THE OMAHA DAILY BEE: THURSDAY, DECEMBER 13, 1900.

STATE RESTS IN FLOTH CASE Striking him or taking the watch, as charged by the police.

Kicked Fee.

Calls Michael Moliner, One of the Co-Defendants to Witness Stand to Tell of the Alteration.

The best witnesses for the state in the Floth murder trial before Judge Baker were them off. "I don't want to hear any more," remerved until the last. This is why it hap-pened that the particular blow which, it is contended, was the cause of Edward Fee's his pen to the decree prepared by the atdeath on the night of August 22, was not torneys, indicated the enormity of Jenmentioned until a few minutes before the nings' offense in his eyes.

state rested. Up to this time there had Mrs. Jennings' name is Anna C. been a missing link in the testimony. Dr. was said in court that her husband was Lavander had demonstrated that the blow not over-fond of work and that he allowed on Fee's head which, in his coinion, caused Mrs. Jennings to do most of the chores. the contracoup fracture and indirectly the Witnesses said that Mrs. Jennings earned rupture of the blood vessel and the conse- the money with which to purchase the quent death, had been made by a hard sub- cows and a wagon to peddle milk and did stance of some kind. He ventured the all the work of tending to the cows and opinion that it might have been made by a milking them. Jennings, they said, even fist, but probably was made by a kick.

None of the witnesses had mentioned a to another to furnish customers with milk. kick. Wachtler told the court he saw both compelling his wife to add this to her other Coyne and Floth pummel Fee with their duties. Another household incident that fists, but he declared positively that none contributed to the court's willingness to of his companions on the night of the orgie grant a decree was a time when Jennings in the rear of the blacksmith shop had came home and without provocation became kicked Fee. The next to the last of the angry and kicked down the pipe to the prosecution's witnesses was Detective Sav- kitchen stove.

age. He supplied the missing link to the complete chain of testimony. "I arrested MORE EXPOSITION LITIGATION. Coyne the day after the murder when he Motion for Rehearing of an Old Case was at work in the Union Pacific shops," the detective said, "and took him to the police station for an examination before Monday another step in the recovery of the captain. In my presence and before funds of the Greater American Exposition himself, Coyne stated that on the night re- that time Hayden Brothers will file a moferred to Floth struck Fee several times tion for rehearing in the case which was prior to leaving him and walking to the decided against them on a point of law at Burt street sidewalk. He said that the the last sitting of the court and the trusgroup afterward returned from the walk to tee will contest the motion. It is generally the place where they had been drinking in believed that the court will sustain its

the rear of the shop and that Floth resumed his assault on Fee and kicked him, as well as struck him with his fists." The defense made a determined resistance to the admission of this testimony. any money is realized should the case finally objecting to it on the ground that it is hearsay evidence, but the court overruled the objections and Detective Savage's statements quoting Coyne as swearing that Floth kicked Fee, became a part of the records which will go to the jury for con-

sideration.

State Springs Surprise.

The attorney for the state caused something of a surprise when he informed the lers to the creditors. The trustee waived his court that he had but a single witness more. and then called the name of Michael Mollper. This man is one of the co-defendants of securing his fees after the preferred with Leo Coyne. Nothing had been said to creditors are paid in full. From this it can suggest that he might take the witness chair and tell of circumstances that would in time the estate will pay the preferred incriminate his companions, so there was a creditors, and if all of the suits now pendfutter of genuine surprise when Moliner ing are decided in favor of the trustee the stepped before the bench and was sworn. Moliner is a youth of slender stature. A a portion of the money due them. pallor overspread his features and he was

excessively nervous when he seated himself in the chair before the court. His eyes avoided those of Floth, who sat just behind his attorneys and watched him furtively. Most of the time Mollner stared at the attorney questioning him. Occasionally, when the queries related to circumstances incriminating his companions, Mollstances incriminating his companions, Moll-mer would drop his head and stammer, but mever once did he glance in the direction of Floth. The defendant was as unconcerned as usual. Mollner's having been a turnas usual. Mollner's having been a turn-

