

ANOTHER MIXUP IN KINNEY COURT CASE

Temporary Restraining Order is Latest Action in Habeas Corpus Case.

HEARING NEXT MONDAY

Did an Omaha lawyer slip something over on Judge Sears of the district court, or did one of the most extraordinary actions in American legal history arise merely as a result of an oversight on the part of the judge?

Likewise, members of the Omaha bar are wondering how the district judge came to sign an order to hold up a hearing on a writ of habeas corpus, the right to which is guaranteed by the constitution.

It is said to have been the second action of its kind in the history of the United States. The only other known action was held unconstitutional.

The case came up in the fight of the Kinneys, who are divorced, for possession of their three minor children. The father had obtained the writ of habeas corpus in Judge Crawford's court, but Judge Sears signed the temporary restraining order, apparently without realizing that in its original form it would conflict with the habeas corpus action.

Lawyers Differ. David A. Finch, attorney for Kinney, asserted that the order was originally signed by the judge would have held up the habeas corpus hearing.

Judge Sears, however, later modified the order so that it now only restrains the children from being taken out of the jurisdiction of this court until the habeas corpus hearing comes up. Judge Crawford has set the hearing for Monday of next week. The injunction step is only another phase of the long court fight of the Kinneys for possession of their three minor children.

John F. Kinney, a Minneapolis business man, the father and plaintiff, obtained a divorce in the courts of Minnesota, and, he alleges, was given custody of the three children. The children were living with the mother, Mary E. Kinney, employed as a bookkeeper in an Omaha grocery store, when the father applied to the county court for a writ of habeas corpus. County Judge Crawford issued the writ, ordering Mrs. Kinney to appear before him with the three children.

In the meantime Mrs. Kinney has started suit for divorce in local district court, alleging that her former husband obtained his decree in the Mill City by fraud.

Graduated Wheel Tax Will Swell Income of the City

City Commissioner Parks of the street maintenance department will present to the council committee of the whole on Monday morning a wheel tax ordinance, which he will urge for passage.

The proposed tax will be graduated according to horsepower in the case of automobiles and according to the number of animals for horse-drawn vehicles.

Mr. Parks will leave the schedule of rates open until the city commissioners shall have conferred with the municipal affairs committee of the Commercial club.

It is estimated that this tax will yield between \$50,000 and \$75,000 a year, the money to be used for repairing and maintaining paved streets and boulevards.

The city commissioners are agreed as to the wisdom of passing a wheel tax measure.

Green Mountain National Park Urged by Thomas

Middlebury, Vt., Jan. 13.—A Green Mountain national park, to extend twenty-five miles through virgin forests along the crest of the mountains of Vermont, is suggested by President John M. Thomas of Middlebury college in his annual report published Thursday. The basis of the suggestion is the bequest by the late Joseph Battell of 4,000 acres of forest land on the ridge of the Green mountains to the United States for a park. President Thomas urges that this be extended to allow a scenic highway following the "long trail" of the Green Mountain club, which would command views not only of the primeval forests of the unspoiled portions of the Green mountains, but also of the White mountains and the Champlain valley.

Middlebury college receives \$400,000 from the Battell estate, including 25,000 acres of forest land. The tract is the largest portion of Green mountains now remaining under one control. It includes some of the wildest and most romantic scenery in the state. Mr. Battell acquired his holdings during a period of fifty years, his motive being to protect natural forests from destruction. They came to the college under careful restrictions and President Thomas recommends that they be managed according to the principles of scientific forestry.

"Attractive Nuisance" is Plea in Damage Suit

In a personal injury suit brought in the municipal court for \$1,000 on behalf of Albert Manwarren, 6 years of age, against the Nebraska Telephone company, Judge Britt upheld the doctrine of "attractive nuisance," which has been passed on several times by the state supreme court. This doctrine refers to the placing of an object in a place which will attract children and which, when set in motion by them, may cause injury. In the case adjudicated by Judge Britt, two telephone poles were placed lengthways in a space inside the sidewalk at Twenty-third and Izard streets. Four children set one of the poles in a rolling motion and the Manwarren boy suffered injuries on one of his hands.

JITNEY TAXI

Manwarren v. Nebraska Telephone Co. Webster 202

YVETTE GUILBERT AND HER OMAHA PROGRAM.



