NEW BOOKS AND MAGAZINES

Approach of Holiday Season Heralded by Flood of Fresh Literature.

GREAT MANY NEW BOOKS FOR THE BOYS

Fiction Lends in Point of Numbers, But a Good Showing is Made for Works of Fact—New Volumes on New Possessions.

The stories of his school life at Westward Ho, which Rudyard Kipling wrote for McClure's Magazine, are now issued in book form under the title, "Stalky & Co." Of course, no stories by Kipling could fail to have interest because of his splendid imagination, his dramatic power and his command of the story-teller's art; but the American reader will probably find these tales harder to follow than any of his other works, because they are crowded with the technical jargon of the school, and because this school life is so radically different from anything known in America. The fagging and the bullying are almost unknown in American schools, because the American boy will not endure menial service or mild hazing even when he knows that he may one day exact the same from lower classmen. Kipling's triumvirate of school boys—Stalky, Beetle and McTurk—devise many clever schemes for their own amusement and the discomfiture of tutors and prefects, against whom they have grievances. What Kipling has tried to bring out is the manliness of the three youngsters whom he makes his heroes, and in a final story he shows how the traits of ingenuity, daring and bravery which they displayed at school were found in after years in their work as soldiers and administrators in India. The best stories are "In Ambush," "Slaves of the Lamp," "The Moral Reformers," "The Little Prep" and "The Last Term." The schoolboy's worship of the Head seems a trifle exaggerated, and the agony is piled a little high in descriptions of the unearthly cunning of Stalky, but one must have ceased to remember his boyhood who can fail to get a good deal of real fun out of these rollicking stories. Doubleday & McClure Co., New York. Price $1.50.

It is no light task to attempt the translation of a work like Maurus Jokai's "A Hungarian Nabob," from such difficult language as the Magyar, but R. Nisbet Bain has successfully accomplished the work. Only those few linguists who have learned, in the sweat of their brows, to read a meaning into that miracle of agglutinative ingenuity, an Hungarian sentence, will be able to appreciate the immense labor of rendering the 400 pages of a Magyar masterpiece into readable English. This is the first time the present novel has been rendered into English, though it was written nearly fifty years ago. On its first appearance Hungarian critics of every school at once hailed it as a masterpiece. Some authorities, among them Jeremiah Curtin, the translator of Sienkiewicz, considers it the best of all the author's works. Doubleday & McClure Co., New York.

"On Trial" is the somewhat striking title of a new novel by Zack, author of "Life is Life." It is a book marked by a striking dramatic quality, the plot being fresh and the denouement thoroughly artistic. In a psychological way the book is noteworthy, no novel in years containing a more absorbingly interesting analysis of a mental state than is here give of moral cowardice. From every point of view the novel is a work of the highest importance and readers of fiction cannot help being pleased with it. Charles Scribner's Sons, New York. Cloth, $1.50.

"Differences," Mr. Harvey White's Chicago novel, is such a criticism of fashionable methods in charity as every fairly instructed sociologist has long known ought to be written. In the course of the story one sees how the vaunted personal element in "settlement house" work inevitably tends toward a mechanism as repulsive as can be found in any municipal institution, and leaves the really deserving poor where it found them, although in uncounted ways restraining and improving the undeserving. This, however, is but half the story; the other half describes the process by which a high-bred American girl living in a settlement house is brought to marry one of its beneficiaries, an English workman skilled in many trades, but untaught in all other things. The story has its art students, a neurotic musician, who takes "settlement house" work as another might take hashish, and this type, invariably mischievous, needed presentation more than the general subject. Small, Maynard & Co., Boston. Cloth, $1.50.

Novels of New York have some times failed through lack of knowledge of the theme, but the brilliant author of "Averages," Eleanor Stuart, has had every opportunity to know her New York well. It is a story of social life, but a life exhibiting ambitions and efforts, whether wisely or ill directed, which are quite outside of purely social functions. There is a suggestion of the adventurer, a figure not unfamiliar to New Yorkers, and there are glimpses of professional life and the existence of idlers. With singularly acute analysis the author makes her characters develop themselves in the unfolding of the story, and her shrewd discernment is as effective as the witty and epigrammatic quality of her style. "Averages" is not a story of froth or slums, but a brilliant study of actualities, and its publication will attract increased attention to the talent of the author. D. Appleton & Co., New York. Cloth, $1.50.

