

## GRAVEYARD FOR THE WILLS

Most Surprising Revelation of Affairs in County Court.

## ESTATES ARE UNSETTLED FOR DECADES

"The Law's Delay" Beautifully Exemplified—Receiver for Dundee Property—A Forged Note Lost and the Accused Prisoner Escapes.

The request of County Judge Eller for additional help brings to light some curious and interesting facts about his office. The vaults of the county court are a huge cemetery that has swallowed up hundreds of documents representing the hope and the despair, the achievement and the ambition of thousands of people.

Tucked away in pigeon holes there are wills that have grown rusty with the passage of nearly half a century, as it was nearly fifty years ago when the first estate was administered. From that time until the present the old documents have continued to accumulate, and during the latter years at a rapid rate, principally on account of the fact that many of the old-time citizens of Omaha have laid down their burdens and have fallen before the grim reaper, death. With their going the business of the court has increased fully twofold within the last few years. This statement is borne out by the fact that of the 2,120 estates, 120 have been filed during the past year.

At this time, in addition to the disposition of the estates, there are 1,000 guardian matters for settlement, many of which have been on hand for nearly a quarter of a century.

One peculiar feature of the manner of conducting the business of the court is the fact that prior to the beginning of last year only 500 estates had ever been settled and but 100 guardianship matters settled in full and for all time to come.

The probate judge states that the only object he has in asking for more help in his office is that he may take in these matters and get them out of the way, that the decks may be cleared for the new cases which are coming in nearly every day during the year and at a much more rapid rate than they did a few years ago when there were fewer old men in the county.

With the necessary amount of help Judge Eller declares that there would be less settling in setting up these matters and that by running them through the public would be greatly benefited. The probate judge has been in practice in the past the delay has resulted disastrously in many respects. There have been times when the executors have left the county, taking the property with them. The long years have resulted in the death of bondsmen and large estates have been divided away to nothing.

## DIT IN COURT.

Asking for a Receiver for Dundee Place Property.

Judge Dunly has been asked to appoint a receiver for certain Dundee Place property, valued at \$15,000, and to apply the income to the payment of mortgages with which it is blanketed.

Last November Jeffries & Sons of Boston brought suit in federal court for the purpose of securing a foreclosure of mortgages upon lot 3, block 114, and lots 9, 10, 11, 14, 15 and 16, block 99, Dundee Place. The amount of the mortgage on the first lot was \$10,000 and was stated to be about \$5,000, and on the second piece \$7,800.

W. R. Robeson of Boston also brought suit last fall for the foreclosure of a mortgage upon lots 10 and 20, block 114, upon which there was due the sum of \$8,900.

A stay was taken in the execution of the order of sale and now the mortgagees come into court and apply for the appointment of a receiver on the ground that the property is not sufficient to make good their claims.

