recommendation that it do pass. This or-

dinance provides for and creates the office of

dinance provides for and creates the office of plumbing inspector, and fixes the salaries at \$1,800 and \$1,500 each. Noone shall be eligible to either of the positions unless having served an apprenticeship of three years at the trade of plumbing and house drainage, and in addition shall have been netively engaged in the business of plumbing and house drainage as a master plumber, journeyman plumber or plumbing inspector continuously for the last five years next preceding his appointment. Before entering upon the discharge of their duties they shall each execute a bond in the sum of \$3,000, conditioned upon the faithful performance of their duties.

The plumbing inspector shall have the en

forcing of all ordinances relating to plumb-ing and house drainage inside of lot lines, subject to the directions of the Board of

subject to the directions of the Board of Health. He shall also keep a correct record of all inspections made in such manner as to be easily accessible at all times. He shall

have the right during business hours to enter upon any premises in the discharge of his duties, and he shail cause the arrest of

any person found violating ordinances over which he has supervision. The assistant

plumbing inspector shall act under the direction of the plumbing inspector, and shall have like authority as the plumbing in-

spector, and in the absence of the plumbing inspector shall have full authority to act as

such and perform all the duties of such officer.

Both officers shall be appointed by the

mayor and be confirmed by the council.

A new system will be inaugurated in the office when the new ordinance becomes a

office when the new ordinance becomes a law, in case it does. A complete record of all inspections made will be shown by a diagram of the premises. These diagrams will be shown in a book kept for the purpose, and a glance at the same and the specifications and explanations will show the pian of the plumbing and the defects if there he any

The salary of the plumbing inspector is increased \$300 over what it is now, placing the same back at the old figures. The salary

"Sliding Scale" Bids Don't Go.

Yesterday morning Judge Walton of the

equity court passed upon the meaning of a

sliding scale, as applied to bids, and bidders

who seek to secure contracts for the furnish-ing of supplies and materials to cities and

counties.
Something like a year ago the county com

Something like a year ago the county commissioners of this county asked for bids for the year for furnishing piling for bridges, hard and soft wood lumber. There were three bidders, Raymond Bros., Charles Lee and C. L. Chaffee. When the bids were opened it was found that Raymond Bros. were the lowest on the piling, Lee the lowest on the hard wood and Chaffee the lowest on the hard wood and Chaffee the

lowest on the pine lumber, though all of the men had bid upon all of the material. In awarding the contract, each man was given

the award of the commissioners. He also held that when a number of bidders sub

Brigham Young's Paper Not Good.

Saints, Brigham Young deeded the lands and lots to parties who would accept the title. Some of the land was squatted upon by people who would not contribute to the

tithing house fund, and among these parties

was Alfred Woolfe, who some twenty years ago built a house and took possession of a block of land right in the heart of the little

block of land right in the heart of the little city, where for ten years he held undisputed possession. A few years ago V. G. Langtry got one of the Young deeds to this tract and commenced an ejectment suit. The case was fought up and down all of the courts, but a trial was never reached until a few days ago, when

the hearing came on before Judge Duffie After the arguments had been completed

the case was taken under advisement and was decided this morning the court holding that Woolfe was the legal owner of the tract

and that the deeds from Young and the other

Mormon elders were void.

This is regarded one of the most im-

portant decisions handed down in many a day, as much of the Florence property has

these Mormon deeds hanging over the title.

D. E. McMurray has sued Henry Ritter in

an action to recover the sum of \$2,500 dam

ages. He alleges that not long ago he was running a meat market, where he was doing

a prosperous business. He reuted the build-ing of the defendant and avers that not long

since that this same defendant broke down the door, entered the store and took into his possession all of the appliances for running

VICTIMS OF THE FLAMES.

Unrecognizable Masses of Charred Fiesh

Taken from the Ruins at Detroit. DETROIT, Nov. 25.-Three bodies have no

been recovered from the rains of the Edson,

Moore & Co. building, which was burned Thursday, and two others are supposed to be

buried beneath the mass of debris. None of

the bodies have been positively identified,

but the remains found yesterday are now be-

lieved to be those of P. J. Parkey and those

this morning of Edward Genther and Ed-

ward Viol. A large force of men is engaged

night and day in clearing away the rub

bish, but it may be several days before the

Miss Helen Gould's Intended.

