to the reception that the new paying bonds

will meet at the hands of purchasers. With a government bond saue in sight, investors are not inclined to invest in municipal securi-

ties and unless the war clouds pass away

before April 19, when the bids are opened, it

is not likely that the usual competition will

be in evidence. It is understood, however,

ATTORNEY GENERAL FILES HIS ANSWER

Sets Up the Validity of the Law in . Controversy and Denies the Jurisdiction of the United States Court.

The case in which a number of foreign insurance companies doing business in Nebrasks are attacking the constitutionality of the insurance laws passed by the last legislature may come up for hearing before Judge Munger during this week. Attorney General Smyth has intimated that he will be ready to take up the case on Wednesday. In preparation for this hearing he has filed an answer to the petition of the insurance companies.

The laws called into question are of an anti-trust character, declaring any combination of fire insurance companies for the purpose of fixing woiform rates to be charged for insurance to be illegal. The penalty is the revocal of the license to do business at Nebraska. The insurance companies took the bull by the horns, going on the belief that prosecution under the laws was to be be gun at once by the state authorities, and sought to secure an injunction to restrain Attorney General Smyth, County Attorney Baldrige of this county and State Audito Cornell from beginning any such proceedings on the grounds that the laws are un-

The chief charge against the constitutionality of the laws was that they created a class distinction between foreign and Nebrasks companies, and this is denied specifically in the answer. It is also alleged that the insurance companies have formed a pool in the state by which rates are regulated, and the effect of which is to drive weaker companies out of the field. The effect is give the monopoly of insurance business to the companies of the combine, allowing them to charge whatever rate they please.

In their petition the insurance companies also set up that they had been allowed to do business for many years in this state and had invested in property here under the tacit understanding, at least, that they would not be interfered with in any way To this the attorney general asserts that the state reserves to itself always the right to change or amend any of its laws, and that consequently this allegation has no weight

The attorney general also maintains that under the constitution of the United States the latter has no power to adjudicate case of the kind, but that the case is one wherein the merits should be decided on que tion of fact. The attorney general also contends that the case should not have been brought against state officers but against the state of Nebraska.

LIVE STOCK EXCHANGE HEARING. The hearing of the South Omaha Live Stock exchange injunction case is set for Thursday, but the hearing on the insurance interfere with it. These are the two important cases that are set for hearing in the federal court during this week. Today Judge Munger will be in Council Bluffs t listen to an injunction similar to the one instituted in this city against the Crane-Churchill company, involving a patent right upon a windmill. Judge Munger took this hearing to accommodate Judge Woolson. who is holding court in the eastern part of

Judge Munger has handed down decisions in a number of equity and law cases, in only two of which, however, were there any mat-ters to which public interest attaches. One of the cases was one of the many in-

etituted by Hennessy & Co., the liquor manu-facturers of France, against a number of local saloonkeepers and liquor dealers to restrain them from selling brandy alleged to be an imitation of the Hennessy cognac. The case was against C. Jansen. The tion in issue, however, was not decided from the fact that the defendant did not answer to the complaint. Consequently the court granted the injunction prayed for. In most of the cases a fight has been put up, but none of these has come up for hearing yet.

The case of Herman Vendecar against the

Omaha & Republican Valley railroad and the Union Pacific system was finally disposed of. The suit was brought to recover \$20,000 damages for the loss of a hand. The injury was sustained by the plaintiff being thrown under the wheels by the sudden starting of a train. The case was tried at the last term of court and a verdict for \$500 was returned in favor of the plaintiff. Judge Munger dissed the case as against the Union Pacific. but entered judgment for \$500 against the Omaha & Republican Valley railroad.

INVOLVE RIGHTS OF INDIANS. Three cases involving the rights of Indians of mixed blood to hold land in their own right on the Omaha reservation under the treaty of 1865 with the United States have been instituted in the federal court. plaintiffs are Thomes L. Sloan, Margaret Sloan and Garry P. Meyers, lineal descend-ants of a pure-blooded Indian woman, Tag-leha Haceinda, who married a white man, Michael Barade. The action is brought against the United States.

In the complaints that have been filed an account is given of the various treaties that have been entered into with the Indians of the Omaha reservation with the United States The treaty which particularly comes into the case was made in 1865. By this the land in the reservation west of the right of way of the Sioux City & Nebraska railroad was ceded to the United States and the land to the coast was disposed of as follows for the pur-pose of establishing settled habits among the Indians of the tribe: One-quarter of a section was to be given to each head of a family. one-eighth to each orphan above 18 years of age and one-sixteenth to every orphan under that age. This land was to be held in trust by the United States for twenty-five years and then a patent right of the land, free of encumbrance, was to be given the holder. The land not divided up in this fashion was to be held in trust by the government for the same length of time for the benefit of

The three plaintiffs in the suits instituted set out that they have lived among the In-diens and on the reservation all their lives and that under the terms of the treaty. being freads of families, they each took up a quarter section of land and made extensive improvements. They have now applied for title to the land and the secretary of the interior refuses to grant it on the grounds that they are not full-blooded Indians and not members of the tribe. The cases are brought to compel the government to issue a patent right to the land.

