

EXTRA SPECIAL SALE Misses' & Children's Shoes 89c and 69c IN THE BASEMENT.

BOSTON OMAHA STORE J.L. BRANDEIS & SONS. 161 DOUGLAS.

Ladies' 50c quality seven button black OVERGAITERS 12c



GREATER SHOE BARGAINS

than ever for today from the purchases of

\$42,185 Shoes from Executor Sale and Other Sources From 12c to \$1.98 a pair.

All on big bargain counters

On main floor— YOUR CHOICE SATURDAY

\$1.98

of all the LADIES' and MEN'S SHOES

that were made to retail for and are worth right now

Six Dollars a pair Five Dollars a pair Four Dollars a pair Three Dollars a pair \$1.98

The Ladies' Shoes include... most exquisite fancy black kid breaded slippers with Louis XV heel—Ladies shoes in winter tans, black box calf, willow calf, fine full dress patent leathers, the very finest kid shoes, elegant turn sole shoes and well sole shoes, in fact shoes of every good sort and description that were made to retail for up to \$6.00, go at \$1.98 pair.

The Men's Shoes include... all the very highest grade of fine dress shoes and every day shoes for street wear, both drill lined and leather lined, in box calf, willow calf, kid, French calf and other leathers, in all the different weights of sole, single to triple sole, in black and in tan, that were made to retail from \$3.00 to \$1.90, \$3.00 and \$5.00 pair, go at the uniform price of \$1.98.

The amount of talk and excitement, this shoe sale has caused since its commencement was never known before—while the quantity in itself was sufficient to make a great stir in shoe circles—the values are so utterly much greater than ever were offered—that the whole town is interesting itself in this sale. People that have already purchased shoes in this sale seem to delight in bringing their friends and pointing to the great piles of elegant shoes on the bargain squares—say, just look at those wonderful bargains—here's where I bought mine—you'd better buy some too.

OPPOSES GIGANTIC PROJECT

Deadwood Mine Owner Will Enjoin Big Undertaking of Homestake Company.

POWER FOR OPERATING MILLS INVOLVED

Homestake Appropriates Large Sum to Secure Water from Distant Streams, Right to Divert the Water is Disputed.

James D. Hardin of Deadwood, S. D., a man who has the temerity to oppose one of the most stupendous propositions ever undertaken by the rich Homestake Gold Mining company, is in Omaha seeking legal advice relative to an injunction suit he will bring in the United States court against the Homestake company. Mr. Hardin asserts that the action of the Homestake company in diverting water from the Spearfish creek for the purpose of piping it to its mills at Lead, from where it will secure an outlet through the channel of Whitehead creek, is contrary to the law of riparian rights, in that the diversion of such water destroys the value of water rights he has secured on Redwater creek below the point where the Little Spearfish empties into it.

For many years the Homestake company has been confronted with a serious problem in securing sufficient water to operate its vast stamp mills at Lead. Many times the mills have been partially shut down and many stampings "hung up" because of lack of water. Recently a proposition was advanced to secure a water supply from the Spearfish creek to run the mills at Lead. Mr. Phoebe A. Hearst, the principal stockholder in the Homestake company, visited Lead and was informed of the proposed plan for obtaining water. She endorsed it and authorized her superintendent, T. J. Grier, to avoid no expense in carrying out the plan. Subsequently an appropriation of \$1,500,000 was made for this purpose. An idea of the immensity of the plan can be gained from the amount of money appropriated. In order to pipe the water from the Spearfish to the Homestake stamp mills at Lead it must be conveyed by means of pipes over mountains and gulches a distance of ten miles and pumped to a height of 500 feet.

In 1887 James D. Hardin sprung into prominence as a mining promoter, equipped with a practical knowledge of mining gained by years of prospecting in the Black Hills, with his father and brother, Charles, had for years worked ground near Deadwood. In the beginning they became somewhat discouraged, thinking their property would never amount to much and eventually named it "Two Bit." Finally, however,

they struck it rich. "Jim" Hardin went to Chicago and succeeded in organizing three of the strongest mining companies in the Black Hills, interesting a number of capitalists of Chicago in the property. Expensive hoisting plants were erected and the property has been continually worked, although the ore was early found to be of such a character that to work it successfully and profitably a smelter must be built by the company. With this end in view Hardin went into the valley country lying on the northern slope of the Black Hills and purchased 4,000 acres of land on Redwater creek, just below the point where the Spearfish creek empties into the Redwater. Interfered with him in this property were P. D. Armour, Jr., and Ogden Armour. Hardin's intention was to build a big smelter on the banks of the Redwater, utilizing the power from that stream for the necessary power. Since the Homestake company has begun operations looking toward securing the water of the Spearfish and diverting it from its legal channel, the Hardin smelter proposition is considerably affected, as water from the Spearfish is being diverted into the Redwater, through Redwater from the Spearfish the supply will hardly be sufficient to operate a smelter of the capacity intended.