## Calendars for Today.

The call for today will be as follows:  
JUDGE SCOTT, JURY ROOM NO. 2, COURT HOUSE.  
23-68—Omaha National bank vs E. W. Whipple.  
24-61—M. T. Patrick vs City of Omaha.  
24-138—Paul C. Jensen vs Byron Reed.  
24-264—Omaha Board of Trade vs M. A. Upton et al.  
24-374—Omaha Thawing Manufacturing Company vs William B. Beck et al.  
25-82—Frank E. Gruninger vs E. E. Nangle & Co.  
26-167—Ananda Garlick vs Thomas Murray.  
26-217—John Helwig vs Joseph Pfeiffer.  
26-311—Fred Mett et al vs Carl Hansen et al.  
26-388—Stewart Gwynne vs H. B. Corryell et al.  
27-13—John B. Reeves vs John C. Luse.  
27-42—William B. Beck et al vs E. W. Whipple.  
27-90—E. S. Thomas vs J. L. McCague et al.  
27-163—Omaha Real Estate and Trust Company vs J. K. Granger.  
27-233—Riversdale Distilling Company vs William Pfeiffer et al.  
JUDGE DAVIS, JURY ROOM NO. 3, COURT HOUSE.  
23-285—E. L. Sayer vs R. E. Steele et al.  
23-320—Frank V. Wasserman vs H. B. Frey et al.  
23-369—C. A. Jacobson vs C. B. Moore et al.  
24-81—Sam Friedman vs Edward S. Gage.  
25-207—T. C. Bruner vs H. M. Hunt et al.  
26-355—Frank Fernandez vs Omaha Street Railway Company.  
26-1—Thomas vs J. B. Kitchen.  
26-46—W. W. Hingham vs Omaha Street Railway Company.  
26-78—Fred Monckodt vs Kimball Chapin Investment Company.  
26-149—Peter Keenan vs Carter White Lead Company.  
JUDGE GIBBS, JURY ROOM NO. 5, COURT HOUSE.  
13-237—Samuel Johnson vs Minnie Wirth.  
14-42—Daniel Johnson vs Edmund Seed Company.  
15-96—C. L. Chaffee vs The Bee Publishing Company.  
17-16—Thomas Conway vs M. T. Black et al.  
20-278—Merchants National bank vs W. R. Appleby et al.  
21-366—Omaha Republican Printing Company vs J. C. Wilcox.  
22-106—Jennie Williams vs Richard Burdick et al.  
JUDGE HOWELL, EQUITY ROOM NO. 6, BEE BUILDING.  
11-150—A. P. Hunkeler et al vs Alfred Miller et al.  
15-94—Elizabeth McCaffrey vs Lucy McCaffrey et al.  
16-198—John J. McCaffrey et al vs American Water Works Company.  
18-373—Jacob C. Deane et al vs St. A. D. Balaban et al.  
21-130—S. R. Johnson vs John W. Shank et al.  
24-314—Ernest Stuhler et al vs City of Omaha.  
24-33—Barber Asphalt Paving Company vs P. W. Bickelmann et al.  
24-153—Dwight B. Johnson vs Mattie Blazer et al.  
24-377—Louis Bradford vs W. W. Dotson et al.  
25-227—W. D. Mead, Jr. vs George J. Paul et al.  
25-268—Union Pacific Railway Company vs Carpenter Paper Company.  
26-329—DeWitt Miller vs J. J. Gibson et al.  
26-338—George W. Mason et al vs City of South Omaha.  
26-370—Clara Johnson vs John H. Coffman et al.  
26-386—Charles E. Botis vs H. H. Henderson et al.  
26-117—S. D. Mercer vs City of Omaha et al.  
26-165—L. J. R. Bourgeois vs Clara Gage.  
26-292—Charles Mett et al vs Pat Desmond et al.  
26-282—John McCormick vs City of Omaha et al.  
26-363—A. R. Hunt vs Otto Lange et al.  
26-30—First National bank vs F. D. Cooper et al.  
JUDGE IRVING, EQUITY ROOM NO. 7, BEE BUILDING.  
21-134—Omaha National bank vs Western Printing Company.  
25-83—Lewis D. Harris vs Annie E. Shaw et al.  
26-304—Walter Brandes vs C. W. Woodbridge.  
26-394—John F. Plack vs Frank H. Worden et al.  
26-181—Omaha Belt Line Railway Company vs City of Omaha.  
26-369—George M. Grant vs Fannie M. Sloan et al.

**Dr. Price's**  
A lucky dog in David Buxtick. Some time ago he tried to pass a check signed with the name of R. C. Cleveland. He was arrested, charged with forgery, and held to the district court. His case came up for trial yesterday, but when the prosecuting attorney looked through his papers the \$8 check was gone, and the prisoner was discharged.

## Wants His Property Back.

The case of Edward L. Sayer against the

Chicago, St. Paul, Minneapolis & Omaha railway was taken up by Judge Davis yesterday. The plaintiff alleges that the defendant took possession of a couple of his horses on 22nd street, covering them with switches and railroad buildings. He declares that the company did this without any authority. Now he wants the possession of the property and \$1,000 damages.

Beware of imitations. Take no "just as good." Say that you got the genuine Dr. Bull's Cough Syrup, the peerless specific.

## HAYDEN BROS.

Special Sale of Negligé Shirts.

We put on sale tomorrow our new spring stock of STANLEY SHIRTS, starched collars and cuffs, in all the latest patterns. Our price to open the season will be 98c, \$1.25 and \$1.50.

## SPECIAL.

100 dozen gentle fine negligé over-shirts, come in black, white, black silk, bedford cords, silk stripes, your choice of any of this lot for 75c each tomorrow. They are worth from \$1.00 to \$3.00 each.

100 dozen children's cotton hose, all sizes, full regular, worth 25c per pair, your choice for 10c.

## TOMORROW.

Mill remnants of standard calicos, 34c yard.

Mill remnants of unbleached muslins, 34c yard.

Mill remnants of white checked nainsook, 24c yard.

10-4 sheeting, only 17c yard.

75c damask now 50c yard.

Doz. 50c, 30c and 40c towels all in one lot, 17c each, for \$1.00, \$2.00 dozen; only one choice to each customer.

New lot chenille table covers just opened at \$1.98 each.

Chenille table covers at \$1.00, \$1.50, \$1.98, \$3.45 and \$5.75.

New stock of linings just in.

New styles in satine, spring styles on display.

## HAYDEN BROS.

We most cordially invite everybody to call and try a delicious cup of coffee served with Highland Brand Evaporated cream for three days.