"The Bow-Legged Ghost and Other Stories" is a volume of tales which contains, in addition to much clever work that has already appeared in leading periodicals, a large amount of fresh and hitherto unpublished matter from Leon Mead's pen. The author has dealt with the funny side of life in a manner so acceptable to the reading public that an unprecedented demand for his book is the result. It good-naturedly lampoons "Society Actresses," deals in a comical vein with the subject of "Theatrical Expansion," furnishes some crisp anecdotes of, or references to Lester Wallack, John Gilbert, DeWolf Hopper, Marshall P. Wilder, Mary Anderson, Ada Rehan, Rose Coghlan, Fanny Rice, May Irwin and others. In short Mr. Mead's book provides something that will entertain everybody. The Werner company, Akron, O.

A new story has been brought out by Frank Norris entitled "Blix." Blix is the pet name of Travis Bessemer, a young San Francisco girl, given her by Conde Rivers, a man ten years older than she, who starts out by swearing to be her comrade, and naturally ends by becoming her lover. The two decide to abandon society and seek amusement in unusual places, and they find it in jaunts to all kinds of out-of-the-way places in San Francisco. Rivers is a newspaper man with an ambition to be a novelist, and the girl helps him in his work by her suggestions. She also cures him of the gambling habit by learning poker and playing with him whenever he feels the passion for gaming coming over him. This is a bald outline of a very delightful love idyl which contains more of the local color of San Francisco than any other story that is in print. The author has been happy with his characters, who strike one as natural and as acting and talking as they might act and speak in real life. Doubleday & McClure Co., New York. Cloth, $1.25.

"Letitia Berkely, A. M.," is a new womanish sort of a story by Josephine Bontecou Steffens. The author seems sincere enough in her intentions, but for a woman she certainly has writen a very queer sort of a story. Letitia is a new woman with a vengeance. She has lots of "experiences." She begins her career as a secretary for a woman of fashion, but life in the 400 as she sees it is too much of a good thing and so, when things get too interesting, she makes up her mind to go to Paris. There she studies medicine, sees life in the Latin Quarter, and finally gets married to a nice young doctor, who is horrified when she innocently tells him that she is "a woman with a past." She is so very independent that she resents his forgiving her, so the end is not cheerful. Frederick A. Stokes Co., New York. Cloth, $1.25.

"Leo Dayne," a novel of the common people, is just out. It is a lengthy work of over 500 pages and, while its publishers prefer to send it out on its own merits, without expressing their personal large belief in it as a permanent addition to American works of its class, still they quote with approval the words of a widely known doctor of philosophy of Cambridge, who read it carefully in manuscript and who expresses his "astonishment and delight in the extraordinary excellence of the whole work," recognizing "its power and beauty as a work of art." James H. West Co., Boston.

Following on the heels of the announcement last week of the publication of "Les Romanesques," by M. Rostand, comes that of the first English translation of "La Princesse Lointaine," by the great French dramatist. This translation is by Charles Renauld, whose English version of "Cyrano de Bergerac" was perhaps the best of the translations of M. Rostand's masterpiece. "La Princesse Lointaine" is a play of four acts and is practically an exquisite poem having for its subject the undaunted pursuit of the ideal. This translation is, we believe, the first made into English. Frederick A. Stokes Co., New York. Cloth, 50c.

Joel Chandler Harris has written a new story under the title of "The Chronicles of Aunt Minervy Ann.' The volume is profusely illustrated by A. B. Frost. Mr. Harris has succeeded in creating a second original character as whimsically charming and individual as "Uncle Remus." Aunt Minervy Ann, whose many experiences are delightfully detailed in these pages, is an old-fashioned negro mammy of a sort now fast dying out in the south. These chronicles embody the best delineation of negro character published in many years. Charles Scribner's Sons, New York. Cloth, $1.50.