Hardin Tells His Troubles.

"I maintain," said Mr. Hardin, "that the Homestake company has not the right to take the water from the Spearfish and divert it through its mills and thence into the Whitehead creek. I have consulted eminent legal advisers in Omaha, and in every instance my idea has been sustained. I intend to fight the Homestake company proposition in a court of law, and if the proceeding, if they succeed in taking the water from the Spearfish it will seriously impair the power of the Redwater and consequently affect the smelter which the Chicago and Two Bit, the Hardin and the Northern Mining companies jointly propose to erect.

"I am confident of winning this suit, and because of this confidence we have every preparation made for the erection of our smelter at Hardin on the Redwater. It will cost \$12,000,000 and will have a capacity of 200 tons daily. We will have both the smelter and a cyanide plant and will be able to reduce gold from sulphide and silicious ores. I secured this land on the Redwater two or three years ago, knowing that for our Two Bit mines we would have to have a smelter of our own. The place where we will erect the smelter is on the Hardin townsite, and both the Elkhorn and Burlington railroads will extend their lines there. This can be easily accomplished and will but little add to the cost of the smelter. There is a difference of opinion as to the exact date of ground hog day, but the majority of the oldest inhabitants say it is February 2.

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 Friday:

Births—John Morris, 1126 North Seventeenth; boy; William Malone, 1126 North Seventeenth; boy; John Spellman, 312 1/2 Grand; boy; J. E. Douglas, 922 Douglas; boy; Ludwig Dahn, 225 South Fifteenth; boy; Samuel Campbell, Second and March; boy; Charles F. Hinkle, 32 North Twenty-third; boy.

Deaths—Rudie N. Hannegan, 277 Merchants; 72 years.

Burglar in a Saloon.

A burglar climbed in through the transom over the rear door of Frank Kahala's saloon, 12 South Tenth street, early Thursday morning, and with a stove poker smashed the slot machine and the cash register. From the wreck of the slot machine he took \$150, from the cash register \$25, and from a shelf behind the bar a revolver and two quart bottles of whiskey. He then pushed a table against the back door and departed as he had entered. His "take" is valued at \$175.

SUPREME COURT REVERSES

Attorney General's Suit Against the Omaha National Bank is Remanded.

CASE GROWS OUT OF BARTLEY SHORTAGE

Judgment in Favor of the Defendant is Held Not Good and the Issue Will Be Tried Again—Large Sum Involved.

The supreme court has remanded the suit of the State of Nebraska against the Omaha National Bank and its president, J. H. Millard, for retrial in the Douglas county district court. The judgment in favor of the defendant, which was found when the case was tried before Judge Baker, has been overruled.

This litigation is an echo of the pecuniations of ex-Treasurer Bartley. The suit is for the recovery of \$200,000, which the state alleges the bank permitted Bartley to wrongfully withdraw from deposit. The defendant contends that it simply honored the checks drawn by Bartley the same as it would in the case of any other depositor, and that it was unaware that any irregularity was being committed. The attorney general, who brought the action, set up the plea that Bartley's checks should not have been honored.

At some future date which has not yet been determined the case will again be tried in the local courts. There was a notable unwinding of legal red tape when the case was heard by Judge Baker and the record is a lengthy one, showing that the attorneys made many motions and counter motions.

W. J. Connell, the present city attorney, is one of the counsel for the bank. Mr. Connell says:

"This is no surprise to me. The case was reversed on a technicality, but our main issue is preserved and there is no doubt that the bank will eventually win. Justice could not allow it to be any other way, for Bartley's checks were honored by the bank in a perfectly legitimate way. My own wrong after the money had been innocently paid over by the bank."

Attorney General Smyth, representing the state, says: "The grounds upon which the case was reversed practically insure the success of the state and the defeat of the bank when the case is called for trial again, which will be before Judge Estelle, February 9. On January 2, 1897, Bartley, who was then treasurer, paid to Mr. Millard and the bank \$201,884.50 in payment of a void warrant. Bartley was subsequently convicted of the embezzlement of that sum and the state brought action against Mr. Millard and his bank on the grounds that the defendants aided Bartley in the embezzlement."

HAINES IS SEEKING RETURN.

Invests Twenty Cents in an Accident Policy and Now Wants Results.

