### THE OMAHA DAILY BEE: TUESDAY, JANUARY 20, 1891.

## THE CITY.

The board of equalization will make its report on the general tax levy to the city council tonight.

Sheriff Boyd went to Lincoln yesterday, taking with him Frank Remick, who has been adjudged insane. Emil Rasch of Omaha has been ap-

Points I mail clerk on the Omaha and Hastings branch of the railway mail service, vice J. D. Lacourse, resigned. Margaret J. Cooper yesterday brought

suit in the district court to compel the deeding to her of a one-third interest in a lot purchased in Tableland addition.

The society of Sons of the American Revolution will hold a meeting Tuesday evening, January 26, at 7:30 o'clock at the office of O. F. Davis Co., 1505 Farnam street.

Minule Madson a six-year-old girl. wa knocked down by a laundry wagon at the corner of Sixteenth and Dodge streets yesterday but scrambled out from under the wheels and laughed at the fun she'd had,

MORSE.S

Spring Ginghams and Embroideries. Our sale opened this morning. We are delighted that so many saw fit to come, and hope to see more.

Scotch ginghams, the finest and widest made, in all the exquisite plaids, stripes, checks, etc, 25c a yard.

These are all new and ladies will consult their own interest by selecting now before the best styles are picked out. The goods we sell at 25c are the celebrated ginghams sold east for 30c to 37 ic.

Embroideries-Just received, are lovely; it would give us genuine satisfaction to show them to everyone who sees fit to

Don't think you will incur any obligation by asking about goods, about prices in our store-you will not be urged to buy.

The 18-inch embroidery at 50c has never been equalled for less than \$1,00 in the west,

The 27-inch hemstitched embroidery at 59c a yard is worth fully \$1.00 to \$1.25. THE MORSE DRY GOODS CO.

#### COMMENCED TOO LATE.

John A. Horbach Loses His Suit Against the Street Railway Co.

Several decisions were rendered yesterday by Judge Wakeley. The most important was that in the case of John A. Horbach vs William W. Marsh.

The theory of the plaintiff's case is that Marsh, a director and the president of the horse railway company, unnecessarily, wrongfully and fraudulently permitted the foreclosure suit to go to judgment and the sale of the property to take place while the corporation had the power and the means to prevent it; that, further, by reason of his judiciary relation to the corporation, he could not lawfully purchase the property at the foreclosure sale for his own use and benefit; but only in trust for the corporation, or the but only in trust for the corporation, or the stockholders, that therefore, by the purchase of the property or pretended purchase as the petition tormed it, he became a trustee, the stockholders being the ultimate beneficiaries. For these two reasons it was claimed that Marsh's purchase and the convoyance to him of the property and franchise of the corpora-tion were in trust for its stockholders; that Horbach, as one of these for himself and in tion were in trust for its stockholders; that Horbach, as one of these, for himself and in behalf of others, has a right to an account-ing from Marsh and the other de-fendants who purchased interests from him, in respect of the property, its earnings, and its disposition; and to such other appro-priate rehef as the facts may warrant. The court held that the fact that the stock was not participated on the stock was

HIS IDENTITY ESTABLISHED. Man Burned to Death Sundry Night Was Nathan Borenstein.

The indentity of the man burned to death in the fire in Klein & Spigle's liquor store Sunday night has been established beyond all question.

His name was Nathan Borenstein, and he His name was Nathan Borenstein, and he came here three weeks ago from Chicago where he left his wife and child. They are now stopping at 178 West Fifteenth in that city. Borenstein was a Hebrew and was a shoemaker by trade. He worked in St. Louis and Memphis, and thence went to Chi-cago, at length coming here in search of work. He was in Greenberg's second hand and shoe store on Farman near Teath street, two He was in Greenberg's second hand and shoe store on Farnam near Tenth street, two weeks ago yesterday and asked for employ-ment. He was told to call again in the afternoon and he would be put to work, but he failed to do. He also visited Morse's shoe factory on that day, and told his landlady that he expected a job there, and gave this as a reason for not going back to Greenberg's. He boarded with William Munsky, at Thirtcenth and Mason streets, and left that place about 1:30 o'clock Sunday afternoon, just after dinner, and said he was going to attend a Hebrew dance on that evening at Washing-ton hall. Nothing is known of his actions subsequent to that time. The body, as it lay at the undertakers, was