CHICAGO, Nov. 25.—Railroad men here seem to think Miss Helen Gould intends to

wed L. S. Thorne, third vice president of

the Texas Pacific railroad, to whom Miss

"I know Mr. Thorne well," said Mr.

E. Ennis, division passenger agent of the

Missouri Pacific and Texas Pacific roads.

"I think very likely he may marry Miss Gould and I know that when Jay Gould and his daughter visited El Paso, Mr. Thorne and

the Goulds were always together. He is very friendly with the Gould family and the story that he is to marry Miss Gould is not at all unlikely."

Doctors Had a Hand in It.

SEATTLE, Nov. 25.-Hannah Whitnall,

vhose mysterious death has caused a sensa-

tion at Mason City, Ia., died in this city No-

vember 13. She came here on that date with

her foster parents. Mr. and Mrs. George Pollock, and they stopped at the New En

gland hotel. That night she died in convul-

sions and the fact became known that she was about to become a mother. The Pollocks were greatly astonished at the dis-

closure of her condition and when she was

dying threatened to leave her to her fate.

They releated, however, and when she died

had her body embalmed and buried. The physicians held a post-mortem and removed the child, of which they kept possession without informing the Policicks. The body was exhumed and sent to Mason City, where

investigation caused the discovery of the fact that the child was missing. The officials there believe the girl to have been poisoned, and have asked the Seattle officials to investigate.

remaining bodies are discovered.

Gould is reported to be engaged.

the market.

paper upon which they were written.

was reduced nearly two years ago.

there be any.

ECHOES FROM THE ANTE ROOM

Nebraska Pythians Celebrate Their Silver Anniversary in a Splendid Manner.

SPEECHES OF MEMBERS AND GUESTS

History of Nebraska Lodge No. 1 .- Shriners Mane a Night of It-The Elks Dance -Doings of the Week in Fraternal Circles.

A quarter of a century ago, when a vast proportion of Nebraska was an uninhabited prairie and but a small town dotted the spot where today stands the stately and prosperous city of Omana, Pythianism was first introduced west of the Alleghanies by the organization of Nebraska lodge, No. 1, Knights of Pythias.

It was early in 1868 when several promi nent residents of the modest town of Omaha conceived the idea of the institution of the lodge of the Knights of Pythias, an order which was then attracting considerable attention throughout the country. The incentive of such a movement lay in the fact that Pythianism is one of the greatest orders of the fraternal world. Fraternity, charity and behavolence as its foundation, is solid and substantial and will stand as long as the civilized world. The work of this fraternity is interesting,

and will stand as long as the civilized world. The work of this fraterinty is interesting, instructive and ennobling.

During the discussion of the proposition to plant in the mid-west the first lodge of the order west of 4the Alleghanies none among the promoters were more enthuastic and active than George H. Crager. His zeal and enthusiasm had the desired effect and the preliminary meeting was held August 13. Application was made to the supreme chancellor for a dispensation. The same was granted and the loage was named Nebraska No. 1. When the dispensation was issued, by the supreme chancellor it was to the following: George H. Crager, Edwin Davis, Edwin Stanton, L. F. Babcock, C. Skinner, J. E. Neal, J. Monier, John Taylor and Thomas C. Bruner. To enable them to establish the lodge in a proper manner and upon a sound basis the members secured a loan of \$150. The lodge was duly organized November 23 of the same year and it was started upon a perpetual and successful life. The first officers were as follows: Edwin Davis, C. C.; Charles Skinner, V. C.; Dr. L. F. Babcock, K. R. and S.; Edwin Stanton, M. F.; T. C. Bruner, M. E.; J. E. Neal, M. at A.; H. A. Monier, I. G.; John Taylor, O. G. Those who desired to avail themselves of the privileges of the membership in No. 1 in 1868 were not nearly so numerous as

the privileges of the membership in No. 1 in 1868 were not nearly so numerous as is the case today, owing to the less populous community. It was rather an uphill undertaking to keep the lodge from slaking into a state of inactivity and it required constant prodding to keep some of the lagging members from sliding backwards. However, the lodge weathered the storms of adversity and achieved magnificent success. During 1869 the membership was slightly increased and the attendance at meetings was

very good.