YVETTE GUILBERT AT THE AUDITORIUM.

Madame Yvette Guilbert, who will appear at the Auditorium Thursday night of this week in one of her internationally famous recitals, has been called the "supreme inspiration" and is inexhaustible in her infinite variety. Her energy and her capacity for work seem unlimited, as is her power of resource. Singers, actors, sculptors, musicians, artists and writers have all paid tribute to this matchless artist. Antonio Scotti, the celebrated opera singer, said: "Yvette Guilbert is greater every time I hear her," and in introducing Madame Guilbert to an audience at the Drama League recently Clayton Hamilton said: "I am happy now to yield this platform to one who is the greatest living artist who does anything at any time upon any stage."

So that her art may be more intelligible to her American audiences Madame Guilbert is prefacing her songs with a short explanation in English. Madame Guilbert will be associated in her recital by Emily Greaser, violin, and Gustave Ferrari, piano. Her program will be as follows:

- Legende Dorree (Two Dances of the Fifteenth and Sixteenth Centuries)
a. "Le Voyage de Joseph et Marie a Bethlem"
b. "La Pastourelle"
Chansons des Vallois (Two Legends of the Sixteenth Century)
a. "La Legende de St. Nicolas"
b. "C'est le Malin"
Yvette Guilbert
a. "Ave Maria" (Schubert-Wilhelm)
b. "Hondino" (Beethoven-Kreisler)
c. "Allegro Spiritoso" (Benallio)
Chansons du XVII (Two Songs of the Middle Ages)
a. "La Mort de Jean Renard"
b. "Piqueuse, ne me trompe pas!"
Yvette Guilbert
Deux Chansons du XVII (Two Songs of the Seventeenth Century)
Les Aventures de Margoton (The Adventures of Margoton)
a. "Margoton allant au Moulin"
b. "Margoton va Ca Piquet"
Deux Chansons de Marriage (Two Songs of Marriage, Seventeenth Century)
a. "La Mort du Mari"
b. "Le Lien Serre"
Yvette Guilbert
a. "Romanza Andaluza" (Serafini)
b. "Polonaise (Le major)" (Wieniawski)
Deux Chansons Crinolines (Two Songs Crinolines Period, 1800)
a. "Le Grandmoulin"
b. "Oh, no, John"
Yvette Guilbert

Citizens Rally to Support the Farm Loan Bank in Omaha

Subscriptions to the Omaha farm loan bank totaled approximately \$15,000 for the first week, according to Internal Revenue Collector Loomis. The largest block subscribed for so far has been for \$2,000, taken by John Kazda of this city. The other subscriptions range from \$5 to \$1,700. Many persons are subscribing for the stock for their children or relatives. Charles Grotte took fifty shares for his son, Mrs. Wareham, sister-in-law of the late John Creighton, subscribed for five shares for each of her two grandchildren.

Subscriptions will not be taken after February 9, at which time the government will subscribe for the amount not sold up to \$750,000.

County to Buy Potatoes On the Open Market

The fluctuating prices of foodstuffs, the high cost of paper, printing and other supplies and the general H. C. of L. bugaboo is putting furrows in the brows of the county fathers.

At their Saturday morning session the members of the board decided that, owing to the uncertainty of the market, they will ask for new bids on printing and other supplies. Instead of making contracts for potatoes, bread and provisions for county institutions, the commissioners plan to buy the foodstuffs on the open market until the "up in the air" situation abates.

The board some time ago decided not to make any coal contracts.

The Motors Reflection and Prospects

An interesting history of the American Motors sent free. Loan now \$1,000 grew to \$70,000.00 in five years. The history of "THE MOTORS" is the history of Motor Stocks. Send for this book and six months' subscription to THE AMERICAN MOTORS—Free. W. L. WILSON & CO., 101 Devonshire Street, Boston, Mass. (Offices in all principal cities)

JITNEY TAXI Webster 202

MOTHER IS HELPED IN HER HARD FIGHT

Associated Charities Aids a Woman Who Battles to Provide for Her Little Brood.

SHE DID NOT ASK FOR HELP

The home of a deserted woman with four children on the South Side was made happy by the Associated Charities yesterday.