"Well, After All—" is an entertaining love story of the present day, though the reader may find a "problem" in it if he choose. It is by F. Frankfort Moore and worthily sustains the standard of his former work, which is well known to novel readers. The setting is in England and the theme deals with a woman's constancy to the lover of her youth who, thinking to win fame for her sake, undertakes an expedition to Africa, but is apparently lost in the Dark Continent. The story contains a further mystery, which baffles penetration until almost the last page. Many striking situations are brought about, and the plot is ingeniously conceived and worked out. Dodd, Mead & Co., New York. Cloth, $1.50.

"Miranda of the Balcony" is the title of a new novel by A. E. W. Mason, author of "The Courtship of Morrice Buckler." The many admirers of the earlier work will be interested to know something of the new work. The scene of this story is laid chiefly in Spain and Morocco, and the story, which is an exciting one, hinges on the action of a woman, under a contemptible pressure placed upon her by a blackmailing acquaintance of her husband, who is separated from her. The hero of the story is a young engineer, and the plot is very adroitly carried out. The Macmillan Co., New York.

The Philippine War.

This contest is proving much more stubborn than we had anticipated. It needs a vigorous contest to straighten matters out. We should tackle the Philippines and overcome them as Hostetter's Stomach Bitters does dyspepsia, indigestion, malaria, fever and ague, and liver and kidney diseases. The battle is short and decisive, and for fifty years the Bitters have always won. If you are ill and don't know what's wrong try it.

Grain Dealers' Convention.

CHICAGO, Oct. 19.—At today's session of the Grain Dealers' National association many papers of interest to grain dealers were read, among them the following: "Condition of Grain Cars Upon Arrival," H. A. Foss, Chicago; "Object and Work of the Southern Grain Association," Alfred Brandeis, Louisville, Ky.; "Inspecting and Handling Grain in Chicago," E. J. Noble, Chicago; "Weighing Grain in St. Louis," T. R. Ballard, St. Louis; "Landlords' Liens," Norman H. Champ, Chicago.

Made To Eat Uneeda Jinjer Wayfer

OMAHA POLICE MAGISTRACY

Question Raised Whether Position is a City or State Office.

DECISION MAY BE ASKED FROM THE COURTS

Fusionists Projecting a Strenuous Contention in Behalf of a Candidate Who Declares He is Not in Sympathy with Them.

Is the police judgeship of the city of Omaha a city or state office? This question is exciting considerable interest just now, and threatens to lead to an action in the courts for its determination.

The nominees for police judge have both filed certificates of nomination with the city clerk and with the county clerk. Both were nominated by city and county conventions. B. F. Thomas was nominated by both the republican city and republican county conventions. S. I. Gordon was nominated in the populist city and county conventions. He was also nominated in the democratic city convention and was made the nominee of the democrats by the county committee.

Recently the question arose whether the names of the nominess for the office of police judge should appear upon the county ticket or whether there should be a city election simply in their behalf. The city clerk, acting upon the opinion of City Attorney Connell, has indicated that there is no city election this fall, that the office of the police judgeship is a state office and that the name should appear upon the county ticket. County Clerk Haverly has decided to put the names of the candidates upon the county ticket.

Yesterday John O. Yeiser appeared at the office of the city clerk and in the company of a witness whom he had brought along for the fortification of his cause, demanded of Deputy Clerk Holbrook whether the names of the candidates for the police judgeship are to be presented upon a city ticket. He spent some time presenting his views of the law to show that there should be a city election this fall for the election of this officer. Yeiser is anxious to have a city election this fall in order that a vote may be had upon his pet hobby, the referendum.

After hearing Yeiser's contention Deputy Clerk Holbrook informed him that he was not ready to give him an answer and would not be until this afternoon, as Clerk Higby was not present. Yeiser intimates that unless the police judge candidates are placed before the voters on a city ticket he will apply for a writ of mandamus to compel the city clerk to put it there.

On the other hand both the city and county clerks are of the conviction that the office of police magistrate is a state office, created as such by the state constitution, and point to the fact that county judges, police magistrates and justices of the peace are enumerated among the officers comprising the judicial branch of the state government.