The first recorded effort of any lodge to compel its officers to memorize a ritual was by No. 1 in January, 1869. January 21 of the same year the lodge conceived the idea of an investment in printers' ink. The scheme was a good one, but it falled in the accomplishment of its purpose. Complimentary invitations were tendered and as quickly accepted by the editors of Omaha's three daily newspapers. Republican, Herald and Times. Free advertising was looked for as a return of the compliment. It was not thus, how-

ever.

This lodge has always been foremost in joining in the celebration of important events for Omaha. When on May 10, 1869, the citizens of Omaha celebrated the completition of the Pacific railway, No. 1 participated and over forty knights were in line under David Carter.

Charles Skinner served the first term of the year as chancel or commander and Rod-

the year as chancellor commander and Rod-ney Dutcher the second torm. For the year ney Dutcher the second term. For the year 1870 George W. Stallsmith served the first term and T. J. Lane the second. Mr. Lane was re-elected for the first term in 1871. David Robertson served the second. J. S. Shropshire was the presiding officer during 1872 and for the first term of 1873. T. C. Bruner filled the second. During those years the membership increased slightly and the lodge was in a pros-perous condition, considering that it was in the pioneer days when memoership material

was not too plentiful.

History does not record a cry of distress that has gone unheeded by No. 1, whether a knight or his family required assistance. It ance of the grand lodge when it was finan-cially embarrassed in its infancy. Also in 1873, when the supreme lodge was in straightened circumstances, a per capita from the members of 25 cents each was levied. The lodge has always promptly met the assessments of the grand lodge, no mate

In 1874 the necessary paraphernalia to work the amplified rank was purchased by No. 1, the first lodge in the state to work that rank and the first knight charged was Judge Gustave Anderson.

At the annual session of the grand lodge held in Omaha in 1874, No. 1 exemplified the ritualistic work of the order and was com-plimented by the grand lodge.

The first movement toward the introduction of the uniform rank was in 1882, and it

During the intervening years from 1874 to 1881 the membership fluctuated perceptibly. The lodge, however, prospered in many The lodge, however, prospered in many ways. The chancellor commanders were for those years: John J. Monell, D. G. Anderson, E. G. Ryley, C. E. Reynolds and E. D. McLaughlin, From January 1, 1882, C. K. Coleman piloted the lodge along for three years, serving in the capacity for a longer time than any of his predecessors or successors. For the successors, was the chancellor than any of the successors was the chancellor than any of the successors. predecessors or successors. For the succeeding years the chancellor commanders were S. M. Wilcox, J. W. Lounsbury, J. H. Gibson, C. M. Dinsmoor, W. S. Spencer, H. B. Irey, John Hayward, J. W. Maione, George A. Magney. During 1892 the lodge experienced a most prosperous year, and the membership reached 177. This record will be eclipsed by that of 1893, under the able leadership of M. L. Roder.

During, its quarter of a century of life the

leadership of M. L. Roeder.

During: its quarter of a century of life the lodge found a home in many places. It was organized in Good Templars hall, 1319 Douglas street. For a number of years meetings were held in Brown's hall, southeast corner of Fourteenth and Douglas, and afterward in a hall on Farnam street. From there the lodge was removed to Central hali on Four-teenth street. The next change was to Boyd's old theater, and quarters were retained there until Pythian hall, in the Paxton block, was completed. Meetings are now held there

Wednesday evenings.

The membership of No. 1 embraces some of the best and most honored residents of this community and are identified with the business and commercial interests of the

With a record of a quarter of a century of life Nebraska lodge No. 1 stands in the full vigor of its achievements. It has weathered the storms of adversity and comes from under strong in pros-perity. It was but proper and right that its silver anniversary should be the occasion for feasting and a timely commemoration of its birth and existence. Thursday evening 200 knights and their ladies, with distinguished

knights and their ladies, with distinguished visitors and spokesmen, gathered about the banquet board at the rooms of the Commercial club. The club rooms were thrown into a single apartment, which was none too large to hold the throng of guests. The large tables were tastefully bedecked with potted plants and sbining glasses. An orchestra discoursed excellent music.

