

KEEN RIVALRY FOR REALTY

Suit in District Court that is Reminiscent of Boom Days.

TWO FIRMS WANT SAME PIECE OF GROUND

Property of St. Mary Magdalene Church Coveted for Business Purposes and Big Price is Bid for It.

Papers were filed late Tuesday evening in a suit in district court which will awaken recollections of the good old boom as a rule in the middle '80's, when Omaha really was as good as gold and the scramble therefor was spirited and keen.

This lot lies just west of the Boston store, the latter occupying two lots, just north of it and across the alley, and the three lots upon which stands the establishment of Hayden Bros. It was recently purchased by Hayden Bros. and they had purchased the church property, would erect a building thereon as an adjunct to their store and would connect it with their main store by a viaduct running across the alley.

The story goes that Brantley & Sons some time ago began negotiations for the purchase of the property and the negotiations had reached a point where the firm thought the deal complete with the exception of the formal transfer. One day a member of the firm called to an employee in a responsible position the plan under contemplation for enlargement of the store.

At its meeting on September 25 the city council encountered an application from Hayden Bros. for permission to erect a viaduct over the alley between their store and the church property, also to construct a subway. Late Tuesday suit was filed in the district court by J. L. Brantley, representing Brantley & Sons, against Hayden Bros., in which plaintiff showed that it holds a leasehold interest in the two lots upon which its store now stands, running east January 1, 1916 to St. Mary Magdalene church had sold its property to it, but that the sale has not yet been consummated by transfer of property to plaintiff and that on September 25 the city council presented to pass a resolution directing the building inspector to issue a permit to Hayden Bros. for the construction of a viaduct and subway across the alley.

The plaintiffs deny the right of the council to grant any such permission for use of public property for private purposes and claim that it would increase the risk upon their place of business, increase their insurance rates, interfere with the operations of the fire department, shut off the light and air from their building and interfere with sewers and other pipes in the alley. They also claim that the proposed building has no building upon the church property with which it is necessary to connect their place and that the proposed viaduct and subway are not designed to connect defendants with any street, alley or railway connection. They therefore asked the mayor and council be enjoined from granting any permission for the erection of the viaduct and subway, that the mayor be enjoined from approving the resolution and that the council be enjoined from passing it over his veto. Judge Dickinson issued a temporary restraining order Tuesday evening, pending a hearing, which was served upon the mayor and council before the meeting the same evening.

Property Not Yet Transferred.

From another suit filed in district court Tuesday evening it would appear that the property has not yet been transferred by the church to either of the parties. This was the suit wherein John Brantley, J. L. Brantley, Joseph Frenzer, Joseph Beckman, William Weckback and several other members of the congregation of the church seek to have a cloud removed from the title so that the property can be sold and the proceeds devoted to the erection of a school and school building away from the business section. The plaintiffs show that in 1888 the German Catholic church was organized under the pastorate of a priest named Otto Gruenbaum, who collected the funds, purchased the property in his own name and built the church. He remained with the parish until 1881, when he resigned. Before leaving, however, he executed a deed to Bishop O'Connor conveying the property to him, but for some reason inserted in the deed a provision that the property was transferred "in trust for the use and benefit of the German St. Mary Magdalene Catholic congregation of Omaha and in trust that the premises should be used, kept, maintained or disposed of as a place of German Catholic church and school purposes for the use and benefit of the said German St. Mary Magdalene congregation and its pastors."

Mortality Statistics.

The following deaths and birth were reported to the city health department during the twenty-four hours ending midnight Wednesday.

Deaths—Thomas Christopher Brounham, 144 South Seventeenth, aged 26; Anna Lyons, Fourteenth and California, aged 48; Miss Marie Kohler, 2911 Lincoln, aged 8; Joseph Weitzke, Twenty-fourth and Hickory, aged 28; Alfred J. Ryan, 811 South Eighteenth, aged 2.

Birth—A. Harris, 313 South Twenty-ninth, boy.

All freight offices will be open until 3 o'clock Saturdays, after October 6.

DIED.

PERRY—Avery A. at Clarkson hospital October 23, son of E. S. and Annie Perry of Plattsmouth. Burial at Holy Family church, child of A. and J. Perry of Omaha. Funeral Thursday at 10 a. m. Interment Forest Lawn.

TERKELSEN—Mrs. Nellie, aged 56 years. Funeral Friday morning, October 25th, at 8:30 a. m. from funeral home of St. Peter's church. Interment Holy Sepulchre cemetery.

Mrs. Terkelson has lived in Omaha 22 years and is known to old settlers of this city and county and her death will be regretted very much.