The personal damage suit of Josephine Smith against the Kansas City, St. Joe & Council Bluffs railroad has been transferred from the district to the federal court. amount sued for is \$75,000. The plaintiff al

Age and Puritu

are the first considera-

Liquors for Family Use.

tions when buying

OLD CROWAND

HERMITAGE

WHISKIES

are Bottled in Bond under the Im-

mediate Supervision of the U.S.

NOTE.—The Internal Revenue Stamp over the Cork and Capsule with the name W. A. GAINES & CO. Is the Government Guar-antee that goes with this bottling.

ALL DEALERS SELL IT.

Government.

MATTERS IN FEDERAL COURT leges that she sustained permanent injuries, largely of a nervous character, in a wreck which occurred in the neighborhood of Coun-

The motion to remand the case of the State against the Omaha National from the federal to the district court was argued yesterday afternoon before Judge Munger. The Force. terday afternoon before Judge Munger. The case was sent to the federal court on the grounds that the issues involved an inter-pretation of the national bank law. Attorney General Smyth contended that this wa not the case, inasmuch as President Millard was not charged with doing an illegal act as representative of the bank but as an dividual. Judge Munger reserved his de cision.

MUSIC AT ST. PATRICK'S CHURCH Enjoyable Easter Concert Giver There Last Night.

One of the most enjoyable Easter tainments was given Sunday night at St. Patrick's Catholic church, where a musical program of exceptional merit was rendered by the choir, assisted by a full chorus of thirty voices and the Twenty-second Infantry band. The church was crowded to the doors and in spite of the absence of the brganist, who had officiated at the rehearsels, the somewhat difficult program was rendered most acceptably. Mr. Emil Reichart, the leader of the Twenty-second Infantry band, took the vacant seat at the organ and played the accompaninents in a manner that was extraordinary under the circumstances. The only regretable fea-ture of the performance was the fact that the Gloria from Weber's mass in G. in which Mrs. Frank Morlarty was to sing the soprand

solo, was necessarily omitted. This was partially atoned for, however by Mrs. J. A. Cameron's excellent rendition of the "Inflammatus" from the Stabat Mate and the "Ave Maria" by Mascagni. Mrs Thomas Rogers sang two solos very acceptably, and Jules Lumbard and Frank Pot ter each contributed a solo number. Th band played several numbers, the most joyable being Schubert's "Serenade," which was rendered with admirable taste and ex-pression. The performance closed with a very artistic rendition of Gray's "Te Deum"

by the full choir and band The chorus included Misses G. Rush, A. Rush, Allen, McAuliffe, Brennan, Casey, M. Rush, Graham, Gerhardt, Mesdames Yocum and Kelly, and Messrs. C. Jacobsen, J Rush, Brennau, McMillian, Dailey, Bushmau, McCreary, Geinhardt, Neilson, Don Long, Gutting and Brown.

REAL ESTATE EXCHANGE MEETING Members Discuss Plans for Entertain

ing Exposition Visitors. The Real Estate exchange considered at its meeting yesterday the question of entertaining exposition visitors, and particularly visiting real estate men. Much discussion was given to the matter and it was finally referred to a committee composed of Messrs. Green, Selby, Hess and George. The intention is to establish headquarters either on the ground or in the city, as the committee sees fit, and to have advertising for distribution and make every effort to be of service to visitors and give them a good opinion of Omeha and Nebraska.

The committee which was appointed some reeks ago to consult the county commisseloners and persuade them to plant trees along the macadamized road reported that they had laid the matter before the commisisoners and that it was defeated because they were of the opinion that shade trees would keep the roads damp and injure the

Secretary Shriver was instructed to write to the council and ask it to pass an ordi-nance prohibiting the nailing of signs on trees. Many trees in the city have been ruined by this practice, which has been more common in the north part of the city than anywhere else.

KING AK-SAR-BEN RECEIVES AGAIN Ninety Subjects Elevated to Honors

of Knighthood Last Night. It was a gala occasion at the den of the Knights of Ak-Sar-Ben last evening. King Ak-Sar-Ben IV and a regal coterie of his sir knights welcomed ninety subjects to the court of honor after multifarious tests and multitudinous ordeals had been required of them. In addition to a large number of representative mercantile, professional and rail-way men of this city Hon. Charles J. Dunnerman of St. Louis was among the new born knights and exchanged felicitations over his warm reception with his companions. The Board of Governors has set aside Mon-day evening, April 25, as South Omaha night and anticipates a numerous representation rom the Magic City on that occasion.

Trouble for an Alleged Pauper. For several months the county he providing for the family of Angel Aita, a Hungarian, residing at 616 South Twelfth treet, upon representations of poverty and tekness. Last Saturday the Emerson & sickness. Last Saturday the Emerson & Hail Commission company, doing business at 1212 Jones street, reported to the police that one of Aita's sons, John Aita, 'nad robbed its store and concealed the goods he stole at his home.