This complication adds new zest to the fight over the police magistracy, which has evolved some interesting conditions during the past four years. It will be recalled that Judge Gordon was first elected to the office as a nominee of the republicans in November, 1895. In the spring of 1897 the legislature enacted a new charter for the city of Omaha, the popocratic framers of which, acting upon the mistaken theory that the office was a city office, provided for the election of a police magistrate along with the list of city officers at an election fixed for April 20 of that year. The term for which Gordon had been elected previously, however, did not expire until January, 1898, so that the effect of the charter provision was to legislate him out of office several months before the expiration of his two years' term. He became a candidate of the republicans for re-election however, and was again elected April 20, 1897, ostensibly for the term of three years as provided by the new charter. From that time until the following January there was a question whether he was holding under the first or the second election. Action begun in the courts to contest the validity of the new charter resulted in a declaration from the supreme court that the part referring to the police judgeship was unconstitutional for the reason that the constitution provides that the term of the police judge shall be two years, while the new charter sought to make it three.

But the new charter has done away with the old provision for the election of a police magistrate and since the section thereof relating to the police judgeship was annulled Gordon has continued to hold the office, because there was no law specifying a time at which his successor should be elected, except the provision of the general election law.

The last legislature passed a law to remedy this defect by providing for the election of a police judge this fall for the term of two years, the same as justices of the peace.

OMAHA LOSES A TIN PLANT

Des Moines Firm Buys It Outright Because Tin Cans and Boxes are Hard to Obtain.

The inability of an Iowa firm to get enough tin cans for the demands of its manufacturing business has caused it to buy for removal the only large tinnery plant in Omaha. The Standard Tinnery Manufacturing company of this city has disposed of its machinery and all the other appurtenances of its establishment to the American Lubricator company of Des Moines. The factory has been located at Twentieth and Pierce streets and has long been known as the best plant west of Chicago, employing, when running at its full capacity, about 200 men. The firm which has bought it was formerly an Omaha institution and still calls its leading article, a brand of axle grease, by the name of "Omaha," the picture of an Omaha Indian being the trade mark. Being unable to get enough cans in which to put its products for the market the company has decided to run its own tinnery, and besides supplying its own needs will engage in a regular tin trade. Its business has grown greatly in the last few years and now extends through thirteen western states. There is a branch office in Denver.

Some of the heads of departments will accompany the tin plant to the new location, among them James Smith and E. G. Wilmuth, the latter of whom has been manager of the plant here. The new company expects to draw to Des Moines a considerable portion of the tin trade enjoyed by the plant while here.

RECOVERS HIS PROPERTY

Lyman Page Refuses to Prosecute Persons Whom He Caused to Be Arrested.

W. C. McKinley, Emma Rice and Mrs. Shoers, who claim St. Joseph as their home, are being held at the police station in case they are wanted in another city. Lyman Page went to the station yesterday and complained that the trio had robbed him of $65 and a diamond pin, while in a Dodge street hotel, but after he had recovered his property he refused to prosecute. The three explain that Page was intoxicated and that he came into the room where they were sitting and threw his valuables about on the floor and they simply kept his property until he had sobered up.

The "Plow Boy Preacher," Rev. J. Kirkman, Belle Rive, Ill., says, "After suffering from bronchial or lung trouble for ten years, I was cured by One Minute Cough Cure. It is all that is claimed for it and more." It cures coughs, colds, grippe and all throat and lung troubles.

HEATING CONTRACT AWARDED

Board of Education Decides to Put a Fan Furnace System in the New Saunders School.

The Board of Education decided Thursday night to put a fan furnace system of heating in the Saunders school and let the contract to the American Warming and Ventilating Company of Chicago, the only bidder on that system. This was in accordance with the report of the committee on heating and ventilating.

The bid recommended for acceptance by the committee contained the words, "according to our plans and specifications," whereas the form prepared by the secretary read, "according to plans and specifications prepared by the architect." To Burgess this was a vital objection. He did not think a contract should be let where there was but one bidder and especially where the bidder gave notice of his intentions to use his own plans and specifications. He called attention to the fact that the board was willing this time to give the heating and plumbing to different contractors, but in the case of the Pacific school had paid $30 for the sake of giving both contracts to the same man. He also pronounced the furnace system antiquated.

Cowie said that in this case it would cost $150 to give both contracts to the same firm, which made it an entirely different case and Hess explained further that there was only one bid on the fan furnace system, which system the committee had decided to have.

