

CITY COURTED THE SUIT

Quarrel in the Courts with the Water Works Company is Now On.

INITIATORY PAPERS HAVE BEEN SERVED

Officials Declare that They Will Show that the Water Works Company Has Failed to Live Up to the Terms of Its Contract.

The bills of the Omaha Water Works company against the city for hydrant rentals have at last gone into court, and the prolonged contest that has occurred at intervals in the city council during the past six months promises to be brought to a legal issue. Receiver Bierhoefer of the water works company has obtained an order from Judge Dundy directing the mayor, the city controller, the city treasurer and the members of the council to appear and show cause why the bills of the company have not been paid. The order is returnable February 22.

The action of the water works company in appealing to the courts is entirely satisfactory to the mayor and the members of the council who have supported him in his repeated vetoes of the water bills. They are as anxious as anyone to discover just how far the contract between the city and the water company is binding, and in view of the alleged failure of the company to supply the fire protection that it promised, and they are confident that their position will be sustained.

The bills in controversy represent the claims of the company which have been filed since last July, and they amount to \$42,422.04. The position of the mayor, which has been sustained by the council, is that the water company has failed to fulfill the terms of its contract with the city, and that, therefore, the bills should be reduced in proportion.

The mayor submitted his veto of the bills for the reasons suggested in the preceding paragraph. He estimated the amount expended by the city on account of the failure of the water company to furnish fire protection at \$90,566.29, and therefore recommended that the balance of \$11,905.84 be paid. After a long debate the veto was sustained by a vote of 8 to 9.

Previous to this the city council had been instructed by resolution to take such legal steps as would establish the rights of the city in the premises and whether the company was fulfilling its contract with the city. No action has been taken by the city attorney for reasons which were stated to the council at the time. Mr. Connell believed that the city was in a strong position to make a fight in the courts if the water works company was compelled to take the initiative. Consequently no suit was begun until the company was forced to go into court of its own volition.

Mr. Bierhoefer said that the company had brought the suit as a last resort and simply to settle the question on a definite basis. If they were wrong they wanted to know it, and if they were right they wanted their money. This money constituted a fund upon which the company was largely dependent for the improvements that were contemplated in the spring, and if they could not collect it the company would be embarrassed in that respect. He added, however, that the company proposed to make some extensive improvements in any event, but left the impression that the payment of the bills would affect in some degree the extent of the improvements contemplated.

The Modern Invalid.
Has tastes medicinally, in keeping with other luxuries. A remedy must be pleasantly acceptable in form, purely wholesome in composition, truly beneficial in effect and entirely free from every objectionable quality. If really ill he consults a physician; if constipated he uses the gentle family laxative, Syrup of Pils.

PHILLIPS' "ROCK ISLAND" EXCURSION
Through Tourist Sleeping Car to San Francisco and Los Angeles.

Via Chicago, Rock Island & Pacific railway, leaves Omaha every Friday at 11:10 p. m., via Denver, Colorado Springs, Pueblo, Salt Lake, Ogden. Also through tourist sleeper to Los Angeles every Wednesday on our southern route, via Fort Worth and El Paso. Tickets and sleeping car reservations can be secured at the "Rock Island" ticket office. For full information on this service, apply to CHARLES KENNEDY, 1602 Farnam St., O. N. W. P. A.

To the Pacific Coast and Western Ports.
Via the Union Pacific, the World's Pictorial Line. Read the time: To San Francisco from Omaha, 67 1/2 hours; to Portland from Omaha, 63 1/2 hours. First class through Pullman cars. Dining car service on the coast. Free reclining chair cars. Upholstered Pullman Colonist sleepers daily between Council Bluffs and Portland, via 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. HARRY P. DEUEL, City Ticket Agent, 1302 Farnam Street.

PUT AWAY FOR SUMMER USE.

Large Increase in the Crop of Ice—Cutting soon begins.