W. R. BENNETT CO.,  
R. E. WELCH & BRO.,  
Wm. FLEMING (Furnish St.),  
COURTESY GROCERY CO.

If you will call at our new store we will present you with a copy of a beautiful piece of music. Ford & Charlton, 1508 Dodge.

Freezing and interior decorating designs and estimates furnished. Henry Lehmann, 1508 Douglas street.

## Delay is Dangerous.

Do you value your eyesight? If so, call and consult Prof. Hirschberg, who will be at the store of Max Meyer & Co., 15 Omaha, Neb., February 20 to 25, and have them fitted with a pair of his nonchangeable spectacles.

MAX MEYER & BRO. CO.,  
Sole Agent for Omaha.

Eyes tested free.

Bellflower apples at Buffett's, opposite Murray hotel.

See Dentist Keim, 40 & 41 Barker blk.

## TO THE CARNIVAL CITIES

Via the Wabash Railroad.

The celebration of the Mardi Gras carnival Feb. 14th in Mobile and New Orleans will be on a grand and more gorgeous scale than ever before. Special low rates from Omaha Feb. 6th to 12th. Now is the time to take a trip south for business or pleasure. Only 40 hours Omaha to New Orleans via the Wabash.

For tickets, sleeping car accommodations and a copy of the Southern Home-seekers' Guide call at the Wabash office, 1502 Farnam street, or write G. N. Clayton, Northwestern Pass. Agt., Omaha, Neb.

## See the celebrated Sohmer piano at

Ford & Charlton Music Co., 1508 Dodge.

## PITTSBURG'S FLOOD.

Rivers Receding Slowly and the Worst Over.

The flood that threatened Pittsburgh and Allegheny has, it is thought, been checked by the cold weather and the worst is believed to be over.

At 10 o'clock yesterday morning the water touched the eighteen-foot mark and all day steadily crept up until at midnight the mark showed twenty-five feet. Parts of Allegheny and the South side were submerged yesterday and the merchants on the river fronts were greatly inconvenienced by the flooding of their cellars. The damage, as far as learned, is not much, but the poor have suffered greatly from the cold. The high water has destroyed the railways, and nearly all the trains were delayed.

Dispatches from nearly all points throughout the western end of the state indicate a serious condition of affairs. At Oil City, Parker, Warren and Preppert the flats are submerged, many people having been compelled to move and others who have anything at stake remained all night to watch the rise.

At Greenville the reports are that great areas of the pastures are being washed away below the town have backed up the water so that the lower sections are inundated and many families have moved out in boats.

## TEXAS SWEPT BY A NORTHER.

Cold Wave Covers Nearly the Whole State.

ST. LOUIS, Mo., Feb. 8.—Advices to the Associated Press from a great stretch of territory in Texas, reaching from Denison on the north and east, San Antonio on the south and San Angelo on the west, are to the effect that a severe norther is prevailing. At San Antonio the temperature fell eighty degrees to 37° above zero. The peach, pear, apple and plum crops will be ruined, as the trees are in full bloom. Advices there are to the effect that the southern ends as far south as Monterey, Mexico. At San Angelo it is sleeting heavily, with a temperature of seventeen degrees below the freezing point. At Del Rio the weather is the same, with twenty degrees. The thermometer registers zero. In one hour there was a drop of forty-six degrees.

Constitution cured by DeWitt's Early Risers.

## KNOCKED OUT A CONGRESSMAN.

Joe Cannon Falls Before the Fists of State Senator Bacon of Illinois.

SPRINGFIELD, Ill., Feb. 8.—A personal encounter took place this morning in the Le Land hotel between ex-Congressman Cannon and Senator Bacon. It grew out of long standing ill will between them. They had been rival candidates for congressmen on the republican ticket. They came together this morning and there was a lively exchange of blows, resulting in Cannon, who is an old man, going down bruised and bleeding from the fist of the younger man, who has a reputation of being something of an athlete. Each claims the other was the aggressor.

## HATCHING THE REVOLUTION

An Omaha Minister's Story of Unrecorded Hawaiian Intrigue.

HOW DR. DURYEA WAS DRAWN INTO IT

Smith of Hawaii, Now Minister at Washington, the Doctor's Guest Six Years Ago—Pretended He Wanted Missionaries While Plotting Revolution.

In a cosy home facing Union park in Boston some six years ago were sown the seeds which but recently ripened into the revolution of Hawaii, the overthrow of Queen Liliuokalani and the substitution of a provisional government for the monarchy. This is probably the nearest story to all, save a chosen few, yet interested directly in laying the foundation of recent events in the Sandwich Islands four people took the initiative in the movement in the United States. One of these was a woman, a graduate of a medical college. The quartet consisted of Dr. Mott Smith, Senator O. H. Platt, Dr. J. T. Duryea and Dr. Smith's sister.

