

"BAD NEWS TRAVELS FAST"

is an old saying, and perhaps it is all too true. Our customers are engaged just now in something more agreeable—and much more profitable—never before was there such a telling of neighbors—everywhere one is asked questions or given information about our "Startling Sensation Star Sale" What a hive of Jostling, delighted buyers we had on Saturday to be sure—crowds to the right of them—crowds to the left of them—bought as they wondered—Their's not to reason why—simply to come and buy—bargains still left behind—yes, by the hundred—

The Serges and Henriettas, French and German, which were 75 to 90c—At Star Sale Price 50c.

To fill our counter aisle we will sell at lace counter all the embroideries which were 75c to 1.00 at the Star Sale price of 50c.

All the Cambric, Nainsook and Swiss Embroideries sold by us at from 10c to 25 cents at the Star Sale price 12 1/2 cents.

We have called our entire stock of odd suits—some were worth \$10.00, others sold as high as \$15.00, the Star Sale Price is \$5.00 each suit.

Ladies' Skirts—We have covered Serge Skirts, Brilliant Skirts and skirts made from fancy mixtures—well lined, finished seams and buttons—two prices, both \$2.95—\$2.15 and \$2.95.

And this is not all—for with each skirt we will furnish a jacket to match, all lined and well made, and the jacket will be given without charge.

Monday will be the biggest day yet—for on Monday we will turn over our LINEN STOCK more striking values than we have ever shown

THOMAS KILPATRICK & CO.

Priestley's \$1.25 and \$1.50 fan-bags—Star Sale Price—50 cents.

A lot of Priestley's fan-bags—A lot of French figures and a few fancy grenadiers, which sold at \$1.00 and \$1.25—Star Sale Price—70c.

A lot of White Skirts, beautiful goods, trimmed with lace or embroidery, sold at \$1.25 each.

For Service—A Sewing Machine Wash Skirt, umbrella shape, with dust ruffle, sold at \$1.00 to \$1.25—Star Sale Price 75c.

White Skirts—extra wide, lace and embroidery with dust ruffle, cambric or muslin body, were \$1.50 and \$1.25—Star Sale price 95c.

All the Lace and embroidered Umbrella Drawers sold previously at 50c to 75c—Star Sale Price 35c.

All the embroidered and Lace Trimmed Gowns which were \$1.00 and \$1.25—Star Sale Price, 65c.

25 dozen Summer Corsets, were 50c—Star Sale Price 25c.

Dresses for infants and little ones; full and complete stock—Star Prices here also.

THOS. KILPATRICK & CO.

KINGMANS WIN THE SUIT

Secure Restraining Order Against the Burlington Road Using an Alley.

JUDGE KEYSOR REVERSES JUDGE SCOTT

Railroad Company Must Acquire the Alley Through the Law of Eminent Domain and Pay Damages.

The injunction asked for by Kingman & Co., restraining the Burlington Railroad company from occupying the alley adjoining the Kingman building as a driveway and approach to the new depot at Tenth and Mason streets, was granted by Judge Keyser yesterday. The order was made conditional, reserving for the railroad company the right to have the injunction set aside if the company could by any legal proceedings obtain the possession of the alley.

In his decision Judge Keyser took direct issue with the views of Judge Scott, as stated when he refused the injunction restraining the city from vacating the alley some days ago. Judge Scott had appeared to confirm the absolute right of the city to vacate the alley. Judge Keyser contended that while the city had the undoubted right to vacate the alley for its own use, it was a wrong principle of law that a city could exercise the right of eminent domain to appropriate the property of the city and then turn it over to a private corporation.

In beginning Judge Keyser briefly reviewed

the history of the case. He said that if the application was to be decided on the conditions as they were at the time the suit was brought there could have been no question but that the injunction must be granted. But since then the city had passed an ordinance vacating the alley and another turning the land over to the railroad company for the purpose specified. This left the same question to be decided that had been adjudicated by Judge Scott in the case of Kingman against the city—had the city the right to vacate the alley and turn it over to the Burlington railroad?

NOTICE NOT SUFFICIENT.