Ice cutting still goes merrily on, notwithstanding the fact that there is already in the warehouses more ice than was stored during the whole of last season. Yet, the weather permitting, the harvest will continue still another week. The crop will therefore be fully 25 per cent larger than the previous one. The Omaha companies, however, do not fear an overstock for last year they ran out of ice in July and were compelled to rely entirely upon the South Omaha Ice company, whose contract with Swift & Co. enabled them to supply all demands. As nearly as can be ascertained at this time the amount stored will reach 75,000 tons. The Arctic Ice company, which draws its supply from the reservoirs at Florence and Walnut Hill, has finished storing 20,000 tons in the houses at Fifth and Jones streets and Florence and Walnut Hill. Cotton, when finished, will have 10,000 tons from Cut Off lake and the river stored on the lake beach and at the foot of Webster street. Lamoureux Bros. calculate upon 10,000 tons provided the weather continues cold. Sautter & Ring will probably store 6,000 tons at Cut-Off lake. The Kimball Ice company is cutting at the lower reservoir and Cut-Off lake, and will have at least 17,000 tons. This company has the house formerly used by the Crystal Ice company, and another at the lower reservoir.

The West Omaha Ice company has a house in the river and at the crossing of the Belt line and Leavenworth streets. It will store about 2,000 tons. This year Dr. Miller enters the field for the first time. He has an artificial lake at Seymour park, which is supplied by live artesian wells. From this he will cut about 10,000 tons. The total amount of ice consumed in Omaha per year is about 150,000 tons. This may be called an outside figure. Of this the South Omaha Ice company last year supplied over 31,000 tons, and as it will this year get its ice from artesian wells the proprietors think that they will dispose of that amount, if not more, during the coming summer.

Outside of Omaha, O. A. Ashland are the most important in the field. Swift & Co. have no limit, but will go on cutting and storing as long as the weather permits. When their two immense houses are full they will pile up the ice outside and ship it out as soon as possible. They will put up at least 100,000 tons.

Two competitors have practically dropped out this year in Omaha, viz: The Crystal Ice company and the Omaha company, but their places are more than filled by Dr. Miller with his artificial lake.

The cutting and storing of ice, coming as it does in the depth of winter, is a fortunate one for the laboring class, as it is one of the other lines of work at this season. Nearly the whole cost of ice is made up of wages paid for labor. This amounts to about one cent per ton by the time it is piled up in the warehouse, giving rise to the distribution of over \$35,000 to those most in need of it.

HAYDEN BROS.

Over Three Thousand Pieces of Silk, All New Spring Goods, Now on Sale

Our New York buyers bought an immense quantity of new silks last week at the peremptory trade sale of Schwaenbach & Co. and they are now arriving daily by express. We have placed our new spring stock of silks just opened up on the same low scale of prices, and now offer to the ladies of Omaha a grand opportunity to purchase new and stylish silks at lower prices than old goods can be bought elsewhere. We quote a few of the many attractions we have to offer.

Changeable glace silks, 20 inches wide, 25c.

Striped Japanese wash silk only 25c yard.

Changeable glace silks 24 inches wide, 35c yard.

Check and plaids in wash silks only, 35c yard.

Cable cord wash silks, new goods, 35c yard.

White Jap wash silk, 20 inches wide, 25c yard.

Changeable taffeta and surah silks 45c yard.

Colored gros grains, all colors, 55c yard.

Crepes de chenes, all colors, 45c yard.

Printed China silks, new styles, 25c yard.

Cheney Bros' printed India silks, 45c yard.

Small check taffeta silks, new, 45c yard.

Swivel silks, 130 designs, 20 inches wide, 45c yard.

Gros de Londres in dark and evening shades 65c yard.

Satin duchesse, all new colors, only 75c yard.

Satin damas broches, evening shades, 75c yard.

Colored Pekin satin, stripes only, 55c yard.

Colored moires, all silk, 55c yard.

Damas swivels, newest goods out, 45c yard.

Black China silks 21 inches wide, 25c yard.

Black India silk 27 inches wide, 35c yard.

Black taffeta silk, 20 inches wide, 45c yard.

Black lining silks 20 inches wide, 25c yard.

Black satin duchesse 22 inches wide, 65c yard.

Black satin de Lyon, 20 inches wide, 85c yard.

Black satin regence, 24 inches wide, 95c yard.

