

FILES BRIEF IN RYAN CASE

Deputy Attorney General Argues in Favor of Amendment's Validity.

CONTRACT FOR COURT REPORTS IS LET

Error in Printed Copy of Wife Description Law is Discovers Which Materially Changes Its Import.

(From a Staff Correspondent.)

LINCOLN, Aug. 11.—(Special.)—Deputy Attorney General Brown today filed a brief in the Ryan injunction case, which calls into question the validity of the constitutional amendment of 1890 increasing the pay of legislators and the length of the legislative session.

Mr. Brown contended that the constitution of Mr. Ryan in the court below, was that of the act providing for a recount of the ballots, after the legislature had once declared the amendment lost, was special legislation of such character that it comes under the ban of the constitution aimed at such laws.

Mr. Brown contended that it was not legislation of such character, but on the contrary that it was an act where a general law could not be passed, since it applied to a single occasion.

The objection stated, in other words, is that the long use of a constitution by the people must constitute an irrevocable adoption thereof, and the sixteen years, during which the people have regarded the amendment in question as a constituent part of the organic law, are ample to make the adoption as a part of the state constitution valid, even though there may have been some irregularities in its adoption.

As sustaining this contention, the case of Brittle against People, second Nebraska report, 19, is cited. In that case the court held that the question of a constitution held that the question of the regularity of the adoption of a constitution after it goes into effect is a political question rather than a judicial question for the courts.

In that case the part of the constitution objected to had been in force less than seven years and, although there was evidence of irregularities, the court held that it was too late to attack it.

Print Unofficial Reports.

A contract for the printing of the five volumes of the unofficial supreme court reports was let this afternoon by Lee Herdman to the State Journal company.

The State Printing board recently refused to have these volumes printed, notwithstanding the demands of the lawyers on the ground that the reports were not official and that there would be no warrant for printing them.

The action of Mr. Herdman was taken upon the advice of the attorney general, who holds that the clerk had the right to go ahead independent of the printing board.

Mr. Herdman made requisition on the board last January, but his request was turned down. While the new volumes will not be presented, except as to the corrections reached in each case, they have been asked for by many members of the legal fraternity throughout the state and the action of the supreme court in ordering them printed was taken in response to that demand.

The members of the senate committee on judiciary urged that they be printed also. They took the ground that if the court was not going to have them printed they would make a special appropriation for the purpose and pass a special bill authorizing their publication.

Mistake in Statute.

A typographical error in both the session laws and the statutes has misled a number of lawyers. It occurs in the law making wife desertion a crime. According to both these books, which have both just come from the press, there is no limit to the penalty which a judge might impose for wife desertion. The statute reads, where the penalty is touched upon, "for more than one year."

The discoverer of the error reached the conclusion that the lawmakers had neglected to amend the statute limiting the penalty to one year or less in jail. It turns out, however, that the statute and the session laws, which have just been issued by the publishers, are in error. Clerk Roberts of the office of the secretary of state saw the published account of the long term which might await future wife desertors and straightway, according to his custom, went after the error and amended bill. He discovered that the bill, known as H. R. 32, was amended so as to read in the penalty clause, "not more than one year."

Mr. Brown's principal point is that under the rule of contemporaneous construction the adoption of the amendment by all the official organs of the commonwealth makes the amendment a part of the organic law. He cites cases to show that the action of a state department under the amendment and then the long acquiescence therein of other departments of the state government and the judiciary ought to be conclusive as to the validity of the amendment.

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HOSPE'S FIRE QUICKLY ADJUSTED ENTIRE STOCK ON SALE WEDNESDAY MORNING, AUG. 12

Hospe's fire which occurred Saturday evening at 7 o'clock on the third floor was checked at the corner of the building where it started. To put it out required a great quantity of water, which could not be confined to that floor; and therefore it damaged goods on all the floors, even to the basement.

The goods were dried before the water left any impression. All the stock, however, had to be moved very rapidly; some got bumped; others got scratched; some slightly smoke damaged. Not enough to hurt them, but enough to get the insurance allowance, enabling the firm to sell them at such prices as will move this entire stock in less than thirty days.

There are pianos in Spanish Mahogany, some in Rosewood and others in Butternut. Many in walnut; a number French walnut finish.

Remember that it is the entire stock that is included in this fire sale.

This means Grand Pianos, Upright Pianos and the Square Pianos. It also means pianos for \$30, \$40, \$50, \$60, \$70, \$105, \$110, \$120, \$130, \$150, \$180, \$200, \$220, \$240, \$250, \$270, \$280, \$310, \$320 and \$330, and a few of the Grands that cost but a very little more.

These prices are based on the insurance adjustment, with the freight added. With every piano we include a stool and scar. The terms of these instruments are made to suit the buyer. Our object is to move the stock. We will take as little as \$5.00 down, and as low as \$3.00 per month. On some of the high-priced pianos we will ask a little more down and a little more per month. But sell we will and must, and with the terms we will not be particular.

Our organ stock, on which we received a very liberal allowance from the insurance company, we will cut prices in half. You will find the celebrated Kimball Organ, Hospe Organ, Holmes, Sterling, Star, Taylor & Farley, and Hornish & Simmons organ, which will be sold for \$10, \$15, \$20, \$25, \$30, \$35, \$40, \$45 and \$55, adding only factory freights, making the prices of the organs just one-half of the factory price.

The piano-players are also included. And as everything we had in the three stories and basement of the building carries with it reductions which will surprise the good people of Omaha. It includes the Angelus Player, Apollo, Apollette and Kimball Players, and Pianos at the greatest reduction ever known. Same with Player Music Rolls.

Remember, every instrument is as clean and dry as when new. Every piano carries the factory as well as our guarantee (excepting a very few, which are sold at give-away prices, on account of direct damage). YOU TAKE NO CHANCES. Our word, our writing, our reputation is at stake. Examine this most extraordinary sale of the best pianos and organs and most convenient terms ever offered, before it is too late.

ART DEPARTMENT Framed Paintings, Water Colors, Etchings, Engravings, Facsimiles, Water-Color Carbons, Photographs, Platinotypes.

at one-fourth to one-half of the price. Frames for pictures at one-half to two-thirds off our best prices. Great display of pictures at 5c, 10c, 25c, and up.

WATER-COLOR BOXES ONE-FOURTH OFF

Brushes, Oil Tube Paints, Artists' Materials—at special prices to clean up all stock which was on hand during the fire.

MUSICAL INSTRUMENTS

Table listing various musical instruments and their prices, including Washburn Mandolins, Burton Mandolins, Regina Music Boxes, and Talking Machines.

MUSIC ROLLS

Slightly wet by water, all thoroughly clean and bright, at half and two-thirds prices, from 50¢ up. Harmonicas, 5c, 10c, 25c and 50c; former prices double.

SHEET MUSIC

100 Standard Song Albums of the best composers, all at half price. Teaching Music of best composers, at two-thirds off—Don't miss this sale.

A. HOSPE CO. 1513-15 Douglas Street, Omaha.

The Professor Said "Don't Drink Coffee"

Then they take on Postum Coffee. Because it furnishes the Coffee flavor, charming color and all the pleasure of Coffee drinking and does not destroy stomach and nerves but makes for the sure rebuilding of the entire body on healthful, sturdy lines.

Hospe's Fire advertisement including musical instruments, art department, and sheet music.