The carlier part of the evening was spent in forming new acquaintances and renewing old associations, in which the reception committee performed a happy part. At 9:30 o'clock Grand Chancellor M. L. Roeder led the way into the dining room, where the next hour was passed in discussing a menu of exceptional merit. The cuisine and service were of the best. After the coffee had been served the guests were in a happy

vice were of the best. After the coffee had been served the guests were in a happy mood to listen to the somewhat lengthy program of toasts which followed.

The address of welcome was delivered by Mr. Roeder, who compared the circle around the table to that which, centuries ago, had graced King Arthur's round table. In the old time, as now, all were of one heart and one mind, thus proving, according to the precepts of Pythianism, that in union was power. The knights of old were the colors of their iady lover on their coats of mail, to

give them courage in battle and to ever re mind them of the sacredness of the conflict in which they were about to engage. Today we wear the pictures of our ladies in our hearts; her colors are those of modesty and

hearts; her colors are those of modesty and honor, worn as sweet symbols of tender devotion. Mr. Roder then oriefly reviewed the history of the lodge.

Mayor Bemis rose in behalf of "Omaha."

As the representative of the city he extended to the lodge congratulations on the prosperity that had attended its twenty-five years of life. He should remember this anniversary not only on account of the occasion itself, but because the day was also the silver anniversary of his first arrival in Omaha. In the bond of union that was the foundation of the order was found a principle that was equally essential in municipal affairs. Union was necessary to protect the city Union was necessary to protect the city from corruption and corporations and gas

ompanies as well.

"The Supreme Lodge" was responded to by Richard O'Neill, supreme representative.

Mr. O'Neill said that the history of the supreme lodge was the history of every successful organization. It had met with many barriers to its progress and had proudly surmounted them all.

There was no lodge in the United States

that had taken as active a part in the affairs of the supreme lodge as had Nebraska lodge No. 1. The first resolution to organize the aniformed rank was introduced by John J. Monell of Omaha. When dissension had menaced the life of the supreme lodge an Omaha man had stepped in and by his voice and influence restored harmony and paved the way for continued prosperity. When it became evident that the ritual was inade-quate to the necessities of the order, Mr. E. E. French of Omaha had remodeled it and adopted it to the enlarged field of the organization H. D. Estabrook spoke in behalf of "Those

H. D. Estabrook spoke in behalf of "Those Who Have Never Ridden the Goat."

The other toasts were: "The Home and the Lodge," J. J. Monell; "The Knight of the Nineteenth Century," Mrs. Elia W. Peattie; "The Future of Pythianism," W. S. Hamilton, P. G. C.; "Friendship, Charity and Benevolence," Rev. J. G. Tate; "The Beneficence of the Flag," T. B. Minahan; "Tho Ladies," W. F. Bechel, P. C.

They Found the Mare.

The beautiful, pinky-eyed, siky-haired, ong-cared Day Mare, the pride of the sultana, which had wandered away from the sacred precincts of Tangier temple, Arabic Order of Novies of the Mystic Shrine, into the desert about Tangier, was recovered Friday and the twenty-six candidates for mystic orders were permitted to look upon the sacred animal, as sacred to Shriners as the white elephant to the Siamese. Wasted in its long fast amid the sands of the desert, the beast was mild and gentle and the novitiates formed a strange liking for the newest gift from the sultan to Tangier temple. The desert sands blazed hot and the caravan which set out at 5 o'clock Friday evening to reach the shrine was one of the largest that ever crossed the mirage-haunted wastes. Twenty-six of the unre-generated sons of the desert were shown the beauties of the hely of helies and safely invested with the star and crescent. Accompanying the caravan were thirty-five nobles from Sesostris, Lincoln, under the chaperonage of Attorney General Hastings, twenty nobles from El-kabir, Davenport, while along the way the procession was joined by nobles from Kaaba and other nearby cities of the orient, come

to worship at Tangier's temple.

After the ceremonies, which were of a high order of merit, 250 nobles sat down to the tables loaded with milk and honey, with meat from the breast of the ibes, and then the big men of the different temples talked, and the talk was like unto the sweet flowing of mountain streams, fresh and very llowing of mountain streams, fresh and very lovely to the tired feet of the newly initiated. Poems were read by Nobles Robert French of Kearney and L. M. Rheem of Omaha; speeches were made by Attorney Hastings and a Swede noble, Mr. Shepherd of Lincoln, told of his visit to the Midway plaisance. There was sweet music by a quartet of well-tuned vocalists, and the night was made layous by the surer voices of night was made joyous by the siren voices of the sacred syninxs.

