VERDICT CAME TOO LATE

Plaintiff Not Able to Benefit by an Award of Damages.

WON THE SUIT BUT NOT BEFORE DEATH

Tried Twice in the District Court, the Plaintiff Again a Winner and This Time in the Supreme Court—Questioning the Sanity of a Juror.

The supreme court has passed upon the case of Ada C. Flagg against James Stephenson, affirming the decision of the district court of this county, in which a judgment was rendered for the plaintiff. The mandate arrived yesterday, and was at once docketed in the office of the clerk.

On April 7, 1887, Ada C. Flagg was driving along Douglas street in her private carriage, and as she neared the Fourteenth street intersection her vehicle was run into by one of Stephenson's cabs. The woman was thrown to the pavement, sustaining some serious injuries which impaired her health, and it is alleged that they resulted in her death which followed some years later. The carriage was demolished and the horse was cut up and rendered useless. Soon after this Mrs. Flagg sued for $5,241.50, and at the September term of court in 1890 the case went to trial, the jury returning a verdict of $1,500 for the plaintiff. A motion for a new trial was made and granted, and at the February term of the following year another trial was had, this time the jury finding for the plaintiff and fixing the amount of the verdict at $2,000, or $500 more than at the previous trial. The defendant appealed the case to the supreme court, and there the judgment has been affirmed.

Sanity of Austin Questioned.

The insanity commission which has been investigating the condition of the mind of W. B. Austin, a juror who sat in the case wherein Ed F. Morearty was convicted of forgery, has taken a recess, to resume laboring again today, when additional testimony will be taken, together with some legal advice upon the subject before arriving at a conclusion.

Austin, it will be remembered was a juror in the case and after the verdict of guilty was rendered a motion for a new trial was filed, one of the grounds for asking the same being that Austin had been adjudged insane, and that he had never been declared sane since he was released from confinement.

Two years ago W. B. Austin, who at that time was an engineer in the city hall, suddenly disappeared, and no trace of him was discovered until a few weeks later when it was learned that he was at the county hospital, having been sent there after he had been adjudged insane by the commission. Now the attorneys for Morearety hold that Austin never having been declared sane, he was not a competent juror.

For the Murder of Maud Rubel.

The witnesses in the case of the state against Sam Payne have been subpoenaed to appear in the criminal section of the district court this morning and give testimony concerning what they know of the murder of Maude Rubel.

Payne, a negro, is charged with having killed this girl and secreted her body in a building under the Tenth street viaduct last May. Some days after the murder the body was found and on account of some suspicious circumstances Payne was arrested and charged with the commission of the crime. Before the time of the negro's arrest "Doc" Brown, a traveling quack, was arrested on suspicion, but after the preliminary examination he was released. He immediately skipped out and has not been heard of since. It is now claimed that Payne will go upon the witness stand, where he will implicate Brown, claiming that he was the principal and that he (Payne) was simply the tool and go between.

Court Notes.

Effie Culver has instituted divorce proceedings looking to a separation from her husband, John, who she avers has deserted her, leaving her to provide for herself.

In the criminal court the case of the state against Frank Jones and William Milbourne is on trial. The defendants are charged with burglary, the information alleging that they broke into a Missouri Pacific railway car and stole a quantity of coal.

An application for the settlement of the estate of Charles P. Miller, the deceased mayor of South Omaha has been filed in the county court. The widow, who has since married, shows to the court that she has received $2,000 of life insurance, which she has paid in liquidating debts, and that at this time she has no funds in her possession.

Judge E. R. Duffie, appointed to succeed Judge Walton, who resigned from the district bench some weeks ago, writes that he will arrive in the city today, and that he will at once put on the judicial harness and buckle down to work. It is not known just what docket Judge Duffie will have, though it is likely that he will sit in one of the equity rooms until the first of the year, at which time the seven judges will meet and reassign the dockets.

Woodbridge Bros. are making a great discount on pianos and organs to save removing them to Patterson building, Seventeenth and Douglas streets.