Hess moved to reject all bids and advertise, which motion received the support of only Burgess, Hayward, Penfold and Moore. The report of the committee was then adopted.

The plumbing in the same building was let to J. J. Hanighen at $5,300, an unusually large figure for the plumbing of a school building on account of the length of the sewer connection.

Offers of property adjacent to the Cass school site were reported from committee without recommendation and recommitted.

The secretary was directed to advertise for bids on a stone or artificial stone sidewalk for the south side of the High school grounds.

LAMP ORDINANCE TO STAND

City Council Effectually Quiets the Repeal Movement for Some Time to Come.

The advocates of the lamp ordinance now in force found an opportunity in a special meeting of the council Thursday afternoon to put to sleep an ordinance repealing it. Only five members were present and among those there were only two who wanted the ordinance wiped out. The other three were quick to see this and called for the repealing ordinance, which would otherwise not have come up until the next regular meeting. This is the second attempt to repeal the lamp law, and as the number of such attempts is limited in the charter, the opponents of lamps will have to wait until two-thirds of the council are willing to allow them to bring the matter up again.

Karr put through a resolution which will have the effect of putting three fire hydrants on Bristol street, one at Twenty-fifth avenue, one one Twenty-seventh street and one at Twenty-eighth avenue. The hydrants will be taken from outlying points on Binney, Maple and Blondo streets.

An ordinance was passed authorizing the issue of the remaining $25,000 worth of sewer bonds voted by the city.

There was some talk of reconsidering the action providing for the grading of the "camel's hump" at the corner of Thirty-second street and Woolworth avenue, for which purpose $5,000 was allowed. The work would necessitate the destruction of $7,000 worth of good asphalt paving and there are no contractors willing to bid on the work for the reason that the tearing up of good pavement might be stopped in the courts. Besides, some of the councilmen have begun to think that they would like to use the money for other improvements they consider more necessary.

VISITING NURSES MEETING

Third Annual Session of the Association is Held Thursday Night in Y. W. C. A. Rooms.

The third annual meeting of the Visiting Nurses' association was held last Thursday evening in the Young Women's Christian association rooms, Paxton block. The report of the last year's officers showed the association in a flourishing condition and brought out the great value of its work. Mrs. S. R. Towne, retiring president, made a farewell address and at the close was presented with an armful of American Beauty roses from the society, in appreciation of her services. Dr. McClanahan, in a brief talk, praised the work the association is doing and thanked it in behalf of all physicians for its aid in cases of the needy sick.

The following officers were elected for the coming year: Mrs. Clement Chase, president; Mrs. Herbert Rodgers, vice president; Mrs. Kilpatrick, treasurer, and Miss Louise McPherson, secretary. New directors, who were elected: Mesdames Charles Goss, J. P. Lord, Arthur C. Smith, S. R. Towne, P. D. McGrath, P. C. Morearty and C. S. Chittenden.

The Most Appropriate Wedding Anniversary, Easter, Birthday or Christmas present is a "Garland" Stove or Range.

Give Up Park Project.

Nearly all the north side residents have given up the idea of securing the Bluff tract of the exposition grounds for a park. They admit that the city has no money with which to buy the land, and that without cash there is no way in which it can be acquired. However, they still cling to the hope that some plan may yet be evolved by which title to that portion of the Main court lying between Kountze park and Twenty-fourth street may be secured. They are unable to figure out a plan, as nearly all the adjoining property owners have declared against being taxed for benefits, and as yet they have been unable to find a public-spirited individual who is willing to immortalize himself by donating sufficient cash to make the purchase.

THE REALTY MARKET.

INSTRUMENTS filed for record Thursday, October 19, 1899:

Warranty Deeds.