The Elks Dance. The members of Omaha lodge, Benevolent and Protective Order of Elks, enjoyed themselves Thursday evening at Chambers'

Dancing academy and treated their ladies to a pleasant evening. Dancing was the order and the pastime was enjoyed until a late hour. The members very generally re-sponded and the event was a success. ment, a new committee being in charge of

each. Considerable rivalry has sprung up and each committee is endeavoring to outdo

Improved Order of Red Men. Yah-nun-dah-sis tribe No. 2, assembled in the wigwam in the Continental forest on the sleep of the 20th sun, to congratulate the past sachem, J. H. Flannagan, on his election to the chair of the great sachem of this

state by the great council of Nebraska, held at Lincoln last week. This is not only an honor to Yah-nun-dah-sis tribe No. 1, and to the other tribes of this reservation, but to J. H. Flannagan, whose untiring exertions for the order has succeeded in establishing it on a firm foot hold, with other secret orders of this state also to show their appreciation of his knowl edge and efficiency in conducting his office as great chief of records for the last great sun of the great council of Nebraska.

Speeches were indulged in by the members, and at the call of the great sachem.

Mr. Flannagan made a very appropriate Mr. Flannagan made a very appropriate speech, thanking the brothers for their con speech, thanking the brothers for their con-gratulations and urging the tribe to renewed vigor in attendance and in bringing new pale faces into the tribe; also a perfect knowledge of the ritual and the working of the degrees so that with pride he could say to them, well done, After the council fire was quenched the brothers returned to their homes well satisfied with the events of the evening and at the eleche events of the evening, and at the election of officers on the 27th sleep of bever moon they hope to see officers elected who will attend regular to the advancement of

DIED OF HIS INJURIES.

Ed Collins' Victim Dies from the Effects the Shooting.

Louis McPherson died at the county hos pital at 4 o'clock yesterday morning and the remains were at once conveyed to the morgue. The dead man was shot at Valley last Saturday night and was brought to this city for treatment. At the time of the shooting Mc-Pherson and his friend Dale, were standing by a coal car intending to steal a sack of fuel. Before they had carried their inten-tions into effect a shot was fired, and Mc-Pherson dropped to the ground with a bullet

in his head.
The injured man was brought to Omaha and placed in the county hospital. Dale, the man who was with him, was held as a witness and Ed Collins, one of the toughs of Valley, was locked up for doing the shooting. In his dying statement McPherson said that Dale did not shoot him, and thus all the suspicion rests on Collins, who is now in the county jail. The police give Collins a bad name, as he has been arrested in Omaha

name, as he has been arrested in Omaha several times.

It is the opinion of two of the special agents of the Union Pacific who were in Valley that night that Collins was after them because they had caused his arrest several times for stealing from cars left standing on the tracks at Valley. It happened that these railway detections pened that these railway detectives gave it out that they would leave on a certain train, but, for some reason best known to them-selves, did not do so. They think that Col-ins mistook Dalo and McPherson for the railroad detectives and shot to kill.

At noon yesterday the coroner had a post-mortem on the remains, which was con-ducted by Surgeon J. E. Summers. Soveral other physicians were present. After the skull can had been removed an examination of the brain was made and part of the bullet was found. Hemorrhage of the brain had set in and the surgeon remarked after examining the brain that nothing could have saved the patient. An inquest will be

Acquitted After More Than Two Years. LYNDON, Kan., Nov. 25 .- The jury in the case of Fred Tucker, charged with murder in causing the death of four persons by wrecking a Santa Fe train at Barclay on August 21, 1891, yesterday brought in a ver-dict of not guilty. The jury, it is said, was of the opinion that Tucker had nothing to do with the wreck, but the evidence, it is claimed, showed that the wrock was inten-tional.

JUDGE FERGUSON'S DECISION

After Several Years of Litigation Over Case, Omaha Holds the Sack.

DOUGLAS STREET GRADE CASE DECIDED

Judge Ferguson Rules That the Assess. ment Proceedings Were Irregular and Vold-Judge Scott Decides Upon the Pay of City Registrars.

