

PRESIDENT PENFOLD SIGNS

Judge Slabaugh So Orders in Application of Architect McDonald for Mandamus.

COURT DELIVERS EXHAUSTIVE OPINION

Five Propositions Set Forth by the Respondent and the Court Rules on Each, Citing Legal Authority.

President H. J. Penfold of the school board must sign the contract by which John McDonald is appointed architect for the public school building of Omaha.

Judge Slabaugh so decided yesterday after having had the matter under advisement since the close of the hearing two days ago. The proceedings were brought by McDonald, who applied for mandamus with a view to compel President Penfold to sign the contract in question.

The opinion in which the writ is granted as prayed for is a voluminous document, Judge Slabaugh enters into every detail of the case.

Propositions were advanced by the defendant as follows: That the relator had not a beneficial interest in the contract sought to be signed such as would authorize him to maintain suit; that the proceedings of the Board of Education relative to the approval of the contract of McDonald were irregular and void and that therefore President Penfold was warranted in refusing to sign the contract; that the action of the board was invalid in that it limits the discretion and power of the coming board, which organizes in January, and that the contract is void as against public policy.

The court's ruling. Judge Slabaugh held that the relator has sufficient interest in the contract by virtue of the work to be performed by him and the compensation to be received by him to entitle him to maintain suit.

As to the irregularity of the board's proceedings, the court found that such proceedings were regular, that a majority of the board by a vote of 9 to 5 had voted to approve the contract and that McDonald and ordered the president and secretary to sign the contract at the meeting of December 6.

The court further held that the school board is a corporate body, made so by statute, and that it is continuous in its powers of contract and succession and that it had the right to make a contract, for one year with Architect McDonald, beginning December 1, within the term of all members of the present board, although such contract continues in effect after the organization of the new board and the terms of five out of fifteen members have expired.

Troubled by Marriage. Josephine Baxter has sued Charles H. Baxter for divorce, alleging that on December 27 of this year he assaulted her and drawing a revolver, threatened to shoot her.

Judge Dickinson has granted a divorce to Ida Colyan from John A. Colyan on the ground of desertion. They were married at Seward, Neb., in 1890, and the alleged desertion occurred five years later. The plaintiff is permitted to resume her maiden name, Ida Balliett.

JAILED FOR A TEN-CENT MEAL

Young Man from the Country Gets in Trouble in Restaurant.

William Adams, a country lad from Iowa, was spending his time in the city jail yesterday because he ate a meal that he understood was given to him, but for which he was asked afterward to pay. Adams came to town from Sioux City and landed here without a cent. Yesterday he applied at the back door of Burns' restaurant on Twelfth street and said that he would be going to the jail if they would provide him with breakfast.

He says that the cook told him to go around and go in at the front door, and taking this to be an agreement to his proposition he sat down at a table and ate a 10-cent meal. The waiter gave him a check for that amount, and when he explained to the cashier that he was eating at the invitation of the cook and had no money an officer was called and he was arrested. The lad appears to be honest, but unaccustomed to city ways. The proprietor, however, says there is too much of that sort of thing and says he will file a complaint against Adams.

Hamilton Warren, M. D., eclectic and magnetic physician, has moved his office to 709 North 15th street, room 12. Special attention to all long-standing or lingering diseases and to diseases of women and children.

Molasses candy, at Sherman & McConnell's. When you want your watch carefully repaired take it to Elshorn, Jeweler, 107 N. 16th st., opp. P. O.

If You Are Going to the Pacific Coast. Don't complete your arrangements until you have secured information regarding the personally conducted Excursions via the Union Pacific.

These excursions leave Omaha every Friday in elegantly appointed ordinary sleeping cars. Illuminated by Pintsch light, heated by steam. Baggage checked through to destination. Prompt and satisfactory service. Many hours quicker time than any other route.

City Ticket Office 1302 Farnam Street, Telephone 215. Sherman & McConnell's for Boston taffy.

A DIED. CARSON—Jeanne Frances, December 29, 1899, beloved daughter of Mr. and Mrs. William P. Carson, age 5 years 11 months, at the family residence, 406 Erickson street, Omaha, Interment private. Friends invited.