Neighbors telephoned to the secretary, Mrs. Doane, and she made an investigation. She found the family living in one room. The mother had come in from out in the state with her little brood after her husband had deserted her. She had secured work where she made a few dollars a week.

She asked no help from anybody, but attempted to make a winning fight against great odds. Mrs. Doane found that two of the children slept on improvised beds made out of chairs. There was only a cot for the rest. They had insufficient bedding and cold nights were very hard on them.

A liberal supply of bedding and a big bed were sent to the family and they have been made comfortable. The mother continues to work and with the assistance given may be able to get along through the winter in her hard fight.

Kansas City General Market. Kansas City, Mo., Jan. 12.—Wheat—No. 2 hard, \$1.09 @ 1.11; No. 2 red, \$1.08 @ 1.09; No. 2 white, \$1.07 @ 1.08; No. 2 yellow, \$1.06 @ 1.07; No. 2 white, \$1.05 @ 1.06; No. 2 yellow, \$1.04 @ 1.05; May, \$1.04 @ 1.05; July, \$1.03 @ 1.04.

BIG FIRE SALE OF DRUGS AND TOILET ARTICLES AT OWL DRUG CO. 16th and Harney MONDAY MORNING

Tuesday evening, January 2, at 10 o'clock, the basement at the rear of our Owl store at 16th and Harney was found in flames, the fire evidently having started from an overheated furnace pipe. The department responded promptly, and within half an hour the fire was well under control, but not until a big stream of water had been played on this beautiful store, and free use made of the fireman's ax among the bottles, shelves and show cases. Our general warehouse is located in the rear of 1513 Capitol avenue, and we shall at once restock the Owl store with fresh, new goods, but before we do this we want to close out every dollar's worth of scorched, singed or smoked goods, so that there will be nothing left to tell the story of this very unpleasant incident.

Monday morning, January 15, at 8 o'clock, the sale will start, and the more or less liberal allowances made by the insurance companies will be handed over to our customers, so that we may at once cash in on every dollar's worth of goods left in the Owl store after the fire. The stock, as is well known, was a most complete and up-to-date one, comprising everything that properly belongs in a retail drug store, including drugs, patent medicines, toilet articles, perfumes, soaps, rubber goods, paints, brushes, photo supplies, candies and cigars. The prices below will best tell the story. We shall, as far as possible, name the quantities of goods which we have to sell, which, in most instances, will be the exact count, but in others only an approximate estimate. SHERMAN & McCONNELL DRUG CO.

- About 1/2 Gross 10c Red Cross Mechanic's Soap, Hand Cleaner, at, per can 5c
A few cans Affinity Cleaner, at, per can 12c
About 2 dozen \$1.00 size Squibb's Liquid Petrolatum, at, per bottle 50c
A little less than 1 gross assorted 10c to 15c Talcum Powder, at, per can 5c
2 dozen 25c size Sanitol Talcum and Toilet Powder, at, per box 10c
Several dozen Pearson's Ideal Hair Brushes at just 1/2 price. These brushes were not damaged at all, but still the smell of smoke is much in evidence.
About 3 dozen 75c, 1pt. size, "Liquid Oleum Paraffinum Album," at, per bottle 38c
A few bottles 50c size Rexall Kidney Remedy, at, per bottle 25c
About 1 dozen bottles 50c Podolax, at, per bottle 25c
One dozen or more 50c De Witt's Kidney Pills, at, per box 25c
A few dozen Diamond Dyes, 10c size, at, per package 5c
100 or more packages 15c Toilet Paper at, per package 5c
About 1 dozen 1/2 gallon (\$2.00 size) Golden Gate California Olive Oil, at, per bottle \$1
5 or 10 only \$1.00 Metal Bed Pans, at, each 50c
About 3 dozen LaSelle's assorted 25c Toilet Waters, at, per bottle 12c
About 3 dozen Dabrook's Fine Toilet Waters, 65c size, at, per bottle 35c
About 300 pounds Liggett's, Fenway's, Woodward's, Monte Christo and De Luxe Italian Chocolates, in 1/2-lb., 1-lb., 2-lb., and 5-lb. boxes, at, just 1/2 price.
Extra Special, 5-lb. box Gum Drops 75c
This candy had all been received within a few days, and was stored in glass show cases, therefore this is as good as the day it was made. Furthermore, the boxes were not even soiled, but we intend to make a clean sweep of everything in this store.
A few bottles \$1.00 size Maltine Preparations, at, per bottle 50c
About 1 1/2 dozen 50c size Milk's Emulsion, at, per bottle 25c
About 300 boxes Standard Brands Toilet Powders, in flesh, white, pink and brunette, at, per box 12c
A few dozen Thermos and Universal Vacuum Bottles at just 1/2 price.
3 or 4 dozen Golden Rule Hair Tonic, 25c, 50c and \$1.00 sizes, at, just half price.