C. S. Reed to Joseph Karwelalis, n½ lot 22, block 11, Brown park	$ 600
Henry Arp and wife to H. B. Waldron, lots 28 and 29, block 6, Bennington	650
A. E. Boddling to O. D. Fisher, east 199 feet lot 19, block 5, Kountze & R.'s add.	6,500
M. J. C. Ryan and husband to B. A. Page, lot 8, block 7, Logan Place	400
Same to James Matts, lot 12, block 22, First add. to Corrigan Place	400
Same to Susie Briggs, lot 22, block 8, Logan Place	400
Albert Schroeder and wife to Christ Koch, lots 1 and 2, block 24, Millard	1,000
American Lubricator company to L. D. Ley, north 30 feet of west 100 feet lot 10, Elizabeth Place	1,500
L. P. Spaulding and husband to Q. D. Cornwell, east 29 feet of west 69 feet lot 2 (except north 150 feet), Johnson's add.	10,000
National Life Insurance company to E. J. Refregier, lot 3, block 8, subdiv. of J. I. Redick's add.	1,475
Ole Oleson and wife to P. J. Traynor, lot 8, block 17, Kountze Place	9,000
J. J. Monell, jr., executor, to F. S. Cannon, lot 6, block 2, Lakeview	600

Quit Claim Deeds.

Joseph Masin to Mary Masin, lot 24 and n½ lot 19, block 2, Dworak's add.	1
Mary Stastney and husband to Frank Jaros, lot 1, block 85, South Omaha	1

Deeds.

Sheriff to H. P. A. Noble, lot 4, block 4, Cleveland Place	1,094
Special master to H. L. Collier, lots 11 and 12, block 7, Collier Place	1,801
Total amount of transfers	$35,521

DYING WOMAN'S STATEMENT

Jessie Carter, Deceased, is Alleged to Have Declared Inda Not Guilty.

DEATHBED TESTIMONY IS NOT ADMITTED

Large Crowd of Spectators Congregates in Judge Baker's Court to Watch the Trial of the Accused Police Officer.

A death-bed statement alleged to have been made by Jessie Carter, colored, would throw important light, it is said, upon the case of Policeman Anton Inda, on trial in Judge Baker's court for the killing of James Smith on the morning of August 13.

It is stated by the defendant that the Carter woman, just before her death, declared that she knew all about the Inda-Smith case, and that the officer was not guilty of murder, but that Smith had been engaged in a vicious fight during the night with other parties whose names she did not mention, and that he had received his death wound prior to falling into the hands of Officer Inda. This testimony could not be introduced for the reason that it did not come before the court in a legal way, but the defendant says he has every reason to believe that the dying woman made the statements accredited to her.

The third day of the trial brought out a large crowd of witnesses and spectators. Many colored men and women are in attendance and the half world of both races is well represented, owing to the fact that Smith had spent the night in carousal through "the bad lands."

Inda sits by the side of his attorney and watches every point scored by either side with the shrewdness of an old-time lawyer. He frequently jots down notes of the evidence.

William Shoup, policeman, the first witness yesterday, told about seeing Smith, the victim, when he was brought into the police station; he saw him bleeding at the mouth and nostrils, but did not observe any abrasion about the nose, as has been prominently brought out on previous examinations. The witness remembered seeing a bruise on the forehead. He knew nothing about how the death wound was inflicted. On cross-examination he repeated that he didn't see the abrasion on the nose, and he was of the opinion that such abrasion did not exist. Particularly close questioning by the opposing attorneys failed to bring out anything material to the main issue.

Albert Bebout, police officer, the second witness, related all the preliminaries told by other policemen as to how Smith had been brought into the station and so on, and when questioned as to the alleged wound in the nose he said he saw an abrasion that appeared to him to be of slight importance. "It looked just like a fingernail scratch," said the witness, "but when I examined Smith more closely I could see he was deathly sick."

The afternoon session was devoid of special interest, the time being largely consumed in expert testimony of doctors as to the nature of the wound, and so on, much the same as has been told on the stand before at the present trial. Among the physicians who testified were Drs. Lord, Spalding and Coffman. Vic Walker, the colored attorney, was another witness. He gave his testimony in a straightforward manner. Several colored men and women who had known Smith and had met him on the night preceding his death, gave testimony, but it was brief and had no particular significance for either side of the case. Owing to the thoroughness with which the medical expert examination is being entered into the trial is proceeding rather slowly and the end is not yet in sight.

ALLEGED FUR THIEVES FREE

Judge Gordon Comes to the Same Conclusion the Police Reached Weeks Ago.