GILLEN—Michael, aged 70 years, at his residence, 1359 N. 18th st. Funeral Friday morning from family residence at 11:30 a. m. Holy Family church. Interment Forest Lawn.

M'NABB OBSTRUCTS TRAFFIC

Advised a Friend to Go Up town and Purchase a Watch and Was Arrested.

J. W. McNabb, a show salesman, after a hearing in police court Tuesday on a charge of "using loud and abusive language" in the store of Sam Hirschberg, 1321 Douglas street, ten days ago, was discharged.

The story of his arrest, as told on the stand by Mr. McNabb, is unusual. "A few minutes before the officer came," said he, "I met an old friend on the street, a farmer from Valley, Neb., named John Zies. As we approached Hirschberg's store Zies said to me:

"Let's step in here a minute. I want to look at a watch."

"So I went in with him. He examined several watches, but made no purchase, and pretty soon we went out again. We hadn't gone more than ten yards when Hirschberg came running after us. Taking Zies by the arm, he led him to one side and engaged him in conversation, and then started with him back to the store. I followed.

"Zies," I says, "Why don't you go to some up-town store if you want to buy a watch?"

"Hirschberg shot a fierce glance at me over his shoulder.

A moment later we were all in the store when suddenly Hirschberg became violently excited. He accused me of stealing a watch, and insisted upon searching me then and there. Of course he found no stolen watch, but in the meantime he had sent for a policeman and when the officer came I was taken to the station and he followed, swearing out a complaint against me for using profane and abusive language."

Mr. McNabb holds a responsible position in one of the big department stores.

CHURCHES SHAKE OFF DEBTS

Lutheran Synod Strikes Balance Sheet at Pawnee City and Finds Its Pockets Jangling.

Rev. Luther M. Kubus, pastor of Grace Lutheran church, adds his endorsement to the generally recognized statement that Nebraska was never so prosperous as at the present time. In company with Rev. Edward P. Treitz and Rev. L. Groh of this city Mr. Kubus has been in Pawnee City attending the annual session of the Lutheran synod of Nebraska.

"The Lutheran churches of Nebraska," said Mr. Kubus, "were never so prosperous as they are now. The report of the treasurer of the synod showed that he had in hand \$200 more in money than at any time before since 1893 and the work of the church is well in hand and is moving along splendidly, as is natural in view of the favorable material prosperity. The liquidation of church debts during the year just closed has been remarkable, many of the churches having wiped out their entire indebtedness, when they had not expected to be able to do so short of several years."

The attention of the synod was given to the session was a short one, the work in hand having been speedily disposed of. The synod took active steps toward the filling of all mission points."

STUDENTS MEET ON THE OVAL

High School Team Does Its Canvass Clothes for the First Time to Encounter Creighton College.

The Omaha High school football team will play its first game with the Creighton college team this afternoon at the Young Men's Christian Association park. Places on the eleven have not been assigned and it is likely that the men will not know where they are to play until the game is called. A. S. Pearce, who is coaching the team, has been working with the men since the opening day of school, but has had such a limited amount of making that he has been unable to select his players as yet.

On October 12 the team will meet the second team of the University of Nebraska at the Ames avenue park. The eleven will go to Iowa October 19 and play with the Denison High school team. Two games with Council Bluffs High school, one in Omaha and the other in Council Bluffs, will be played, but the dates have not been definitely arranged. The Lincoln High school will play the local team in Omaha and the Fremont High school will be encountered on its home grounds. On Thanksgiving the Genoa Indian school team will play in Omaha.

Announcement of the Theaters.

Tonight the Augusta Daly Musical company, numbering 65 people, headed by the formidable Arthur Dunn, will open at the Boyd theater in "A Runaway Girl." The engagement ends with the week, with the customary matinee Saturday. All the songs made so popular by bands, music boxes and pianos will be heard. The production ran for 600 nights at the Gaiety theater, London, and 300 nights at Daly's New York. Immediately after the performance, which will be started at 8 sharp, Governor Roosevelt and others will speak. Those who attend the performance may remain in their seats during the speaking. After the performance seats will be free to all. No preferences shown.

Low Rates to Lincoln.

Only \$1.65 to Lincoln and return, via the Burlington Route, on Tuesday, Wednesday and Friday. Only \$1.25 to Lincoln and return, via the Burlington Route, on Thursday. Trains at 8:40 a. m., 3:00 p. m., 4:35 p. m. and 8:30 p. m. Ticket office, 1502 Farnam street and at Burlington station.