The Douglas street grade cases have been disposed of, so far as the courts of this county are concerned, Judge Ferguson having held that on account of irregularities in appraising damages, assessing benefits and levying taxes the city of Omaha is perpetually enjoined from collecting the tax which the council, sitting as a board of equaliza-tion, assessed against property that was not benefited by the change of grade of the

Anna Meredith was the owner of a lot situated at the northeast corner of Twentieth and Dodge streets, and joining with other property owners who were off of Douglas, the street on which it was proposed to change the grade, she protested against the award of the appraisers, Augustus Pratt.

award of the appraisers, Augustus Pratt, W. A. Gardner and George C. Bassett, who assessed the sum of \$32,012 against blocks 108, 109, 110, 114, 115 and 116.

During the year 1891 the council, sitting as a board of equalization, levied a tax upon all of the property from Eighth to the west end of Douglas street and upon the intersecting streets between Dodge and Farnam. This took in The Bee building and the New York Life property, and at once the owners of these two buildings, who had been assessed benefits in the sum of \$390, each appealed from the award and asked for a reassessment, E. W. Simeral was employed to look after the case and in the courts secured an injunction restraining the courts secured an injunction restraining the collection of the tax so levied. As a result of the finding of the court the council ordered another assessment and the appraisers went to work again, this time omitting from their assessment all of the Douglas street property east of Fourteenth street, the Life and The Bee buildings, but taking in some additional Dodge and Farnam

By reason of the new assessment the lots owned by Anna Meredith and located on Dodge street were assessed for benefits. Not being able to figure out how she was benefited she emploped E. W. Simeral and instructed him to fight the case to the end. Other suits were talked of, but, by a compromise, it was decided that the decision in the Meredith case should govern in all matter where the points at issue were practically the same. On December 31, 1892, this case was commenced by Anna Meredith securing the temporary restraining order, which later on was argued on an application for a perpetual injunction. The grounds on which the order was asked were that the appraisers return did not state that in awarding damages, benefits, if any there were, were taken into consideration, as required by the charter. Another reason for asking the perpetual order was that as the appraisers had declared that the lot of the plaintiff was damaged the council had no jurisdiction for assessing it for benefits. This position was sustained by Judge Ferguson in giving his opinion and what the result will be is hard to tell, as it is a fact that the owners of some of the lots situated similar to the one which brought aboutthis legal controversy have paid their tax into the city treasury. Whether they will sue to recover the money or let the matter drop is a question which is now agitating the

Originally, when the damages were paid, the money to pay the same was advanced by the telephone company and A. J. Hanscom, but it has since been paid back, the city hop-ing to collect from the lot owners who have been interested in the outcome of the suit which has just been decided. This decision has left the city holding the sack, as it will have to foot the bills unless the supreme court should reverse Judge Ferguson.

This suit does not in any way involve the question of the pay for the grading of Douglas street, but simply effects the payment of the expenses and costs arising from the change of the grade.

PAY OF REGISTRARS.

Judge Scott Interprets the Law and Decides a Test Case.

From this time on registrars of election will know where they are at and what compensation they will receive for their services, as Judge Scott of the law court has decided a case which settles the matter for all time to come, provided the defeated party does not go to the supreme court and a reversal of the judgment is ordered.
In the fall of 1891 Adolph Lander-

green was appointed a registrar of election for the period of one year, and as such officer, he duly qualified. During the early summer of 1892 the city council ordered a special election in order to allow the voters of Omaha to east their ballots for or against the proposition to yote bonds in aid of the Nebraska Central railway scheme. For three days preceding the holding of this election, that the voters of the city might be registered and that the registration lists might be revised for the November election, the registrars sat in eighty-eight election districts in the city. As such registrars they commenced their labors at 8 o'clock in the morning and continued until 9 o'clock at night.

When the bills of these registrars reached the council, they were allowed \$9 each, or \$3 per day. Most of the men accepted the money, but Adolph Landergreen refused the tender, claiming that as a registrar, he wa tender, claiming that as a registrar, he was working under the eight hour law of the states; that he was entitled to \$3 per day for each eight hours of the three days and double pay for all over time. This bill the city refused to pay after which Landergreen for himself and for nearly 100 of the other registrars, brought suit against the city, each man claiming \$20.25 for the extra time over and above the eight hours.