Sergeant Her went to the house yesterday morning with a search warmen.

morning with a search warrant and found the stolen property, which consisted of canned gods and dried fruits. He also un canned gods and dried fruits. He also un-eartraed a certified check for \$475 that Alta had hid away, which he also took possession of. The boy who stole the goods from the commission company is not yet under ar-rest, although there is a warrant out for

Young Huckster Again Arrested. Mrs. S. M. Morton of 707 South Sixteent. treet filed an information in police court against Albert Ray alias Frank Wilson, a huckster, charging him with larceny as bailee. She bought 30 cents worth of vegetables from the vender and gave him \$1 in payment therefore, which he said he could not change. He went away to get the change and failed to return. About three weeks ago Ray was sentenced to the county jail for thirty days for working the same kind of a game on another woman, but appealed the case and gave bonds pending its final disposition. against Albert Ray alias Frank Wilson, a

Sawyer Reappointed. United States Attorney Sawyer, whose erm of office expired on Monday, has been eappointed to succeed himself by Judge reappointed to succeed himself by Judge Brewer until his successor is duly appointed by the president and approved by congress. This is following the usual procedure in similar cases. Whenever the successor of a United States district attorney is not at once appointed the incumbent is continued in office by appointment of the supreme justice of the United States in whose territory he resides until his successor is selected

nd appointed by the president of the United How to Reach the Depots. The rivalry between the depots has caused the street railway conductors considerable trouble. It seems that both the Burlington and Union Pacific had a special way in which they desired the conductors to announce the stations. A compromise has been effected, and now, when the street railway men approach the stairway leading to the Union Pacific depot they call. "The first stop is the Union Pacific Union depot and the next stop is the Burlington Union depot."

Y. M. C. A. Class Reception. The spring reception and closing exercises of the educational classes will be held at the Young Men's Christian association this evening from 8 to 10 o'clock. There will be a program with music by the Euterpean club, Miss Josephine Allen, Miss Getty, Mr. Long and Mr. Tucker, and an address by President Hughes of Tabor college. There will also be refreshments and a good social time.

Board of Dental Secretaries. Hoard of Dental Secretaries.

The Nebraska State Board of Dental Secretaries will hold a special meeting at the Millard hotel this morning at 9 o'clock to examine applicants for dentist certificates. The members of the board who will conduct the examination are: Dr. W. C. Henry of Neison, president; Dr. H. C. Miller of Grand Island, vice president, and D. O. F. Lambertson of Lincoln, secretary.

Nebraska Maximum Rate Case. The Interstate Commerce commission has issued in pamphlet form the decision of the supreme court in the Nebraska maximum rate case. It is the intention of the commission to have the report of the case in full appear in its annual volume.

Masquerade Ball. Mondamin lodge, No. 11, Fraternal Union of America, gave a masquerade ball last night at Patterson hall. The affair was well attended and was thoroughly enjoyed by the guests. Many of the attendants were attired in original ocstumes.

MOST OF THE NEW MEN ARE GREEN HANDS

Few of the Appointees Have Ever Had Any Experience in the Matter of Holding Down n Bent.

An interested audience crowded the rooms of the Board of Fire and Police Commission. ers last night in anticipation of some important action affecting the police force. It was expected that long delayed additions would be announced and they were awaited with anxiety by the 100 applicants whose names are on file. The dismissal of the twelve policemen reinstated several months ago by order of the district court was also looked for to make room for names better considered in fusionist circles.

After a secret session of an hour and half it was announced that thirty-nine patrolmen had been added to the force, the appointments to take effect as soon as bonds were accepted and a medical examination satisfactorily passed. The names were chosen from lists selected by each member for some service past or to come and the spoils were divided among the commissioners to their mutual satisfaction. The expected dismissals were not dealt out, as the board to awaiting preme court. The names of the newly appointed patrolmen are as follows: James Anderson, Henry Bay, Michael But-

ler. Charles B. Boyce, William Costello, J. W. Marsh, James T. Donohue, Daniel E. Davis, C. F. Erickson, John Gibbons, Thomas Hayes, William Holmes, John D. A. Johnson, J. C. Jepperson, Peter Kewiz, Albert Keysor, James M. Kinney, Daniel J. Lahay, Phillip H. McLarman, J. F. McCullough, F. Mussel-man, Fred C. Moore, F. E. McGucken, James A. Norton, William Neve, T. J. O'Connor, Thomas J. Ormeby, G. F. Rezmer, James E. Cavilek, Thomas Reedy, Morris Sullivan, C. . Westerdahl, Fred D. Wolfe, J. J. O'Donovan, Thomas Cormack, Frank G. Severance N. A. Pearsons, Lawrence Fay, Nick Dar-

But few of the newly appointed patrolmen have had any experience in police duty and their qualifications are as yet unknown. Those who have served previously in the Omaha police department are Thomas Cormack, who was captain of police several years ago; Morris Sullivan, captain of police thirteen years ugo; C. J. Westerdahl, once city marshal, and Messrs. Keysor, Hayes. Gibbons, McLarnan, Norton and Kewiz, who are ex-patrolmen. William Costello was once a guard in the state penitentiary and Charles loyce has acted as special officer.