\$1.50 books only 25c, including all Captain King's famous copyrighted novels. \$3.00 OBJECTS TO DRIVING MILK WAGON. set of Dickens' works, 15 big volumes, for \$2.98. Your choice of over 100 titles, such Detectives Swear that Floth Told Them He Mrs. George C. Jennings Given a Dias "Allce's Adventures in Wonderland," vorce from Her Husband. When George C. Jennings compelied his "Black Beauty," Burns' poems, "Imitation of Christ," only 1256c. wife to drive a milk wagon he furnished \$1.50 COPYRIGHTED BOOKS ONLY \$1C. the fast straw that made the matrimonial "Janice Meredith," "When Knighthood Was in Flower," "The Reign of Law," "David Harum" and "Tony and Grizel," STATE'S ATTORNEY SPRINGS SURPRISE burden too heavy to be borne, and, as well, gave sufficient cause for the courts to come to the rescue of his wife with a decree of divorce. Judge Keysor heard the case at your choice, Sic.

yesterday's session of court. One witness For one day the International silk-sewed related the milk wagon episode, bible, containing old and new testaments, There were others who were willrevised large clear minion type edition, references, only 98c. \$1.00 Shakespeare, ing to tell of further indignities alleged to have been heaped by Jennings omplete, 25c. \$3.00 Shakespeare, complete, on Mrs. Jennings, but his honor waved

in the Supreme Court.

be decided in favor of the association.

penses, rather than to pay 10 per cent or

right to payment of fees under the first

dividend, and will, he says, take his chances

Court Notes.

Grand sale on pocketbooks, handbags, hair brushes, cloth brushes, military brushes, etc. HAYDEN'S CHALLY SALE.

1

Every large dry goods house has a chally sale two weeks before Christmas. We will place on sale tomorrow morning two lots of all wool Gros Roman and Shearur, Louth & Co. high grade challys at 39c and 69cand we defy any other house in any city to give as good value at 50c and \$1.00 per yard. Sale commences at 8 a. m. and will continue Friday and Saturday. GRAND ANNUAL TOY OPENING THURS.

Hayden Bros', Book Sale.

\$3.00 SILK-SEWED BIBLES, 98C.

DAY The most complete assortment of toys and fancy goods will have their opening display sale at the big store Thursday. HAYDEN BROS.

Open Thursday evening. Economical piano buyers should not fail

o attend factory price plano sale going on at Schmoller & Mueller's, 1313 Farnam st. You can save \$100.00 on your purchase.

HOMESEEKERS' EXCURSIONS

Dec. 18th. Vis Missouri Pacific Ry. In the supreme court of Nebraska next Tuesday, Dec. 18, will be the next date on which the Missouri Pacific will sell Captain Her, Detective Dunn and Floth assets by the trustee will be taken. At points south, southeast and southwest. For further information call or address company's offices, S. E. Cor. 14th and Douglas streets. T. F. GODFREY, P and T. A. J. O. PHILLIPPI, A. G. F. and P. A.

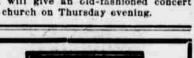
Lead is Booming. E. T. Peterson, chief clerk in the office of City Engineer Rosewater, has returned from a visit at Lead, S. D. "More than 100 buildings are in course of construction at Lead and prosperity seems to have struck the camp broadside." said Mr. Peterson. "Lead has a good system of sewers now and is a healthful place. The Homestake company has completed its tunnel and an abundant water supply is had from Spear-fish. Deadwood is cuilet as compared with the newer camp. The smelter and the rail-roads are all there is now to keep the town alive, and when the Northwestern and Burlington get their direct lines into Lead Deadwood will be a thing of the past." former action and the case will come to Douglas county where it will be tried upon its merits. There is \$10,000 involved in the suit, but it may be several years before Some time ago it was generally understood that a dividend would be declared by the referee, but that dividend is now as uncertain as it ever has been for the reason that the trustee decided that he could better protect his trust by keeping the funds on hand to pay court costs and other ex-

Parties having Washington state Transmississippi exposition commission scrip will please communicate with us. THE BEE PUBLISHING COMPANY.

