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Today and Tonight SANTA CLAUS

WILL DISTRIBUTE ALL HIS CIFTS TO HIS FRIENDS. You will find him in Hayden Brothers' big basement, surrounded by a magnificent line of toys. This is your last chance to obtain holiday goods. All will be closed out Saturday—at any price to get rid of them.

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We are strictly in it on dolls

If you can't buy dolls of us-go home and make up your mind you have done your duty,

Elegantly Dressed Dolls, regular 69c, now...... 43c

The Finest Dressed Dolls in Omaha, very large, regular \$1.75, now.................. 98c Kid Body Dolls, 13-inch, 15c. 20-inch........... 69c 24-inch, very large. 89c

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All aboard for Asia and Africa, 325 pages, 39c

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elegant board with patent drawer, reg-

Go Bang, the very popular game, elegant patented board-

Barnum's Circus—contains tent, animals, posters, tickets, etc.,

Young American Bank-having bank office, gold, silver and cur-

ular \$1.50, now.....

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An exciting board game, has no peer except chess,

best game on earth for the children, regular \$2, our price.... 69c

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Weeden

Steam

Engine

All

brass-

regular

\$1.50-

our price

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Hot Air

Engine

Something new

Toy

Piano

19c up

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12x24 inches,

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Everything Goes Today-Buy Now.

Great

Ceasar's

3c.

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Iron Trains-Two cars, engine and tender, regu-

Grocer--

wagon, etc.,

39c

lar price 25 cents..... IRON TRAINS-Very large, tender, coaches, etc., regular \$1.50...... 95c Not a Dollar's Worth of Toys Carried Over

Bartley's Check.

JURY SECURED AND CASE STATED void and not based upon any authority of

Attorneys Tell What They Expect to Prove and the First Witnesses Called Identify the Check and Warrant.

the Omaha National bank and its president, J. H. Millard, over the Bartley \$201,000 check transaction began yesterday in Judge Baker's court. The forenoon was taken with the impaneling of a jury, which was not quite completed at noon, though the defense Chemical National bank, as the holder of had exercised two out of its three peremp- the warrant, and if the state had any actory challenges and the state had waived one and exercised another. There were no challenges for cause.

Messrs. Connell, R. S. Hall and Webster appeared for the bank and Mr. Millard. A very brief statement of the case was made for the state by Attorney General Smyth, as he was about to examine for cause. It was to the effect that Joseph S. Bartley, formerly treasurer of the state of Nebraska, had paid over to the bank and to Mr. Millard \$202,884.05 on January 2, 1897, out of funds belonging to the state, which amount the state seeks to recover.

any of them were depositors. After him Mr. Connell pressed them as to whether their citizenship and general interest in the state would be allowed to affect their verdict in any way.

The defense exercised two of its peremptories upon David Thompson of Twenty-secend and Spaulding, a carpenter, and Sydney Connell, and when he came to a reference South Omaha blacksmith.

up after dinner by excusing Fred W. Win- all the questions of law in the case and bank, and Henry Forlander, a South Omaha of the legislature a proper one. Mr. Concarpenter. The following twelve men were | nell remarked there would be nothing left then sworn to try the case:

fourth. contractor. David S. Lockwood. 1502 North Twenty-Henry J. Purdie, 1931 South Twenty-first,

Tillmon P. Shirley, 1244 South Sixteenth, T. F. Van Dorn. 2215 Leavenworth. Ellis Coder, 705 North Sixteenth, in-

Emory W. French, 2222 South Fifteenth, barber.

Monroe C. Kidder. 4140 Burdette, clerk Pacific Express company. N. W. Bishop, Waterloo, farmer. Charles A. Blumberg, 2632 Chicago, tele-

phone employe. John N. Robb, 1622 North Twenty-ninth, Louis T. Foreman, 1518 North Twentyafth. plumber.

Stating the Case to the Jury. theory that the bank should have known to itself or to Mr. Millard, but that the whether the transaction of Bartley drawing the check payable to J. H. Millard, its

president, for the purpose of redeeming the BANK CASE ON FOR HEARING president, for the purpose of redeeming the warrant of \$180,101.75 of the Chemical National bank of New York, was a bona fide one or not. He said he would show that State's Suit to Recover Money Paid Out on the funds of the state to any such use and Mr. Bartley had no authority to convert in no way could the bank be justified. It also came out that the prosecution was proceeding on the theory that the warrant was

Steam Engine-

Very powerful-something

entirely new-buy one for your boy...... \$9.98

Trolly

something

new,

19c.

