

MOSHER CASE UP AT LINCOLN

Litigation Growing Out of the Wrecked Bank Before Judge Shiras.

STATE COURT WILL HAVE NO VOICE

Motion to Remove It from the Federal Court Overruled as Laws of Congress Are Involved.

LINCOLN, Oct. 14.—(Special.)—Judge Shiras in the federal court this morning rendered orally his decision on the motion to remove to the state courts the cases brought against C. W. Mosher and the directors of the Capital National bank by depositors. He overruled the motion. These cases were first brought in the district court to recover from the directors losses alleged to have been sustained by plaintiffs because of false statements of the bank's condition made by officers and directors. At the instance of defendants they were removed to the federal court. Attorneys for plaintiffs had moved to have them remanded on the theory that they presented no federal questions. Judge Shiras holds that they involve questions of law arising under the constitution and laws of congress. The cases are brought by Thomas Bailey, Isaac Holt, the James National bank of Seward, the Bank of Staplehurst, the Bank of Uta and Henry Garner.

The first case called before a jury in the federal court this term is that in which Dwight S. Allen and Fordyce R. Marion, of this city, sue the Lincoln Savings Bank and Safe Deposit company to recover \$4,000 on collateral notes held by the bank, the plaintiffs claim wrongfully, and \$5,000 damages, \$8,000 in all.

The students of the State university were addressed this morning by Prof. Thurber of the Chicago university. His remarks were short, but were listened to with great interest by the students.

Dr. T. J. Steele of the Hastings Asylum for the Insane, who is the guest of Superintendent Abbott of the Lincoln hospital, is arranging for the removal of about twenty insane inmates patients from Lincoln to the Hastings asylum. This afternoon Dr. J. L. Greene, late assistant superintendent of the Lincoln hospital for the insane, left for Indiana, where he will visit friends. From thence he goes to the Atlanta exposition, and probably to Europe.

Omaha people in Lincoln: At the Lindell—George S. Vason, H. C. Brown, S. T. Dorney, M. Meyer. At the Capital—E. G. Thomas, H. E. Fredrickson, Russell Condon, N. P. Chamberlain, A. F. Wilkins. At the Lincoln—W. L. Little, Jr., Frank Irvine, W. A. Piskey, J. G. Sherman, Jr., H. B. Corry, J. C. Eberhart, C. K. Denman, E. Z. Potter, J. L. Lvesey, H. Mulhall, C. H. Ball, M. A. Hall, L. G. Lewis.

Funeral of J. F. Myers Arranged. PENDING, Neb., Oct. 14.—(Special Telegram.)—The funeral of J. F. Myers and W. S. Garrett, who were arrested Saturday for resisting and interfering with the Indian police, comes up for hearing tomorrow before Justice Lindholm at Winnebago agency, United States District Attorney Sawyer arrived here from Omaha this afternoon and at once drove over to the agency to assist the prosecution.

Reception to Governor Holcomb. GRAND ISLAND, Neb., Oct. 14.—(Special.)—Commandant Wilson of the Soldiers' home will give a reception to Governor Holcomb, Congressman W. E. Andrews and the state officials at the home next Monday, the event being in celebration of the twentieth anniversary of the opening of the home.

Two Wayne Citizens Hurt. WAYNE, Neb., Oct. 14.—(Special.)—Just after crossing the railroad track this afternoon, Drayman Johnson's team became frightened, and as the driver carelessly stepped down on the trolley, he was killed and the team started to run. In a moment the

wagon was wrecked. A little further up Main street the team ran into the buggy of James Harbour from the rear, demolishing the buggy and throwing Harbour into the road, one of the horses falling over him. Neither of the men were severely injured.

GOSSIP FROM THE STATE HOUSE

Warden Ledlich Belongs the Penitentiary Matter Before the Court. LINCOLN, Oct. 14.—(Special.)—Today Attorney J. S. Kirkpatrick for Warden Ledlich, appealed to the supreme court for permission to file a petition in mandamus to compel the Board of Purchase and Supplies to order paid over to the warden some of the appropriations voted last winter for maintenance of convicts at the penitentiary. Warden Ledlich applied to the Board of Purchase and Supplies some time since for money, but it was refused him.

Today afternoon Attorney W. H. Thompson and Ed P. Smith, for the plaintiff, C. I. Phelps, filed the following notice with the clerk of the supreme court: To John A. Ames and W. H. Ashby: You and each of you are hereby notified that C. I. Phelps has commenced his action against A. J. Piper, secretary of state, in the supreme court, and that the object and purpose of said action is to restrain said secretary from certifying to any of the convicts of the penitentiary, Nebraska, the names of T. J. Mahoney, John H. Ames and W. H. Ashby as candidates of the Democratic party.

Accompanying this notice is an affidavit signed by Low Herdman, C. J. Smythe, Ed P. Smith, J. P. Donnan and W. C. Conner, giving in substance the matter incorporated in the stipulation which the secretary of state refused to sign and claims to be the only recognized officers of the democratic state central committee of Nebraska. The court will meet at 9 o'clock tomorrow. Governor Holcomb today granted a full and unconditional pardon to Albert Atwood of Omaha. Atwood was convicted of having assaulted William Cullen, a fellow workman, on July 1, 1893, with an iron bar with intent to do great bodily injury. On March 15, 1894, he was sentenced to two years in the penitentiary, but has never been in the penitentiary. He is a member of various clubs and societies in Omaha and other cities in the state and by ten members of the republican central committee of 1883 Atwood received a gold medal for saving seventeen lives on the ill-fated steamer Climber. The case was taken to the supreme court on error and dismissed September 18, 1895.

FIFTY YEARS OF WEDDED LIFE.

Mr. and Mrs. Robert Furnas Celebrate Their Golden Wedding Day. BROWNVILLE, Neb., Oct. 14.—(Special.)—Hon. Robert W. Furnas and wife will have been married fifty years on the 23rd of the present month and they have decided to celebrate the event by a reception to their friends. Today handsomely engraved announcements were sent out as follows:

Cincinnati, O., October 23, 1845, Robert W. Furnas and Mary E. McCoombs. Gratefully recognizing the preservation of Mr. and Mrs. Robert W. Furnas will hold in remembrance their fiftieth marriage anniversary on October 23rd, 1895, at Brownville, Nebraska. October twenty-ninth, eighteen hundred and ninety-five. No invitations. No presents.

Mr. and Mrs. Furnas have been residents of Brownville since 1856. Mr. Furnas in that year became a citizen of the Territory of Nebraska and immediately upon his arrival established the Brownville Advertiser. His home in the outskirts of Brownville is one of the most picturesque in this part of the state and it will be the center of a notable gathering upon the occasion of the celebration of the golden wedding.

McCook Elevator Burned. McCOOK, Neb., Oct. 14.—(Special Telegram.)—A four-story elevator was burned to the ground tonight about 10 o'clock. Origin of the fire unknown. Loss on elevator and machinery, \$2,000; insurance, \$1,000.

Fire at Gresham. GRESHAM, Neb., Oct. 14.—(Special.)—This morning at 4 o'clock fire was discovered in the heavy barn of Lancaster & Mauer, but was so far advanced that it was impossible

WHILE STOP IT OR RESIGN

Governor Clarke Takes an Emphatic Stand on the Big Prize Fight.

MILITIA TO BE USED IF NECESSARY

Projectors of the Affair Going Ahead with Their Preparations to Bring It Off at Hot Springs Just as Though All Was Serene.

LITTLE ROCK, Oct. 14.—Governor Clarke today furnished fresh evidence of his determination to prevent the Corbett-Fitzsimmons fight at Hot Springs, or in Arkansas. A telegram was sent by the governor to Brigadier General George P. Taylor of Forest City, of the Arkansas State Guards, summoning him to a conference at once. The meaning of the conference is that the governor desires to acquaint himself with the available strength of the state militia, so that he may act knowingly if the situation at Hot Springs reaches a crisis where the services of the militia are required. General Taylor is expected to arrive tomorrow and consult with the governor. According to the offers contained in telegrams and letters received at the executive office, Governor Clarke estimates that the services of 10,000 men are at his disposal for the purpose of putting down the fight if that be necessary. These offers come from all parts of the state.

A vigorous determination to prevent the fight is plainly discernible in the significant proceedings at the executive office. Indeed Governor Clarke was more emphatic than ever today in saying that the fight will not be allowed to come off in Arkansas. He goes so far as to say that if the fight occurs he will send the militia to Hot Springs and try to find an office he could run.