subsequent to that time. The body, as it lay at the undertakers, was identified by Isaac Brown, the Douglas street furniture dealer, A. Reiman, a pariner of Borenstein who came with him from Chi-cago, Munsky, the boarding house kceper, and one of Munsky's boarders, who sat at the table with the dead man Sunday noon. The body was inglitfully burned, the face being so charred as to be unrecognizable. The hands were burned so that the tendons hung in shreds, exposing the bones, and the upper portion of the feet and the legs just above the shoe tops were also terribly burned. The body was baked and blistered in places, The body was baked and blistered in places, although it had apparently been pro-tected to some extent by the clothing. In the pockets of the partially burned pants worn by the deceased were found 65

pants worn by the deceased were found 65 cents in money, consisting of two quarters and three nickels, and a check calling for **a** pint of beer at Wolf's saloon. Munsky stated that he had given Boren-stein a Canadian quarter and three nickles just before he left and this corresponded with the money found in the dead man's clothes.

Reiman identified the deceased by his clothes and also by his shoes. He was wear-ing a similar pair himself, and stated that ing a similar pair himself, and stated that both pairs were purchased at the same time. It seems that Spicgel, Brown and Boren-stein were old acquaintances, having come originally from the same town in the old country. Reiman says that when they reached Omana, Borenstein had \$200 and he gave 3180 of this amount to Spicgle for safe keeping. Mr. Brown says that Borenstein also called on him and he also vouches for the truth of the story told by Reiman regarding the money.

also vouches for the truth of the story told by Reiman regarding the money. It is not known how Borenstein happened to have a key to the liquor house. Mr. Klein visited the undertaker's and after viewing the body said he could not recognizelt. It was at first supposed that the explosion followed the fire, but it is stated by a num-ber of people who were in the vicinity that the fire was burning fiercely at the time of the explosion.

the explosion. TRIED TO CROSS THE TRACK.

### A Teamster Seriously Hurt by a C. M.

st. P. & O. Train. Henry Jenks, a teamster, living at Six-

teenth and James, was struck by the incoming fast mail on the Chicago, St. Paul, Minneapolis & Omaha near the North Omaha station about 9 o'clock yesterday morning. He attempted to cross the track in front of the approaching train and the engine struck the horses and front end of the wagon. One horse was killed outright and the other had to be shot.

Mr. Jenks was hurled through the air a distance of thirty feet and sus-tained serious injuries. His scalp was tained serious injuries. His scaip was fearfully gashed, exposing the entire upper portion of the skull, which was fractured in two places. He also sustained several other severe cuts and bruises, and it is feared that he is also injured internally.

He was placed on the train and brought to the Webster street depot. He was afterward taken in the patrol wagon to the residence of his brother in law, John Owens, corner of Thirty-eighth and Leavenworth.

## Many Clergymen,

Singers, actors, and public speakers use Ayer's Cherry Pectoral. It is the favorite remedy for hoarseness and all affections of the vocal organs, throat, and lungs. As an anodyne and expectorant, the effects of this preparation are promptly realized. "Ayer's Cherry Pectoral has done me great good. It is a splendid remedy for all dis-eases of the throat and lungs, and I have

much pleasure in testifying to its merits."--(Rev.) C. N. Nichols, No. Tisbury, Mass. "In my profession of an auctioneer, any affection of the voice or throat is a serious

matter, but, at each attack. I have been re-lieved by a few doses of Ayer's Cherry Pectoral. This remedy, with ordinary care, has worked such a magical effect that I have suffered very little inconvenience. I have also used it in my family, with very excellent results, in coughs, colds, &c."-Wm. H. Quartiy, Minlaton, So. Australia.

Ayer's Cherry Pectoral, FREFARED BY DR. J. C. AYER & CO., Lowell, Mass.

Bold by all Druggists. Price \$1; six bottles, \$5.

Drs. Betts & Betts Pa/siins, Sitte ns and Specialists, 1409 DOUGLAS STREET OMAHA, NEB.



The most widely and favorably known spec-laiss in the United States. Their long ex-perience, remarkable skill and universal suc-cess in the treatment and cure or Nervous, Chronic and Surgical Diseases, entitle these eminent physicians to the full confidence of the afficted every where. They guarantee: A CERTAIN AND POSITIVE CURE for the awful effects of early vice and the numer-ous evils that follow in its train. PRIVATE, BLOOD AND SKIN DISEASES speedily, complately and permanently cured.

speedily, completely and permanently cured NERVOUS DEBILITY AND SEXUAL DIS-ORDERS yield readily to their skillful treat-PILES, FISTULA AND RECTAL ULCERS uaranteed cured without pain or detention

HYDROCELE AND VARICOCELE perma-

HYDROCELE AND VARICOCELE perma-nently and successfully cured in every case, syPHILIS, GONORRHEA, GLEET. Sper-matorrhea. Semiual Weakness, Lost Manhood, Night Emissions, Decayed Facuities, Female Weakness and all delicate disorders peculiar to either sex positively cured, as well as all functional disorders that result from youthful follies or the excess of mature years. STRICTURE Guaranteed permanently without cutting causto or dilatation. Cures effected at home by patient without a mo-ment's pain or annoyance. TO YOUNG AND MIDDLE AGED MEN

TO YOUNG AND MIDDLE AGED MEN.