At candlelight on Thursday evening at Hanscom Fark church ye ladies will give a

be seen that the trustee feels confident that singing meet in ye quaint costumes of Shrewd buyers will find just what they unpreferred creditors may hope to receive are looking for at Schmoller & Mueller's factory price plano sale, 1313 Farnam st.,

and the prices-well, they are right. Court Notes. Judge Baxter has returned from Wash-ington county and is holding court. C. C. Valentine has been appointed official court reporter for the Board of Fire and Police Commissioners. Judge Carland closed his work in Omaha yesterday and returned to South Dakota. For two weeks he has been assisting Judge Munger in the federal court. The Bock Island Plow company has at-The Woman's club of Hanscom Park church will give an old-fashioned concert at the church on Thursday evening.



Burlington

Koute

\$10.00 LADIES' CAPES, \$2.98. 10,000 CUPS AND SAUCERS ON SALE. Foday the Grandest Bargains in Golf, Most Extraordinary Sale of Crockery Plush, Fur Capes on Record. Has Ever Taken Place Here. that

AT BOSTON STORE TODAY.

From the railroad company we bought a

Handsome imitation bronze ornaments.

Small bisque statues, worth 50c, go at 50

All on sale in our third floor toy depart-

New Illustrated Map

of the Kiowa, Comanche, Apache, Wichita

and Caddo reservations, which are soon to

BALLS OF TWINE.

THERMOMETERS.

LIBRARY PASTE.

SMALL PAPER BOXES.

TISSUE PAPER.

CHAMOIS SKINS.

GOLD PAINT.

(Seven colors). DIAMOND DUST

(For decorative work).

SMALL PAINT BRUSHES, etc.

BOSTON STORE, OMAHA.

N. W. Cor. 16th and Douglas Sts.

De, co at le cach.

ever shown.

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ment

AT BOSTON STORE, OMAHA. \$10.00 GOLF CAPES, FLUSH CAPES AND

FUR CAPES, \$2.98. carload of handsome decorated china cups, This is by far the most extraordinary saucers, plates, etc. Also an elegant lot of imitation bronze ornaments and statuary loak value that we have ever offered. Just think of it-the newest and latest and small bisque statues. The goods on sale tomorrow are absolutely sound and style golf capes, plaid back, all wool material, reversible flounce and hood and perfect and make handsome and useful trimmed with heavy fringe. Also fine seal Christmas presents. They are all beautiplush capes, 30 inches long, large full fully decorated in the latest Dresden patsweep, heavy lining and fur edging around terms and go on sale in three lots: collar and down the front. Also electric AH \$1.00 cups and saucers at 25c. seal capes, full sweep, slik-lined, some with All 50c cups and saucers at 15c. astrakhan yokes, 18 and 20 inches long, All 25c cups and saucers at 10c. high storm collar, worth up to \$10.00, all All the small cups and saucers, mugs, go today at \$2.98. pitchers, dessert plates, etc., worth up to

\$6.00 LADIES' JACKETS, \$1.98. To close out all of our broken lots and odd lots of ladies' jackets, made of all figures, statuary, etc., that generally sells qualities of materials, about 200 in the lot, up to \$10.00, go at \$1.25, \$1.98 and \$2.98 each. all worth up to \$6.00, choice today, \$1.98. This is one of the biggest bargains we have

\$15 AUTOMOBILES AND JACKETS, \$4.75. Tomorrow we offer 36-inch automobiles, full silk-lined, with high storm collar, worth \$12.50, at \$4.75. Also beautiful stylish juckets made of all kinds of material, silk and satin-lined, all in the very latest style, they go in one big lot at \$4.75

BOSTON STORE, OMAHA, N. W. Cor. 16th and Douglas Sts.