A rather elaborate argument was made by Mr. Connell in presenting his side of done nothing more than he was authorized | Chemical National bank. to do as state treasurer and it was an ordinary business transaction for him to check against his own regular account. The trial of the suit of the state against | The bond of the bank, as a state depository, required it to honor his drafts on his own deposits as such state treasurer, which bond had been approved by the attorney general himself. The only concern at all interested in the transaction had been the tion at all it was against the Chemical National bank, as there was nothing in the complaint to show that either Omaha National bank or Mr. Millard had profited on cent in the transaction. The facts were, he said, that the Chemical National had sent a warrant to the Omaha National, as its correspondent, for collection, and Bartley had drawn the check for its redemption in the ordinary course of business, the warrant having been based upon an act of the state legislature and signed by the state auditor. Mr. Connell Mr. Smyth also asked the jurors whether read the title of this act. It was for an appropriation for the current expenses of

> 1896, and March 31, 1897, and to pay miscellaneous items of indebtedness.

the state for the years ending March 31,

Court Takes a Brief Turn. Mr. Smyth made frequent objections to the line of argument indulged in by Mr. A. Jones of 3039 Emmett, a harnessmaker, to the validity of the warrant and the act and the state one of its upon J. C. May, a of the legislature he objected all the more outh Omaha blacksmith.

The remaining two challenges were used word himself, saying he would determine ing of 4303 Grant street, a depositor of the whether the warrant was valid or the act for the jury to do. "The jury will have to Leroy W. Furnas, 1418 North Twenty- do only what I tell them," the court retorted. Mr. Connell's observation and the court's rejoinder produced a general grin in which the jurors joined as heartily as anyone. A further comment by Connell that courts sometimes did not know an the law brought out from the judge another retort. I know all the law in this particular case," he said. "Well, if I can't tell you what the undisputed law is," said Connell, turning himself to the jury, "I will go on to the

next proposition." The "next proposition" was that in contradiction of the state's allegation that the bank did not hold any claim against it the bank did hold the warrant for collection. 'At that time," said Mr. Connell, "Bartley was supposed to be an honest state official and his wrongful acts were unknown. Mr. Millard was not required to take judicial notice of the articles which appeared in the newspapers. The check itself shows that In his opening Mr. Smyth intimaetd his the bank was not directed to pay the money money was intended to be used for the purpose of redeeming this warrant. The state first alleges that what Mr. Millard did he

defendant bank. Mr. Smyth got in the cumbrous deposit memoranda of the bank to identify the transaction of the check and also the answer of the defense to identify the warrant. His third exhibit was the warrant itself. R. S. Hall cross-examined. To almost every question out by Mr. Hall Mr. Smyth raised a technical objection. Nevertheless the court allowed considerable latitude and it came out that a letter had come from the Chemical National bank accompanying the warrant and that the warrant had been taken up by Bartley's check to Mr. Millard; the case. It amounted to this: Bartley had in short, that the money was paid to the

> to identify the warrant as a public record. A continuance was then taken to 9 o'clock this morning.

If the case is not finished today Judge Baker says he will hold court Monday.

Davis Gets Three Years. A motion for a new trial in the case of

forger, was denied by Judge Slabaugh, and he was sentenced to three years. Davis was found guilty of forging Northwestern tickets for passage between Council Bluffs and Chicago. The tickets were printed almost a fac simile of the originals and the margins torn after the style of this particular kind of ticket, so as to designate the points of designation. Davis' defense was that the tickets had been given to him by a curbstone ticket scalper to sell and he

supposed they were all right. Rule in the Paddock Case. Judge Fawcett has made a decree in the case of the Merchants' National bank against the Paddock estate, the Interstate Investment company and the Omaha Street Railway company, ordering the defendants to and fifty shares of the Interstate stock to the plaintiff bank if by February 1, next, the sum of \$12,365.30 is not paid over to the plaintiffs. The late Algernon S. Paddock put up the stock, so the court finds, as collateral security for a loan of \$11,-000 in July, 1897.