- CIGARS. We carried a full and high grade stock of Cigars and Tobacco, at the Owl Drug Store, and very little damage was done to this department, but we shall offer a few very startling bargains for this sale.
Box of 50 Porto Rican Colon Cervantes for \$1.00
Box of 12 foil wrapped 10c Manila Cigars, La Florantina size, at, per box 60c
Box of 25 10c Cubanoid After Dinner Cigars at, per box \$1.25
Box of 25 15c Reynaldo Grandiosos at, per box \$1.90
Box of 25 Superiores de Cuba Cigars for 90c
About 6 dozen Pond Lily and Hazel Leaf Cream, 25c size, per bottle 12c
About 1 dozen bottles only of 25c size Espey's Fragrant Cream at, per bottle 12c
About 1/2 gross LaSelle's 50c cream at, per jar 25c
About 4 dozen 50c size Payne's Kidney Pills, per box 20c
Plenty of Help for the Sale. We shall have plenty of clerks on hand for this sale, so all will receive prompt attention.
THIS SALE IS AT THE OWL STORE ONLY—16TH AND HARNEY.
Hair Insoles Per Pair, 8c
Toilet Waters and Perfumes. Our stock of this line of goods at the Owl Drug Co. was a very complete one, and we shall place on sale 40 or 50 kinds of standard bulk extracts as manufactured by Dabrook, Colgate, LaSelle, Vantine, Palmer, Ricksecker, Lundborg, Jergens, at, per ounce 25c
This includes all the popular odors like Jockey Club, White Rose, Lily of the Valley, Violet, Orchid, Trailing Arbutus, Crabapple.
Several dozen standard brands Malt Extracts, including Storr's, Jetter's, Bohemian, at, per bottle 8c
A few bottles, 50c size Bull's Cough Syrup, at, per bottle 25c

- Service Downstairs. Our beautiful Owl's Nest Soda Room will be filled with sales items (as well as food and drinks) until we have closed out this stock.
Dog Remedies at just 1/2 price. We carried a full line of Dent's, Glover's, Spratt's and Vermilux Dog Remedies, and comprising in all more than 100 items. Any and all of these will be placed on sale at just 1/2 the regular price. The wrappers are scorched, but the contents are as good as the day they were made.
About 1/2 gross boxes Chicken and Beef Bouillon Cubes, 35c size, at, per box 18c
About 3 dozen Kinney's \$1.00 size Hair Tonic, at, per bottle 40c
About 10 or 12 bottles 50c Burnham's Liquid Shampoo, at, per bottle 25c
3 or 4 dozen \$1.00 size Kirk's Dandruff Cure, at, each 50c
4 or 5 dozen 20c Tar Shampoo Soap, at, per cake 10c
A few bottles O-Do-Do No Perspiration Remedy, \$1.00 bottle, at, each 50c
110 bottles 50c size Bay Rum, at, each 25c
About 2 dozen 50c Violet Dulce Complexion Powder, at, per box 25c
3 dozen Maubert's French Violet Loulette Face Powder, at, per box 25c
About 1 dozen 25c boxes Persipno, at, per box 12c
1 or 2 dozen Bradley's 20c Woodland Violet Talcum Powder, at, per bottle 10c
About 1 dozen 50c Dioxogen, at, per bottle 25c
About 2 dozen Red Boxes Bulb Family Syringes, with 2 hard rubber pipes, each 25c

Notes about the fire: The department responded very promptly to the call, and Chief Saller was in the saddle from start to finish, and his men worked as though they were stockholders in the Owl Drug Co. We wish they were. Major Daniel Lee Johnson assisted us in adjusting this loss, and we surely needed him, as general, but all too noble Franklin Sumner Holmes fully "represented" the insurance companies.

