

MORE LEGAL TANGLES ARISE

Mrs. Burke Institutes Foreclosure Proceedings Against Horbach Property.

DEFAULT IN THE PAYMENT OF INTEREST

Land Covered by the Mortgage Includes the Right of Way Sought by the Terminal Company.

Still another of the Horatio Fowkes deals has gone into the district court in the shape of a foreclosure suit. This time Mrs. Mary F. Burke is the plaintiff and the basis of her action is a mortgage given to John A. Horbach in December, 1902, on about eight acres north of block 309, a strip of land extending northward about 1,325 feet in what has been known as lot 7 of the Horbach lots.

This mortgage was given by Fowkes for \$73,404 to secure four notes of \$18,351 each on a purchase made by Fowkes as the district representative in the interest of the Omaha Bridge and Terminal company. The notes are not due until 1903 and were not to be interest until January 1, 1908, when they were to begin to bear 5 per cent. Mrs. Burke alleged that Fowkes has defaulted in the first year's interest.

She came by the mortgage and the notes in a deal with Mr. Horbach, he transferring them to her in September, 1904. A considerable piece of property east of the old wire works was bought by Mrs. Burke of Mr. Horbach and last summer she sold some of it to Edward T. Stotesbury, who was making purchases in the interest of the Terminal company with a view to a right of way along North Fourteenth street. This sale by Mrs. Burke to the defendant of the Terminal company against the John A. Scott injunction suit involving a forty-foot strip included as a driveway between the wire works property and that sold by Mrs. Burke.

In her action she makes Stotesbury, the Terminal company, Special Administrator Charles A. Gies of the Drexel estate and the Provident Life and Trust company of Philadelphia, all co-defendants because of certain adverse claims.

A similar suit was recently brought against Fowkes by Sylvester Cunningham over the sale of the Terminal addition. As Cunningham made the deed interests defendant, as well as the Drexel interests, answers and cross-petitions were filed by Abraham L. Reed, the Rochester Loan and Banking company and Mrs. Maria Reed Johnson, setting up the judgment obtained by them in the county court during September last against the Drexel heirs for over \$250,000, altogether. Mr. Reed, Mrs. Johnson and the bank ask that their judgments shall operate as liens on the property in dispute, as being against the Drexels, and that it be sold under foreclosure.

A legal tangle of many conflicting interests is threatened and the litigation grows more complicated at every step. The Reed judgments against the Drexels are pending the determination of an appeal taken to the district court from Judge Baxter's decision.

SUIT TAKES ANOTHER TURN

Outcome of Action Against Terminal Company May Hinge Upon Qualification of an Appraiser.

The Byron Reed company's injunction suit against the Omaha Bridge and Terminal company promises to turn largely upon the pivot of the status of W. Beech Taylor, one of the board of appraisers in the condemnation proceedings of the Terminal company to take property in blocks 37, 38, 39 and 40, between Cass, Davenport, Tenth and Twelfth streets, for a depot site and grounds. It is the position of the Byron Reed company that the board should be constituted of six freeholders and that Mr. Taylor is not a freeholder according to law. Mr. Taylor was appointed by County Judge Baxter to succeed S. A. Orchard.

To cover this point, affidavits have been filed by the attorneys for the Terminal company, alleging that Mr. Taylor is the owner of an undivided half interest in lot 13, block 1, Poppleton park. A counter affidavit has been filed by the other side, declaring that the records show that the Poppleton estate paid the last taxes and that the title to the property has been subject to a contract with the Poppleton Park Building association, which, it is said, has since been forfeited. Before Judge Dickinson renders his decision on Friday these affidavits will be placed before him and he will be expected to determine incidentally whether Mr. Taylor is an actual freeholder or not.