Judge Keyser declared that the right of ingress and egress to the building was a property right, and to take it away was to take away property. The party taking it was just as much bound to make proper compensation as if it had taken the lot itself. The evidence before the court showed that when the appraisers had been appointed by the city to appraise the damage resulting from the vacation of the alley, they had notified Kingman & Co. to appear before them and be present at the appraisement. When the injunction was applied for before Judge Scott and a temporary restraining order issued, they had adjourned indefinitely and after the injunction had been denied they proceeded to meet and make the appraisement, simply calling up the attorney for Kingman & Co. by telephone, less than half an hour before the appraisement was made. This was not a reasonable notice according to his interpretation of the law.

The court took up the question of the right of the city to vacate the property. This was considered at some length, and accompanied by the citation of numerous authorities. Judge Keyser declared that the decision of Judge Scott on the same question was not binding on him. He would go as far as possible to secure harmony in the courts, but after a careful study of the question he could not escape from the conclusion that the Scott decision was not cor-

rect. If the use of the alley was essential to the purposes of the railroad company, it should proceed to acquire it under the law of eminent domain and should pay the damages resulting to property owners. But the law did not contemplate that the property could be acquired at the expense of the people of Omaha and turned over into the possession of the railroad company.

The news of the court's decision against the railroad company was received with great surprise by Omaha railroad men. After the decision of the first injunction suit in favor of the B. & M. railroad men generally were of the opinion that no further hindrance to the erection of the Burlington passenger station, according to the plans published a month ago by The Bee, would be encountered.

General Manager Holdrege of the B. & M. is out of the city on a trip of inspection and has been away for a fortnight. The news of the decision was telegraphed him this morning by George L. Loomis, his assistant. General Solicitor Manderson is out in the Black Hills on a pleasure trip. The latter stated, however, before leaving the city that should the court decide against the railroad company the \$75,000 driveway, which was to have afforded a handsome entrance and exit to and from the passenger station from Tenth street, would be abandoned. This driveway was to have been semi-circular in form, gradually sloping down from the level of Tenth street to that of the station. It would have been one of the features of the contemplated improvements.

WILL NOT BUY OFF KINGMAN.

According to this statement made by the company's general solicitor, it is believed by railroad men that the driveway only, and not necessarily the entire building scheme, will now be abandoned. The result will be that the only entrance for vehicles will be from Ninth street, which entrance would otherwise have been used only by express and baggage wagons.

Speaking of the decision an official of the B. & M. said yesterday: "Well, this is

the most unexpected thing. After all the pressure that has been brought to bear for a new depot before the expiration opened, we did not look for such an interruption at the damage resulting to property owners. The law will be met. Holdrege and General Manderson are both out of the city, and I don't know what action they will determine upon. One thing is pretty certain, the company will never buy out this firm. They came to us at the start, and wanted us to buy them out at a high figure. If it is thought that the company will do so now, some people are likely to be disappointed."

PAY DAY WITH SCHOOL EMPLOYEES.

Brokers Anxious to Take School Warrants at Par.

Yesterday was pay day in the public schools, and the Board of Education rooms were thronged with teachers and janitors, who stood in line to receive the last warrants they draw before the long summer vacation.

The city and school district warrants are becoming popular with the brokers, and yesterday the teachers were not compelled to travel all over the city to get their warrants cashed at par. Several brokers had their agents in Secretary Gillan's office ready to pay the face of the warrants in gold as rapidly as they were presented, and the long table presented the appearance of the paying teller's cage in a national bank. The same feature is apparent when the city employees are paid, and half a dozen brokers take up temporary quarters in Comptroller Westberg's office and gladly accept the warrants at par.

All malarial diseases, especially chronic cases of chills, may be permanently cured by the persistent use of **Pill Anemic Pink**. Made only by the **Mercer Chemical Co., Omaha.**

THURSTON RIFLES IN BARRACKS.

Armory Converted Into a Camp Ground for the Present.

"On San Antonio" is the word of the Thurston Rifles. The subscription lists are being rapidly circulated and are meeting with encouraging success.