New Omaha Limited Train.

On and after Sunday, November 4, the Chicago, Milwaukee & St. Paul "electric lighted limited" will leave Omaha 6 p. m., arriving in Chicago 9 a. m. Remember this train carries diners a la carte.

C. S. CARRIER, Ticket Agent,
1504 Farnam St.

Our Italy.

Time was when the "glorious climate of California" did not attract tourists. But year after year the tide of travel sets in stronger and stronger every fall and winter toward this favored region. There is no climate like it on this continent for a winter resort, and the usual fine service on the Union Pacific system has this season been brought to a degree of pefection which leaves nothing to be desired.

For further information call on your nearest ticket agent or address

H. P. DEUEL,
City ticket agent,
1302 Farnam st., Omaha, Neb.

To the Pacific Coast and All Western Points.

Via the Union Pacific, the World's Pictorial line. Read the time. To San Francisco from Omaha, 67½ hours; from Kansas City, 72¾ hours. To Portland from Omaha, 65¾ hours; from Kansas City, 71 hours. First-class through Pullman cars. Dining car service unsurpassed. Free chair cars. Upholstered Pullman Colonist sleepers daily between Chicago, Council Bluffs, Omaha and San Francisco, via C. & N. W. and Union Pacific system without change, connecting at Cheyenne with similar cars for Portland; also daily between Kansas City and Portland, connecting at Cheyenne with similar cars for San Francisco.

Corresponding time and service to Colorado, Utah, Wyoming, Idaho and Montana points.

For further information call on your nearest ticket agent or address

H. P. DEUEL,
C. T. A. U. P. System,
1302 Farnam Street, Omaha.

Federal Court Notes.

The contempt cases against the Commonwealers captured at Sidney last summer were dismissed.

A homesteader named Walsh was arraigned for cutting $5 worth of timber from government land in Cherry county. He was without legal counsel and Messrs Pritchett and Montgomery were appointed to defend him.

The larger part of the forenoon was devoted to a call of the law docket. Judge Dundy served his usual notice that on the second call of the docket cases in which at least one side was represented would be either sent to trial at once or dismissed with leave to reinstate.

Take advantage of the removal sale on pianos and organs at Woodbridge Bros., as they have leased rooms at 117 South Seventeenth street, Patterson block, and will move in a few days.

Woodbridge Bros. are making a great discount on pianos and organs to save removing them to Patterson building, Seventeenth and Douglas streets.

SHE WON IT.

A Young Lady Accepted a Wager on Holcomb's Election.

A pretty typewriter girl employed in one of the insurance offices in the New York Life building has been a steadfast supporter of the candidacy of Silas A. Holcomb. During the campaign the young lady earnestly advocated the election of her favorite candidate, and, as a matter of course, met an occasional Majors supporter who took issue with her as to the relative strength of the two men. One day after a spirited controversy a gentleman proposed to wager a box of candy on the result and was promptly accepted.

The outcome is well known. The rash young man paid his wager as all other honorable men are doing, and with the candy he enclosed the following wail:

Dear Miss: The wager, fairly won, I send to you, and from the gloomy depths of despondency, where torn and tattered remnants of lacerated pride chase the spectral shadows of despair, I extend to you congratulations upon the victory of your populistic friend, which doubtless has kindled in your eyes a brilliant gleam of sparkling light, and sent a radiant smile of sweet serenity dancing o'er your sunny phiz.

There is no cup of woe so bitter,
When by delusive hopes that glitter,
Man's led in ecstacies to soar
And chant the victor's mirthful lore,
Then unexpected legions meet,
And reap the anguish of defeat.
Writhing beneath the stinging jeer,
His drooping spirits naught can cheer;
Alas! There is no healing balm
For those who bet on Tattooed Tom.

Yours in sackcloth,
SOLEMNCHOLY SAM.

Marriage Licenses.