The police force as previously constituted consisted of eighty-five men, inclusive of patrolmen, officers, matrons and drivers. This number also includes nine men still acting under instructions from the district court whose dismissal with the present appointments would give to the police department a total membership of 115. It is expected that the assignments to beats will be made for the new men at once.

The matter of the contested application of the Schlitz Brewing company, 3802 Sherman avenue, carried over from the last meeting was acted upon and granted. Notice of ap peal was given by the contestants. Charle A. Askwith was indorsed as a special police-man at the exposition grounds; Martin Kelly at the Douglas street music hall, and Charles Singer at large. John Sterling and John Erickson, who had completed a sixty-day period of probation on the fire department. Michael Whelan, as police sergeant, was ap-

A change was made in the rules whereh the salary of patrolmen was definitely fixed at \$65 a month, with a possible increase to \$70 after one year's service. Mounted po-licemen will receive \$20 a month additional for the use of their horses. A communica-tion was read from F. W. Fitch of the Associated Cyclists, asking that a number patrolmen be detailed for bicycle service. The request was referred to a committee.

The following leaves of absence were

granted: Detective Sullivan, Patrolman Inda and Fireman Nelson, ten days, and Fireman seven days.

Another meeting of the board will be held on Thursday night.

OBJECT TO CLOSING THE STREET. Tenth Street Property Owners Opposi a Plan of Stuht's.

month ago a measure was presented in the city council by Councilman Stuht of the First ward relating to the closing of the portion of Tenth street which runs under the Tenth street viadret. The matter was presented to the city council at the general committee meeting yesterday afternoon. It was in the form of an ordinance and as no objection was suggested it was decided that the ordinance should pass. The city granted a similar favor last year to the Burlington by vacating that portion of Tenth street immediately south of the Union Pacific property. William McHugh, John A. Creighton, Mrs. Kennedy and others who own business property under the viaduet will protest and are doing

everything in their power to prevent such an

When asked concerning the matter William McHugh said he supposed the railroads wanted to fence in all the property they could, but that he was very anxious to pre-vent such a move, as it would render the store rooms he owns under the viaduct pracstore rooms he owns under the viaduct prac-tically worthless. He thinks it was bad enough to build the bridge over these prop-erties, let alone shutting off all approach. Since the viaduct was built few of these buildings have had tenants and the owners have been thinking that when the new Union Pacific depot is built on Leavenworth street it will make more traffic under the viaduct and enable them to rent their properties.

In summer a great many people pass under the viaduct to take advantage of the shade and numerous protests are being made against the proposed closing of the street.

CLASH OVER PLUMBING INSPECTOR. Mayor and Council Can't Get Together

on Appointment of a Man. There is no probability that the office of plumbing inspector, which has been vacant since the resignation of Matt Claussen two weeks ago, will be filled. There is no lack of candidates for the position, but the difficulty is that the mayor wants one man and the members of the city council another, and neither is disposed to yield. The mayor's choice is understood to be William G. Higgins, while a majority of the councilmen support J. M. Rose. The name of Higgins was to have been sent in a week ago, but action was delayed on account of the opposition of the council. His name was voted informally on informally at the general com-mittee meeting last Monday afternoon and all the seven members present voted against his confirmation. The seven ballots were taken by the mayor as an indication of the sentiment of the council and no appointment was made at that time. Now Higgins friends assert that they have enough votes to confirm him and it is understood that he will be appointed by Mayor Moores tonight. That the appointment will be turned down is morally certain. There are at least five that case it is not unlikely that a third man will be appointed next time and then the same fight is likely to occur again. councilmen assert that they have given the administration their support in the matter of appointments regardless of their own in-

Mortuary Statistics. The following births and deaths were reported at the health office during the twentyfour hours ending at noon yesterday: Births—Michael Holton, 1808 Burt street, girl; James Callahan, 502 North Thirty-second, girl; A. Paulsen, 2623 Cuming, boy; John Grady, 2526 Burdette, boy; Charles Zanton, 820 South Twenty-third, boy; J. H. Mc-Shane, 329 North Nineteenth, boy.

Deaths—Ruth M. Lang, 4 months, East Omaha, inflammation of lungs, Forest Lawn; Rebecca Slobodisky, 45, 2522 Wirt, apoplexy,

terests and that it is time that their pref-

erences were recognized in this case.

SALE OF MUNICIPAL SECURITIES. Contractors Show on Inclination to Take the City Honds. In view of the pending war rumors, there is some anxiety among city officials in regard United States Supreme Court Settles the Controversy.