Echoes from the great prospective drill are received daily from the San Antonio press, and from the interest and enthusiasm that are being shown by the southern people in military display, it is concluded that the Thurston Rifles may expect a royal welcome from the citizens of San Antonio. The arrangement is to be held in one of the most delightful spots in the country, on the banks of the classic San Antonio river, in the midst of the gigantic Pecan and live oak forests that sheltered the Spaniards and Indians 200 years ago. The selection of the grounds will be made with every reference to the comfort of the troops. The drill grounds, when completed, will be absolutely ideal.

The members of the Rifles have sacrificed all pleasures and have subjected themselves to rigid training preparatory to getting in shape for the great contest that now awaits them. Even Captain Coleman of the Rifles, who had been deemed it advisable to further discontinue all expeditions of reconnaissance until after the evacuation of San Antonio. The armory has assumed the appearance of a regulation military barracks. The furniture, carpets, piano, etc., have given preference to cots and bed clothing, and the once cheerful and homelike appearance of the quarters, together with the many social pleasures of last season, are now lingering memories of the past. At 10:30 p. m. every light in the building is extinguished as the last note of tap sounds through the quarters, and every man is in bed. There is no deviation from this rule, and as a matter of fact, there is scarcely a member of the Rifles who is not ready to close his eyes

after a continuous drill of two hours each evening, Saturday and Sunday evenings being excepted. At 5 o'clock in the morning the stillness of the air is broken by the stirring blasts of reveille, which awaken the men from their peaceful slumbers only to tell them that they must turn out and get dressed. Rolls and coffee are served to the tired and sleepy young Thurstonites, and at the sound of assembly at 5:30, the company is formed and a sharp drill is had until 6:45, when the men are dismissed for the day.

At a recent meeting of the company Corporal Bartlett was appointed to the rank of sergeant, vice Coverdale, resigned, and Private Vincent was appointed corporal, vice Bartlett, promoted. Messrs. J. T. Tolson, D. Bert Jones, W. M. Lemon, W. J. Koopman and A. H. Knutson were elected to membership.

Messrs. Scrambling, Boehr, Scott, Thompson and Coy were visitors at Fort Crook Friday morning. Private Coy had the misfortune to break the chain of his wheel, which delayed the party from returning until a late hour.

Doctors After the Doctors.

A warrant was yesterday issued for the arrest of W. L. Crabtree of Twenty-sixth street and Capitol avenue on the charge of practicing medicine. The complaint was sworn to by B. F. Crummer of the State Board of Medical Examiners. Mr. Crummer stated that the board was intending to begin its annual campaign against physicians practicing without permits. There are nearly twenty in this city who are to be arrested.

Young girls and women often experience irregular or suppressed periods. They lack blood. **Pill Anemic Pink**, the great blood builder, never fails to produce regularity.

When you buy a proprietary article, look at it before the salesman wraps it up, and assure yourself that you are getting the right thing. Substitution is rampant.

MAY TEST THE CIVIL SERVICE LAW.

Discharge of Marshal Thummel's Stenographer Raises an Issue.

The extent to which the civil service law shall apply to the office of the United States marshal will probably be tested before very long. This will result from the removal of Miss Gertrude Kearney, who was office deputy under Marshal White, and has continued to hold the position up till the time under Marshal Thummel. The removal was made Friday, and Charles W. Fearless of Columbus, formerly a court reporter in the Eleventh judicial district, has been appointed to the place by Mr. Thummel. The impression has been around the postoffice building that the office deputies were under the civil service law, but they were reappointed by Mr. Thummel conditionally.

Miss Kearney some time ago wrote to the attorney general for an expression of his opinion as to her standing in the office, and he answered that she was on the civil service list and would not have to be reappointed and would not be required to take another oath of office. With this letter, she felt she was secure in the place. The president of the civil service commission also wrote to the local civil service board a couple of weeks ago stating that office deputies were on the civil service list, and would not require reappointment; but that if one resigned, or a vacancy was created in any other way, the place would be filled by promotion or by transfer.

Friday, however, the marshal received a telegram from Attorney General McKenna to the effect that the controller of the treasury had decided that all deputies went out of office with their chief, and could not draw pay unless they were reappointed by the new marshal. As the controller is a democrat, this authority was considered sufficient to govern the actions of the marshal. Miss Kearney was therefore notified of the new decision, and her connection with the office ceased Friday night.