MARCY—Stephen B., Friday, December 29, age 90 years. Funeral from residence of W. T. Peck, 227 Maple, Sunday, December 31, at 2 p. m., Interment Forest Lawn. Mr. Marcy has been a resident of Omaha for over 20 years, being an ex-servant on the streets most of the time.

JOHNSON—Charles J., aged 36 years, at Denver, Colorado, December 28, 1899. The funeral services will be held on New Year's day, January 1, 1900, at 2 p. m. from the family residence, 412 South 21st avenue, Interment in Prospect Hill cemetery. Friends invited.

Notice to the Public. I have purchased the Omaha Star and Electric Laundry from L. M. Michaels. All bills due will be collected by me. M. M. ROBERTSON, Phone 254.

Mortality Statistics. The following births and deaths were recorded at the office of the Board of Health during the twenty-four hours ended at noon Saturday.

Births—John Neff, 946 North Twenty-fifth; Robert Wylie, 189 Chicago, boy; James Lee, 1512 Curtis, girl; Edward John Walters, 214 North Twenty-eighth, boy; Edward Walters, 412 Burkette, girl; William A. Smith, The Nichols, boy.

Deaths—Joe Aboud, 144 South Thirtieth, 2 years; Christina Ohm, 257 1/2 Iowa, 2 years; Mrs. Fannie Muehlen, Tenth and Center, 24 years; Charlotte Uhde, 222 Miami, 87 years.

Woman Suffrage Association. The Nebraska Woman Suffrage Association will open state headquarters next Tuesday in Omaha, room 82, Paxton block, under the direction of Miss Laura A. Green, national organizer, who has been assisting the Nebraska association for the last three months. The headquarters to be in a building to be directed. It is claimed that the Nebraska suffrage association has grown to such an extent the past year as to render state headquarters a necessity. More than fifty new organizations have been added this winter.

BOSTON STORE OPEN UNTIL NOON

On Monday, New Year's Day, Boston Store Will Be Open Until Noon.

All the bargains advertised for Saturday will continue Monday, and grand special bargains in men's and boys' clothing from the South Omaha stock and the New York stock.

All the men's suits and overcoats that sold up to \$10.00, go tomorrow at \$7.50. All the men's suits and overcoats that sold up to \$15.00 go at \$9.00.

Boys' good wool suits for 50c. Young men's long pants suits \$2.50. \$1.50 men's all wool pants, \$1.49. Everything in the same proportion. \$1.50 shoes for 75c. \$3.00 shoes for \$1.25. Wishing you all a Happy New Year, we are

Yours truly, J. L. BRANDEIS & SONS, PROP., BOSTON STORE, OMAHA, Northwest corner 16th and Douglas Sts.

G. A. R. Notice. Funeral of Comrade Upton from his late residence, 2424 S. 26th, Sunday at 2 p. m.; also that of Stephen B. Marcy, 2217 Maple, Sunday at 2 p. m., both members of U. S. Grant post. Comrades, let an attend if possible. L. A. HARMON, Commander.

Funeral Notice. The members of Nebraska Lodge No. 1, A. F. and A. M., are requested to meet at Masonic hall promptly at 1:30 p. m. today to attend the funeral services of our late brother, John Cowles. Funeral at 2 p. m. from family residence, 2224 Charles street, Interment at Forest Lawn.

WILLIAM H. HELLER, Master. WILLIAM C. M'LEARN, Secretary.

BENNETT'S WILL CLOSE

Store Will Close at Noon New Year's Day.

On Monday, January 1, our store will close at 12 o'clock noon. BENNETT'S, Holiday neckwear, mufflers, socks, suspenders, Kelley and Heyden, 16th and Chicago.

LARGE BUDGET OF BUSINESS

Commissioners Approve Bonds, Award Supply Contracts and Discuss Sewers.