The last considerable fire loss of the Sherman & McConnell Drug company was in January, 1899, at 1513 Dodge street, middle of the block. The fire burned about 15 minutes at 10:00 in the morning and thoroughly carbonized a second floor store room at that place, and water-soaked our prescription department pretty badly, but in that instance as well as the present one, we really did not close our doors for a minute.

Our facetious friends were on hand promptly, and joked us about "getting ready to move and getting ready for a fire sale," etc.—Well, here is the sale. Our prescription department was transferred bodily to our beautiful new 19th and Parnum street store, where it was ably handled by Chemists N. H. Seiler, E. L. Duffy and Professor Chemist G. L. Savage and E. Sobanfelberger.

Our lease at 16th and Harney expires on May 1st, and we have made a new one with Harry Wolf for fifteen years in the new ten-story building which will be erected by Colonel Wolf at that place. The Colonel has everything arranged, and Omaha people may look to see a new record as to speed in tearing down an old building, as well as building a new one, when the premises are vacated on May 1st.

The year 1916 was by far the best business year the "Owl Store" at 16th and Dodge has ever had. Mother is still able-bodied, thank you, even though she has some full-grown children. January, thus far, at the "Owl Store," has been a record breaker.

Remember, all the goods offered above are absolutely fit for use, but are slightly soiled, singed, or at least saturated with smoke or the wrappers have been water-soaked.

2 or 3 dozen Colgate's 10c Mechanic's Hand Cleaner Soap Paste, each 5c
About 40 or 50 boxes Mennen's Talcum, Borated and Violet, at, per can 8c
About 1 dozen \$1.00 size, quart bottles Italian Tuscan Olive Oil, at, per bottle 60c
This oil is as good as it was the day it was pressed, but the wrappers look very sorry, indeed.
About 1 or 2 dozen pints, or 50c size Pompeian Olive Oil, at, per can 25c
A few 1-gal. size of Pompeian and Creme De Luxe Olive Oil, at, per gal. \$1.50

About 100 small 15c jars Rexall Cold Cream at, per jar 7c

Wines and Liquors. We only sell this line of goods for medicinal purposes. We have a few dozen quart bottles of Port, Sherry, Catawba, Madeira and Charet Wines that will be closed out for medicinal use only at, per bottle 25c
There are also a few large bottles of fine Brandy and Whisky that will be sold at a corresponding reduction to such as wish them for the family medicine chest. The prospects are now that the "Bone Dry Liquor Law" will be passed at Lincoln, and after May 1, druggists will only handle alcohol, and this modified by a mixture of some antiseptic ingredients so that it will be good only for rubbing.
About 1 dozen bottles \$1.00 size Victor's Fluid Red Sulphur at, per bottle 50c
About 1 dozen bottles \$1.00 size Burdock Tonic Compound at, per bottle 50c
About 2 dozen \$1.00 size Compound Syrup of Hypophosphites at, per bottle 50c
About 1 dozen bottles Citrician Rum and Quinine Hair Tonic, 75c size, per bottle 38c
About 100 boxes Cascade Linen and other 30c Paperies at, per box 15c
About 500 assorted 10c Writing Tablets at, per tablet 5c
About 150 bottles 25c and 50c size fine Perfumes at just 1/2 PRICE.
About 1 gross assorted 25c Cold Creams, including Carmen, LaSelle's, White Cross, etc., per jar 12c
About 4 dozen 50c size Sulpho Sage Hair Tint at, per bottle 25c
About 7 dozen 25c Menthoese at, per jar 12c
About 200 Bottles 75c and \$1.00 size Beef, Iron and Wine at just 1/2 price.

About 4 dozen Balkan Fountain Syringes, Water Bottles and Combinations at— 69c and 79c

Brushes at One-Half Price. There are Tooth Brushes, Nail Brushes, Hand Brushes, Lather Brushes, Paint Brushes, Hair Brushes, Babies' Bottle Brushes, Clothes Brushes, Military Brushes, each one as good for use as the day it was made— AT JUST HALF PRICE.

SHERMAN & McCONNELL DRUG CO. 16th and Harney Streets. THIS SALE AT THE OWL DRUG CO. ONLY