> Confirms the Right of the City o Omaha to Compet Railroads to Build Bridges Over Their Tracks.

that the paving contractors appreciate the situation and will bid on the bonds. It is WASHINGTON, April 11 .- (Special Telesaid that it will be decidedly cheaper for them to invest in the bonds than to borrow money at the books to pay their men while waiting for the pay for their work. If they buy the bonds the city will be in position to pay them at once for the paving and instead of having to borrow money they will have an investment that will pay 4 and 414 per cent until such time as the bond market improves, when they will probably be able to dispose of the bonds without difficulty. In connection with the bond sale City Edwards vigorously resents the criticisms of members of the city council for the delay in advertising the bonds. He says

the finance committee the held the documents until after the bids on the refunding bonds Smallpox Coming This Way. Health Commissioner Spalding received notification from the health officials at New York yesterday that a case of smallpox arrived in that harbor April 7. On following day a man named Ketterman and his son, who were passengers on the same ship, left for Omaha. The local authorities will look out for the immigrants when they arrive and if they have any symptoms of the disease they will not be allowed to

that the advertisement was drawn up before

the bond ordinance was signed by the mayor

but that on the suggestion of the chairman of

A little boy asked for a bottle of "get up in the morning as fast as you can," the druggist recognized a household name for "DeWitt's Little Early Risers," and gave him a bottle of those famous little pills for constipation, sick headache, liver and stom-

Commercial Club Meeting.

stop.

The regular montaly meeting of the Commercial club will be held tonight. Charles F. Weller will be toastmaster and the following program of speeches will folthe following program of speccaes will follow the dinner: "The Commercial Club," C. S. Hayward; "Omaha and the Exposition," Major T. S. Clarkson; "Omaha as Seen by a Newcomer." Hon. J. W. Hurst; "Beyond the Mississippi." Hon. C. M. Harl of Council Bluffs; "Omaha in 1890," Captain H. E. Palmer; "Our Presperity," Hon. G. M. Lambertson of Lincoln.

Small Fire. A capsized lamp started a brisk fire at o'clock last night in a flat at 2801 Dodge street, occupied by Mrs. James F. Young. street, occupied by Mrs. James F. Young.
The furnishings of her apartments were damaged to the amount of \$75 before the blaze was extinguished. The loss was partially covered by insurance. Some damage was done also by water, which reached the grocery store underneath. The loss on the building, the property of William J. Welshans, amounted to \$75 and was covered by insurance.

by insurance.

Place on the Park Commission. There is some competition for the cancy which will occur in the Board of Park Commissioners on the 1st day of May. It is not such a lively scramble as there was before the salary was taken away. Guy C. Barton has, it is understood, the support of one judge and A. P. Tukey, whose term expires, is the choice of two. The other four judges have not as yet committed themselves.

Complaint Against Brendage. R. S. Neeley filed an information in police ourt against Charles Brendage, charging him with larceny from the person in the sum of \$53. Judge Gordon fixed the pris him with larceny trom the person in the sum of \$33. Judge Gordon fixed the pris-oner's bond at \$1.000 and set the preliminary rearing for Tucsday morning at 10 o'clock. Brendage was unable to furnish bail and was remanded to jall.

The farmer, the mechanic and the bicycle rider are liable to unexpected cuts and bruises. DeWitt's Witch Hazel Salve is the best thing to keep on hand. It heals quickly known cure for pil

NEW WAR VESSELS AT HALIFAX.

Have a Stormy Trip and the New Orleans is Slightly Damaged. HALJFAX, N. S., April 11.-The American man-of-war San Francisco and the New Orleans, formerly the Amazonas, arrived here at 11 o'clock short of coal. Both vessels left | London on March 27 and had a stormy passage during the last eight days.

On Manday, April 4, heavy winds and rain were met with. The ships were together up to that date, but on Tuesday became separated and did not come together until twen ty-four hours had elapsed. The San Francisco came through all right

but the New Orleans experienced great difficulty, one of its starboard boats being smashed in and the steering gear was for a time deranged. As it came up this morn ing evidence of its rough passage was easily iscernible. Preparations were quickly made to load coal and the shire will be ready to sail by tomorrow. Great excitement prevailed in the city

shen the signal station announced the approach of the ships. The San Francisco ex-changed signals with the forts here and the officers reported to the authorities shortly after entering port. All hands on both ships are in good health.

Robbed the Grave.

A startling incident, of which Mr. John Oliver of Philadelphia was the subject, is narrated by him as follows: "I was in a most dreadful condition. My skin was almost yellow, eyes sunken, tongue coated, pain con tinually in back and sides, no appetitegradually growing weaker day by day. Three physicians had given me up. Fortunately, a friend advised trying 'Electric Bitters,' and to my great joy and surprise the first bottle made a decided improvement. I continued their use for three weeks and am now a wel man. I know they saved my life, and robbed the grave of another victim." No one should fall to try them. Only 50 cents per bottle at Kuhn & Co.'s drug store.

Electric Tandem Arrives. NEW YORK, April 11.-Henri and Victor Jallau, the champion cycle tem, with their electric tandem, arrived last night on the electric tandem, arrived last night on the French steamer La Gascogne. They have been booked to appear on various bleyde tracks by the International Cycle Track association. The electric tandem has a speed of fifty miles and hour and has been used successfully in specing the leading French riders last year. The Jaliau brothers will go to Chicago this week to meet their father, who lives there.

Bourrelle, Cavilly and Boulay, three speedy Parisian riders, together with the secretary of the National Cycledrome of this city, are now on their way to this countries. this city, are now on their way to this country on the steamer St. Paul, which is due ry on the steame here next Friday.