Notes from the Dockets. Sylvanus Souders sues Kitty Souders for livorce for desertion in 1896. They were married in New Jersey in 1891.

A divorce suit has been started by Kate Sketchley against Walter Sketchley, to whom she was married in 1890. She alleges cruelty. They have a 7-year-old son. Judge Dickinson has denied a motion for a new trial in the case of Mrs. Mary W. Gaylord against the Nebraska Savings and Exchange bank, and Receiver William K. Potter, in which she received a verdict of

Receiver Thomas H. McCague of the German Savings bank having announced that he would declare another 5 per cent dividend, V. O. Strickler, as the holder of \$31.416.75 worth of assigned certificates, has obtained an order from Judge Fawcett directing the receiver to pay over to him what remains yet unpaid of the third dividend and all of the fourth dividend.

Mrs. Thomasina Rooney of 547 South Twenty-fifth avenue has petitioned for the appointment of an administrator of the estate of her late husband, Patrick Rooney. He died in St. Louis December 17 without having made any will. He left \$11,000 worth of real estate in this county, \$2,500 worth eisewhere, and \$500 worth of personal property. There are eleven children. Gid. E. and Alice Johnson, osteopaths. Suite 515, N. Y. Life Bidg.

No More Turkey for Them

TRY GRAIN-O! TRY GRAIN-O!

Ask your Grocer today to show you a package of GRAIN-O, the new food drink that takes the place of coffee. The children may drink it without injury as well as the adult. All who try it, like it. GRAIN-O has to the seal brown of Mocha or Java. but it is made from pure grains, and the most delicate stompure grains grains and the most delicate stompure grains grains are grains grai

make any more trips to the agency for a fe-

JACK NORTON'S CASE IS UP Judge Slabaugh Calls the Matter at the Conclusion of the Bechel Trial.

Judge Slabaugh concluded yesterday morning to take up the gambling case against Jack Norton so as to finish up the jury business of the term and take advantage of the last jury day. The attorney for Norton said his client was too sick to ap-State Treasurer Meserve was also called pear for trial, but an examination of Norton's condition was made by City Physician Spalding with the result that Norton's health was officially reported good enough. It had not been the intention of Judge Slabaugh to try any more jury cases this term, but Deputy County Attorney Winter said he had been holding his principal witnesses here from Kansas for some time and George Davis, the convicted railroad ticket he hoped the matter would be disposed of. The witnesses he referred to are Phillips,

> had been employed by Phillips. Wichita, Kan., is the home of Phillips. All the progress made in the case by noon was the examination for cause by Winter of the first twelve men called. He passed for cause and the court promptly took its dinner recess.

In less than a half hour after the court reconvened a jury was secured and a continuance was taken until this morning. The jury as agreed upon consists of Elmer Lathrop, Thirteenth and Corby; George Holst, South Omaha; John R. Larson, 1627 Ohio; Anton Franke, South Omaha; J. W. Shannon, South Omaha; F. J. Hartman, 1109 Marcy; J. E. Rogers, 2825 Parker; W. C. transfer 297 shares of atreet railway stock Bouk, Creighton block; James Stockdale, 940 North Twenty-fifth; James S. Stone, 2530 Parker; Joseph Pritchard, 840 South Twenty-first, and Charles Martin, 3712

North Seventeenth. Norton is charged with having run a "pin game" joint on North Sixteenth street. On his preliminary examination James Phillips was the main witness against him. Phillips testified that Norton had engaged him to conduct the peculiar game of the latter just about the time the place was pulled.

MAIL CARRIERS ARE BUSY Holiday Rush at the Postoffice Reaches a Height Never Before Known.

The holiday rush at the postoffice is on in earnest now and is likely to continue for a couple of days at least. This rush of business has reached such proportions that four clerks have been temporarily detailed to help look after the package mail, which is coming in and going out in volumes never before heard of. The packages are larger than usual and everything indicates that they are much more valuable than hereto-

Over in the mailing room at the postoffice everything has the appearance of the wrapping department of a big wholesale house. There are bundles of every size and premake glad the hearts of both old and young. These packages are giving the carriers much trouble, as they are in addition to the regular mail which they are expected to take out. Some of them are as large as bushel baskets, while others are not bigger than the end of your finger. All have to be delivered, regardless of size, and mornings when the carriers start out on their rounds most of them carry enough to load down a pack horse.