The following marriage licenses were issued yesterday:

Name and Address.	Age.
Adam E. Reynolds, Omaha	30
Lottie Slatter, Omaha	23
Charles H. Schaefer, Omaha	35
Mary Semek, Omaha	22
Ernest Johndro, Omaha	23
Louwina, Hazelett, Omaha	20
George W. McElroy, Omaha	30
Celia A. Williams, Omaha	22

PERSONAL PARAGRAPHS.

Church Howe registered at the Paxton last evening.

A. G. Dixon, Clarinda, Ia., is at the Dellone.

G. E. Gordon and wife of Chicago are at the Millard.

R. W. Woodbury and wife of Denver are Paxton guests.

James Bell and wife of David City are Millard guests.

Al Underwood and wife of Calhoun are Dellone guests.

J. M. Robinson and wife of Chadron are at the Dellone.

E. F. Leach and M. F. Penn, Red Oak, Ia., are at the Dellone.

V. R. King and J. P. Glick, Bedford, Ia., are registered at the Dellone.

Mr. and Mrs. A. G. Hammond, United States army, are at the Paxton.

Mr. E. Rosewater left yesterday on a brief business trip to Chicago. He will return on Friday or Saturday of this week.

Mrs. N. C. Bowen who has been the guest of Mrs. W. D. Wilson, 1106 South Tenth street, was called home to Cedar Rapids by the death of her mother.

Nebraskans at the Hotels.

At the Millard—E. M. La Grange, Fullerton.

At the Paxton—J. H. Bothwell, Norfolk; Mrs. G. M. Frater, David City; H. O. Guthe, S. M. Nevins, Kearney.

At the Arcade—C. Hemenover, York; S. Drake, Sumner; Mrs. F. M. James, Tekamah; D. Downey, Georgetown; J. H. Lammers, Hartington; Daniel Filber, Coleridge; James Matson, L. T. Caulkins, Hebron; L. H. Harris, Dunning.

At the Dellone—I. M. Rupand, Talmage; Harry Thule, Nebraska City; A. S. Watson, Holdrege; A. W. Buchheit, Grand Island; A. Rowan, Ord; V. Karl, Dodge; L. K. White Sawyer, Sparks; Mrs. J. B. Taylor, Beemer; Mrs. D. C. Congdon, North Platte.

At the Merchants—L. K. Spielman, B. R. Latta, Tekamah; C. N. Nelson, R. C. Hasson, Wakefield; A. W. Norton, Peru; A. C. Crassman, Atkinson; W. Southern, Crawford; R. C. Gregert, Blue Hill; D. J. Burke, Schuyler; J. T. Wiesman, Lincoln; D. C. McKillip, Seward; James Welch, Genoa; H. B. Raley, Crete; N. Reissen, Randolph.

TYPHOID FEVER EPIDEMIC

Public Institution Feeling the Fatal Effects of Defective Plumbing.

TWENTY-FIVE DEAF MUTES ARE VICTIMS

Nebraska's Institute for the Deaf Turned Into a Hospital—One Death and Others Expected—Disease Due to Defective Plumbing.

The Nebraska Institute for the Deaf and Dumb, in the northwestern part of the city, is suffering from a serious epidemic of typhoid fever. There have been twenty-five cases altogether within the past thirty days, ten of which have developed into unmistakable typhoid. One of the inmates has died from the disease and there are three more whose lives are in serious danger. The remaining patients are evidently in a fair way to recovery.

As gathered from the statements of the officers of the institution, the fever is directly attributable to the present unsanitary condition of the buildings. Two years ago this winter the plumbing was condemned by the city authorities as dangerous to health and a violation of the sanitary regulations of the city. This was while the last legislature was in session, and before the appropriation was made to support the institution during the ensuing two years.

An investigation showed that the entire system of plumbing was out of order. It had been in for a long time, and besides being of an old-fashioned character, was almost entirely worn out. In view of these facts an effort was made to induce the legislature to appropriate enough money to make the necessary repairs, the expense of which would be considerable. The effort was not successful, however, and outside of such little patching up as could be done with but little outlay of money, the building has remained during the entire two years in the same unwholesome condition.