Alphus Haines has filed suit in the district court for the collection of \$100 which he claims is due him from the Travelers' Insurance company of Hartford, Conn. In his petition he sets forth that one day last August, just before starting on a city tour of the Chicago & Northwestern route he purchased a twenty-four hours' accident ticket for which he paid 20 cents and which stipulated that in case of death by accident within the period covered his estate would be entitled to \$1,000. The policy also included a scale of disability benefits. Haines says

while on that journey he was injured in such a manner that for several weeks he was unable to work. He sues for disability benefits, alleging that the insurance company has refused to make payment, although he has submitted proof of his injury.

SEEKS TO SET ASIDE A WILL

Objections Urged Against Probating of Harriet Ballou's Estate.

Judge Vinsonalter is hearing the action brought by Robert Ballou to have the last will and testament of the late Harriet Ballou set aside. Ballou bases his content on the allegation that the document is not really the will of the deceased, but that it is attached her signature to it, she did so under the undue influence of Frances S. Blaney. A comparatively small sum is involved. The greater part of the fortune was taken up in the examination of physicians as to the mental condition of Harriet Ballou at the time the will was executed. Thus far, none of the medical men has expressed an opinion

that the deceased was of unsound mind. A large array of witnesses is in attendance.

TEASANT CUTS TOO MUCH TIMBER.

Fawcett Will Adjust Differences Between Dodge and Rice.

Judge Fawcett of the equity docket, has issued a temporary restraining order to prevent F. S. Rice from cutting timber on Douglas county land owned by Oliphant Lodge, and which Rice occupies as a tenant. The farm is situated near Omaha. The petitioner sets forth that Rice has violated his contract with reference to the cutting of timber, and the court is prayed to make permanent the temporary restraining order. The case will be heard on its merits February 10, and meantime Rice must not invade the woodlands of the place he has rented.

Fate of Davis in Balance.

KANSAS CITY, Mo., Feb. 2.—Local possibility have again snarped out the future of Webster Davis, assistant secretary of the Interior, now traveling in South Africa on a vacation. The Star quotes a republican politician as saying: "I know whereof I speak when I say that there is no truth in the report that Webster Davis is a vice presidential possibility. Furthermore, he has the best of reasons for believing that Webster Davis will be out of a job when he comes home, as the president now has in his possession a report from Secretary Hitchcock for the assistant secretary's removal. You will see that when 'Web' comes back he will resign his position in the Interior department and start on a lecture tour, telling of the Boer war."

A Frightful Murder.

will bruise cause a horrible burn, scald, or bruise. Bucklen's Arnica salve will kill the pain and promptly heal it. Cures fever, sore, ulcers, boils, corns, all skin eruptions, best pile cure on earth. Only 25c a box. Cure guaranteed. Sold by Kuhn & Co., druggists.

Phelps' Condition Unchanged.

NEW HAVEN, Conn., Feb. 2.—There was no change during the night in the condition of Edward J. Phelps, ex-minister to England, who is ill with pneumonia here.

La Grippe is Here! It Never has Raged So Fiercely!

In some cities doctors and undertakers are not able to care for the sick and dead. You are in danger and should not take the slightest chance. You should have on hand the very best remedy known, so as to check it at once, as soon as you notice the slightest symptoms of a cold.

Dr. Kay's Lung Balm

Is now known to be the very best, safest and surest remedy ever discovered for la grippe. Take no chances but have it on hand and save your life and the life of your dear ones.

HERE IS PROOF: The sister of the Late Leland Stanford, United States Senator,

of California, Mrs. Harriet Lathrop of Saratoga Springs, N. Y., states: "I had a very bad cough; I took Dr. Kay's Lung Balm and it cured me. It is the best medicine I ever saw for coughs, colds and la grippe and I am recommending it to all my friends."

Rev. H. B. Dye, pastor, Presbyterian church, Morrison, Iowa, writes: "Mrs. Dye, who has had an attack of la grippe with sore throat and distressing bronchitis, finds nothing is so prompt and positive in its effects as Dr. Kay's Lung Balm. We desire to keep it on hand."

Mrs. Marion St. Claire of Ash Ridge, Wisconsin, writes as follows: "Mr. St. Claire and myself had a very bad attack of la grippe last January and we both agree that had it not been for your Dr. Kay's Lung Balm and Dr. Kay's Renovator we would not have lived."

Fortify your system by renovating and invigorating the whole body by taking Dr. Kay's Renovator to guard against its ravages.

As a SPRING MEDICINE it has no equal.

Shun substitutes! Remedies "just as good" as Dr. Kay's Lung Balm and Dr. Kay's Renovator are no made or sold anywhere. If not at druggists, we will send them postpaid on receipt of price—Dr. Kay's Lung Balm, 10c and 25c; Dr. Kay's Renovator, 25c and 50c; or six for \$1. Free Medical Advice. Sample and illustrated book for the asking. Address, Dr. B. J. Kay Medical Co., Saratoga Springs, N. Y.

Sold by All Druggists.