·To the petition the city, through its legal representatives demurred, and the case was argued before Judge Scott something like a

year ago. In passing upon the case yesterday, Judge In passing upon the case yesterday, Judge Scott quoted the provisions of the eight hour law and then said, "It will not be contended that the plaintiff performed the work of a merchant, and hence he does not come within the terms of the descriptive word, "merchant," as used in the act. The work did not involve the art of construction, nor require one skilled in mechanical art or occupation, nor was the plaintiff a servant occupation, nor was the plaintiff a servant within the meaning of the term as applied

in the act. "The plaintiff was not an employe of the city, but was an appointee of the city council, his compensaton, duties and duration o service being fixed by law and not by ap pointing power. He was appointed to per-form official, executive, judicial and minis-terial duties for the electors within the precinct, which duties were defined by

aw.

"The plaintiff was not a laborer within the meaning of the term, but was a public officer and could not be removed except for cause, and as such an officer he took the official oath, not the oath of a servant, mechanic or laborer, but as an official of the city, Every act and duty required of him was an official act or duty, under an official oath. Whatever cierical or scrivener work oath. Whatever clerical or scrivener work he performed was a part of his official duty, as much as passing judgment upon the right of an applicant to be registered, ordering the arrest of disturbers of the peace at the place of registration. The duration of his official services was fixed by law, as well as was the compensation which he was to receive. As a public officer of the state the plaintiff is entitled to recover the salary provided by law, \$3 per day, measured from \$6 o'clock in the morning uncil \$6 o'clock at night.

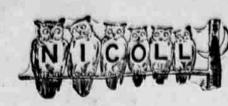
law, \$3 per day, measured from 8 o'clock in the morning uncil 9 o'clock at night.

"In this case the plaintiff does not come within the law defining a legal day's work to be eight hours, as that law does not apply to nor include public officials. Any other construction would be unauthorized and unwarranted. His salary as such publicofficer, and measure of time of service is fixed by the law that created the office and cannot be increased, changed or diminished, save by the enacting power of the state.

"The petition does not state facts sufficient to constitute a cause of action and the demurrer is therefore sustained."

New Plumbing Ordinance. The new plumbing ordinance is in the

hands of the committee on sewers and will undoubtedly be returned to the council with



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That our BUSINESS SUITS TO ORDER AT \$20 are selling so rapidly that the best patterns will soon be gone.

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TAILOR KARBACH

been employed as elevator conductor at the Merchants National bank building for the past eight months, will have a story of personal experience to tell for the remainder of his life that can be equaled by few and probably excelled by none, for he took a sheer fail of sixty-eight feet down the elevator shaft Friday evening and is not only alive today but is able to tell how it hap-A BEE reporter called yesterday to see

what he was the lowest bidder on furnishing. Chaffee refused to accept the award, claiming that he was the lowest in the agregate, and that therefore he was entitled to the whole of the contract. He sued the to the whole of the contract. He sued the county, bringing mandamus proceedings and alleging that the commissioners had no authority to separate the bids, picking out any particular article upon which any competitor might be the lowest.

The commissioners held his \$100 forfeit check and answered, claiming that they could tadopt the sliding plan and pick out the low articles and award the contract in accordance with the findings.

Yesterday Judge Walton decided the case, holding that Chaffee would forfeit his \$100 if he failed to sign the contract and accept the award of the commissioners. He also him at his home at 1044 South Thirty-fourth street and found him in bad, suffering quite a little pain, but perfectly rational and able to tell what he knew about the accident. He said that he left the elevator at the fifth floor for a few moments, and when he returned he found that the cage had "crept up" during his absence and that the bottom of it was about even with the top of the elevator door. He opened the door and took hold of the wire opened the door and took hold of the wire rope governing the movements of the cage and pulled it a little in order to bring it back to the fifth floor, but it seems that in his hurry, or because of the dim light he caught hold of the wrong rope or pulled it, the wrong way, for the cage shot up, and his hand was knocked off the rope by coming in contact with the screen surrounding the shaft. This caused him to lose his balance, and he plunged headlong down the shaft mitting bids upon a number of articles the commissioner had the authority to select such articles upon which any contractor bid low and award him the contract. shaft. This caused him to lose his balance, and he piunged headlong down the shaft. Of what happened for some time after that, he has no recollection, and whatever sensation he may have experienced during that fearful fall is now completely lost to him, for it "seemed to take his breath away right at the start," and he only realized that he was whirling around. The courts of this county have decided that deeds which come via Brigham Young and the Mormon church are not worth the Long years ago when Young and the other Mormon elders held full and undisputed sway at Florence, they entered a large plot of land where the town now stands. When they pulled up stakes and emigrated to Utah they left the land behind. After that and in the name of the church of the Latter Day