A SURE CURE the awfai effects of organic weakness, destroying both mind and body, with all its dreided fills permanently DRS. BETTS Address those who have im-proper indulgence and solitary habits, which ruin both mind and body, unliting them for business, study or marriage. MARRIED MEN or those entering on that happy life, aware of physical debility, quickly assisted.

OUR SUCCESS



A Check for \$85.00 will secure the insertion of one-

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Cures Anemia, Scrofula, Bad Circulation and all Impurities of the Blood as well as the functional termine of the Blood as well as the physical Debility. That Exhaution, Pre-trong the Blood as well as the physical Debility. That Exhaution, Pre-vous Heatlache, Loss of Power in either sex, rous Heatlache, Loss of Power in either sex, feet, Pata in the Back and other forms of Dr. Hobbis Nerse Tonic Pills bring the

Weakness, Dr. Hobb's Nerve Tonic Pills bring the rosy tint of health to the shallow check. Weak nervous people should take this great Life Renewer. Try them, and you will join the thousands of happy men and women who daily bless Dr. Hobb for his great work in their behalf. They are sugar-coated. 50 cents a vial. For sale by Dugists of hy mail. Address

HOBD'S MEDICINE CO., PROPS., SAN FRANCISCO, CAL Runn & Co., Cor. 15th & Douglas Streets. J. A. Fuller & Co., Cor. 14th & Douglas Streets. A. D. Foster & Co., Council Bluffs, Iowa. AND PRINCIPAL PRUGGISTS EVERYWHERE

That Cores CATARBH, HAY-FEVER, COLD

the HEAD, SORE THROAT, CANKER,

REMEMBER Wonderful Remedy

CLEANING

The Ten Dollar sale of overcoats we inaugurated last week has reduced our stock considerable, still we have yet quite a few to dispose of In a week or so the season will be closed, and what is not sold will have to be carried over till next fall. We have no room for unseasonable stock. We have always made it a point to clean out at the end of each season, and are determined to do it this time. One of the secrets of our success lies in the fact that we start eve / season with an entire fresh stock. We do not allow any goods to be carried over from one season to another. We know people will not buy overcoats in January unless the inducements are great but we are willing to give them the inducements. We are offering the entire balance of overcoats now at clearance prices. When you bear in mind how close we sell goods every day in the year you will realize what our clearance prices mean. A bona fide reduction from our regular low prices means an uncommon opportunity to save money. You will find it a big investment to buy an overcoat now, even if you do not get much use out of it this winter; if will pay you to keep it for next winter.

## CORK SOLE SHOES.

This has been a poor season for all winter shoes. We have a lot of excellent calf shoes with genuine cork soles, which we are forced to sacrifice. We offer these at \$2.78. Every pairguaranteed. There is not a shoe store in the country that will think of selling such shoes for less than \$4.50. If you have never worn any cork sole shoes, try a pair. They are warm and comfortable and keep your feet dry.

# CLEANING UP ALL AROUND.

In every one of our departments we have something or other which must be cleared out and have made extraordinary reductions. In some instances the price is cut just one-half. I the underwear department, a lot of scarlet heavy shirts and drawers, worth 50c, marked S down to 25c.

In the hat department we offer a lot of good knit caps, in men's and boys' sizes, at 150; they always sold for 30c.

In hosiery, excellent all wool seamless socks at 15c; every store sells them at 3oc.

At the glove counter you will find several lots of gloves and mitts, reduced to about half their former prices.

|   | Veb       | ra     | Sk  | Ka          |             | $\mathbb{N}$ | ot        | hi              | ng              | Co.        |
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A Galifornia Nerve Foot Makes New Fresh Blood and Produces Flesh.

The court held that the fact that the stock was not registered, or transferred to Hor-bach on the company's books, if the bene-ficial interest actually belonged to him, should not debar him from maintaining a suit of this character. "It is impossible to hold upon the allegation of the petition that the sale was null and void," said the court. "It was a judicial sale. The proposition that the cor-poration had the means and resources for paying off the mortgage and judgments, and paying off the mortgage and resources for paying off the mortgage and judgments, and that Marsh fraudulently refused or failed to so use them, with a view of compelling a foreclosure, is entirely unsupported by the proofs.