The Board of County Commissioners held a lengthy session yesterday trespassing beyond the noon hour. Official bills were approved, a few bids on county supplies were accepted, and other routine business was transacted. The most important bonds accepted were for county officers-elect as follows: D. W. Vinsonhaier, county judge, \$5,000, American Surety company of New York; Fred Elsas, county treasurer, \$30,000, Fidelity bond company of Maryland; F. A. Broadwell, clerk of the district court, \$10,000, American Bonding and Surety company of Baltimore; John Power, sheriff, \$10,000, American Bonding and Surety company; Edwin J. Bodwell, superintendent of public instruction, \$3,000, signed by J. A. Shepherd and John A. Paul; Nels T. Swanson, coroner, \$5,000, signed by John Vatin and Edward Quinn; C. L. Harris, deputy county clerk, \$10,000, United States Fidelity company; George McBride, county surveyor, \$500, signed by B. E. Wilcox and Z. C. Dickinson.

Bids for furnishing county supplies were accepted from the following persons and firms: E. W. Lamoreaux, ice for jail and court house; Thomson Bros., brooms for jail and court house; Beaton-McGinn Drug company, prescriptions for charity patients; Otto Seiffert, stock medicines and other drug supplies for county poor farm; George Donner, groceries for poor farm; U. P. Steam Baking company, bread for poor farm; W. J. Welch, meat for poor farm; South Omaha ice company, ice for poor farm; Omaha Lumber company, white oak; H. F. Cady, oak plating; Omaha Coal and Lumber company, cement, sand and sewer pipe.

The items of timber and other building material mentioned are for bridge and repair work.

There was a heated discussion over the payment of bills submitted by the contractor who built the West Center street sewer. Commissioner Connolly stated that the sewer is in bad condition and that it ought not to be paid for. He asserted that it has cracks in it large enough to admit a man's arm. Commissioner Harter and others took issue with Connolly, declaring the sewer to be in excellent condition. The bill was held up and it was agreed that the commissioners will within the next few days make a personal inspection, going to the sewer in a body.

A communication from C. L. Harris, deputy county clerk, suggested a raise of salary. The deputy now receives \$1,000 per year. In his petition he recites that living expenses are high and that the salary is not as much in proportion as deputies in other county offices are receiving. No definite action was taken.

There being a large quantity of unfinished business on hand, the commissioners will hold another meeting Wednesday.

Closes at Noon January 1. You will be able to make purchases in all departments at People's Store until closing time.

The People's Store closes at noon Jan. 1, remaining open half a day in order to give many an opportunity to purchase their supplies that neglected to do so Saturday. All bargains advertised for Saturday will be on sale tomorrow.

THE PEOPLE'S STORE, 16th and Farnam Sts. (The fastest growing store in America).

CHEAP RAILROAD FARES FOR THE HOLIDAYS VIA "THE NORTH-WESTERN LINE" EAST, WEST, NORTH, SOUTH.

New City Offices, 1401 & 1403 Farnam St., Depots 16th and Marcy Sts.

We deliver whole cord of nice pine kindling for \$2.50. Omaha Box Co.

We deliver whole cord of nice pine kindling for \$2.50. Omaha Box Co.

Velvet candy at Sherman & McConnell's.

Coal Fund for the Poo. The Associated Charities appeal to our benevolent citizens for funds to purchase coal for distribution among the aged and sick poor, deserving widows and deserted wives with families. The calls are numerous and require immediate attention.

Checks payable to the Associated Charities will be thankfully received at 1810 St. Mary's avenue. JOHN LAUGHLIN, Secretary.

The California Limited Will take you from Kansas City to Los Angeles in only 2 1/2 days—24 hours. Pullman, Dining Car, Buffet Smoking Car (with barber shop), Observation Car (with ladies' parlor). Vegetabled and electric lighted throughout. Four times a week—Wednesdays, Thursdays, Fridays and Sundays—from Kansas City.

Santa Fe Route, P. O. Box 1265, Omaha.

Four Winter Tours. On January 10, February 14 and March 7 the Wabash will run excursions via New York and the steamer Ponce to Porto Rico. Also on February 13 a thirty-day tour of Old Mexico. For rates, which include all expenses, and further information call on or write G. N. CLAYTON, Room 506 Karbach block, Omaha, Neb.

PARKS GIVEN UP TO WEEDS

Commissioners Will Make Earnest Plea for a Larger Allowance.