Advertisement for Burlington Station featuring a large illustration of the station building and the text "THE BURLINGTON STATION".

Good Chance to Travel

Kansas City and return, \$5.80—Oct. 4, 5 and 6. St. Louis and return, \$11.50—Oct. 4 and 5. Lincoln and return, \$1.65—Oct. 5 and 6. Lincoln and return, \$1.35—Oct. 4.

Ticket Office, Burlington Station, 1502 Farnam St. Tel. 250. 10th and Mason Sts. Tel. 128.

BOSTON STORE MILL END SALE

The Bargains for Today are Bigger, Grand and Stronger than Ever.

NEW MILL ENDS OPENED EVERY HOUR

Mill Ends Dress Goods, Silks, Mousetine de Soie, Vellings, Muslin Underwear, Laces, Embroideries, Handkerchiefs, at Prices NEVER BEFORE HEARD OF.

Mill-Ends of linen and cotton crash toweling 1/2c yard.

Mill-Ends of bleached turkish towels, all kinds, 12 1/2c worth 25c.

Mill-Ends turkish wash rags, 1c.

Mill-Ends cambric dress lining, 1c yd.

Mill-Ends drapery ticking and denim 5c yard, worth 40c.

Mill-Ends mercerized saten 10c, worth 40c.

Mill-Ends 36-inch percale 5c yard.

Mill-Ends fleeced back wrapper flannel 5c yard.

Mill-Ends apron checked gingham, 2 1/2c yard.

Mill-Ends Eiderdown flannel 25c yd.

Mill-Ends bleached muslin 2 1/2c yd.

Mill-Ends 12 1/2c gingham, 5c yd.

Mill-Ends prints, 1c yd.

Mill-Ends all kinds heavy canton flannel, 15c yd.

Mill-Ends 1 1/2 yard long carpet rags, 75c.

Mill-Ends imitation French nain, 10c yard.

And thousands of other Mill-Ends in the basement.

MILL-END SALE OF DRESS GOODS.

Thousands of Mill-Ends of broadcloths, ladies' cloths, covert cloths, pebble chevings, storm serges, blacks and blues, goods ranging from \$1.50 to \$2.00 yd., on bargain square at 49c and 65c yd.

\$1 DRESS GOODS, 25c and 35c.

An immense lot of Mill-Ends on sale for the first time running in length from 2 to 5 yards, in silk and wool mixtures, checks, plaids and stripes, black and all colors, cashmeres, and serges, on sale on bargain square at 25c and 30c yd.

THE SILK MOUSSELINE DE SOIE 15c YD.

Mill-Ends of silk mousseline de soie in black, lengths from 1 1/2 yards up, many pieces to match, also silk crepon in evening shades, satin striped, all colors, especially adapted for evening wear and trimmings, every yard worth 75c, Mill-End sale price 15c yd.

NEW SILKS, 50c and 65c YD.

Hundreds of thousands of Mill-Ends in high class silk, 27-inch taffeta, black and colored broadcloths, checks, stripes and plaids for waists or entire costumes, go on sale at 25c and 30c yd.

Mill-Ends plain and fancy silk vellings, 5c yard.

Mill-Ends large-size plain and fancy carved pearl buttons, worth 75c, at 5c doz. 3c fancy trimmed buckles, 5c each. 2c and \$1.00 corsets, 25c.

Ladies' 3/4 muslin and cambric drawers, 10c pair.

Ladies' 2 1/2 muslin drawers, 12 1/2c pair. Lace and embroidery trimmed aprons, 10c each.

Mill-Ends 25c torchon and valenciennes lace, 2 1/2c and 5c.

Mill-Ends 25c lace and embroidery trimmed handkerchiefs, 2 1/2c and 5c each.

Infants' 2 1/2 fine half wool vests, 15c.

Misses', children's and boys' natural wool and camel's hair jersey ribbed underwear, 5c, 10c and 15c.

Ladies' finest quality Egyptian and jersey ribbed wool underwear, medium and light weight, 10c, 35c, 45c and 65c.

SPECIAL NOTICE.

Between the hours of 4 and 5 this afternoon we will hold a series of five-minute sales, at which we will nearly give away goods. The prices will be so ridiculously low that it will cause big excitement. We do this to advertise our Mill-End sale and show how cheap we can sell goods. The goods that are going to be offered for this sale will be announced at 4 o'clock.

Be on hand and see the rush.

BOSTON STORE, OMAHA, 16th and Douglas Streets.

LINCOLN STREET CARNIVAL.

Via Rock Island Route.