Dilemma of the State in Prosecution of Jimmy Lindsay

Jimmy Lindsay, the ex-prize fighter, has not yet gone to trial for shooting at one of the exhibition guards early one morning last summer. The charge against him was "shooting with intent to kill," but as the bullet from Lindsay's pistol did not hit anything, so far as is known, other than a vast gob of atmosphere, the attorney prosecuting thought it would be best to withdraw this charge and see if another felony could be made to fit him. To merely shoot off a bullet in the open air is a misdemeanor, and so is carrying concealed weapons, exposing a pistol in public. Deputy County

NO CHARGE THAT FITS THE CRIME.

Attorney Grossman is now looking up the law to ascertain if Lindsay can be held under a charge of "shooting at," with intent to wound or kill.

The guard at whom he is said to have taken a shot was William H. Carder. It was about 4 o'clock of the morning of August 9. According to Carder's statement, Lindsay had just left the grounds, having been inside until that hour with a female employe of the Pabst concession. Lindsay returned and managed to effect an entrance, saying he was in a hurry to see some drug store to buy some medicine for his wife. He said he had simply left the grounds to try a drug store on Twenty-first street, and he was then going to see if he could have better success on Twenty-fourth street. The trouble occurred near the North Midway, and Lindsay was taking a short cut. In the quarrel he fired his revolver, with the result stated.

MIKE MARKESON CALLED IN COURT.

Charged with Attempting to Bribe Justice of the Peace White.

Mike Markeson, the South Omaha saloon keeper charged with having attempted to bribe Justice of the Peace Albert S. White on August 20 last, in connection with the gambling case of Joseph Thomas, is now having a trial before Judge Baker. All that was completed an afternoon was to empanel the following jury: H. A. Thompson, James L. Brown, John Erickson, G. H. Ozio, George P. Real, A. Gordon, C. Moore, W. W. Wilson, John Slattery, and W. J. Topeland, T. W. Hagen, J. H. Haley, T. J. Wilson, John Slattery, and W. J. Topeland.

This bribery charge was one of the results of an attempt by Ex-County Attorney Ballrigg to put a stop to the extensive gambling which was going on in South Omaha last summer. Thomas was one of the men arrested. His examination was pending before Justice White. The justice, who is the principal witness for the prosecution, caused a newspaper reporter and a court officer to be brought in to the courtroom at the time he was led to believe Markeson would pay him a visit and talk things over.

White states that Markeson represented himself to have been in a position to control the gambling element and offered to arrange for the payment of money in consideration of the justice being easy on Thomas and other gambling cases which might come before him. The sum of \$15, he says, was paid over to him by Markeson as the first installment, the two men concealed being within hearing, although not being actual eye witnesses of the transaction. White showed them the money as soon as Markeson returned. The money was said to have been during the noon hour, when it was supposed nobody would be around.

The justice relies upon the trap he set for Markeson and upon the circumstance of the two men being seen to pay the money for a conviction of the accused.

Sam A. Adler was arraigned on a charge of perjury Wednesday and pleaded not guilty. This charge against Adler came out as being against the Drexels, and that it be sold under foreclosure.

DEALS WITH MISMAIDEN COUPLES.

Judge Dickinson Grants Decrees in Four Divorce Cases.

Judge Dickinson granted four divorces yesterday. William List got one from Edith List for infidelity. His story was that he was compelled to marry her under duress in Ottumwa, Ia., in 1895. Flora Wilson obtained a decree annulling the marriage of an untitled but rich man, the marriage between Cass, Davenport, Tenth and Twelfth streets, for a depot site and grounds. It is the position of the Byron Reed company that the board should be constituted of six freeholders and that Mr. Taylor is not a freeholder according to law.

Only a Friendly Suit.

Papers in a friendly injunction suit were filed by Edgar H. Scott yesterday to determine the boundary line between the joint property of John A. Horbach and Paul Horbach and that of Charles Horbach. The Horbachs are putting up a \$15,000 row of brick tenement houses on the northwest corner and Ogden owns a half lot to the north. There is a dispute over some of the lots in the building up already eight feet. Judge Dickinson granted a restraining order, setting the date for the trial for the morning of the Horbachs it is stated that the survey was made by Deputy County Surveyor Jacob Hauck.