PRESENT LEVY IS WHOLLY INADEQUATE

Flower Beds Abandoned and Insects Allowed to Work Their Will on Trees and Shrubs—Thirty Thousand Dollars Needed.

The Board of Park Commissioners will make a vigorous effort to secure a more liberal appropriation for the coming year. The commissioners feel that they should be granted the maximum levy permitted by the charter, which would bring their income to \$50,000, in addition to the \$15,000 road fund set apart by the legislature.

During the last year about \$17,000 has been available, and this amount has been wholly inadequate to the demands of the parks.

As a result Hanson park has been maintained on one-half the lowest amount ever previously appropriated for the purpose. The lawn was either left uncut or run over roughly with a horse-power mower. The flower beds have been taken out and no effort has been made to prevent the ravages of insects in trees and shrubs. Riverview park has been kept up after a fashion at even less expense. Hanson park a slight attempt has been made to keep the grounds in condition by the surrounding property-owners, who have contributed to a fund for that purpose. The other parks of the city have been abandoned to the weeds, which have made rapid progress during the year.

New Duties Are Assumed. In speaking of the new levy Commissioner E. J. Cornish said: "Next year the park board will be called upon to care for several new parks which have recently come into the city's possession. There are thirteen acres in the Kountze tract which will need dressing up to a considerable extent before the reserve will be of any use to the city. Turner park, two blocks square, between Farnam and Dodge streets east of Thirty-first, is another neglected piece of ground upon which money must be expended before it can be any credit to the city. Then there is Woolworth park at Thirty-first and Poppleton avenue, and Deer park on the south side, all newly acquired strips of ground, which will require attention. On the west, Fontabelle park, acquired by the city at a cost of \$10,000, is lying idle, a pasture for cows. If trees could be planted on this site there would be at least a prospect that the city might reap benefits from the investment at some future time. It should be borne in mind also that the longer the public reserves are left in neglect the more difficult is their final redemption, as the weeds and insects are doing a mischief that can scarcely be calculated.

Part of Amount Is Needed. "In my opinion the park commissioners will need the full amount allowed by the charter. The law originally specified that the board should have \$30,000 as a minimum allowance, the allotment ordinarily reaching anywhere up to \$50,000. The old minimum was fixed at the present maximum when the charter was revised with the intent understanding that the full amount would be granted. While I, in common with all taxpayers, am in favor of a low general levy, I think the exercise of such rigorous economy in the care of the parks is poor business policy."

Commissioner J. H. Evans is also in favor of expending at least \$25,000 on the maintenance of the parks during the coming year. "It had not been for the road fund established by the legislature last spring," he said, "it would have been impossible to have met necessary expenses with the money allocated us. While the road fund, of course, could not be applied to parks, we are able

to expend the city levy solely for park purposes. There have been absolutely no improvements attempted during the year, with the exception of the best pits at Riverview park, which were made imperative by the danger of the animals making their escape through the old cages. The thirty-acre tract north of the park stands as it was acquired by the city, with no roadways or trees. I hope the city will not feel sufficient interest in the appearance of the city to maintain the present improvements, even if no new ones are made."

via The Overland Limited, Union Pacific. You can leave Omaha for the Pacific coast for breakfast and reach your destination as soon as those who leave via Other Lines THE DAY BEFORE. Only Two Nights on the Road. City Ticket Office, 1302 Farnam Street, Telephone 215.

Zaza, the new line of 50c neckwear, Kelley & Heyden, 16th and Chicago.

MRS. BLAINE WILL RECOVER

Smallpox Patient Is Doing Well and the Contagion Has Not Yet Been Communicated.

Mrs. F. M. Blaine, who is ill at her residence, 2525 Deatur street, with a malady variously diagnosed as confluent smallpox and malignant chickenpox, is in a fair way to recover. The fever stage is now passing and the city physician says that there is no need for apprehension unless some secondary trouble develops. The members of the family were vaccinated as soon as the disease was identified as smallpox by the health officer one week ago and in each case the inoculation was effective.

The city board of health reports that the family is being constantly exposed and that contagion is liable to occur at any time. The period of infection really began after the health officials took charge of the case and symptoms may therefore not develop until fifteen days from the present time, or from the time when the patient was first communicated. It is a peculiar fact, remarked the city physician, that a person may be exposed for thirty days and his physical condition be such that he would only be susceptible to the contagion on the thirtieth day. One case of smallpox in this city last winter continued for forty-five days. The virus is most easily disseminated during the final stage when the scaling process takes place. The Blaine will be held prisoners for an indefinite period, as the case has only completed the second week.

Supplies are conveyed to the beleaguered family daily by an immune from the health department and the order for groceries and meats is taken for the next day. The inmates of the house were at first inclined to chafe at the rigorous action of the city physician in the face of the opinion of their family physician—that the disease was chickenpox, but are now said to have become resigned to the situation. For their satisfaction the opinion of four outside physicians was obtained, who held in each case that the disease was smallpox of a severe form.

The Chicago Sleeping Car For Omaha patrons EXCLUSIVELY, leaves on the "NORTHWESTERN LINE" limited train at 4:55 p. m. daily, arriving Chicago 7:45 next morning. There MAY be finer sleepers than these—in Europe. Other LIMITED FLYING TRAINS leave daily at 6:40 a. m. and 7:20 p. m. City offices, 1401 and 1403 Farnam street.

Diamond engagement rings, Elshorn, J.W.R. Absolutely reliable. Elshorn, Jeweler.

Rats and Roaches.

Since starting the furnaces you have noticed an increase in these annoying pests, especially ROACHES, around the hot water pipes. We can clear every one of them out. We have the stuff. It is non-poisonous—just lay it around the sink or in the pantry shelves and in a week the thing is done. It comes in cans at 50c and is positively guaranteed. It is

ECIFFO J. A. FULLER & CO 14th and Douglas St.

HAYDEN'S The Cloak Department

Enters on the new century with a new sale and with record breaking prices. We wish you all a Happy New Year, and thank you for the patronage bestowed upon us for the past few years. And, if our buyer, purchasing goods in the world's best markets with unlimited spot cash and selling them at a close profit, will entitle us to your trade, then we will earn it.

In claiming the lowest prices in western America, we are only repeating the sayings of our customers, "We've looked everywhere, and found your prices to be the lowest."

200 ladies' Kersey Jackets, newest styles, silk lined throughout—decided bargain in 20th century sale—price only \$2.98

500 ladies' Jackets, in all wool kerseys and friezes—every garment silk lined throughout—in blues, tans, black and browns—worth up to \$10.00, for only, in this 20th century sale—a remarkable value! \$4.98

325 ladies' Man-tailored Jackets, in all wool materials, trimmed with strap seams and buttons—nearly all lined with Skinner's satin—these bring closest buyers back—they are worth up to \$15.00—on sale in this 20th century sale for only \$6.98

475 high-class Man-tailored Jackets—they are worth your best attention and will bear the closest inspection—they come in whipcord, mohair and the famous Washington mills kerseys—they are all lined with the renowned Skinner's satin, with his brand warranting it for two years stamped on—they are the very finest goods in the markets—in box front, tight-fitting and high collars—the greatest collection of garments ever placed on any counters in Omaha—they are worth up to \$30—in this 20th century sale your choice for \$10

175 ladies' Man-tailored Suits, in light-fitting or box front jackets—they are worth \$15.00—take the time to come and see them—in this 20th century sale for only \$6.98

200 infants' Elderdown Cloaks, trimmed with angora, worth \$1.98, for only 49c

200 ladies' Silk Dress Skirts, in plain and figured, worth up to \$12.00, for only \$3.98

100 ladies' Skirts, in blues and brown—they are very pretty patterns—worth \$3.00, for only \$1.48

200 all wool Serge Skirts, percaline lined throughout, for each \$1.15

Ladies' all wool Crepon Skirts, percaline lined and interlined, worth \$10.00, for only \$4.98

200 plaid Skirts, in the newest patterns, worth \$6.00, for only \$3.48

50 dozen ladies' Fleece Lined Wrappers, worth \$1.75, for only 98c

MORE LICENSES ARE GRANTED

Board Passes Favorably on Applications of Eighty-Nine Saloon Keepers—Many Delinquent.