Armistice or no armistice-Drex L. Shooman has his foot on Spain and he's going to keep it there-and he's going o stamp the life out of them-just like he pounds prices down on shoes-No other shoe store on earth can offer the value for \$1.25-\$1.50 and \$2.00 that we do in our child's-misses' and young ladies' spring heel tiger kid shoes-These will stand more hard wear-more abuse than any other shoe made-at the price-no other tanage of leather can equal this for wearing qualities-Made in new toes -child's sizes \$1.25-misses' sizes \$1.50 -young ladies' sizes \$2.00-all in spring

Drexel Shoe Co., Omaha's Up-to-date Shoe House. 1419 FARNAM STREET

SUSTAINS ACTION OF THE LOWER COURTS

gram.)-The supreme court of the United States today, in an opinion handed down by Justice Shiras, Secided the so-called viaduct case in favor of the city of Omaha. The decision affirmed the decision of the Nebraska supreme court, which gives the city the power to compel the Chicago, Burlington & Quincy Railroad company to construct a viaduct over its tracks on South Sixteenth

The information that the supreme court had sustained the decision of the district court of Douglas county, and the supreme case was received with unconcealed satisfac-tion by the city officials. City Attorney tion by the city officials. City Attorney Connell received a brief telegram yesterday afternoon informing him of the decision and Mayor Moores and the members of the coun eil, who were in the committee room. was accepted as a final settlement of one of the most important questions that has ever been adjudicated in connection with city affairs.

AIMED AT THE BURLINGTON. The case which is now settled in favor of he city has been pending in the courts for more than three years. It was begun January 19, 1895, when the city of Omaha began mandamus proceedings in the district court to compel the Burlington railroad to repair the south one-third of the Eleventh street riaduct. City Attorney Connell contended hat under the etrms of the charter the ctiv had a clear right to compel the railroads to construct viaducts over their tracks wherever it was necessary for the public safety and to keep them in repair. The railroads re-

sisted this contention, and the case at issue was brought to settle the question. case was heard in the district court in April 895, and eich side made an exhaustive show ing of authorities. The decision was in favor of the city and the writ of mandamus was ordered to issue. A motion by the attorneys for the railroads for a new trial was overruled, and the case was then taken to the supreme court of Nebraska by stipulation between the parties. A hearing was had in the supreme court March 19, 1896, and the decision of the lower court was fully sustained in a very able opinion written by Judge Post. The rullroads then took an appeal to the United States supreme court, where the motion of City Attorney Connell to dis-miss the uppeal was overruled. The case came up on its merits last February and sinthen the decision has been anticipated with much interest.

City Attorney Connell said yesterday that this was by far the most important legal victory that the city had ever won. opinion of Judge Post was very sweeping in its nature, and the fact that it had been sustained by the supreme court makes al further opposition on the part of the rail-oads The rights of the city are fully established and it is to be expected that the railroads will accept the result as final. DISPOSES OF VIADUCT QUESTION.

Mayor Moores and the members of the city council were as much pleased as the city attorney with the victory. It is their ex pectation that it satisfactorily disposes of the viaduct question for all time and that hereafter there will be no opposition on the part of the railroads to a reasonable use of ts authority by the city. It is suggested that it will not be advisable to abuse the authority which the city acquires by the decision, and it is doubtful whether any imme diate action will be taken to compel the rail roads to build new viaduots. It is understood that a new viaduot will be ordered on Six-teenth street sometime this year, and the advisability of having a viaduot built at Twenty-fourth street will also be taken under consideration.

The most immediate effect of the decison will be to reimburse the general fund for the money expended to repair the Eleventh street viaduct. This amounts to nearly \$13,000, and will add that much to the immediate resources of the city.

SOUTH OMAHA NEWS.

There was a big crowd in the council cham ber last night when Mayor Ensor called the old council together for the last time. All members were in their seats and the routine business was hurried through with. Schultz related the necessity for a fire alarm box at the Armour plant, Twenty-eighth and Q streets, and Chief Smith of the fire department was directed to purchase an alarm box and place it in service. A start was made toward settling the difficulty in regard to the grading of Twenty-sixth street, from A to F street, by the introduction of an ordinance repealing portions of the old ordinance and establishing a new grade between E and F streets. An ordinance providing for the grading of Eighteenth, from Missouri avenue to J street, was read and referred to the

Notice was given by John Flynn, F. A. Cressy and W. B. Wyman of the assignment of the gas franchise granted to them to the Citizens' Gas company of South Omaha Mr. Flynn is president, Mr. Cressy, vice president, and Mr. Wyman, secretary, of this new company. The assignment was placed

Upon the motion of Schultz the mayor appointed a committee, composed of Schultz Mort, Vansant and Kelly, to canvass the voter cast at the recent election. A recess was taken, while the vote was being canvassed. At the conclusion of the canvars Schultz read the report of the committee and the clerk was instructed to issue certificates to the fortunates ones. An attempt was made to pay a number of old bills and the sal-aries of the retiring officials, but the appropriation sheet was voted down. The outelected ones to a position in front of the mayor's desk and the oath was administered Clerk Carpenter, Treasurer Broadwell and Police Judge Babcock were also sworn in. President Kelly then read the oath to Mayor Ensor and the ceremony was over. The old council then adjourned sine die and the new councilmen took their seats. A meeting will be held this evening for the purpose of organizing.