By a liberal use of disinfectants and general cleanliness the management have succeeded in warding off any serious epidemic of disease until about a month ago, when a large number of the inmates were taken sick. Two severe cases of scarlet fever were developed, and nearly a dozen cases of typhoid. The other cases yielded to prompt treatment and recovered after a few days illness. The typhoid cases continued to grow worse, and the first death occurred last Sunday. Yesterday it was stated that three of the remaining patients were in a critical condition, but that there had been no new cases within the past ten days, and it was hoped that the epidemic was under control.

Superintendent Gillespie was asked as to the cause of the sickness, and said that there was no doubt but that the defective plumbing was responsible. In this view he was upheld by one of the physicians who is on the regular staff of the institution. Both gentlemen maintained that everything had been done that was in their power to insure cleanliness, but it was impossible to do away entirely with the deleterious effects of the worn out and inadequate plumbing. It was imperatively necessary that the entire system should be overhauled as soon as possible. Most of it would have to be torn out and replaced by more modern apparatus. It would cost at least $2,000 to put the institution in a satisfactory sanitary condition, and this amount the legislature would be asked to appropriate for the purpose at the coming session. The amount appropriated two years ago had been insufficient to pay the running expenses of the institute, to say nothing of such repairs as were necessary, and should have been accomplished. This year Superintendent Gillespie says that he intends to make out a conservative estimate of such expenses as must be provided for, and unless the necessary funds are furnished the health of the inmates will be seriously endangered.

HARVEST EXCURSIONS SOUTH.

Via the Wabash R. R.

On November 20, December 4 and 18, the Wabash will sell tickets at one fare, with $2 added. For tickets or a copy of the Homeseekers' Guide call at Wabash office, 1502 Farnam street, or write.

G. N. CLAYTON, N. W. P. Agt., Omaha.

They're Different.

One of the afternoon limited Chicago trains on the "Northwestern" carries a dining car serving meals "a la carte." The other has a diner serving regular meals. You ask at the ticket office* and then take your choice. "Omaha 4 and 5:45 p. m. arrive at Chicago 8:15 and 8:45 a. m.

*1401 Farnam street.

Change in the Presidency.

The resignation of Mr. William J. Fischer, the president of the Young Men's Christian association, was presented at the last meeting of the directors, and was accepted with sincere regret. Mr. Fischer has found the load of the work too much to carry in addition to his pressing business cares, and is forced to give up the larger responsibilities of the presidency, and retires to the board. He will, however, continue his active interest in the work, and will assist especially on the finance committee. During his presidency the work has greatly developed, the association increased in membership, a strong board of directors gathered, and system and organization advanced and the building greatly improved. Mr. Fischer has given much time and earnest thought to the association work. Even in the face of severe business depression the association has not fallen behind in financial support, but the number of subscribers and the amount of subscriptions received for the maintenance of the association increased.

Major Elijah W. Halford has been elected his sucessor. Major Halford has had long experience with Young Men's Christian associations, is heartily alive to the needs of young men, has been closely identified with the association here since his residence in the city, and can give a strong impetus to the organization. The young men of the association hold him in the highest regard and will rally heartily and enthusiastically around him to make the Omaha association a strong factor in this city's religious and moral life.

ANNOUNCEMENTS.

Over fifty people, including children, will be used in the husking bee in "The County Fair," which will be played at the Boyd's this evening and for the following evenings, with matinee Saturday. An old-fashioned corn husking will be realistically produced, and those unfamiliar with this custom and rustic entertainment will see the old-time merrymaking in all its glory.

"The County Fair" quartet will be one of the features in the husking bee in this play. This vocal organization is said to render as fine choral work as is seen in the most pretentious opera companies, and while their selections are popular folk songs, their repertoire is not confined to this class of work.

Pauline Hall, beautiful queen of comic opera, and her superb company come to Boyd's theater for an engagement of two nights, opening on Sunday, November 18, presenting for the first time in this city the new operatic comedy, "Dorcas," the author of which is Harry Paulton, more than favorably well known as a brilliant author by his clever writing of the opera of "Erminie."