Pay for Street Sweeping.

The O. S. Kelly company of Springfield, O., has gone to the county court to collect a street sweeping claim from the city. It sets up in its petition that under an agreement with the Board of Public Works in March last year its street sweeping machine was engaged for \$3 per day; that in pursuance of that agreement its machine was employed twenty-one and a half days in March last year in June and twenty-three days in July, amounting in all to \$223.50; that the council allowed the sum of \$44.50 in September, but has refused to pay the remainder, \$179, for which suit is accordingly brought.

Ye Old Tymme Concert.

The women of Hancock Park Methodist church have organized a club and propose giving a concert next Friday evening. All arrangements have been made and rehearsal carried on without the knowledge of "Ye meene folks," the first announcement being made Tuesday evening at the Men's club concert. The concert will be very interesting entertainment, different from any ever given in Omaha before. Some of the more dignified dames who have sung in public before in forty years will sing solos.

Case Goes to the Jury.

The \$5,000 damage suit of Mrs. Mary M. Gillespie against the City over injuries said to have been caused by a fall on a North Twenty-first street sidewalk a year ago has gone to the jury and Judge Slabaugh instructed the jury that it is incumbent upon the city to keep its streets and sidewalks in proper condition out of proper regard for public safety.

Dr. Bull's Cough Syrup always conquers whooping cough. Price only 25 cents.

SOUTH OMAHA NEWS.

South Omaha citizens generally seem to be taking an interest in the proposed Commercial club, and it is more than probable that an organization of the kind will be perfected. Committees are now at work on the problem and it will soon be known whether the old Board of Trade will be revived or a new club formed. In this decision the majority will rule and present indications a new club, to be known as the South Omaha Commercial club, will be formed. All of the members of the old Board of Trade will be given an opportunity of becoming charter members of the new organization. It will be advisable to effect an entirely new organization. There is no disposition to slight the old organization or in any manner cast reflection upon it, but as it has been dead for a number of years many think that there is no necessity for resurrecting it. It is asserted that an entirely new organization with new officers and a lot of fresh blood would be much better at this time than to revive the old board. Just what the committee's report will be remains to be seen, but from what is heard on the streets it is inferred that a new club will be recommended.

Many months ago the packers and representatives of other corporations here signified a willingness to assist in paying the expenses of such a club provided a real live organization was perfected. The officers who would be elected are not of the city regardless of political affiliations. A meeting was called for the purpose of talking the matter over, but on account of the condition of the weather at that time the attendance was so small that nothing was done.

OLD CHARTER GOOD ENOUGH

Southsiders Meet and Resolve Against Any Change in the Laws of the City.

Omaha's present charter is good enough for the Southwest Improvement club. This was decided upon last night at the meeting of the club after E. F. Moriarty had read some score or more of pages of the proposed new charter. The club thought the old charter was good, but there was so much that was bad the club decided to pass it all up and adopted a resolution urging the Douglas county delegation in the state legislature to vote against all of the amendments proposed.

Recess Must Be Kept.

Printed blanks have been prepared for the use of Garbage Master Lenagh and his employees so that now a record of every dead animal hauled is kept. The ticket calls for the name of the owner of the animal, the address, the number and kind of animal and where found. This slip is signed by the teamster who does the hauling and is sent to the city clerk at the close of every day's business. Lenagh says that since this new system went into effect the number of dead dogs found has not fallen off any and the reports show that an average of five dogs a day are found. In very few instances is the name of the owner of the animals hauled placed on the reports and this, he stated, that Lenagh is negligent. It is not supposed that the name of the owner of every animal can be found, but those who suggested the present system think that an owner's name ought to be found in some of the cases reported.

Stuff is On Again.