Oct. 2 to 5th, \$1.65 for the round trip. Oct. 4, only \$1.35 for the round trip. Trains leave union station 8:30 a. m., 1:30 and 5:55 p. m. City ticket office, 1323 Farnam st.

Shoulder Brace Sale

We have just received a large shipment of Shoulder Braces, bought at such prices as to make it possible for us to sell \$1.50 braces for.....\$1.00 \$1.25 braces for.....90c \$1.00 braces for.....75c

The assortment includes sizes and styles for men and women and children. We can fit you. Write for catalogue.

Sherman & McConnell Drug Co. New Store S. W. Cor. 16th and Dodge.

STUDY IS GIVEN A STIMULUS

By Issuing Two Books on One Card the Public Library Hopes to Promote Serious Reading.

Hereafter two books may be drawn on one card at the Omaha Public Library, providing both are not works of fiction. The librarian, Miss Edith Tobitt, and the board of directors have determined to give this plan a trial in the hope that it will increase the circulation of scientific and historical works, books of travel and essays.

Plethora circulates more freely than any other class of work and is demanded by people who want recreation above everything else. Under the new system fiction readers are expected to take heavier books for use when they tire of light reading. Many of the late novels are allowed to remain out only seven days, while essays and books of travel may be kept for a month.

Both books drawn on a card need not be taken at the same time, so it will be possible for patrons to keep some ponderous book for study and to draw light books for supplementary reading.

In circulating current magazines they will be considered as fiction, and two numbers will not be issued on one card. The new rule will not apply to children's books. No two juvenile books will be issued on one card, and where a child's book is taken no additional book of any kind will be issued on the same card.

TAX SHIRKERS TO LOSE SLEEP

City Treasurer Promises to Make Their Lives a Hellish One with Aid of Legal Council.

"The delinquent special taxes on my books exceed \$2,000,000. I do not know the exact number, but think that I am approaching dangerously near to the \$3,000,000 mark. The records are being examined carefully and in a short time I will be able to tell exactly how much the taxshirkers owe the city," said City Treasurer A. H. Hennings, "as soon as the mayor approves the appointment of the attorneys selected to assist in getting in these delinquent taxes wholesale work will be begun on collections."

It has not been thought wise to make public what plans will be pursued, and it may be found necessary to adopt different tactics in every case, but the question of whether these taxes can be collected will be settled for good and all. The city has already stood helpless too long without taking this proposition. If the taxes cannot be collected the taxpayers should know it. The city should not remain in this uncertainty any longer. There is no question, however, but that a large per cent of these taxes can be brought into the public till."

Bilious Colic.

Mr. H. Seever, a carpenter and builder of Kenton, who has been suffering intensely from an attack of bilious colic, sent to a nearby drug store for something to relieve him. The druggist sent him a bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy, three doses of which effected a permanent cure. Similar cures have been effected by this remedy in almost every neighborhood. It is the only remedy that can be depended upon in the most severe cases of colic and cholera morbus. Most druggists keep this and recommend it when such a medicine is called for.

Advertisement for Union Pacific featuring a logo with "UNION PACIFIC" and "OVERLAND ROUTE" and the text "The Union Pacific to California and Oregon".

Popular Excursions VIA The Union Pacific to California and Oregon. Extracts from numerous letters: "Nora A. Miller of Los Angeles, Cal., writes: 'I have taken the trip many times by different routes. I can say your Personally Conducted Excursions excel all. I found everything clean and comfortable, and received as much attention as I did going east in the Pullman.'"

These Personally Conducted Excursions Leave Omaha Every Friday. For full information call at New City Ticket Office, 1324 Farnam St. Tel. 316.

Advertisement for HAYDEN'S EXTRAORDINARY SHOE BARGAINS. New School Shoes for Boys and Girls. The Latest Fall Styles for Men and Women. Big spot cash purchases direct from the factory floors enable us to sell you the best shoes at less than wholesale prices.

Advertisement for Boys' Shoes. Child's fine \$1.00 school shoes 75c. Misses' fine \$1.50 dora-gola school shoes 11 to 2 98c. Misses' fine \$2 kid school shoes 11 to 2 1.25. Boys' fine satin calf \$1.50 lace shoes—8 to 12, at 1.00. Boys' fine satin calf \$2 lace shoes, 2 to 5, for 1.50.

Advertisement for Fine Shoes for Men and Women. Women's fine \$3.50 patent leather dress shoes 1.87. Women's fine \$4 vicid kid welt shoes 2.50. Men's fine \$3 kid and calf welt shoes 1.95. Men's fine \$3.50 patent leather shoes 2.25.