Dr. Hamilton is Improving. CHICAGO, Dec. 23.—Dr. J. B. Hamilton, former surgeon general of the Marine hospital service, who underwent a surgical op-eration several days ago, is still in a criti-cal condition. Dr. Nicholas Senn, who is at-tending him, is hopeful, as present symptoms are encouraging.

Inspector Matza Complains that Police Judge Gordon is Too Lenient.

ONE CASE THAT HAS CAUSED A CLASH Gordon Says He is Doing His Full Duty and that Matza is Too

Eager in Some Instances-

Dr. Spalding's Opinion.

The advice to the public to make a general effort to clean up existing nuisances as one means of stiffing the incipient epidemic of smallpox brings out a vigorous remonstrance from Peter Matza, sanitary inspector against the methods of the police court in cases that involve this class of offenders. Matza avers that it is of little use to try the "pin game" operator, and Hansen, who to compel the public to clean up when the police judge refuses to co-operate with the health department by enforcing the ordinance by which nuisances are prohibited. In support of his contention the inspector cites the case of Nichelas Frederickson of 3930 Seward street. He says that December 6 he served a notice on Frederickson to remove a families. They will not even have to come quantity of night soil that he had taken after it, but it will be taken to their doors, from his premises and dumped on a vacant lot on the southwest corner of Thirty-eighth and Franklin streets. Frederickson neglected to comply and a few days later he filed a complaint against him for maintaining a nuisance. Matza adds that he appeared in police court December 10, but Judge Gordon peared with his witnesses and the juage has been repeated every day and Matza has only to be told to come again the next day. In the meantime the nuisance remains to Matza declares that this is only one of dozens of cases in which the health department is unable to enforce the ordinances on ac-

count of the failure of Judge Gordon to sup-Matza was in the police court yesterday again, but Frederickson did not appear. Judge Gordon denied with vigor that he is in any respect delinquent in his duty, and declared that it is Matza's fault that Frederickson was not in court. He says that Matza had gone to the premises, but neglected to inform Frederickson that he is wanted in police court. "I know Frederickson," added his honor, "and I know him to be a good citizen and under the circum stances I did not consider it right to send out the patrol wagon and have him hauled down here in disgrace. I sent a capias to his house yesterday, but he was not at home. I supposed the capias was left there and that he would be here this morning. I am always ready to do my duty, but trouble is that in many of these cases the prosecution is inspired merely by an anxiety to collect the fee for hauling the garbage sumed to contain everything necessary to and when they have accomplished that they have no further interest in the case."

Commissioner Spalding of the health de partment says that in the case referred to he mercly knows that the nuisance exists and what the inspector has reported. He says that Judge Gordon has done pretty well recently in assisting the department to en force the ordinances and he has no complaint to make in that respect.

Furnishings for Federal Buildings.

ENFORCING SANITARY RULES have arrived and are being stored in the government \$12 each.

One Hundred Omaha Families to Be

Looked After on Christmas.

Christmas day will mark a new departure in the practices of the Jacksonian club of this city. On that day 100 families in Omaha who might not have had anything besides bread and coffee for dinner, will have

Several weeks ago Ed P. Smith, the newly elected president of the club, wrote to well known workers in charitable fields asking them to send him the names of the most needy families under their observation. No section of the city was designated, nor any class, sect or creed, but charitable organizations dealing with all classes of people were consulted. The result was that 100 families were reported to Mr. Smith as likely to pass the day wholly or partially hungry, unless

provisions came from outside sources. The Jacksonian club appropriated money from its treasury to cover the expense of the charity, and 100 complete dinners will be purchased and will be sent to each of the and there will be plenty of good things for all members of the family. The articles are being bought today, and the deliveries will

probably be made tomorrow. But while engaged in this charitable work the officers of the club have not become so engrossed with the doctrine of peace told him he had given Frederickson until and good will as to forget the interests of ten days later. On the latter date he ap- the organization. For instance, a few days sume its usual decorum. ago the Chicago democrats telephoned to continued the case until the next day. This Omaha asking the club to postpone its annual banquet until Monday evening, Janubeen on hand with his witnesses every day, ary 9, leaving the Saturday date open for the Chicago club. The modest men in the Windy City are going to have a banquet menace the health of the neighborhood, and and they want Congressman Sulzer of New York and W. J. Bryan to speak there, both of whom are billed for Omaha. These men pass through Chicago and the organization there suggests it would be more convenient to have them stop off a day and speak there and then resume the journey to Omaha.