"The direct and immediate question is, aside from the question of actual fraud, whether, - under the circumstances, Marsh had or had not a right to bid at the foreclosure sale for his own benefit, and hold the property exempt from a trust. He was the holder and owner of a majority of the bonds secured by the mortgage. It cannot be claimed that this was per se unlawful. The authorities are conclusive to the con-

The authorities are conclusive to the con-trary. "If it were conceded that the sale was voldable upon the undoubted facts I should be compelled to hold, as I do hold, that the delay of the plaintiff in his attempt to avoid it, or have it enure to the benefit of the stockholders, is fatal to the right now claimed. In the period of nearly ten years, which elapsed between the time of the sale and the bringing of this action, the populawhich elapsed between the time of the sale and the bringing of this action, the popula-tion of this city had quadrupled, and its resources and business had enormously increased. The value of the franchise had so changed and enlarged that a compari-son of it at the time of the sale can orly be conjectured. The whole body of the evidence shows that from the time of the purchase Marsh claimed to operate the road for him-self, not for the stockholders. There is no suggestion in the petition that Marsh ever acknowledged or admitted any trust. It seems incredible that if Horbach understood during all these years that Marsh was recognizing himself as a trustee he should have kept sileat, and refrained from arresting the undoubted rights of a stock-holder in regard to the property and its man-agement."

agement. agement." The judge closed by saying that whether the action was based on fraud or was consid-ered as an unclassified action, it was barred, it having been brought after the period of limitation limitation.

In James vs Howell, to restrain the sheriff from levying on property, owing to defective service, the injunction was sustained.

Tyler vs Fritz, case dismissed. Desmond vs Poppleton, settled out of court.

The great popularity of Ayer's Pills as a cathartic is due no less to their promptness and efficacy than to their coating of sugar and freedom from any injurious effects. Children take them readily. See Ayer's Almanac for the year, just out.

#### ANNOUNCEMENTS.

"The Sea King," Richard Stahl's new comic opera, will be presented for the first time in Omaha at Boyd's opera house on next Thursday evening and will continue during the remainder of the week. The opera will be elaborately presented by the W. J. Gil-more opera company with an exceptionally brilliant cast, including many names well known to the comic opera stage. The sale of seats is now open. seats is now open.

The celebrated Boston Howard Athenæum specialty company and Jeseph Murphy will be the attractions at the Boyd next week.

The date of the McKee Rankin engage-ment at the Graad has been changed to Sat-urday and Subday, January 24 and 25. "The Canuck," a new play of the rural type, will be given for the first time here Saturing evening.

At the Eden Musee this week the famous At the Eden Musee this week the famous Rhinehart family in the musical comedy "A Waif's Luck" is drawing well. The play is full of music and mirth and will render a dull hour one of merriment and genuine pleasure. In the curio hall the famous lillipution or midget cattle from Samoa are on exhibition. The animals are perfect wonders, being the smallest pair ever placed on exhibition, in fact there is no record of another animal as small as these.

Mr. Jenks is sixty-seven years of age and has lived in Omaha seventeen years. He is connected with the Masons, Odd Fellows, Grand Army of the Republic and Teamsters' union. His condition is very serious, and his recovery is doubtful.

GOBBLED BY THE TRUST.

The Garnean Cracker Company Joins

the Great Biscuit Syndicate. By a deal commenced last July and just consummated, the Joseph Garneau cracker company becomes a part and parcel of the American biscuit and manufacturing company of Chicago, which is another name for the cracker trust. The property of Twelfth and Harney streets is transferred to the trust, the consideration being placed in the deed at \$70,000.

deed at \$70,000. This new move legislates all of the old members of the Garneau company out of office, with the exception of Joseph Garneau, jr., who becomes the manager of the Omaha end of the trust. The Garneau company will not entirely lose its individuality, as all of the goods will be branded "The Garneau Bakery of the American Biscuit and Manufacturing Com-pany."

American biscut and the pany." A member of the old company in speaking of the change yesterday said: "This is nothing new to us, but it may be to the public. We made the deal six months ago public. We made the deal six months ago simply in order to maintain prices. The stock owned by the old company goes into the syndicate and we hold our proportionate amount of stock in the great corporation which our company helps to form. The terri-tory will be divided up for selling purposes and we will go when the board of directors decide, but no other company belonging to the trust will be allowed to intrude upon the ground designated as ours. This will do away with competition and will result in our goods being sold at a profit instead of at a loss, as has been done."

The City License Business. License Inspector Riley has filed his re port with the mayor. In detail it is as follows:





