

NOT LEGALLY RESPONSIBLE

Was a "Creature of Suggestions" and Did Not Know What He Was Doing.

THOMAS MULVHILL NOT OF SOUND MIND

Judge Keyser Holds that the Two Mortgages Given by James E. Boyd Are Illegal and Void.

Judge Keyser yesterday decided that the two mortgages for \$5,000 each given by Thomas Mulvihill to James E. Boyd as security for money alleged to be due on account of the lease of the new Union theater were void for the reason that Mulvihill was suffering from parietic dementia at the time the documents were executed and was not competent to execute such papers.

This foreclosure proceeding grew out of the leasing of the theater by Thomas F. Boyd, December 8, 1896, and the lease was made for the term of one year and was to be made yearly and the owner of the building was to be entitled to two-thirds of the net profits remaining after the payment of the rental and certain stipulated salaries. Mulvihill signed the lease as security.

A large number of witnesses were called in the case to testify regarding the actions and habits of Mulvihill during the past few years. These witnesses described in detail his actions at home and in his business, the testimony showing a radical change in his private and public actions within the past four or five years.

In passing upon the case Judge Keyser reviewed the testimony rather exhaustively, commenting upon the salient points. He said in summing up that it was merely a question of whether Mulvihill knew he was signing a mortgage at the time he signed it.

Business as usual was very brisk yesterday, it being the first day of the February term. The attorneys, hallmarks and new jurors congested the corridors of the building and rushed excitedly from one court room to another.

After the jury panel had been disposed of by Judge Baker a number of prisoners who have been in jail awaiting trial for some time were arraigned. A large number of informations were filed against them. Among them were Frank and Emmet Peyton, the two men charged with assaulting and robbing "Handy" Kennedy, the South side gambler. The men are charged with having followed Kennedy from his "joint" to his home November 18, last, and with having shot at him and robbed him of a roll of money.

LEGAL BATTLE IS PROMISED

Several Interesting Questions Brought Out in the Contest for the Property.

FIGHT OVER SALE OF THE CREIGHTON

Right of a Special Master Commissioner to Delegate His Authority to Make a Sale is Questioned by the Lawyers.

The proceedings in the sale of the Creighton theater property under foreclosure continue to be the subject of discussion before the legal fraternity and others. Some of the legal profession advance the idea that there was no legal sale of the property for the reason that the master commissioner has no authority to delegate his powers to a deputy.

Considerable interest has developed as to who E. W. Nash, "trustee," represents. The Omaha Street Railway company is the largest stockholder in the Creighton Theater Building company and a great deal of concern has been heard as to just how a company of stockholders in such a business can be organized and how to build a speculation.

The county attorney announces that he intends to take up the trial of Jerome K. Couler on February 15. Couler stands charged with embezzlement while holding the position of deputy treasurer of the city of Omaha during the term of last year.

Seidon Has Headache. PUNK, Neb., Jan. 7, 1897.—Mrs. J. P. Allen of this place writes the following voluntary statement for publication: "I have been a great sufferer from sick headache. I procured a box of Hold's Pills, and before I had finished taking them it was better. It is now very seldom that I have a headache."

Leave Omaha—5:05 p. m.—EXACTLY. Arrive Chicago—8:20 a. m.—NO LATER. THE BURLINGTON'S "VESTIBULE FLYER."

Walker Enters General Denial. Denies Having Worked Any Fraudulent Schemes. James J. Walker, agent for the International Publishing Company of Chicago, was placed on trial yesterday in police court on the charge of obtaining money by making false pretenses.

Something to Know. It may be worth something to know that the very best medicine for restoring the tired out nervous system to a healthy vigor is Electric Bitters. This medicine is purely vegetable, acts by giving tone to the nerve centers in the stomach, gently stimulates the liver and kidneys, and aids these organs in the elimination of poisons from the blood.

Can Not Pay Over the Alimony. Peterson Explains Why He Fails to Comply with Court's Order. Peter Peterson, the defendant in a divorce case brought by Andrea Peterson, filed a showing yesterday why he should not be held to be in contempt of court for not paying his wife \$15 per week as alimony.

Not in the Train Service. Is where you'll find the difference if you go to the depot over the Pennsylvania Short Lines. Through trains to Washington every day from Chicago Union Station. For the inauguration the service will be especially convenient. Low rate tickets on sale March 1, 2 and 3. Ask Traveling Passenger Agent at Omaha, Neb., or H. R. DENING.

DIED. JEGGERS—Mary A., aged 50 years, January 21, 1897, wife of Captain William J. Jegg, at her residence, 233 Madison street, February 2, 1897. Burial at Forest Lawn cemetery, February 2, 1897.

NO CHANGE IN THE DEPOT PLANS

Manager Holdrege Says Work Will Begin Next Month.

General Manager Holdrege of the B. & M. returned yesterday from Chicago and Burlington, at which place he had been in consultation with President Perkins. Asked if there was any truth in the report that the plans for the depot had been enlarged, Mr. Holdrege said: "No, we have not enlarged our plans. We have not yet fully determined upon them. The dimensions have not yet been determined even by ourselves. We expect to start work on March 15."

MANDERSON IN FROM WASHINGTON

General Manderson, general solicitor of the B. & M., has returned from Washington. To a Bee reporter he said yesterday: "One of the objects of my visit was to secure a refunding of the costs involved in the land grant suits that were instituted against purchasers of land along the Burlington route and which were later withdrawn by the government. The amount involved is somewhat over \$2,000. I think that it is likely that we shall recover all of it."

Increase in Freight Business. "There is more grain moving than there was a week ago," said Superintendent Buckingham of the Union Pacific car service yesterday. "The increase is slight, but it is noticeable. The orange crop of southern California is being moved eastward now and we are getting a pretty good haul out of it. These are much better oranges than those of the early crop, which were through here in December. From a dozen to fifteen cars of oranges are now passing eastward daily. The volume of the trade has increased in proportion. It has only just started now, and in a week or so we shall be handling twenty-five or thirty cars a day."

RAILWAY NOTES AND PERSONALS

President S. H. H. Clark of the Union Pacific and Mrs. Clark left for the east yesterday. General Claim Agent Manchester of the Union Pacific has returned from a two weeks' trip to New York City.

Local Brevities. Richard Smith has leased the Barker hotel and is now daily installed as manager of the hostelry. Colonel James S. Casey, commanding officer at Fort Crook, will retire from active service on February 25.

RUN DOWN BY A STOCK TRAIN

Terrible Accident on the Missouri Pacific Tracks North of the City.

GUY DONAHOO IS FRIGHTFULLY MANGLED

Boy Loses Both Legs While Picking Up Coal Along the Tracks, Resulting in His Death a Few Hours Later.

The little son of a poor woman, Mrs. L. S. Donahoo, who resides at 3714 North Thirty-fourth street, and her husband have separated on account of domestic difficulties. Guy, together with his brother, Jesse, who is 16 years of age, remained with his mother. In the hard times the members of the little family have found it most difficult to get along and the boys have helped as much as they were able. One of their means was to pick up from along the railroad track the coal that had fallen from engine tenders. Every few days they left their home on such an errand. Yesterday at 8 o'clock they set out on another trip. A little after 9 o'clock they reached the Missouri Pacific tracks and for an hour or more they were picking up the pieces of coal that they were lying about.

The two boys were walking south on the west track, near Fourteenth and Manderson streets, Jesse was on one side of the rails and Guy was between them. Guy says he knew nothing of the approaching train, although the train whistle had blown for some time. The engine struck him and dragged him beneath the wheels. The engine seven or eight stock cars, which comprised the train, passed over both his legs. The boys were being switched from one part of the yards to another.

The boy was a ghastly sight when he was picked up. Despite the severity of his injuries he retained consciousness. Dr. Carpenter, who was in the vicinity at the time, was summoned by the railroad men and he bandaged and bound the wounds as well as he could. The patrol wagon was called and the boy was removed to the hospital. He displayed remarkable courage and, although he complained of the pain never uttered a word or cry on the trip to the city except to say "Don't touch me. It hurts." Then he screamed in a heartrending manner.

Excursions South via the Washab. On Tuesday, February 2 and 16, the Washab will sell tickets at all points south at half fare, with \$2 added. For tickets and further information call at Washab office, 1415 Farnam street (Paxton Hotel block), or write G. N. CLAYTON, Agent.

RAISES A LEGAL QUESTION

City Treasurer Edwards Has Decided that He Will Not Recommend the Issuance of Bonds for the Purpose of Refunding the Outstanding Warrants.

City Treasurer Edwards has decided that he will not recommend the issuance of bonds for the purpose of refunding the outstanding warrants. He is assured by the legal department that the bonds cannot be issued except by a vote of the people. This being the case, a rather peculiar distinction is disclosed. The council has twice voted large issues of bonds to refund previous bonds, but according to the present ruling it cannot issue bonds to refund warrants.

BURLINGTON ROUTE

Home-seekers' Excursions, Feb. 2. To points south and west—half rates, plus 2%. Call at ticket office, 1502 Farnam street. J. B. REYNOLDS, City Passenger Agent.

Russell-Stuhl Election Contest

The Russell-Stuhl election contest for the possession of the seat of city councillor for the First ward was set for hearing in the county court yesterday. Both of the parties to the case were anxious to get into an expensive contest when the tenure of office of the successful party may be short by an election in the spring. It was therefore, decided to continue the case until February 24, and be governed by what the legislature does in the matter of amending the charter.

THE OVERLAND LIMITED

To Utah in 2 1/2 hours. California in 6 1/2 hours via the UNION PACIFIC. This is the fastest and most comfortable train. Tickets can be obtained at city ticket office, 1302 Farnam street.

BILLS FOR MORTGAGE FORECLOSURE

Real Estate Exchange Discusses Measures for Relief of Home Owners. At a meeting of the Real Estate exchange yesterday afternoon the principal discussion was upon the bills relating to the foreclosure of mortgages now before the state legislature. It is understood the legislators will pass the bill drawn up by the exchange if the latter organization will consent to a deficiency judgment on the part of the lender in case the mortgagor fails to pay the debt.

SIX-THIRTY P. M. TRAIN

of the CHICAGO MILWAUKEE & ST. PAUL RY. Best service. ELECTRIC LIGHTS. City office, 1504 Farnam.

ARE TRYING TO DEFEAT THE BILL

Street Railway Company Does Not Want the Vestibules. It has been an open secret among the employees of the Omaha Street Railway company for some time past that the bill introduced in the legislature to force the company to provide vestibules on the cars would be nipped in the bud by the company officials. The report gained color yesterday when it was learned that Mr. Moran and Frank Murphy had selected a man from each of the lines in the city, and had taken them to Lincoln to testify that vestibules were an unnecessary expense. As no report of the road is just what effect such affidavits will have upon the legislature is still an open question.

THE PORTRAIT OF VIOLETS

The parly of the ily, the glow of the rooe, and the flush of Helie combine in Poison's' wondrous Violet Ointment.

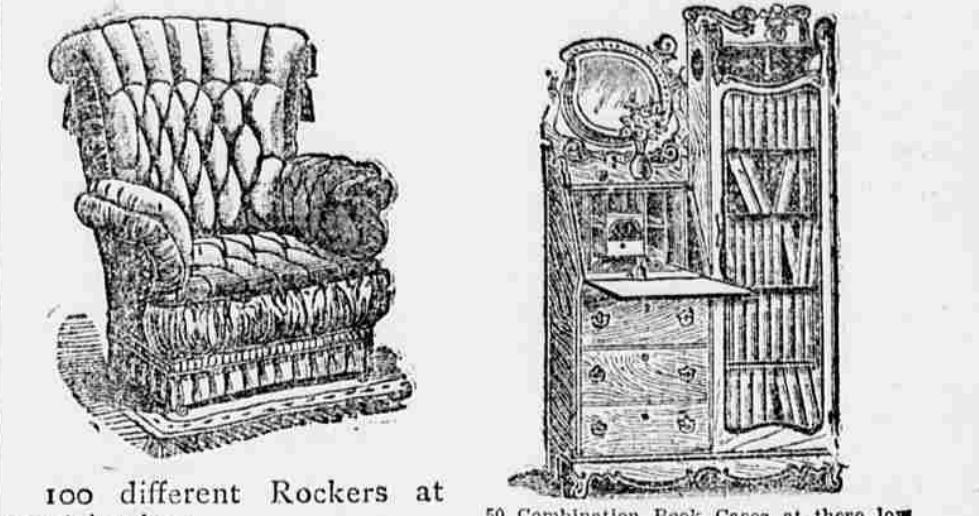
A NEW CONDITION.