The much-talked-of change of offices between the city engineer and the chief of police is off for the third and last time. It was settled yesterday that the city engineer will remain in his present quarters and the chief of police will be moved to the new quarters in the city hall building which is to be completed in a day or two. Painting is to be done on the walls and the ceiling. The work, but this will not be done until all of the other work is completed. By the placing of the chief of police in the new quarters at the east end of the council chamber the ventilation has been improved, and it is thought that there will be no further complaint from this source. George & Co., the agents for the new quarters, are now doing everything possible to make the city officials feel at home in the new quarters.

Egg Prices Go Down.

The price of eggs took a tumble yesterday and fell several dealers in the lurch. One grocer, who was banking on Forecaster Welch's prediction of a northern blizzard, retained cold storage eggs at 35 cents a dozen. The best joke is on a well known wholesale merchant on lower N street, who thought he saw a good thing when a farmer offered him a crate of eggs at several hours crowding over his business capacity, but he changed his tune yesterday when a neighboring dealer put out a sign, offering nice fresh country eggs for 17 cents a dozen.

In the Political Arena.

In a little more than two weeks the political parties here will hold conventions for the purpose of making nominations for the spring election, which occurs on April 4. The campaign is a little later than usual in opening, but last time will be made up when the ball is once set to rolling. Four ward committees have been elected in the places of Kelly, Barrett, Mort and Trainor, whose terms expire. It is thought that all of these members will be candidates for re-election.

Magie City Gossip.

J. P. Evers of Chicago was in the city yesterday, the guest of A. R. Kuylenstierna. T. H. Scott received word yesterday that the wife of his brother, W. F. Scott of Monroe county, Iowa, was dead.

WHAT PHYSICIANS SAY.

TRY GAUS'S CATARRH TABLETS. Scientific research has proven that Catarrh, like all other diseases and complications, requires an internal remedy and the most prominent physicians are adopting this means of treatment in place of the time worn nasal douche, snuffs, salves, etc. Dr. Roberts says: "In the treatment of catarrh of the bladder, the use of the manifestations of a constitutional disease and its elimination demands an internal and constitutional remedy and there is no medicine that I have found so effective as Gaus's Catarrh Tablets. They are taken internally, thus acting immediately upon the mucous surfaces and membranes. As the tablets cost but 50c you can well afford to make a trial and convince yourself of their marvelous action. At druggists or by mail. Our book on Catarrh is free. Address C. E. Gaus, Marshall, Mich.

GAMBLING JOINT IS RAIDED

Thirty-Five Young Men and Boys Are Gathered in by the Police.

The tobacco shop and pool room at 1322 Douglas street, conducted by Elmer Holmes, was raided by the police last night and thirty-five young men and boys engaged in games of chance were arrested. The police, having heard for several days that Holmes permitted shooting craps, throwing dice and pool playing for money, and that he gave his patrons to understand the place was under police protection, decided to raid the shop last night because of a theft committed there during the afternoon. It is supposed, with Holmes' connivance.

A purse containing \$23 was stolen from the pocket of Ed Winne, a private in Company B, Sixteenth infantry, U. S. A., while he was engaged in a dice-throwing bout with Holmes and a man named Charles Russell. Winne made the acquaintance of Russell in a must hall and after passing the afternoon in his company visited Holmes and engaged in dice-throwing. When he entered he says he had the money; when he started to settle the score at the end of the bout his pocketbook and contents were missing. The loss was reported to the police and the raid was decided upon.

Not much was heard of the case of keeping a gambling house and the thirty-four others were held as inmates.

Wolf in Sheep's Clothing.

The police believe they made an important arrest when they took into custody last night a man of ministerial men and dress, giving the name of Carl Garber. Judging from papers found in his possession Garber seems to have been known by several different names in different towns where he has lived. His methods of raising money were the cause of his arrest.

Grossman Makes Denial.