Judge Gordon Thursday afternoon dismissed Dennis and Monaghan, accused of robbing Shukert's fur store, after one of the longest and most bitterly contested hearings held in police court for years. In doing so he smoothed down several ruffled tempers by a few words scattered here and there. The reason for his decision was that the state had failed to show a probability of guilt and that the taxpayers should not be subjected to the expense of a long trial where there was so little evidence as there was against the men.

The court did not say in so many words that the county attorney had failed to show that any evidence had been suppressed by the police, but his dismissal of the prisoners left no grounds for any other conclusion.

"Chief White and County Attorney Shields," said the court, facetiously, "and I was about to say the reporters, will be discharged, that is, they would have been if they had been on trial, which they were not."

Arguments in the case were begun yesterday morning by Assistant County Attorney Dunn. He promised to avoid certain features which should never have been brought into the case and asked the court to consider only evidence bearing on the guilt or innocence of the accused. He laid greatest stress upon the presence of the accused in the city at the time of the robbery and their action in getting a trunk down to the depot hurriedly in the early morning. He admitted that anything which passed between the defendants and the police under a promise of immunity, whether the promise was given with the consent of the state's agents or not, would be incompetent evidence. But, assuming from Shields' statements that everything done by the defendants prior to Chief White's departure for Chicago to receive the stolen goods was at their own risk, he devoted his time to connecting the accused with Mrs. Prince and the return of the goods.

Attorney Victor Walker replied for the defense along the line that it was ridiculous to suppose that the defendants volunteered information leading to the recovery of the goods without a promise in advance that they would be freed, and that any evidence aside from that which the police had when the men were first brought to Omaha had been furnished by the men themselves. He declared there was no evidence now before the court which the county attorney had not been given at the very beginning.

J. B. Kelkenney followed, also for the defense, and, together with the closing statement of Assistant County Attorney Dunn for the defense, his argument consumed most of the afternoon.

Getting Ready for Court.

The forces in the offices of the United States circuit and district courts are getting ready for the opening of the term, November 13, when both branches will be in operation. While there are not many important cases, there will be a large docket and enough to keep two judges busy during the balance of the year. A grand jury will be called and it will have something over 100 cases to investigate. The greatest number will be against parties who have sold liquor to Indians, though there will be several against persons who have cut timber on government land. Witnesses for the grand jury are being subpoenaed and all the deputies are in the field loaded down with papers.

Viaduct Hearing Will Be Spirited.

City Attorney Connell has filed answer in the district court to the proceedings brought by the Paxton & Vierling iron works, the Chicago, Milwaukee & St. Paul railroad and others against the city to enjoin the authorities from closing Seventeenth street in connection with the construction of a new viaduct on Sixteenth street. The answer sets forth that to grant an injunction would be defiance of the law, inasmuch as it would interfere with the legislative rights of the city. Another point made in the answer is that the Sixteenth street crossing is dangerous, and that a viaduct is necessary to public safety. The hearing will come up before Judge Dickinson next Monday. It was called last Monday, but extension of time was granted for the contesting parties to file affidavits.

In the Hands of the Jury.

The celebrated Merscheim-Arriens damage suit, involving the alleged alienation of a wife's affections, was submitted to a jury in Judge Slabaugh's court at 12:30 o'clock yesterday. The attorneys were vigorous in their arguments on either side.

At 5 o'clock in the afternoon the jury had failed to arrive at a verdict and Judge Slabaugh said he would wait no longer. If a verdict was reached during the night it was sealed and cannot be made public until court convenes this morning. There is much speculation around the court house as to what the verdict will be, and it is evident that by reason of the length of time already consumed in deliberation the jurors are of widely different opinions as to the merits of the case.

Wants Damages for Assault.

Jane Coulson has instituted proceedings against Henry Michels, asking $1,000 damages on account of alleged assault. The plaintiff sets forth that on October 3 the defendant beat her, knocked her down and kicked her. She declares she suffered great pain and permanent physical injury, besides unenviable notoriety.

Surrendered by His Bondsman.

J. C. St. John, charged with forgery, was before Judge Baker yesterday, having been surrendered by his surety. Judge Baker ordered St. John committed to jail. His alleged forgery involved only small sums, it is said.

Sues the City of South Omaha.

August Papez has sued the city of South Omaha for the recovery of $267, which sum he alleges is due him for outstanding warrants issued by the city in connection with street extension made three years ago.