Black satin mevilleux, 21 inches wide, 85c yard.

Black royal venetienne, 21 inches wide, 85c yard.

Black moire silk, all silk, 55c yard.

Yard wide black satin, only 55c yard.

Yard wide black lora silk, 55c yard.

Yard wide black India silk, 55c yard.

This is the largest and most attractive offering of silk fabrics ever made in Omaha.

It consists exclusively of new and fresh goods manufactured for this season's trade, and includes large varieties, a complete range of grades of the newest weaves and styles.

BLACK DRESS GOODS.

Values never offered by any house in America.

34-inch black fancies worth 25c, for 12 1/2c.

35-inch black herring bone cashmere worth 25c, for 12 1/2c.

Sebastopol velvet frosted bengaline, 25c.

40-inch all wool Henrietta 25c.

46-inch all wool extra heavy quality German Henrietta, 35c.

40-inch all wool figured batiste, fine quality, worth 60c, our price 35c.

35-inch pure mohair (figured), 35c.

40-inch Frederick Arnold's best grade German Henrietta, \$1.00 quality, 50c.

40-inch all wool fancies, the \$1.25 quality, special, 65c. (10 patterns to select from).

40-inch extra quality black alpaca, worth 60c, our price 35c.

India twill full 40-inch wide, worth 25c, our price 12c.

The M. H. Cook Clothing Co.'s creditors' sale still on.

All of Cook's Mackintosh coats with capes at \$4.00, \$5.00 and \$6.00; just one-half price.

All Cook's leather coats at one-half price, \$2.00 to \$4.00.

All Cook's rubber coats, \$2.00 and \$3.50, one-half price.

All Cook's satchels and traveling bags, one-half price.

HAYDEN BROS.' BARGAIN COUNTER.

More attractive than ever. New bargains added every day to keep the interest up.

We will pay over one to keep posted on our low prices for all the standard and most reliable goods. Bargains are the order of the day. Bargains in hats, bargains in fine flingings, bargains in fine dress goods, bargains in muslins, bargains in linens, bargains in blankets, in fact there are bargains in all the lines of household goods.

This stock contains the largest and most bewildering variety of exquisite styles in domestic and French satens and every other fabric in the wash dress goods line.

HAYDEN BROS.

Pleasant to Take

The Northwestern line east. Vestibled Chicago train that glides east from the union depot every afternoon at 5:45 and into Chicago at 8:45 next morning with supper and la carte breakfast. Every part of the train is RIGHT.

Our eastern trains at 11:05 a. m. and 4 p. m. daily—good, fast and sure.

City ticket office, 1401 Farnam Street.

Home-seekers' Excursion.

On February 12, 1895, the Union Pacific will sell tickets from Nebraska and Kansas points to all points in Kansas, Nebraska, Wyoming, Colorado, Utah and Idaho, at rate of one fare for the round trip, plus \$2.00. Tickets good for twenty days. Stopovers allowed.

See your nearest Union Pacific agent.

E. DICKINSON, Gen'l Manager.

E. L. LOMAX, G. P. & Tkt. Agt.

HOMESEEKERS' EXCURSIONS.

South Via the Wabash Railroad.

On February 5 and 12, March 5, April 2 and 30. For rates or further information send a copy of the Home-seekers' Guide call at the New Wabash office, 1415 Farnam Street, or write

G. N. CLAYTON,

N. W. P. Agent, Omaha, Neb.

DIED.

FORMAN—Charles E. only son of Mr. and Mrs. A. J. Forman, died at his residence, No. 1329 South 32nd avenue, at 4 o'clock a. m., February 12th, aged 18 years. 3 months, 12 days. Funeral notice later.

MORRISON—Mrs. Mary, February 11, age 30 years 2 months and 8 days, at the home of her daughter, Mrs. Mortenson, near Coffman, N. B. Funeral from the Danish Lutheran church, Twenty-second and Leavenworth streets, Thursday, February 14, 1 o'clock p. m. Interment at Prospect Hill. Friends cordially invited.

Picture

Almost Given Away.

Colored Framed Complete

Pastel 39c

Choice of gilt, ivory or white and gilt patterns.