Police Officers John Riches, Dave Mulcahy, Frank Krebs and Al Gary handed their resignations to Mayor Ensor yesterday afternoon and the following appointments were made to fill the vacancies: Stephen Allie, P. Mor. rison, James McKan and Mike Sexton. The place of Fireman John Briggs, who resigned the day after election, was filled by the op-

MORE POLICEMEN APPOINTED Jewish cemetery: Marin 8. Barnich, 19, 986 CITY WINS VIADUCT CASE Abbott Loring's Anti-Germ Inhaler

Cures Grip, Catarrh, and Cold in the Head -Cures Incipient Consumption and Prevents Pneumonia.

Used with Abbott Loring's Germ-Killer for Inhalation. It is a convenient and never failing cure for all forms of Throat, Chest and Lung Diseases.

Read the proofs.

oring's Anti-Germ Vaporizing Inhaler \$1.00. Loring's Anti-Germ Vaporizing Inhaier \$1.00. For some chronic and spasmodic diseases, which require special treatment special medicines have been prepared by our physicians and chemists. No. 1 Special Medicine—For Tonsilitis, Laryngitis, Catarrhal Deafness, Hay Fever and Dipatheria, Price, 50 cents. No. 2 Special Medicine—For Consumption and Bronchitis, Price, 50 cents. No. 3 Special Medicine—For Asthma, Whooping Cough and Croup, Price, 50 cents. Antiseptic Gauze—For use in the inhaler, 4-yard, 40 cents; 4-yard, 75 cents; 1 yard, 81.50. Anti-Germ Baim—An antiseptic preparation for external application, it yard, M. 20. Anti-Germ Baim—An antiseptite preparation for external application, which takes the soreness out of the lungs, hastens the cure of catarrh, assists in the cure of all throat troubles and cures Cracked Lips, Chapped Hands and Eczema. Price, 25 cents.

Loring's Sierm-Killer Tablets.

The wonderful Germ-Killer element dis-covered by Abbott Loring is contained in each of the Abbott Loring Germ-Killer Tab-lets. It constitutes the basis of the medi-cine. Its wonderful and marvelous active principle has never before been offered to the public in any remedy. It forms a most important constituent part of the remedy mportant constituent part of the remedy, nd is united with other scientific, up-tolate curative medicines specially juired for and adapted to each sep lisease or trouble in order to c

From the Paxton Hotel, William H. Furlong, a well known commercial traveler, writes:

OMAHA, Neb., March is, 18.8.

Messrs, Loring & Co., General Agents for Abbott Loring's Germ-Killer Remedies, New York, Boston and Chicags—Gentlemen; I have been using Loring's Anti-Germ Inhaler and Germ-Killer remedy for Inhalation for catarrh and bronchitis and aave been greatly surprised at the results, because I had tried so many inhalers and remedies so called that did me no good I was in such bad shape when I began to use Loring's Inhaler remedy that I cougsed all night long and could not sleep. In ten minutes after I began inhaling the Germ-Killer Remedy for Inhalation, I ceased coughing and my throat and nasal passages seemed soothed almost miraculously. My improvement was constant and rapid, and now, after four weeks, I consider myself cured. Sincerely yours,

WILLIAM H. FURLONG.

Complete Home Trentment.

This treatment, consisting of Loring's Germ-Killer Dyspepsia Tablets, Screen Santi-Germ Vaporizing Inhaler \$1.00.

For some chronic and spasmodic dis-50 cents a box.
Loring's Germ-Killer Heart Tablets, \$200
a box.
Loring's Germ-Killer Laxative Tablets, 50 cents a box Don't skip this. It is for your good.

Don't skip this. It is for your good. Every enterprising druggist carries all our other remedies in stock. Insist on seeing Loring's Inhaler. If you see it you will not want any other.

Our book furnished with the inhaler will give you full information. It is the Germ-Killer medicine that cures.

Abboit Loring's 25-cent book on "Diseases of the Taroat, Lungs, Chest and Head and How to Cure Them," sent free, with full information about treatment, all postpaid. Write us fully about your case and we will advise you FREE OF CHARGE. This treatment is cheap. You can set it by mail advise you FREE OF CHARGE. This treatment is cheap. You can get it by mall postpaid. You can take it at home. Order postpaid. You can take it at home. Order now and prevent delay.

Mention detartment number b low on your envelope when you write. Use only the nearest address.

