## Heavy Weight

# Clothing

At One-third to One-half Real Value.

With unabated vigor and increasing interest our great clearing sale of Men's Heavy Weight Garments proceeds. Every promise made by us has been carried out to the letter. Early buyers were convinced that they saved 331-3 to 50 per cent on all goods bought during this sale. Buyers yet to come have many desirable patterns to select from. What are left of the 10,000 pairs of men's All Wool Pants we told you about last Monday, go on sale Saturday at 95c, \$1.25, \$1.75, \$2.25 and \$2.95. Many of these pants are left from broken suits, which sold at prices ranging from \$7.50

Our entire stock of Overcoats and Ulsters must go regardless of cost. We make it a point not to carry a single coat from one season to another. \$18.00 and \$20.00 Overcoats and Ulsters will be closed out at \$12.50. \$15.00 Overcoats at \$9.00. \$12.50 Coats at \$7.50. \$7.50 and \$10.00 Coats at \$5.00. \$5.00 and \$6.00 Coats at \$2.95 and

Over 25 patterns of Men's Fine Suits will be closed out at \$3.75, \$5.00, \$7.50 and \$10.00. We tell you frankly and candidly that in spite of all florid offerings that are made, we do not believe that there has ever been such an opportunity to purchase a stylish suit at so little cost. Come and examine the make-up and quality of these goods and be convinced that we will save you 33 1-3 to 50 per cent on your purchase. Bargains in Boys' Knee Pants Suits in the basement. 50c Knee Pants at 25c.

## Hats and Caps

our \$1.50, \$2.00 and \$2.50 lines. If you find your size, you can have one for 75c. All the broken lines of our Men's All Wool Cloth Caps that have sold as high as 75c-your choice Saturday for 25c.

## Furnishing Bargains

In the Basement.

Ladies' heavy fleece lined Vests and Pants, worth 50c, at	214c
Ladies' and children's Mittens, regular 25c quality, at	50
Ladies' Fur Boas, worth up to \$2.50, at	234c
Ladies' Fast Black and Seamless Hose, worth 121/2c, at	5e
Men's Collars, slightly soiled, worth 121/2c, at	10
Men's Silk Ties, in band and shield bows, worth 121/2c, at	1e
Men's Red Bandanna Handkerchiefs at	21/40
Men's Red Bandanna Handkerchiefs, the regular 10c quality, at	314c
Men's Working Shirts, in dark colors, worth 50c, at	25e
Men's and Boys' Heavy Wool Mittens, worth 25c, at	5e
Men's Black and Brown Fancy Sox, worth 121/2c, at	50
Men's Underwear, slightly soiled, worth 50c, at	250

# Piano Bargains

For the purpose of making room for 1899 Planos, that are arriving daily, we are compelled, owing to lack of space, to place on sale a number of first-class Pianos at from 50 to 75 per cent less than factory cost. Note prices that follow, viz:

	1	Fine	Upright	Rosewood Case \$70.00
	1	Fine	Upright	Rosewood Case \$85.00
	1	Fine	Upright	Ebonized Case\$100.00
Ŀ.	1	Fine	Upright	Mahogany Case\$125.00
				Walnut Case\$135.00
	1	Fine	Upright	Oak Case\$150.00
	1	Fine	Upright	Walnut Case\$165.00
	1	Fine	Upright	Mahogany Case\$175.00
	1	Fine	Upright	Oak Case\$185.00
				Walnut Case\$195.00
			200	

Fifty other high grades included in this sale. We carry a large assortment of Chickering, Steinway, Fischer, Lester, Knabe, Ivers & Pond, Emerson, Vose & Son. Pianos tuned, moved and repaired. New Pianos for rent. Call and see our elegant line of Piano Chairs and Stools.

### Remember the Basement Bargain Counter.

Never such bargains in Omaha before. Every department has loaded the basement bar gain counters with goods, at a mere fraction of their value. Be on hand Saturday. New bargains every hour.

The great January clearing sales are in full blast all through the house. A saving of one third to one half on all winter goods.

#### Agents for the Butterick Patterns,

Chiffoniers at factory cost. You are not

placed on the same footing as all retail

Furniture dealers and can purchase a

Chiffonier at the same price they pay for

such goods. You can verify this statement

You can use a Chiffonier in the Bedroom

for Clothes, or in the office for papers,

polish finish, have five drawers and two of

the styles have French bevel plate mirrors

Four styles of Chiffoniers at \$4.50, \$4.85,

If you need anything of this kind and

from one to six of a kind, at 65c, 75c, 85c

\$5.00 and \$5.50.

95c and \$1.00 each.

pairs left, at \$1.00 pair.

fine net, 85 pairs left, at \$1.25 pair.

Fine curtain serims at 5c yard.

Special prices on all portieres.

36-in. Curtain Swiss, Sc.

Curtains.

## Grand Bargain Sale in Furniture.

#### Notions Ic.

Pins, Box Hair Pins, Aluminum Thimbles 48 yards Silk Floss, Darning Cotton, Marking Cotton, 200 yards perfect Machine Thread, etc., your choice for 1c.

#### Notions 3c.

Linen Threads, full 200 yards; Horn Dressing Combs, Heavy Elastic, Hose Sup-porters, Hair Netts, Tooth Brushes, six Bunches Tape, Needle Books containing pkgs. Needles, 14 Darning Needles, 5 Hat

and Veil Pins and 80 Pins, etc., your choice 3c. Velveteen Dress Binding, 3c a yard. Embroideries 2c, 3c and 5c a yard. Dress Trimming 1c, 2c and 5c a yard.

Special Sale On Double Thick French Plated Hand Mirrors, regular prices 25c and 35c, on sale,

## Flannel Dept.

5,000 yards Teazle Down at 10c yard. Roman Fleeced Flannel and Flannelette at

Outing Flannel, complete assortment of checks and stripes, in both light and dark colors at, yard, 5c and 8c. 65 pieces of Silkoline, 36 inches wide, at

Full line of Cretonne, 10c and 121/2c. 121/2c Canton Flannel at, yard, 61/2c. Complete line of Art Ticking at, yard, 18c, 20c and 25c.

### Hams! Hams!

One carload just received to choose from No 1 hams, sugar cured, 71/2c. No. 1 California hams, 5c. No. 1 Cottage hams, boneless, 81/2c.

New England boiled ham, 10c. Select Br. Bacon, sugar cured, 10c. Fresh pork sausage, 71/20. Bologna sausage, 5c.

3-lb, cans best lard, 19c; limited. Pickled pig feet, 41/2c. Fresh dressed chickens on sale Saturday.

# Housefurnishing Dept.

Watch 'em. Watch 'em. They pay. Large tin water palls, 9c. Nickel plated No. 8 tea kettle, 49c. 10-quart granite dishpan, 29c. 3-quart granite coffee pot, 27c. Large granite wash basins, 9c. 50-pound flour cans, nicely decorated, 49c 10-quart japanned chamber pails, 16c.

See our new 5c counter

stoves we have on hand and will make prices that will surprise you. Come if you need anything in the stove line. Heating blanks, etc. These Chiffoniers are all Oak, stoves from \$2.75 up.

can raise the cash you will save from \$3.00 Eggs Are Down. to \$4.00 on any of these. We are still selling a lot of fine oak chairs, odds and ends,

guarantee them to be strictly fresh.

than 4,000 pounds to choose from. Rolls or

#### Coffees Are Down.

Grand special sale of all kinds of draper-Santos coffee, fresh roasted, pound 10c. 31/2 yards lace curtains, 54-in wide, 75 Genuine old govt, Java and M., 1b. 25c. Fancy high patent flour, per sack, 98c. 3-lb. 31/2 yards lace curtains, 60 in. wide, very cans tomatoes, 5c. 3-1b. cans baked beans, only 5c, 10c pkg. Schepp's cocoanut, only 31/2 yards lace curtains, 60 in. wide, an 5c. 10 bars amonia soap, 25c. 3 bars castile extra fine article, 125 pairs on sale at \$1.50. soap, tollet, 5c. Tomato catsup, large bottle, Silkoline, any quantity you want, at 5c 71/2c. Cold water starch, worth 10c, 5c. Tall cans blood red salmon, 10c. 3-lb. cans golden pumpkin, 5c. 22 pounds C sugar for

# Hardware, Stoves and

Special Saturday Sale No. 8 extra heavy all copper Boiler, \$1.49.

Folding lunch boxes, 11c. Nickel plated cuspidors, 15c.

#### On it you will find Dover egg beaters, 2-quart covered pails, coffee pots, double mincing knives, japanned cuspidors, large scrub brushes and hundreds of other things, all worth 10c and over. Come and look it

#### Stoves Stoves We are bound to sell the few heating

#### Groceries.

over.

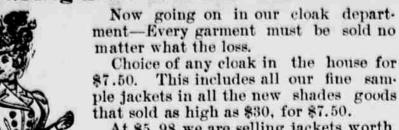
Strictly fresh new-laid eggs, 1714c. We

#### Butter is Down.

Buy country butter now, we have more prints, 1214c.

Remember the basement bargain counter.

### The Greatest and Grandest Clearing Sale Ever in Omaha.



At \$5.98 we are selling jackets worth \$15, in blues, tans, browns and blacks, satin lined throughout. A grand col-

At \$3.98 we will sell kerseys in modes, kerseys in blues, kerseys in blacks, boucles, caterpillars, friezes, nearly all silk

Our \$1.98 line includes all our beavers and meltons, half silk lined. At 79c we will self 25 dozen ladies' Skirts, flannel lined throughout-goods that are

sold as high as \$2.25 and \$2.50.

All our misses and children's Jackets in three lots at \$1.98, \$2.38 and \$3.98.

Ladies' Fur Collarettes at \$4.98 that sold at \$7.00 and \$8.00.

Ladies' plush Capes, \$1.50. Ladies plush Capes, 30 inches long, silk lined throughout, \$10.00 quality, at \$4.98.

200 ladies' silk Waists, worth \$6.00, for \$3.98.

75 silk Waists in all the new shades, worth \$5.00, at \$2.98.

Ladies' fleeced lined Wrappers, in dark colors, extra wide at 69c.

40 dozen ladies' Wrappers, worth \$2.25 for 98c.

Closing out millinery at half price.

### Saturday's Special Silk Sale.

200 pieces fancy silk, all kinds, all colors, worth \$1.00, \$1.25, \$1.50, sale price 49c. 150 pieces 19-inch Taffetas, in both plain and changeable, excellent quality, on sale at

Black Taffeta on sale, 27 inches wide, Saturday 89c.

500 pieces finest grade Japanese silk in creams, black and all colors, on sale at 39c. Black Taffetas, warranted to wear, the Hayden's is the only store showing wide

Winslow Taffetas. The best silk on earth, and the price is only \$1.00.

#### Basement Silk Dept. CROWDED WITH BARGAINS.

50 pieces changeable silk, all colors, 171/2c. Striped checks, all silk, light shades, 19c. 500 pieces India, Japanese and China silk in remnants from 5 yards to 20 yards, all colors, worth 50c and 75c, on sale at 29c. Velvets in remnants, all colors, all lengths, worth \$1.00 and \$1.50, on sale at 49c. And thousands of other bargains. Sale ommences promptly at 8 o'clock.

### Big Sheet Music Sale

the most popular selections we have ever had at 15c per copy-such well known hits as "Down in Poverty Row," "Mother Was a Lady," "I Loved Her First," "When Sweethearts' Vows Are Broken," "Miss Phoebe Johnson," "Crappy Dan," "I Want Dem Presents Back," "My Gal is a High Born Lady," "Mammy's Coon Bettah Keep Dem Chickens Home," "Take Good Care of My Little One," "A Hero All for Love," "Elsie from Chelsea," "Only Memory's Pictures," by Pritzkow, composer of "Take Back Your Gold;" "Transmississippi Two Step," "Omaha Elks' Two Step," "German Quartette March," "Omaha Turner Wheel Club" and a hundred other selections, only 15c per copy.

# The Leading

#### House in the West.

Still bearing down on prices. Winter goods reduced each day until all are gone. A few crepons left at 98c, \$1.45, \$1.95. Extra heavy novelties sold at \$1.25, only 75c. All povelties that sold at 59c, 75c, will go at 39c. Al novelties up to \$1.00, amous Antus Guinet French make, only at | will go at 49c. Plaids that sold for 39c, only 25c. All wool dress goods that sold for 39c, will go for 19c.

#### Basement Sale of Dress Goods.

Worsted novelties that sold for 29c or sale in the basement at 10c. English cashmeres that sold for 25c and 30c will go for only 10c. All wool flannel dress goods that sold for 35c will go at 15c.

#### Wash Goods Bargains In Basement,

You will find real value greater than the

3C YD .- for Plaid Dress Goods-3C YD. Standard apron check gingham, (blue and white)-31/2c yard. Dress ginghams, worth 121/20, good styles

5c yard. Percales, (1 yard wide), dark colors, worth 121/2c, 5c yard. Dark dress prints, (the very best grade),

Silkolines, full yard wide, worth 1214c, se yard.

10-yard pattern of cotton nevelty dress These patterns are all 2-toned fancy de-

signs and worth exactly \$1.25 each.

Assets of German Savings Bank to Go at Auction.

DECISION IS REACHED BY JUDGE FAWCETT

Argues from Bench that Money is Looking for Investment and Now Is a Good Time to Dispose of Real Estate.

Judge Fawcett of the district court has ordered a sale of the assets of the German Savings bank, the affairs of which have been in the hands of Receiver McCague for a number of years. The order was made Thursday, and in passing upon the case

the judge said: "Perhaps the most important matter that I have to decide this morning is the application on the part of the depositors for an order on the receiver to proceed at once to sell all of the assets of the German Savings bank so as to get matters in shape to proceed against the stockholders. There been quite an elaborate showing made by the depositors in support of these motions and a rule was entered for the bank to show cause, if any, why the order should not be issued, but no such showing has been made, counsel for the stockholders and the bank claiming that upon the record as it stands the court ought not to order the

"As I said the other day, it does not seem to me as though the question of what has taken by counsel for the depositors is probhappened in the past should influence the ably sound. court in passing upon this particular questo run this receivership, it is something that has been a city when there was as much tate as well as any man could have handled being made, and that in them, and much better than a majority of ments are being made and men could have done. He had had experi- there is work. I think he has done it well. At any remain as it is now, and an absolutely loose rate, as far as I am concerned, as the one who has to supervise his work, I am well satisfied with the manner in which he has conducted it.

#### Good Time to Sell.

"But the only question to be considered I think, is as to the advisability of selling the assets at this time-whether the receivership, so far as the handling of the assets is concerned, should not be wound up in order that matters may be so shaped as to permit proceedings to be instituted against the stockholders for the balance remaining fue to the depositors after the assets of bank are exhausted. It is contended midwinter is not a good time to sell real estate. The bulk of the assets of the bank consists of real estate, there is very little personal property. Of course there

BROWN'S Frontes of Be nd their use to public speak REV. C. H. CHAPIN, New York.

COURT ORDERS THE SALE are some notes, mortgages and assets of that character, but the bulk of the valuable assets consist of real estate, some thirty or forty pieces, is it not, Mr. McCague?" Mr. McCague-Just about. There are

about 100, including the pieces that we obtain title to by tax title. The Court-About \$150,000 worth in nominal value?

Mr. McCague-Yes, sir. The Court-They say to sell that at this Counsel for the depositors say that there was never a more opportune time to sell property of this kind than now; that there is an accumulation of money in the city; that people are seeking investments, and that there could not be a more opportune time to sell the assets than at present. When I started in on the hearing last Wednesday morning my mind was decidedly in favor of the view taken by counsel for the stockholders, that this would not be an opportune time to sell these assets, but I

#### have done something in this case that I do not do in a law suit. Money is Easy Now.

"I feel that so far as this bank is concerned I occupy the relation somewhat of general business manager of this estate, that it is not only my duty to see that the receiver complies with the law, but also to see, so far as the court can gain knowledge upon that subject, that he exercises good business judgment in administering its affairs. I took occasion yesterday to go around and make inquiry of men who are well informed, and in so doing I kept clear of depositors and stockholders in this bank, and I have reached the conclusion, not only from the arguments made, but also from the investigation I have made, that the position

"My investigation disclosed the fact that tion. If it has been expensive in the past there has never been a time since Omaha happens with all receiverships. In twenty- absolutely loose money in the city as there five years' experience I never knew a re- is today, money seeking investment, and I ceivership that was not expensive, but I find that investments are being made. Just want to take occasion to say that I think in the little investigation that I made I came the receiver in this case has shown marked across two instances of speculative dealing ability. I believe he has been very faithful in real estate, one where a man bought a to his trust. I know that he has been for piece of property and sold it within thirty the last year, during the time I have had days at an advance of \$1,000, and another charge of this docket, and I think he was where a man bought a piece of property for while Judge Keysor had charge of it. I about \$600 and sold it in a week for \$1,500. think he has handled the assets of this es. Men that I talked to say that inquiries are plenty of money, and ence before as a banker and real estate man, seem to think that within the next four or and he brought the benefit of that experi- five months this money will have found ence, together with marked energy, into this some avenue for investment, that it will not

> condition, anxious to have something done with it.

> Will See that Justice is Done. "There is another thing that was not ouched upon by counsel for either side, which occurs to me, a knowledge which I have gained from my association with the receiver, and that is that if this matter is continued for three or four months I question whether the receiver could sell any real estate. It has gone abroad that these assets are to be sold in the near future at auction. The receiver has been selling property along from time to time and has been making fairly good sales, but since this application has been made for an order requiring him to sell the property the sales have dropped off, and sales that he had about rounded up and expected to close within a few days, and would have done so but for this application have fallen through. They say to him that this property is going to be sold at auction beore long and they can afford to wait, and question whether the receiver could sell

piece of real estate at private sale. Then there is another fact, that if the assets are sold in the near future the simple fact that they are bidden in does not con-

itute a sale, because, behind the receiver.

upon those bids and say whether such sale should be confirmed or not. There is that protection remaining. I think if we were to start in to sell these assets now it would probably be a number of months, by the nost expeditious work that could be done, before all of the assets would be exhausted and matters placed in such shape that suits could be commenced against the stockholders. I do not wish to intimate by this that ime would necessarily mean to sacrifice it. the court is going to be either 'bull' or 'bear' on the market, but when it comes to confirmation of these sales the court will try to use common sense in passing upon those bids and will try to do justice between the

parties. "Without expatiating at any greater length on this question, I will say that I have reached the conclusion that I will order the receiver to at once prepare an itemized statement of the properties that he holds that he make a list of them and ascertain all liens upon them and have that list in his office for the inspection of prospective purchasers, and that he advertise the sale thirty days, the sale to begin on March 1 and continue from day to day until all of the assets are disposed of."

BAXTER FILES SOME AFFIDAVITS

Shows that in His Court There Wa No Delay in Drexel Case. Affidavits were filed by County Judge Baxter, Clerk Charles E. Winter of the county court and Winter's assistants, in the matter of the appeal of the Drexel heirs from Judge Baxter's decision in favor of the Reeds, involving \$280,000 worth of notes given by Horatio Fowkes of New York, as the Drexel representative, in the purchase for the Omaha Bridge and Terminal com-

When the application for removal to the federal court was made by J. M. Woolworth, acting in behalf of the Drexel heirs, one of the points made by W. D. Beckett, attorney filed until four days after the statutory time, forty lays, from the rendering of Judge Baxter's decision. On the other hand, Mr. Woolworth, supported by an affidavit delay had been through no fault of the appellants, but had been caused by the tardfness of the county judge and his clerks. effect that everything asked by the appellants to be done had been attended to in the most expeditious manner. These affidavits will be made use of by

RAISES POINT ON CITY WARRANTS.

Judgment Cannot Be Secured to Operate Against the City Generally. A decision was rendered by Judge Dickinson that will affect the salability of a large number of city warrants on special funds. William K. Potter, as receiver of the Nebraska Savings and Exchange bank, had sued the city to recover on a warrant \$285.75, allegad to have been issued December 26, 1891, to Benjamin Barker, for the condemnation of property for the opening of Canton street from Thirteenth Fourteenth streets, and which warrant had come into the possession of the bank by mesne conveyance. In its answer the city set up two points, first, that Barker had come by the warrant in an irregular manner, not being the owner of the property at the time, and, second, that the warran was simply an order on a special fund and not a general obligation of the city. The case was an appeal from the count

court.

aind the bidder, sits the court to pass district court pass upon and there was no been misled by I. J. Dunn, the plaintiff's Under the circumstances the bank was allowed a judgment so that the city could appeal and raise the questions intended.

On behalf of the city it was shown that J. K. Saunders had become the owner of the property condemned at the time the street was opened, although some warrant had been issued to Barker the month pre vious. As to how Barker had come into possession of the warrant, however, was minor point. Judge Dickinson held that he had been the rightful owner. The main point was as to whether the plaintiff could get a general judgment against the city on

Several decisions were quoted by Judge Dickinson in delivering his opinion and parallel cases were found in suits against the cities of New Orleans and San Francisco The court held that the warrant showed on its face that it had been drawn upon a special fund and had been received with that understanding; that, therefore, the plaintiff could not go into court and get a judgment which would operate against the city generally, because the logical effect of that would be to transform a special warrant into a general warrant. He accordingly reversed the judgment of the lower court and

SHE SOON TIRES OF HER HOME.

Subsequent to Marriage. In the Dreuth divorce case, both husband and wife are asking for the matrimonial bonds to be sundered. They were married all of South Omaha's taxes for the eight here September 29, 1897. Dreuth was em- | years from 1888 to 1895, inclusive. It means ployed by a South Omaha lumber company He states in his complaint that shortly after of sixty-six acres of Nicholas street property his marriage he furnished a comfortable cottage in South Omaha, but about ten days afterward he went home from his work to discover that his wife had left him. Then, according to his story, he found her at the Cambridge hotel, Thirteenth street and Capitol avenue, and she refused to go back and for the Reeds, was that the appeal itself had live with him. He made several insinuano standing in court, because it had not been tions reflecting upon his wife's character in his petition. The ground he set up was exterme cruelty.

Mrs. Dreuth has filed an answer and crosscomplaint, asking for a divorce on the same from one of his clerks, contended that the ground, charging the husband with having assaulted her two months after their wedding and also with having written letters to her parents, derogatory of her character. The affidavits filed by the latter are to the In her prayer for alimony she said he receives \$65 per month salary.

Judge Fawcett's alimony order directs Dreuth to pay to his wife \$25 suit money and \$5 per week pending the determination the appellees when they object to the court's of the case. Last Priday Dreuth testified jurisdiction, which they say they will do that he received as his pay for November when the appeal comes up to be heard upon last \$40, and for December only \$35; that it cost him \$20 per month to live and it is necessary for him to send the balance to his mother to help support her. An admission was forced from him that he did not send any money away. His wife says he received over \$100 for the two months

> IN SUPPORT OF ANOTHER TRIAL Affidavits Filed in Case of Ezra Dot:

After Ezra Doty secured a verdict of \$1,000 against the city for personal injuries, caused by running into a water barrel on Sherman avenue at Sherwood avenue, when alighting from a street car at the time the street tained affidavits from Jeremiah T. Jefferson and Charles E. Ring, two of the jurors, in which they asserted that the verdict had been influenced by the talk of another juror, Elmer E. Woodcock. Jefferson and Ring charged that Woodcock roundly abused the reputation of Hugh Murphy, the paving contractor, and prevailed upon the other jurors No defense had been made by the with an argument to the effect that any verdict would come out of Murphy and not city in the lower court, as it was then said the city. There was also an affidavit from there were several important legal proposi-

attorney, as to the time the case would be tried.

In contradiction of all this, Dunn filed ar affidavit yesterday from Charles Ross, the foreman, Woodcock and another juror, Francis Dodson. They admit that at first a majority of the jury was in favor of the city, but deny that Woodcock indulged in the talk attributed to him by Ring and Jeffer son. They say their verdict was influenced by the court's instructions making the city responsible for the negligence of Hugh Mur phy, he being virtually an agent of th city. Mr. Dunn also filed one for himself. in which he said he answered Murphy's

It happened that Mr. Murphy had gone to Denver about the time of the trial. Dunn says he was agreeable to any reasonable postponement, but that City Attorney Connell was anxious to go on with the case. Murphy has represented that the jury was packed with some enemies and that if he had been rightly informed as to when the trial was to have taken place he would have been present to testify for the city.

letter, addressing it to him in this city

A motion for a new trial is pending. CITY ASSESSMENT HELD INVALID

Judge Fawcett Passes Upon the South Omaha Tax Case. "I am certainly going to take an appeal to the supreme court in this South Omaha tax case," said V. O. Strickler. "The decision of Judge Fawcett is one of the most far-reaching of any yet delivered from the district bench. It practically wipes out that the city will have to go before the legislature while it is now in session and get some relief; that is, presuming that Judge Fawcett's decision will stand on appeal. It can get a bill through validating all the taxes for the years in question."

one of three brought by Henry Whelen, a Philadelphia banker, who with four other wealthy men, were made the trustees of the old Reliance Trust company of Des Moines. against Edward Cessidy and others of South Omaha to foreclose certain tax liens. The Reliance company had invested on a large number of tax certificates. The defense raised an objection to the taxes or the ground that the assessment had been irregular. It was represented that the taxes had been levied on assessments made by a so-called city assessor and that the law required in all counties not under township organization the assessments to be made by precinct assessors. Judge Fawcett said that

The case alluded to by Mr. Strickler was

law and his assessments were therefore void. In 1887 the city of South Omaha was assessed by the assessor of Douglas precinct, but in the following year under the new organization a city assessor was elected, supposedly the same as a precinct assessor This plan continued until 1896, when for the first time assessors were elected for each of the four wards. The position of Judge Fawcett is that a ward is practically

the "city assessor" did not exist under the

Whelen and his associates had three cases against Cassidy to recover on certificates aggregating between \$3,000 and \$4,000. There is said to be fully \$100,000 if not more of tax certificates affected by the decision. It invalidates all the levies for the eight years and any taxes not yet collected on those levies cannot be recovered. It also was being paved, City Attorney Connell ob- invalidates all tax sales based upon delinquencies under those levies. A large num ter of cases of this character have been

> Mr. Strickler says he will go before supreme court with the contention that the asseszor was practically a precinct assessor

Petition to Condemn Property. An application has been filed by Ralph Breckenrige for the condemnation of prop-erty in block 6 for a right of way for the which it was desirous of having the Mr. Murphy, in which he stated that he had I Omaha Bridge and Terminal company. This

Lumber company. The block is bounded by Twelfth, Thirteenth, Webster and California streets. Six out of the eight lots are mentioned in the petition. The two lots on Thirteenth street are not included. George Warren Smith and James O'Rourke are the owners. Right of way through lot 1, block 38, at the corner of Cass and Eleventh streets, is also asked. Mrs. Mary Ollie Hayes is the owner.

STIPULATION STANDS AS A RECORD

Shields Attempts to Overturn Agreement Entered Into by Baldrige. The day before the new county attorney, George W. Shields, came into office, January 4. Carl Herring, acting as deputy for the retiring county attorney, Mr. Baldrige, joined with the attorney for Frank E. Moores in a stipulation for the submission to the court for decision all the claims of Mr. Moores against the county upon the pleadings. Altogether there are sixteen of these cases and they aggregate \$16,000 worth of claims for services performed by

Mr. Moores as clerk of the district court The stipulation was in a test case. Mr. Shields went before Judge Dickinson and asked for the withdrawal of the stipulation from the records, stating that he was not familiar with the matter and desired time to look into it. The court refused to allow the withdrawal of the stipulation itself, but allowed the submission of the matter to be withdrawn. This leaves the case where it was prior to January 4 but with the stipulation standing as one of

the records. At the time Messrs, Herring and Morrov agreed to submit Judge Dickinson said he would not go to the trouble of going through all the records of the clerk of the district court to ascertain whether the claims were supported by evidence of that character. Mr. Baldrige's deputy said there was no dispute as to the services rendered-it was simply a question of law that was controverted. Accordingly a demurrer was at the time formally overruled and the county was given leave to answer instanter and the plaintiff to reply likewise, and in that shape he matter was then submitted.

Actors Not Common Laborers That actors, singers and musicians are not "common laborers" within the meaning of the Nebraska statute according to a supreme court decision of this state was iterated by Judge Dickinson in overruling a demurrer of the defendant in the suit of the "Calhoun Trio" against Mina Wirth for \$1,625 for breach of contract and damages. Vincent B., Alfred F. and Mabel C. houn were engaged by the Wirths in March last to sing at the resort of the defendant for five months beginning June 1. They say their contract was suddenly terminated at the end of July. Their board was stopped and they were barred out of the place They allege that Frederick Wirth assaulted one of them and state other grounds of complaint. The Wirths in their demurrer set up the objection that the contract called for Sunday labor and was therefore contrary to public policy and sound morals Judge Dickinson held that actors, singers and musicians and that class of labor cannot be considered "common labor" unde the law and the demurrer could not hold

The hearing of the Scott injunction case against the Omaha Bridge and Terminal company has been set for Tuesday before

in their case.

Anthony George Karpishek has asked the courts for permission to change his name. He says it is hard to pronounce, difficult to member and may be a handicap to him usiness. Judge Fawcett gave him the days in which to give public notice of hi

The demurrers of the defendant have bee overfuled in the case of the Hamilton Na-tional bank against the defunct American

erty is now occupied by the C. N. Dietz Loan and Trust company. In this suit it is the trust company's indebtedness. More directly the suit aims to fasten a claim of about \$7,000 onto a New England estate, the

deceased having been one of the heaviest A second tax case was decided by Judge Fawcett yesterday. This was the suit of W. G. Ure against Joseph R. Clarkson to recover on a special tax levied for various improvements, sewers and sidewalks on Thirtyfirst street, from Woolworth avenue Leavenworth street. The court held the

taxes were invalid because of certain irreg-All the evidence has been submitted in Cummins contempt case against Messrs Wattles, Reed and Wadley, Commandant Llewellyn and several employes of the ex-position. Judge Scott said he will give his lecision this morning. Edson Rich said the ase really turned upon the interpretation of the contract between the exposition and Mr. Cummins. Judge Scott intimated that there did not seem to be any case against Messrs. Wattles and Reed. The others may

junction to Shelly & Rogers of South Omaha against the South Omaha Live Stock ex-They had asked for one to prether in a controversy between the petitioners and another firm over a purchase of some fifty hogs. They denied that one of their employes guaranteed the payment. The court considered the matter altogether a private one and not subject to judical in-

Divorce suits have been filed by Kitty Gilmore against Charles H. Gilmore, Cora Huff against Daniel Huff and Henry A. Seabold support is the ground alleged; in the second, desertion, and in the third, infidelity. The Gilmores were married in Council Bluffs on October 1, 1888; the Huffs in Nebraska City on April 12, 1886, and the Seabolds in Clarion, Pa., January 22, 1885. Scabold asks for the custody of his four children. In the Ricck divorce case Judge Fawcett made an order yesterday allowing the wife \$50 a month temporary allmony and \$100 for suit

John Boesen has won his mandamus case against the Fire and Police commission to compel it to furnish a transcript of the evidence in his protests against sixteen licenses being issued to certain saloon men said to be merely the agents of the Omaha Brewing association. This matter was decided by Judge Dickinson. In Boesen's behalf it had been argued that section 4 of the liquor law required all evidence in such protests to be reduced to writing by the commission. The court ordered a peremptory writ of man-damus, as asked. Boesen's next step will be to take a formal appeal to the district court from the action of the Fire and Police com-

Having succeeded in getting Daniel Buckovis released on habeas corpus proceedings for the reason that under the law Judge Slabaugh holds that an ordinary policeman s not a deputy of the chief of it is necessary to have all misdemeanor warrants served by the chief or one of his deputies, Louis Berka filed a second petition for a writ yesterday, this time in behalf of Joseph Nachtnabel. Nachtnabel and his brother were arrested with Buckovis on the charge of assaulting Policeman Jorgenson at Sixth and Pacific streets on December 12. Judge Slabaugh issued the writ and made it returnable this morning.

One Week More for Testimony. WASHINGTON, Jan. 13 .- The War Inrestigating commission will probably close the taking of testimony, save that of Surgeon Daly, who is ill, by the latter part of next week, and its report is expected to be finished by the last of this month or early in February.

THAT DULL FEELING after eating relieved by Horsford's Acid Phosphate Take no Substitute.