At a meeting of the license board yesterday eighty-nine liquor licenses were granted and the proceeds, \$30,000, were turned over to the city treasurer. Sixty-eight permits had been previously issued, making the total 157. The number of applications now in the hands of the board is 236, or ten less than the total number last year. Considerable carelessness has been shown by the saloon keepers in applying for licenses, and whether a large number of saloons will be closed on next Tuesday, or their proprietors prosecuted for operating without a license, lies at the disposition of the board.

No course of action with such delinquents has been announced by the board, but it is probable that those filing their applications and showing evidence of good faith by depositing their money will not be interfered with.

The protest of J. E. Himes against nine applications of the Schlitz Brewing company considered in secret session, but no decision will be announced until Tuesday night. The remonstrator brought out the point that the law does not contemplate that a corporation shall hold a license. The statute provides that the "person" applying must be a "man of good moral character, etc., has been construed by the city attorney to include women, partnerships and corporations. He says that in his opinion such is the plain intent of the law in using the terms generally and indiscriminately and the board will probably act in accordance with his advice. The case of Mrs. Anne O'Brien, applicant for liquor license at Tenth and Mason streets, will be affected by the same decision.

Royal Annuity. To all members of Union Pacific Council No. 1029, R. A. Death has once more visited our midst and taken from our circle one of our oldest members, Brother M. A. Upton. Brothers, let us each one pay our last tribute and duty to our departed brother and attend the funeral, which will take place Sunday, December 31, at 3 p. m., from his late residence, No. 2124 South Twentieth street, Interment in Prospect Hill cemetery. C. A. GRIMMEL, Regent.

Notice to M. W. A. Members of Beech camp 1454 are requested to meet at the hall Sunday at 1 p. m. to attend the funeral of Neighbor John Cowles. Services at residence, 2224 Charles street, at 2 o'clock. F. W. WHITMARRSH, Clerk. CHARLES L. HOPPER, V. C.

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Diamond engagement rings, Elshorn, J.W.R. Absolutely reliable. Elshorn, Jeweler.

News of Battle, Who Hath Brought It?

We are still in the field, and as usual are right in the front. As we lead ourselves, and give our whole attention to the

Kodak War

We are always posted on the subject and can give you the latest intelligence on

KODAKS AND CAMERAS.

The Robert Dempster Co., 1215 Farnam St. Wholesale and Retail Dealers in Photo Supplies.

Rats and Roaches.

Since starting the furnaces you have noticed an increase in these annoying pests, especially ROACHES, around the hot water pipes. We can clear every one of them out. We have the stuff. It is non-poisonous—just lay it around the sink or in the pantry shelves and in a week the thing is done. It comes in cans at 50c and is positively guaranteed. It is

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HAYDEN'S Clearing Sale

on Slippers, Shoes and Leggings.

Ladies' fine \$2.50 Vici Kid Shoes, with silk vesting tops, on sale at \$1.90

Ladies' fine \$3.00 Chrome Kid Lace Shoes, with double fair stitched soles, on sale at \$2.25

Men's \$2.00 satin calf lace shoes at \$1.15

Boy's \$1.50 satin calf lace shoes at 90c

The Famous "ULTRA" Shoes for Women. All styles, in vici kid, fine calf and patent leather, with turn and welted soles and cushion cork inner soles. The ULTRA is the latest, up-to-date shoe for women; price, \$3.50

The Celebrated STETSON Shoes For Men on sale. The "Stetson" is the best shoe that's made for men. We have them in velour, calf, enamel calf and vici kid, the latest styles and hand made—"Stetson" in every pair. Call and see them. Price, \$5.00

MISSISSIPPI LECCINGS. Misses' fine \$1 Jersey Leggings, on sale at 69c

Boys' \$1 Canvas Leggings, on sale at 49c

Ladies' 35c Overgaiters, on sale at 18c

35c Wool Soles at 15c

SLIPPERS Men's \$1 imitation Alligator Slippers, only 69c

Men's \$1.25 velvet embroidered Slippers, at 83c

Ladies' \$1.25 beaver cloth house Slippers, at 75c

Ladies' 75c felt house Slippers, on sale at 38c

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