It is not known how the militia will be used, but it is believed that they will be used to prevent the fight from taking place. Governor Clarke is in earnest in this matter and will do everything within the scope of his power to prevent the big mill. He says that he will use his utmost diligence and that he will not allow the fight to take place. He would like to put the state to the expense of transferring several thousands of the state militia to Hot Springs to see that the principals and their backers, together with all parties concerned and interested, will not impose the necessity of ordering the militia to Hot Springs.

Concluding his interview, Governor Clarke said he did not want to see any blood shed as a result of the pugilists' refusal to refrain from making the fight. He is sincerely hoping that it would be avoided.

"I am neither seeking nor slighting any responsibility in this matter," he continued, "and will do my duty."

When questioned in reference to the proposition to change the affair into a glove contest, Governor Clarke said he would make no distinction between a glove contest and a prize fight. A prize fight is a prize fight, no matter by what name called.

CHALLENGE FORMALLY ACCEPTED.

Charles D. Rose Notified of the Club's Action. NEW YORK, Oct. 14.—The challenge for the American cup by Charles D. Rose of England has been formally accepted. Secretary J. V. S. Odell of the New York Yacht club has notified the committee of the challenge. The committee has accepted the challenge. The challenge was made by Charles D. Rose of England. The committee has accepted the challenge. The challenge was made by Charles D. Rose of England. The committee has accepted the challenge.

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CORPUS CHRISTI, Tex., Oct. 14.—Martin Julian wired the mayor of Hot Springs, Ark., that he would like to see Fitzsimmons for that place until sufficient sum of money was raised by the citizens of that place and deposited in some responsible man's hands to defray all legal expenses that may arise by their going to Arkansas. He says that while every man in the party is anxious for Fitzsimmons and Corbett to come to Hot Springs, he is taking any chances of being put to heavy expense by the Arkansas courts.

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Fair and Warmer with Variable Winds for Nebraska. WASHINGTON, Oct. 14.—The forecast for Tuesday is: For Nebraska—Fair; variable winds; warmer in the western portion. For Iowa—Fair; variable winds; warmer in the western portion. For South Dakota—Fair; winds shifting to easterly; warmer.

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OFFICE OF THE WEATHER BUREAU. OMAHA, Oct. 14.—Omaha condition of temperature and rainfall, compared with the corresponding day of each year.

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SAMPLE ITEMS

FOR TUESDAY FROM

THE GREAT BANKRUPT STOCK

OF THE

S. P. MORSE DRY GOODS CO.

16th and Farnam Streets.

Reliable Goods at Quick, Close Prices.

S. E. OLSON CO.

HOSIERY DEPT.

Figured Cotton Crepe. Light and evening shades. Finest quality. Bankrupt Sale. Price only 75c.

Ladies' Black Wool Hose. Ribbed and Plain, desirable and strong goods. Bankrupt Sale. Price only 21c.

Ladies' Black Fleece Lined. Heavy, warm goods. Bankrupt Sale. Price only 33c.

Ladies' Cashmere Hose. Black, fine legant goods. Bankrupt Sale. Price only 48c.

Children's Ribbed Hose. Wool goods, all sizes. Bankrupt Sale. Price only 17c.

Boys' Bicycle Hose. Black, heavy goods, strong and durable. Bankrupt Sale. Price only 22c.

Gents' Furnishing Dept. Heavy jersey ribbed, warm and durable. Bankrupt Sale. Price only 50c.

Shirts and Drawers. Heavy jersey ribbed, warm and durable. Bankrupt Sale. Price only 50c.

Rockford Sox. Heavy, seamless goods. Bankrupt Sale. Price only 9c.

Novels. A big lot to close out, good stories by good authors. Price only 9c.

25c and 35c Sateens. Dark colored and black goods, also best French goods. Bankrupt Sale. Price only 10c.

Novels. A big lot to close out, good stories by good authors. Price only 9c.

The 25c kind now at 14c.

The 50c kind now at 14c.

A Few Advantages

Offered by the Chicago, Milwaukee & St. Paul Railway, the short line to Chicago. A clean train made up and started from Omaha.

Checked from residence to destination. Elegant rain service and courteous employees. With electric reading lamps in every berth. Fine dining car service in the west, with meals served in the car. In other words, order what you want and pay for what you get. Flyer leaves union depot daily at 6:00 p. m., arriving at Chicago at 10:30 a. m.