Loring & Co., Dept. 138

No. 42 W. 22 St., New York,

pointment of James Murphy, the chairman of \$22,000 and thirty days will be consumed in the democratic city central committee. The vote on mayor was as follows:

508 421 291 92 355 426 285 132 751 Total 1,312 1,198 3,291 Only minor changes were made in the rotes on the other candidates, the result as

heretofore announced being unchanged. Messrs. Schultz, Vansant and Caldwell are private citizens today, their connection with the city government having ceased at midnight. Mr. Schultz is one of the representahas always taken a great deal of interest politics. He has served four years in the ity council and leaves a good record behind Four years ago he was the republican candidate for mayor, but was beaten by Ed

Johnston by 208 votes. Mr. Vansant is one of the most prominent republicans in the First ward and he has many friends who regret to see him lay aside the cares of official life. His connection with the city government has only covered a brief period of two years, but he made an enviable record for honesty and fair dealing while he represented the First ward. P. C. Caldwell, another retiring member of the council, has many friends who regret that he was not re-elected. Mr. Caldwell is a prominent democrat and is also one of the the start to the finish of his career in the council Mr. Caldwell always championed the

cause of the laboring man. Looking After a Tough Pince The old Arcade hotel building on R street just west of the fire hall is reported to be the rendezvous of a gang of toughs who drink beer and carry on in a shameful manner. At the last meeting of the council Schultz suggested that the city engineer examine the building with a view to condemn that beer in kegs is taken to the place and tough characters drink and carouse much to the annoyance of the residents. The attention of the police will also be called to the

condition of affairs. Will Move the Building An old building still stands in the street at Sixteenth and Missouri avenue, where it was left by house movers a month ago. Crush Brothers moved the structure down here from Omaha, but were compelled to stop work until they obtained a house mover's license. The license has now been issued

and residents in that locality hope to see the building moved within a few days. Piles for Armour's Vinduct. Two cars of piles for the big Armour viafuct arrived yesterday and more are expected oday. The pile driver has been placed in

If you are not a judge of planos you

Grading on Twenty-Fifth Street. The grading on Twenty-fifth will be completed in a day or two. This street is now quite a popular drive and many prefer it to Twenty-fourth street. The grading has cost in the neighborhood of \$3,000 or about \$33

Magle City Gossip. S. K. Hatfield of Peorla is at the Millard. George A. Swales of Buffalo is at the Millard.

The new city council meets tonight to organize. Theodore Davis Boal of Denver, Colo., is at the Millard. Dan Egan is preparing to erect a \$1,500

C. C. Cliften has gone to Octavia on . buchesa trip. W. G. Kone of St. Louis is at the Millard

for a few days. Henry Mics has gone to Tecumsch to attend o business matters. Ed Christian of Scandia, Kan., was a vin-

iter here yesterday. In about three weeks a new crop of brick will be on the market.

Fifty-seven cars of feeders were shipped to the country last week. A meeting of Good Temp'ars will be held Fifty head of short born cattle will be sold at auction today at the stock yards.

J. R. Ennon of Colorado Springs, Colo. is here looking after his properly inte-Mr. Charles J. Dunnerman of St. Louis, . prominent business man, is at the Millard. Mrs. Hi am Hall and Mrs. D. L. Holmes will entertain the Whist club Wednesday evening

J. W. Tomlins:n, freight commissioner of the Chicago Live Stock exchange, was a visitor in the city yesterday. Manager Kenyon of the stock yards left for Rapid City, S. D., yesterday afternoon to attend a meeting of stockmen. Last night the drill crew of Nebraska.

lodge, No. 227, Ancient Order of United Workmen, gave a grand bill at Workmen The Sons of Veterans meet tonight to talk over the prospects of war. Nearly all the

members have declared their willingness to enlist. All the pavement on the west side of Twenty-fourth street betwen I and J streets, is being torn up by the asphalt company's

repair gang. William Brodrick and J. Geness have been released from jail, where they were held on suspicion of breaking into a Fourth ward saloen. The rest of the gang will be tried today.

The fire department was called to St. Agnes' church yesterday afternoon by a slight blaze on the roo!. There was no loss, position and it is expected that work will the fire being commence today. This big bridge will cost paratus arrived. the fire being extinguished before the ap-

may think it necessary to bring an expert with you-Not so here-yet we are willing that you should have all the critics you want when you make your selection-We've nothing to hide in such oianos as the Knabe-Kranach & Bach-Kimball-Hallet & Davis-Whitney and Heintz-all celebrated and reliable instruments-These we are offering this week on terms of \$25 down and \$10 per month-Some fine medium grade pianos for \$15 cash and \$8 per month-We have the quality-and with this goes prices that have never been touched by would-



In amateur photography you must have the tools—the trays—the chemicals, etc-same as the professional-only of course not on as an elaborate a scale-We have everything that the amateur can ever need-dark lanterns-these are necessary for your dark room-50 cents starts the price it goes on up to the quite nobby affairs-trays for the baths -graduates chemicals-printing frames -in fact all can be found here-all at a very reasonable price-if you are going to finish your own pictures we can give you some valuable pointers.

A. HOSPE,

1513 Douglas

be music stores.

Music and Ari

The Aloe & Penfold Co Amateur Photo Surply House. 1408 Farnam Street. Opposite Paxton Hotel OMAHA