Genuine Artist Proof

Etching \$1.19

In exquisite up to date frames complete.

Genuine Hand Painted

Water Colors

Parlor size, in handsome frames

Ready to hang complete

\$1.98

We are making frames to order cheaper than you can buy the moulding. Professionals and amateurs should get our prices on paints, brushes, canvas and all artist material. Dealers should have our wholesale catalogues.

A. Hospe Jr. Retail 1513 Douglas Street. Wholesale 1614 Izard Street.

MORSE'S CLOSING SALE.

Outting Prices on Silks and Dress Goods Worse Than Ever.

BUTTERICK'S PATTERNS FOR MARCH READY

The Time and the Cloaks Get a Terrible Cut in Prices Tomorrow—See Fifth Page—Tells You All About It.

Butterick's patterns, Delinators and fashion sheets for March are now ready.

BLACK DRESS GOODS.

We give you 40-inch novelty goods, worth 75c, for 45c tomorrow.

The 50-inch 44-inch mohair novelties go for 75c.

The 52-inch black broadcloth that we used to sell for \$1.25 goes tomorrow for 75c.

The regular price of our 54-inch diagonal chevrons was \$2.25 a yard. Your choice now 90c.

Butterick's Patterns, Delinators and fashion sheets for March are now ready.

COLORED DRESS GOODS.

All the 40 to 52-inch hosiery, serges, hosiery, checks, plaids and novelties that were never less than 65c, and most of them \$1.25 a yard, will go tomorrow at 25c.

All the 46-inch wool and silk plaids, the regular \$2.50 quality, will be yours tomorrow at 90c.

The \$1.50 a yard plaids, in wool and silk, 46 inches wide, are cut tomorrow to 35c.

Butterick's Patterns, Delinators and fashion sheets for March are now ready.

We have 8 pieces of plaid surahs, in dark colors, the regular price of which was \$1.00 a yard, and they are worth every cent of it, but we are closing them out tomorrow at 49c.

All the \$1.50 a yard Peauignons will go tomorrow at 85c.

Then there is a lot of black broadcloth, Roman stripe surahs and novelties that we never sold less than \$1.50, and many pieces at \$2.50, must be cleared out of the way at 95c.

We have just a few of these 60c to 75c colored satins left to close out at 25c.

Butterick's Patterns, Delinators and fashion sheets for March are now ready.

REYNOLDS' GLOVES.

All the 8-inch \$2.50 gloves, \$1.43.

Ladies' 4-button \$2.00 gloves, \$1.43.

Ladies' Fanchon \$2.25 gloves, 8-inch length, \$1.43.

Ladies' Fanchon \$1.75 gloves, 4-button \$1.25.

All the \$1.50 and \$1.75 gloves for 75c.

Butterick's Patterns, Delinators and fashion sheets for March are now ready.

THE MORE DRY GOODS CO.

IN A LEGAL WAY.

Doings of the Day in and About the Court.

Judge Ambrose is still hearing testimony in the Polish church case, which is not much nearer the end than at the beginning of the term. Several members of the congregation of the church are on the stand every day.

An indictment has been returned against Harry Coode for embezzling \$5,000 from the Heyn Photo Supply company. Coode is now in the county jail, having been arrested on the charge some time ago.

Monday and yesterday the grand jury had witnesses giving testimony in the South Omaha gambling case. There have been more than twenty additional witnesses heard before the investigation is closed. The time yesterday was taken up listening to the testimony of reporters who were brought to light the facts in the case. This morning ex-Detective Shoop was closeted with the jury for two hours and a half. After he had given his testimony, Attorney Montgomery, the partner of Attorney Doud, was called, and remained in the room until noon.

A motion for a new trial in the case of Paul Horbach against John A. Smiley has been overruled. The contest was overnotes aggregating in value \$22,000, verily being brought in by the jury in favor of the plaintiff.

B. McIntyre, who sued the Union Pacific for \$1,500, the value of a blooded horse which he claims was killed by the negligence of the company, and who was defeated, has filed a motion for a new trial on the grounds of error.