Dr. Mott Smith is now minister plenipotentiary and envoy extraordinary from the Sandwich Islands to the United States and is recognized by the provisional government. Dr. Platt is still a senator from Connecticut. Dr. Duryea is pastor of the First Congregational church in Omaha and has since been her home in the Sandwich Islands.

Dr. Duryea yesterday related to a Bee reporter a train of circumstances which led to the impression that the Hawaiian revolution was hatched years ago and that he was unconsciously a party to it. Eight or nine years since he began to be entertained by the foreign residents of the far-away islands, that some day Kalaheua, fretting under the restraint imposed upon him by the constitution, would throw it off and only would the 3,000 or 4,000 foreigners be at the mercy of 25,000 natives, but the country would easily fall into the hands of a first nation to establish a protectorate over it.

## Planning for the Change.

A meeting of the prominent men, representing the business and financial interests of the islands was held. Young Smith had just returned to Hawaii with a minister after completing a course in medicine in the United States. He was a native, but of European parentage, his father had been among the early missionaries to the Sandwich Islands and was a man highly respected and honored.

Under the constitution framed by the missionaries Kalaheua held sway only as a limited monarch. Order had been brought out of chaos by the propounders of biblical truths, and the king held the crown only by choice of the natives, not from hereditary right. His nature was gross and sensual in the extreme and his sympathies naturally with the fellow blacks, were liable at any moment to assert themselves.

Another and probably the most important reason for the gathering was the constantly growing danger of German ascension. Germans began coming to Hawaii and securing plantations, and these were followed shortly by German bankers. The king's exorbitant demands and he was soon heavily in debt to the moneyed subjects of the Kaiser. When the Kaiser became more money was proffered Kalaheua, and greedily for gold he readily took what was offered. The Americans on the island saw this and would not be behind. Getting the king so deep as to be beyond redemption, the German bankers would appeal to their government, claiming the interest on the money loaned. They had letters of introduction to Dr. Duryea, who was then pastor of the Central Congregational church. Both Dr. Smith and his sister had come to America expressly to collect funds to help establish an industrial school at Honolulu. This statement was given wide circulation by the local press and accepted. After a few days rest the game for a kingdom began.

Among the warmest friends, personally and socially, of the Kaiser was Senator Platt of Connecticut. Dr. Smith and the senator were introduced to each other and the work began. During the three months the doctor remained in Boston he made numerous trips to Washington and back. Conferences were held with those near the heart of the government, the situation of affairs in the islands was gone over, and the Board of Foreign Missions was induced to take a hand in the furthering of the same. The islands, something which had ceased. Influential men were consulted, and finally Dr. Smith and his sister were for home. In many of his letters to Dr. Duryea, "We are getting along nicely," presumably referring to the collection of funds for the proposed school.

## Finally Reached the Crisis.

For six years the mission of the young physician and his sister bore no fruit. Matters were rapidly coming to a point where a protectorate was becoming an imperative necessity. Germany, Austria and the United States were bound by a treaty of neutrality in times of peace. Should war break out it would be a question which of the three nations could get to the islands first.

Recently the crisis approached rapidly. Queen Liliuokalani's prime minister was an American, and the state showed signs of tottering. It was found that certain diplomatic missions of the United States needed looking after, and Dr. Smith was sent to this country. The queen, after Smith's arrival here, did precisely what had been predicted. The constitutional government was overthrown by her and a new constitution was to be given the people. The armored cruiser Boston was not far from the dispatches and deposited, and the Boston as a state, "happened" along to land 300 marines. Meanwhile Dr. Smith had been minister plenipotentiary and envoy extraordinary from the provisional government, and he had the ear of this government at Washington, where he was stopping when the revolution occurred. A coincidence, perhaps, but it fits in the groove.

## A Child Enjoys

The pleasant favor, gentle action and soothing effect of Syrup of Figs, when in need of a laxative, and if the father or mother be constipated or bilious, the most satisfactory result follows its use; so that it is the best family remedy known and every family should have a bottle.

## AMUSEMENTS.

On Saturday evening Prof. John Reynolds, the famous mesmerist, will give his marvelous entertainment at the Farnam Street theater. All those who have seen the professor will find a reason at the Young Men's Christian association hall are unanimous in praise of his powers, and by a happy chance Manager Burgess is enabled to offer his patrons this exceptional treat on Saturday evening.

Tonight at Boyd's theater Mr. Charles Dickson, who is known as one of the most finished and popular comedians on the American stage will present his new to an Omaha audience. He will present his able company of comedy players in Mrs. Pacheco's comedy, "Inco." This piece has successfully faced the criticism of the weather and the audience and it is very likely that had it not possessed

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