"Dorcas" is derived from a German story, though its adaption has been made with great freedom by Mr. Paulton, who only took the bare outlines of the original as his foundation, depending solely upon his own brilliant creative powers to complete the plot.

This delightful work combines the double qualities of both an operatic and dramatic entertainment, as the whole story is replete with delightful music, bright and pretty.

Miss Hall plays during the course of the action of the story told in "Dorcas," three different characters; in the first act appearing as a romping, jolly, peddler boy, in the next as Dorcas, the supposed wife of the village inn-keeper, and in the last act, in her own real character of Lady Honoria.

The supporting company which Miss Hall has engaged is at once one of the strongest that has ever appeared with a traveling combination, comprising among its members as it does such brilliant artists as Jeannette St. Henry, Kate Davis, William Broderick, J. Aldrich Libbey, Charles H. Bradshaw, etc.

Marie Wellesley, the charming young actress, supported by a talented company, in her new play, "On the Swanee River," is the coming attraction at the Fifteenth Street theater, commencing Sunday matinee, November 18. "On the Swanee River" is one of the new plays that has made its debut this season. Its strong comedy, pathos, sentiment, denouements, startling climaxes, laughable oddities, catchy melodies and intricate and beautiful scenery are said to be so admirably woven and blended together that there is not a dull moment from the rise to the fall of the curtain.

Mr. Frank Murray, one of the best known and respected traveling men in the theatrical profession, will arrive in the city this morning. He comes this time to herald the coming of David Henderson's big Chicago Opera house production, "Aladdin Jr.," which will be seen at the Boyd on Thursday, Friday and Saturday of next week.

Take advantage of the removal sale on pianos and organs at Woodbridge Bros., as they have leased rooms at 117 South Seventeenth street, Patterson' block, and will move in a few days.

FOR CLEVER GIRLS.

Something They Should Know in Addition to Languages and Music.

It has been cynically said that women keep the doctors alive. That a girl should learn a little French and German, and a little music is considered of more consequence than that she should know the laws of her own life. So the world is full of sickly women who might be well. They are pale and nervous, martyrs to headache and indigestion, and they complain that "the least thing upsets them."

Well, ladies, there is not the slightest need of this state of things. Your pains in the back and your suffering from heavy colds after a trifling exposure to autumnal or wintry air simply means that you need something to revive the flagging energies of your bodies. One get the blood circulating briskly and the nerves in proper shape and you will be surprised to see how soon you will be rid of that miserable, half-sick condition.

The standard stimulant for ailing women is Duffy's Pure Malt Whiskey. After work in the household, worry at a sick bed, emotional strain or any of the other common causes of debility in women, Duffy's Pure Malt is a very fountain of new life. It is prepared by skilled chemists and is free from anything that could possibly be harmful.

Not a beverage, but an article rich in medicinal virtue, it urges the torpid body to a proper performance of all its functions. Wherever a perfect, wholesome stimulant is wanted Duffy's Pure Malt is prescribed. Ladies recommend it to each other.

THE DESIGN'S THE THING.

Design is to furniture what seasoning is to a salad. It makes or mars its perfection and taste.

This chair fairly bristles with design. It is a study in outline. The picture gives no conception of the size; it is not a large, ungainly "Comforter," but one of those light frames that lift so easily, roll so readily and are the delight of every visitor.

The covering, as shown on our floor, is merely a figured muslin, so that you make your choice for the upholstering from our magnificent line of coverings. There is no finish in the way of gimp or fringe, but the edges are bordered with solid mahogany mouldings, giving rich and beautiful finish.

The frame is old mahogany.

Such a chair is an indispensable in the arrangement of any drawing room. It combines beauty with a high degree of comfort. And it takes little space.

Charles Shiverick & Co.
FURNITURE of Every Description.
Temporary Location,
1206 and 1208 Douglas Street,
MILLARD HOTEL BLOCK.