CODY RECEIVES AN OVATION

His Presence at the Orpheum a Signal for Tremendous Applause—Newsboys Will See Show Next Week.

Owing to the illness of Mogy, king of the newsboys, the papersellers did not go to the Orpheum Thursday night and Manager Rosenthal extended the invitation over another week, when it will be possible to get the boys all in a body to enjoy the hospitality of the generous manager. Notwithstanding the absence of the newsboys there was unusual excitement during the evening performance, all caused by Mr. Barry, one of the performers, who carried the house by storm by a sudden shifting of the interest from the stage to a box occupied by Buffalo Bill. Barry came to the front of the stage and, removing his wig, said he would like to be as great as Dewey, but if he could not be Dewey he would like to be his undershirt, as then he would be next to him. Then turning toward the box where Cody sat he said, "We have other heroes besides Dewey, and there is one present tonight sitting there in that box—Colonel W. F. Cody." The words were no sooner uttered than pandemonium broke loose—men, women and children applauding and shouting and waving their handkerchiefs like mad. They called for Cody and would not be quieted until he arose in his box and bowed right and left to the large audience. Those who witnessed the scene said they had seldom seen such an ovation as that given to the famous Nebraskan.

When the practice of economy is a necessity, the cost of the soap used in a year is an important item. The grocer who has an eye to larger profits, may not suggest Ivory Soap, but you insist on having it. Ivory Soap is pure soap, through and through. That makes it the most economical and best.

IT FLOATS.

COPYRIGHT 1898 BY THE PROCTER & GAMBLE CO. CINCINNATI

NEBRASKA UNIVERSITY CLUB

Strong Organization of Over a Hundred Members Will Make Noise for the Alma Mater.

At a meeting of alumni and former students of the State university held in the Young Men's Christian association parlors Thursday evening, a strong university club was organized for the furtherance of the interests of the State university in the metropolis. D. H. Wheeler, jr., was elected president of the club, and presided throughout the evening. Oliver S. Irwin was chosen secretary, and the following executive committee was appointed: Clement Chase, chairman; Paul Pizey, H. M. Benedict, Dr. B. B. Davis, Edson Rich, Carrie M. Pennock, Laura Pfeiffer.

The club will not have a constitution or regulations and between meetings the executive committee will have charge of its affairs. Among the undertakings talked of were several banquets throughout the year, entertainments to university officers and members of the faculty and to the foot ball team. The social side of the club's activities will be made an important one to its members. The club starts out with a membership of 102 and there are twenty or more other State university people in the city who will soon join.

Annual Tour of Inspection.

President C. E. Perkins of the Burlington will arrive in the city today from Chicago on his annual inspection trip. He will be accompanied on a tour of the western lines by General Manager Holdrege, General Attorney Manderson and other officials of the Burlington in Nebraska.

So Many People

Have headaches that are due to the over tasked eyes—Eye helps that help and relieve are the kind we have been furnishing—Our optical department is in charge of a competent and practical optician who will examine your eyes free of charge—We guarantee satisfactory work.

THE ALOE & PENFOLD CO.,
Leading Scientific Opticians.
1408 Farnam. OMAHA.
OPPOSITE PAXTON HOTEL.

It Will Soon be Over—

And our piano exhibit at the exposition will be moved and when they are moved they will go to the manufacturer—We have been authorized by them to make a sacrifice price in order to save these return freight charges — Every one of these pianos will be guaranteed by us and by the factory—Not since the closing of the exposition last year have we been able to offer such bargains in fine pianos and we probably never will again.

A. HOSPE,
We celebrate our 25th business anniversary Oct. 23rd, 1899.
Music and Art. 1513 Douglas.

Here's a New One—

Armored cruiser—a shoe for boys—the steel circlet bottoms—a regular armored cruiser—a big improvement over the quilted bottoms—No brass wire to wear through and break—then tear the carpets—nothing made that will give more satisfaction or more wear than this steel circlet armored cruiser bottom shoe—the boys just can't wear them out—$2.00 for all the boys' sizes—We never had a shoe we could recommend so fully as these new ones.

Drexel Shoe Co.,
Omaha's Up-to-date Shoe House,
1419 FARNAM STREET.