FORT ROSS, Neb., March 1.—To the Editor of The Bee: I wish to deny any connection with the shooting in Crawford, Neb., on February 25, with which my name was connected in a special telegram. There was no ground whatever for the suspicion, as was developed at the trial. I made no attempt to purchase Mr. Pell's services and no evidence whatever appeared to connect me with the affair. LOUIS GROSSMAN.

Stag Party.

Union Pacific council, Royal Arcanum, held another of its popular informal stag parties in The Bee building last evening. A program of music and recitations with punch, cigars, ice cream and lunch contributed to an enjoyable evening. After the purchase Mr. Pell passed the shop and catching a glimpse of Garber through the window, notified a policeman and had him arrested.

Death Record.

Daughter of School Principal. COLUMBUS, Neb., March 1.—(Special.)—Ruth, the 6-year-old daughter of Mr. and Mrs. I. H. Britzell, died last evening after a short illness from catarrhal fever and pneumonia. The remains were taken to St. Edward's this afternoon for burial. An official of the National Bank of Omaha, Nebraska, died February 23 at Omaha, where he had been for medical treatment. The body was brought here and the funeral occurred February 26.

Resident for Thirty Years.

HARLAN, Ia., March 1.—(Special.)—Mrs. J. L. Newby, for over thirty years a resident of Harlan, died of inflammation of the bowels this afternoon. She had been sick only a week.

Hymeneal.

Ashland Reunion. ASHLAND, Neb., March 1.—(Special.)—Frank N. Austin, prominent young business man of this city, and Miss Martha G. Reasener were united in marriage at 7 o'clock tonight. Rev. T. W. Conway-Chesman, pastor of the First Congregational church, performing the ceremony. The groom is assistant cashier of the National Bank of Ashland. The bride is the daughter of the late Henry C. Reasener and won first prize and a gold medal at the state declamatory contest in Ashland in May, 1896.

Willis Young.

SIDNEY, Neb., March 1.—(Special Telegram.)—William H. Willis and Miss Eva Young, both of Camp Clarke, were married here today in the parlors of the Pacific hotel. Rev. Bakes of the Episcopal church officiating. Mr. Willis is a prosperous ranchman on the North river and Miss Young is one of Cheyenne county's finest damsels.

Balduff's Ice Cream in Your Pocket.

Ice cream can now be carried in your pocket the hottest day in the year and it is kept frozen for hours—a little freezer with each quart of ice cream is the way Balduff furnishes it—40c for the ice cream and the little round barrel of ice cream. Balduff's ice cream is made for private parties, banquets, etc.—beautifully representing apples, peaches, tomatoes, white winged doves of peace and so on—special prices made for private service. Try our noonday luncheon—half price now.

THE GOOD NAME OF ALCOCK'S POROUS PLASTERS

has induced many persons to deceive the public by offering plasters which are not only lacking in the best elements of the genuine article, but are often harmful in their effects.

The public should be on their guard against these frauds, and, when a plaster is needed, be sure to insist upon having the best. When you buy Alcock's you obtain absolutely the best plaster made.

Nowaday county. It is the property of Charles D. Caldwell and is valued at \$50,000. The grounds have been laid out in a very attractive way.

Granite Cutters Strike.

QUINCY, Mass., March 1.—The granite cutters of Quincy and West Quincy struck today because of the refusal of the manufacturers to sign the new price list. Ninety-one firms employing 1,200 cutters are involved.

THE REALTY MARKET.

INSTRUMENTS placed on record Wednesday, March 1, 1899:

Warranty Deeds.

H. H. Harber and wife to John Buckley, \$1,860; J. I. Redick and wife to G. W. Moeller, \$1,850; A. H. Merriam and wife to O. C. Merriam, 20 acres in sec. 20, corner S.W. 1/4, T. 28 N., R. 10 E., \$2,500; Patrick McNamara and wife to A. P. Tukey, \$1,000; Belvidere ad., \$100; Anna Nelson and husband to Tukey & Allen, lot 6, block 3, Clifton Place, \$2,500; S. D. Caldwell to same, lot 16, block 1, same, \$2,000; R. T. Winn and wife to same, lot 1, block 13, same, \$1,000; W. M. Inge and wife to same, lot 16, block 7, same, \$1,500; O. F. Gwiner to A. P. Tukey, lot 4, block 2, same, \$1,000; M. A. Naeff to Leo and Clara Bahr, a 1/3 lot 1, block 9, Kountze's ad., \$1,850; C. C. Winn and wife to same, lot 4, block 11, 110 acres S.W. 1/4-16-12, \$5,825; E. M. Morsman, Jr., trustee, to Fred Ambrus, part lot 29, in 24-12-12, \$5; Matthew Peterson and wife to W. J. McNamara, sec. 24, T. 24 N., R. 10 E., and a strip adjoining, \$2,000; N. O. Stevens and wife to Omaha Brewing association, w. 1/4 sec. of lot 8, block 75, South Omaha, \$10,000; John Appleby and wife to Ann Appleby, 2 1/2 x 1/2 x 20-ft. lot, \$2,600.

Quit Claim Deeds.

S. A. Sloman to Commercial National Bank, lot 12, receiver, Jerome park, \$100; Deeds, \$200; W. K. Potter, receiver, to H. E. Grant, 16th & 7, block 13, Highland Place, \$250; Total amount of transfers, \$39,428.

BORN.

To Mr. and Mrs. Guy Taylor last Friday, February 24, a boy.

THEY SEND OTHERS

People are so well pleased with the results obtained when fitted with glasses by Dr. McCarthy that they send their friends. Nothing gives greater satisfaction than knowing that results are at last obtained by properly fitted glasses. He succeeds where others have failed. Examination free.

DR. MCCARTHY, THE EYE SPECIALIST.

14-14 KARBACH BLOCK, OMAHA. Examinations Free.

Ice Cream in Your Pocket

Ice cream can now be carried in your pocket the hottest day in the year and it is kept frozen for hours—a little freezer with each quart of ice cream is the way Balduff furnishes it—40c for the ice cream and the little round barrel of ice cream. Balduff's ice cream is made for private parties, banquets, etc.—beautifully representing apples, peaches, tomatoes, white winged doves of peace and so on—special prices made for private service. Try our noonday luncheon—half price now.

BALDUFF'S

Lunch—10 to 2:30. Supper—5:30 to 8:30. 1520 FARNAM ST.

Drexel L. Shooman

Is a great favorite of the women—a way of pleasing them with stylish shoes at a small price—now, for instance, there is our woman's \$2.50 shoe—we've never shown a value near equal to it—a genuine vici kid—first quality—the narrow coin and wide round toe—diamond tip—straight tip—and patent tip—you'll be surprised when you see the styles and shapes you can get for this \$2.50 shoe—a shoe suitable for dress or street wear—and easily worn! That means we ask for it—or we wouldn't ask \$2.50.

Drexel Shoe Co.

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

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NEVER IMITATED IN QUALITY.

THE EXCELLENCE OF SYRUP OF FIGS

is due not only to the originality and simplicity of the combination, but also to the care and skill with which it is manufactured by scientific processes known to the CALIFORNIA FIG SYRUP Co. only, and we wish to impress upon all the importance of purchasing the true and original remedy. As the genuine Syrup of Figs is manufactured by the CALIFORNIA FIG SYRUP Co. only, a knowledge of that fact will assist one in avoiding the worthless imitations manufactured by other parties. The high standing of the CALIFORNIA FIG SYRUP Co. with the medical profession, and the satisfaction which the genuine Syrup of Figs has given to millions of families, makes the name of the Company a guaranty of the excellence of its remedy. It is far in advance of all other laxatives, as it acts on the kidneys, liver and bowels without irritating or weakening them, and it does not gripe nor nauseate. In order to get its beneficial effects, please remember the name of the Company—

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