"But through the ability to consume great quantities of goods a new condition of affairs has arisen, in which a retail establishment is frequently able to buy in larger quantities and sell at lower prices than the jobber, who from time out of mind has been the go-between from manufacturer to retailer."—Scribner's Magazine, January number.

That's it exactly. A new condition has arisen. We're selling men's cassimere shirts at retail, this week for \$1 each—\$12 a dozen—that the jobber sells to some stores at \$18.00 a doz. We are also selling men's heavy homespun woolen sox at 2 pairs for 25c—\$1.50 a dozen—that are being jobbed not very far from here at \$2.00 a dozen. On account of our "ability to consume great quantities of goods" we are doing things every day and every week, that makes The Nebraska the best place for you to spend your money at—the safest as well as the most economical place. Such shirts for a dollar, and sox for a shillin'! We shou'd say a new condition had arisen.

Nebraska Clothing Co OMAHA

The Low Prices.



100 different Rockers at special prices. 50 Combination Book Cases at these low prices: \$10, \$12, \$14, \$16, \$18, \$20, \$25, \$30.

CHAS. SHIVERICK CO., 12th and Douglas.

BLOOD POISON A SPECIALTY

Primary, Secondary or Tertiary Blood Poison permanently cured in 15 to 35 days. You can be treated at home for the same price under same conditions as in the hospital. It is quick, reliable, and gives no pain. It is guaranteed to cure. We solicit the most obstinate cases and challenge the world for a cure. CURED BY THE we cannot cure. This disease has always baffled the skill of the most eminent physicians. \$500.000 capital behind our unconditional guaranty. Absolute proofs sent sealed on application.

COOK REMEDY CO. 307 Masonic Temple, CHICAGO, ILL.

DON'T BE A CLAM.

Let Nicoll take your order this week for a suit, made to your order at \$15, \$18 or \$20. It's a chance that seldom occurs. We want you to get acquainted with our method of doing business. We want you to know that it pays to trade with us. Examine closely the sewing of the seams—the stays—the pocket points—the shaping and finishing. These are the items that add cost and give quality to a properly made garment. Trousers \$4, \$5, \$6, \$7.

Patronize HOME INDUSTRIES

Advertisement for Nicoll Tailor, featuring a list of services such as 'BAGS, BURLAP AND TWINE', 'HOME OMAHA BAG CO.', 'OMAHA BREWING ASSOCIATION', 'DAVIS & GUNWELL IRON WORKS', 'PAXTON & VERMILION IRON WORKS', 'NIGHT WATCH, FIRE SERVICE', 'AMERICAN DISTRICT TELEGRAPH', 'SHIRT FABRIC', 'J. H. EVANS-NEBRASKA SHIRT COMPANY', 'TENTS AND AWNINGS', 'AMERICAN TENT AND AWNING CO.', 'EVERY TIME', and 'DRUNKENNESS'.

Advertisement for Nicoll Tailor, featuring the text 'Raymond is selling his entire stock of Jewelry Watches, Cut Glass, etc., at all the way from 25 to 50 per cent discount.' and 'RAYMOND, Jeweler. 15th and Douglas.' Below this is a large advertisement for 'Nicoll THE TAILOR 207 So. 15th St. KARBACH BLOCK' and a small advertisement for 'DR. HAINES' GOLDEN SPECIFIC DRUNKENNESS'.