Advertisement for HAYDEN BROS. featuring a large illustration of a shoe.

STILL CLEANING STREETS

Work Will Be Discontinued, However, Unless Money is in Sight to Pay the Men.

The street cleaning gangs are still at work and will probably continue until the mayor, the city engineer and the council have a conference and decide whether to do the cleaning under the emergency clause of the charter. In discussing the matter city Engineer Rosewater said that the same force is employed now which did the work previous to the exhaustion of the street cleaning fund, but that the work cannot be continued long without an understanding between the various departments of the city government. Mayor Morris says that he will not approve a continuation of the work unless money is in sight to pay the men, and he is in doubt as to whether it would be wise to attempt the work under the emergency clause.

The Omaha census was revised yesterday by the addition to the family of Mr. and Mrs. Fred G. E. Kuehn of a nine-pound baby boy. Both mother and child doing well.

Williams & Smith Co. announce the arrival of fall and winter woollens.

THIS CASH SELLING

plan of ours is making buying cheaper for you on everything. It's not only the articles advertised, but we sell everything at less than pay-as-you-please prices.

SCHAEFER CUT PRICE DRUGGIST

S. W. Cor. 16th and Chicago.

Dull Razor

Is a miserable thing to use. Next to a corn or toothache, it is about the worst thing you can have. No need for it. We can sell you a GENUINE YANKEE STROP for 25c that is equal, and in some cases, superior to many 50c and \$1.00 strops. Try one before they are all gone.

J. A. FULLER & CO.

CUT-PRICE DRUGGISTS. Fourteenth and Douglas Streets. Open All Night.

Advertisement for Our Standard shoes. Of grand retailing is broadly shown in the shoe bargains of this week. The bargains are told of and you come for them. But you find great, orderly quantities—all sizes ready. You do not find a mass of heterogeneous sort, huddled together, from which you draw as from a lottery, and who shall say lucky or unlucky. We give you quantity and certainty—not paucity and doubt, and that's one element, of many, that is building our shoe trade on a rock basis.

Advertisement for HAYDEN'S shoes. 200 yards best machine thread per 1c spool. Belding Bros' best sewing silk on sale, per spool 1c. Discerning Buyers Crowd The Big Store. Prices, Facts and Qualities do the Business. Thousands Take Advantage of Omaha's Great Sale and Carry Off the Biggest Bargains Ever Offered Trans-Mississippi Buyers.

Advertisement for A Few Mill Length Prices for Thursday. All wool eiderdown flannel, 50c quality, Hayden's mill length price 19c. All perfect pearl buttons, Nos. 16 to 24, worth 10c to 25c, Hayden's factory sale price, per dozen, 3 1/2c. One lot perfect hand-stitched handkerchiefs, half inch hem, mill length sale price 2c. Mixed lot of laces, insertions, embroideries and fancy edges, worth 15c, Hayden's mill length price 2c. 25c all linen handkerchiefs 5c.

Advertisement for See Windows for Grand Dress Trimmings Sale Friday. A manufacturer's entire line on sale at one-tenth their real value. Bargains in every department at the "Big Store."

Advertisement for HAYDEN BROS. The First Note of Warning should bring you here. In the earliest stages decay can be arrested and the TEETH saved. Later it may be too late. The practice of dentistry for many years has given us much experience and every patient is successfully treated. Our artificial teeth, with or without plates, are of the most perfect construction. BAILEY, the Dentist. Rooms 315-317 Farnam Block. Phone 1085. Lady Attendant.

Advertisement for DR. BAILEY DENTIST. Illustration of a dental chair and a person being treated.

Advertisement for WASH DAY.... And water is too bad to be endured, but the removal of the cause—old-fashioned plumbing with clogged and leaky pipes and deadly sewer gas—will put an end to trouble. Modern open sanitary plumbing is the secret of cloudless domestic skies. The cost is not great and the result in satisfaction is permanent. Send us for estimates on plumbing, steam and gas fitting. Free & Black, Phone 1019. 1836 Farnam St.

Advertisement for VITALIZED AIR.... For painless extracting, leaves no after-effects and can be taken by any one. Made fresh in our office every morning. Vitalized Air 50c. Extracting 25c. Best Teeth, a set 1.00. Tatt's Philadelphia Dental Rooms 1517 Douglas St.

Advertisement for SAMOSET COLLAR. Smoke the best. Ask your dealer for a MERCANTILE. IT COSTS YOU NO MORE THAN INFERIOR BRANDS. F. R. RICE N. C. CO., Mrs. St. Louis. UNION MADE.