IN PRISON Application for Writ of Habeas Cor-

pus is Denied by New York Court. NEW YORK, June 4.-Albert T. Patrick's application for a writ of habeas corpus, releasing him from Sing Sing prison, where he is under life sentence for murdering William Marsh Rice, was denied by the appellate division of the supreme court in



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Careaclana cures because the air, readered strongly anticeptic, is carried over the diseased surface with every breath, giving preimaged and constant treatment. Is is travaluable to mothers with small children.

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on or address GEORGE & CO., 1601 Farnam St. (12)—450 4 ber that it takes but an extra stroke or two of the pen to mention the fact that

Idaho-Carey-Act-Lands

JUNE 8, 1909

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Vyo.

LEGAL NOTICES

Notice of Stockholders' Meeting.
To the stockholders of THE MISSOURI In the State of New Jersey, has completed in the Companity with the requirements of the Constitutions and laws of the states of Missouri, Kansas and Nebraska and the Willer Hereby of the Company, YOU ARE HEREBY NOTIFIED that by resolution of the Board of Directors of The Missouri a meeting of said Board on the 25th day of May, A. D., 1909, a meeting of the stockholders of the States of Missouri Pacific Railway Company and was presented at a meeting of said Board on the 25th day of May, A. D., 1909, a meeting of the stockholders of The Missouri Pacific Railway Company, Room 706 Missouri Pacific Building, in the City of St. Louis, in the State of Missouri, on the sixth day of August, A. D. 1909, at nine o'clock in the forenoon,

(1) For the purpose of considering a Contract and Articles of Consolidation a Call other liabilities 19.021 256.00.

forenoon,

(1) For the purpose of considering a Contract and Articles of Consolidation hearing date the 29th day of May, 1909, heretofore made and entered into by and on behalf of The Missouri Pacific Railway Company and

Kanaas;
The Rooks County Railroad Company, a corporation of the State of Kansas;
The Nevada and Minden Railway Company, a corporation of the State of Mis-Nevada and Minden Railway Company o

The Novel and Ristory Company of State of Massay.

Arrival and Minder Railway Company of Kanasa. a corporation of the State of Massay.

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Company a corporation of the State of Kanasa.

The LeRoy and Caney Valley Air Line Railway Company, a corporation of the State of Kanasa.

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The LeRoy and Caney Valley Air Line Railway Company, and to consolidate the stock of the respective company, a corporation of the State of Kanasa.

The LeRoy and Caney Valley Air Line Railway Company, owning, control of the State of Kanasa.

The LeRoy and Caney Valley Air Line Railway Company, and to consolidate the stock of the respective company, a corporation of the State of Massouri, Kanasa and New Yalley Line Line Railway Company, and to consolidate the stock of the respective Company, owning, controlling, possessing and briang under one respective Company, owning, controlling, possessing and briang under one respective Company, owning, controlling and the state of Massouri Railway Company, company, company, company, company, c any time before such meeting any stockholder will be furnished with a printed copy
of such Contract and Articles of Consolidation upon application therefor during
business hours to the Assistant Secretary
of the Company, at the office of the Company in the City of St. Louis Missouri.
Dated. May 28th, 1909.

President of The Missouri Pacific Railway
Company.

Company. **GOVERNMENT NOTICES**

OFFICE OF THE CONSTRUCTING Quartermester. Fort Meade, S. D. June 1, 1999. Sealed proposals in triclicate, will be received at this office until 10 a. m. mountain time. July 2, 1999, and then onesed for constructing intake dam and sipe line for water system at Fort Meade. Plans and smecifications may be seen by intending bidders at the offices of the chief quartermester. Department of the Colorado. Denver. Colo.: Department of the Colorado. Denver. Colo.: Department of the Isakes. Chicago. Ill. Department of the Isakes. Chicago Isakes. Isakes. Isakes. Chicago Isakes. Isakes. Chicago Isakes. Isakes. Chicago Isakes. Isakes. Isakes. Chicago Isakes. Isakes. Chicago Isakes. I

LEGAL NOTICES

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Surplus beyond 2,000,000.00 The Missouri Pacific Railway Company and the following named corporations by order of their respective Boards of Directors:

The Kansas and Colorado Pacific Railway Company, a consolidated corporation of the State of Kansas;

The Central Branch Railway Company, a consolidated corporation of the State of Witness my hand and the seal of the auditor of public accounts the day and year first above written. Silas R Barton, Auditor of Public Accounts. C. E. Pierce, Peputy. (Seal.)

UNION STATION-10TH AND MASON