City Ticket Office, 1204 Farnam Street. C. S. CARRIER, City Ticket Agent.

AMUSEMENTS TONIGHT

BOYD'S TONIGHT (TUESDAY) LAST PERFORMANCE OF Davis & Keogh's Stupendous Comic Production.

"ON THE BOWERY" The Greatest Comic, Dramatic and Comic Achievement ever presented in America. The All-Conquering Cast, including STEVE BRODIE, Champion Prizefighter and King of the Bowery.

Frank Craig Started Out Like a Winner. LONDON, Oct. 14.—Frank Craig, the "London Coffee Cooler," and Dan Creedon, well known in America, met for a twenty-round fight at the National Sporting club tonight and Creedon won in the twentieth round. Thousands of the rough element crowded outside the National Sporting club and the crowd was so thick that the police were compelled to charge the crowd to enable the club members to make an exit.

Breaking Bicycle Records. LOUISVILLE, Ky., Oct. 14.—The season for record riding was inaugurated tonight by Arthur Gardner and Willie de Cardy on singles and by E. Anderson and "Reddy" Van Herick on the Morris Park races which open tomorrow. The matter was brought up by a test case, which was agreed to on Saturday in a conference between the racing board and the district attorney and the state racing board and the Westchester racing association. Attorney Van Herick had advised the police commissioners that in his opinion the racing at Morris park would be illegal, or at least, that no arrests should be made before a hearing on the subject. The racing board, however, had had heretofore decided upon it. This was in view of the fact that Judge Bischoff had rendered opposite opinions on the constitutionality of the Perry-Gray racing law.

Sherrill Was the Better Shot. ROSELAND, Idaho, Oct. 14.—A double tragedy occurred at Delmar's tonight. Hank Anderson, while intoxicated, quarreled with the sheriff, killed him and then shot himself. Deputy Sheriff Scadden later attempted to arrest Anderson. The latter fired on him, killing Scadden and killing himself.

Trotting at Lexington. LEXINGTON, Ky., Oct. 14.—The trots today were attended by 6,000. Weather fine. The first race was won by the Kentucky stakes for 2-year-olds, \$2,000.

HEADQUARTERS FOR HIGH-CLASS SILKS.

The Largest Assortment in the West. No Relics of Bygone Years in this Department.

29c 85c

AGAIN last week, the rapidly growing Silk Department broke all previous records. More fine silk dress patterns in rich black silks, in dainty fine Evening Silks, and in those matchless, exclusive novelty waist Silks left this department than ever before in one week.

Those Elegant Black Brocades, so heavy that they stand alone at \$1.00. Those 22-inch Cashmere Gros Grains, with beautiful satin figures, at \$1.00.

THE EXTRA FINE QUALITY BLACK SATIN DUCHESSE.

AT AT AT AT AT

65c 85c 98c \$1.25 \$1.50 \$1.75

WORTH WORTH WORTH WORTH WORTH WORTH

85c \$1.25 \$1.50 \$1.75 \$2.00 \$2.50

Another case just in from the manufacturers containing those exquisite, large figured Chameleon Silks, exclusive designs, rich, heavy goods, would be reasonable at \$2.00, going at only \$1.25.

Those Beautiful Evening Silks at 60c, worth \$1.00, but they're odd pieces. Those Exquisite Novelty Silks for Evening and Street wear at 98c. Those Chameleon Velvets at \$1.50—something late. Those Silk Warp Velvets in all colors, worth \$3.00, for \$1.50. Those Black Pointelle Silks for Capes at \$1.00 yard. Those 32-inch Wide Velvets for the New Capes at \$2.50 yard. Those Colored Taffeta Silks we sell for 40c yard, worth \$1.00. Those handsome New Plaid Silks, worth \$1.25, for 85c yard.

All contributed toward making last week the greatest one on record in our Silk Department, and we believe will give us a greater one this week. You will be agreeably surprised and much interested if you will call in and look at our exclusive styles in Silks.

O'Connell & Anderson's Furniture

Now on Sale at One-Third Factory Prices.

These goods must be sold if prices will do the work. Hundreds of all kinds of pieces, at prices that simply will surprise you. If you have a furniture need remember we are selling the O'Connell & Anderson stock. You all know this stock. Call and look it over. We will make the prices NOW.

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