The Omaha democrats, however, are not investing in gold bricks. They say they do not care for any secondhand speeches. They allege that what Chicago wants is to get the first public address from Mr. Bryan, with its probable outline of democratic policy on expansion. This the local democrats want and insist they are going to have That is what the wires said in the receiver at the Chicago end. Chicago then rung off. Local democrats continue to look forward to this banquet with considerable interest. They repeat their oft-made declarations that it will be the biggest thing in the history of the club. Their interest has grown visibly during the last few days since dispatches from eastern political storm centers suggest that a deal is on foot to make Bryan the presidential candidate in 1900, with Congressman Sulzer his running mate. With both of these on the card at the coming banquet the democrats are ready to believe that something important is apt to happen at the feast. Hence they are eager to secure a seat at the table. They can hardly wait for the day to come.

An alarm was turned in Thursday night at midnight from 314 South Fifteenth street, where a tar pot was found blazing on the Acting Collector of Customs Woodworth is receipt of the plans and specifications for the carpets and rugs for the offices and in the center of the roof, twenty-five or court rooms in the new postoffice building.

The bids for the carpets will be submitted almost wholly by local dealers simost wholly by local dealers.

Seven new clocks and fourteen leather covered settees for the new postofice building saw it and turned in the alarm.

PROVIDE DINNERS FOR NEEDY Jury Returns a Verdict of Acquittal on Charge of Embezzlement.

DEFENDANT WARMLY CONGRATULATED

Court Room Crowded When the Jury Announces the Result of Its Deliberation-Closing Argument and Instructions of Court.

"State of Nebraska against W. F. Bechel We, the jury, etc., do find the defendant not guilty. W. H. Plattner, foreman."

After being out all night the jury in the Bechel case brought in a verdict of acquittal. They reported about 10:30 a. m. An eager crowd was awaiting their entrance into the court room, and as soon as the gong sounded a signal that the jury had agreed upon their verdict the court room became so thronged that a great many interested spectators had to stand up.

Ther was a breathless silence as the clerk read the verdict, but as the words "not guilty" wer uttered, the audience vented its feeling of relief in a general buzz. It was somewhat difficult for Bailiff Heacock to keep order. "Is this your verdict, gentlemen?" the clerk asked. "It is," spoke out every one of the jurors in unison. The friends of Bechel gathered around

him and his attorney, Mr. Connell, and were profuse in their congratulations. It was some time before the court room could re-

For a while it seemed as though the jury would disagree. Not a great many ballots were taken, although but one or two of the jurors were stubborn and continued to hang out for conviction. This morning, however when the deliberations were resumed the argument of the overwhelming majority had its effect, and an almost unanimous ballot was taken about the hour for the court to reconvene. Another ballot followed in a half hour and the result was a unanimous decision in Bechel's favor.

NEW STREET CARS ARRIVE Five More Ready to Be Put Into

Service on the Crosstown and Walnut Hill Lines.

Five of the remaining new cars ordered by the street railway company have arrived at the shops and are rapidly being put in shape for use. For several days the company has been prepared to work night and day on the cars as soon as they arrived, and in another day or two the additional rolling stock will be on the tracks. These will relieve the pressure to some extent on the cross-town and Walnut Hill lines and when the last shipment of five cars arrives, the company will consider itself in shape to handle the business with ease.

Carlisle Appears in Court. NEW YORK, Dec. 23.-John G. Carlisle, ex-secretary of the treasury, appeared in a police court today as complainant against Richard Leake, a cab driver. Mr. Carlisle accused Leake of stealing a sealskin sacque belonging to Mrs. Carlisle and valued at \$300. Leake was held for trial.

GOOD DIGESTION Good Nerves and Good Health Horsford's Aeld Phosphate Take no Substitute.