Mac C. Bell has applied for a receiver to take charge of certain property of which she is the mortgagee. She claims that H. H. Tomney who gave the mortgage, has failed to pay the taxes on the property, and that in consequence the amount of the tax and her own claims are more than the property is worth.

Before Judge Scott James Brennan, a soldier, is being tried for assaulting a girl named Selma E. Johnson. The state is trying to prove that several people were summoned to the scene of the crime by the cries of the girl and that they recognized the defendant. The defense claims to be able to prove an alibi.

The Omaha Driving Park association declares that it owes Patrick H. Kinney \$38 for hay and other articles. On the other hand, it claims that it rented some buildings to Kinney at an rental of \$390 a year and when it wanted Kinney to vacate he refused to do so. The association was thereby injured and damaged to the amount of \$1,000 and prays for a judgment for that amount.

In a supplemental petition R. R. Grotte, a former liquor dealer of this city, denies that he ever owed \$7,500 to Nagle & Brecher for merchandise delivered. The case was in the court some time ago and a receiver was appointed to take charge of Grotte's stock. A writ of attachment was issued in favor of Nagle & Brecher and the stock was seized on by the sheriff. Now Grotte claims that he was not indebted to the firm and that consequently the writ of attachment was void. He prays for any relief that the court may give him.

Eva C. Thompson has commenced suit in the district court against D. C. Dally, John Bailey and John A. Johnson. She claims that she is the owner of a piano that is worth \$175 and that the defendants have retained the instrument for more than thirty days prior to September 22, 1893. She thinks that as a solace to her during her weary hours the harmony of the piano was worth \$1 a day, and consequently desires the court to compel the defendants to return the instrument or its value to her and \$1 for each and every day that it remained in their possession.

In 1893 Joseph A. Cavanaugh and Octave Bouscaren gave a promissory note to W. H. Burnett. The note was not paid when it matured, and Burnett commenced suit in the district court against Cavanaugh and Bouscaren. The jury returned a verdict in his favor in the sum of \$325. Cavanaugh filed a motion for a new trial, which was granted, and the case is now being retried before Judge Keyes. The Cavanaugh claims that he signed the note as surety for Bouscaren. He also claims that an agreement was made that Bouscaren should turn over a number of secured notes from parties party to an agent of Burnett, as securities for the note in question. His plea is that the notes that Bouscaren gave were not secured and not worth as much as the collateral securities that the plaintiff released in return.

IN ANOTHER LOCATION.

Wholesale Clothing Firm Will Go to Another City.

Gilmore & Ruhl, the Omaha jobbers of clothing, have decided to move their business to St. Louis, where they will continue in the same line. The two members of the firm visited that city last week and Mr. Ruhl has just returned from there, while his partner has gone on east. Mr. Ruhl says that they determined upon making the move largely because they wished to open up in connection with their wholesale business a factory for the manufacture of the better grades of clothing and to handle the fall trade from their new location.

THE DIRECT SOUTHERN ROUTE

Via Rock Island, Shortest Line and Fastest Time.

To all points in Kansas, Oklahoma, Indian Territory, Texas and all points in southern Texas. The "Texas Limited" leaves Omaha at 5:15 a. m. daily except Sunday, landing passengers at all points in Texas 12 hours in advance of all other lines. Through tourist cars via Ft. Worth and El Paso to Los Angeles. For full particulars, maps, folders, etc., call at or address Rock Island ticket office, 1602 Farnam St.

CHAS. KENNEDY, O. N. W. P. A.

For the Working Girls Home.

A literary and musical entertainment will be given at Y. M. C. A. hall on Thursday evening for the benefit of the Working Girls home at 1720 Cass street.

PROGRAM.

Opening address.....John Rush

Philharmonic Quartet.....The Chapel

James Rush, chairman.....Miss Jennie Craft

Vocal Solo.....Ella Craft

Recitation.....Miss Jennie Craft

Recitation.....Miss Jennie Craft

Recitation.....Miss Jennie Craft

Recitation.....Miss Jennie Craft

Recitation.....Miss Jennie Craft

Recitation.....Miss Jennie Craft

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