was whirling around. It is quite certain, however, that he struck the sides of the shaft at least twice during the descent, the statement of a boy who was on the fourth floor being to the effect that Coy struck the further side of the that Coy struck the further side of the shaft just after he fell, and he also struck the opposite side at the second floor, there having been sufficient of a rebound to throw him across the shaft. This contact again deflected his course to the further side, and to this fact is undoubtedly due his escape from an instant death, as it caused him to barely miss falling on the eight inch water pipe that runs diagonally across the bottom of the shaft. There is nothing on the sides of the shaft on which he could have caught to materially break his fall, and it could hardly have been retarded except by the friction of the falling body by contact with a vertical wall.

The space in the cellar, directly under the shaft, is needed for machinery and it was because of this that instead of allowing the shaft to continue to the concrete flooring a platform floor had been constructed across the bottom of the shaft between the bottom of the cellar and the floor of the basement, so that it was upon this board flooring that young Coy landed after making his acro-nautic trip without the aid of a parachute.

The floor is constructed of inch boards, covered with zinc, and laid upon six 2x6 stringers, sever feet long. Every one of the 2x6s was broken. One was snapped squarely in two in the middle, another was split its entire length and the others were as adly split and splintered as if they had gone through a railroad wreck, while the entire floor was knocked out of its original position.

Janitor Luther was going up the stairway when the accident occurred, and when the body whirled past him he thought that the cage had broken loose and fallen. He hurried down, and in company with the engineer opened the basement door at the bottom of the shaft, then discovering that the acrolite had been a human body. The boy was groaning, but conscious, and when asked, "Vernie, is that you," replied, "Yes."

A doctor was hurriedly called and the injured youth was examined and taken home, through a railroad wreck, while the entire jured youth was examined and taken home where he was given an anaesthetic, and he slept much of the night. Yesterday the physician made a more complete examina-tion and found that two ribs had been torn from their fastenings, the second toe on the left foot was broken and the back of the vic-tim was a continuous bruise. A small bruise was apparent on the forehead and a lump appeared on the side of the head, but there were no other outward indications of injury, aithough it was apparent that there were internal injuries, but their extent could not

be determined. The indications were, however, that the young man would rapidly recover unless unexpected complications developed.

It is stated that young Coy is a Young Men's Christian association gymnasium boy, and some of his feilow athletes advance the opinion that when he fell he instinctively pulled himself together and landed on his back in a compact ball, instead of with arms and legs extended, and that this explains the fact that he escaped without broken limbs. Coy has been regarded by the tenants of the building as a very careful boy, much more so than any of his predecessors, and it was regretfully commented on that he should be the one to suffer in this way, as he was very popular with the people who were his regular passengers.

Death of C. J. Bradley. C. J. Bradley died at noon yesterday at his rooms at 606 North Seventeenth street. A number of years ago Bradley was a member of the Omaha police force, but for the last few years he has served business houses on Farnam street by acting as private watch-

The deceased was well known in the city The deceased was well known in the city and had many friends. Though nearly 50 years ol age he was active and attentive to his business and was respected by those who knew him. Heart failure is supposed to be the cause of death. The body is at Maul's, awaiting instructions from relatives in the east. in the east.

shot and Killed His Son. Marion, O., Nov. 25 .- Charles Brundige, prominent farmer of southern Marion ounty, murdered his 24-year-old son, James Brundige, early this morning by shooting him with a shotgun. The affair is said to have resulted from a quarrel. Only yester-day the venerable father of the murderer was laid in his grave.

VERNIE COY'S GREAT PLUNGE Fell Headlong Searly Seventy Feet, But Lives to Tell the Tale. Vernie Coy, the 18-year-old boy, who has



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