Announcements of the Theaters. Omaha theater-goers are anticipating be opened for settlement. For copy of same much of artistic excellence from Miss Ger- remit 50 cents to D. P. Brown, 1323 Farnam trude Coghlan's interpretation of Thackestreet, Omaha, Neb. ray's remarkable character sketch, Becky Sharp in "Vanity Fair," which will be presented for the first time in Omaha Friday For CHRISTMAS night, and if it is not the cleverest dramatic entertainment of the young season it will certainly disappoint many. If the generous words of praise bestowed on Miss Coghlan wherever she has appeared are to Coghlan wherever she has appeared are to be credited with sincerity there is little cause to fear any disappointment upon her appearance here Friday and Saturday nights and at a Saturday matinee. Sam Scribner's Gay Marsian Clories the Sam Scribner's Gay Morning Giories-the big burlesque company which is making

such a hit at Miaco's Trocadero this weekcloses its engagement with the Saturday matinee. There will be no show Saturday night on account of the company having to make an early evening train for Chicago. Beginning with a matinee Sunday afternoon comes Rose Sydell's New London Belles, a company that has won great triumphs in New York and other eastern cities. The Sydell company is headed by Rose Sydell, the famous beauty.

Woman's club auditorium benefit, Boyd's, Dec. 18. Reserved seats at box office begininng Dec. 14.



in the Transmississippi country. Dealers from all over the west as well as our own customers are interested in the opening, as it gives the first complete showing of ALL

THAT IS NOVEL, BEAUTIFUL ENTERTAINING, INSTRUC-TIVE AND USEFUL IN HOL-IDAY GOODS. All former displays are insignificant compared with this in completeness of assortment, immensity and variety of stocks, beauty





Automobiles at \$14.75. The sailor men say, "A stern chase is a long chase," so other cloak stores are finding it in the effort to overtake our store in this line.

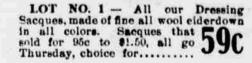
They came in black, navy, brown, tan and castor, strapped seams, fancy collar, nobby paten peckets, and large revers, collar, edges and seams finished with five rows of stitching, lined throughout with Skinner's guaranteed satin to match color of cloth, length \$14.75 Price.....

Women's Stylish **Box Coats**

for

Women's Dressing Sacques

A great one-day sale of Women's Dressing Sacques, all to be closed out in one day. We have divided our entire stock into two lots-



LOT NO. 2 - All our Dressing Sacques made of the best ripple eider-down, in all colors, crecheted edges or satin ribbon bound, sacques that 950 sold for \$1 75, \$2.00 and \$2.50, 950 all go at.....

Women's **Golf Skirts**

Thursday morning we shall place on sale Women's Golf Skirts, made of good meltons and golfing materials, some with plaid backs, in black, exford, brown and light gray, well made and

with proper hang, some have pockets, and finished with nine rows of stitching around bot-tom-no better skirt anywhere for less \$1.95 than \$4.00-our price Thursday.....

Women's Shoes

IT COSTS YOU NO MORE THAN INFERIOR BRANDS.

F. R. RICE N. C. CO., Mfrs, St. Louis. UNION MADE

12

coat to the "gang" was apparently as un-expected to him as to the spectators, but he showed no anxiety. The only emotions he gave signs of were curiosity and amuse-

he gave signs of were curiosity and amuse-ment. Moliner's story was: "On the night of August 22, just after supper, I met Leo Coyne, Harry Floth and John Wachtler near the corner of Thirty-second and Burt streets. We chatted awhile and then at the suggestion of someone in the group, I do not remember who, we went down to Anderson's saloon near Twenty-fifth and Cuming streets to buy some beer. As soon as the beverage was purchased we crossed the street, going down the driveway at the the street, going down the driveway at the side of the blacksmith shop to the rear where a box wagon stood. We four climbed into the vehicle and drank the beer, passing the jug containing it from one to another till the crockery was empty. Floth was the only one who had any money. He said he had five cents and would spend it.

He then crossed over to the saloon again to get the second supply of liquor. When that was finished Wachtler suggested that we go home, saying that he must work in the morning and thought we had stayed out late enough.

Coyne Was Still Thirsty.

"All of us but Coyne assented. He suggested that we have one more round of drinks. Floth said he had another nickel and volunteered to go after a sandwich if Coyne would again rush the can. The rest of us left the wagon and found scats on the ground a few feet from the wall of the Coyne returned first with the beer. When Floth appeared he was accompanied by a stranger. The trouble between Coyne and the stranger arose when, in response to Coyne's invitation to buy another supply of liquor, the stranger said , he had no

money and could not accommodate him. "Coyne struck the man several times as he sat with his back to the wall. We then

left the enclosure, starting toward Burt street, leaving the stranger flopping toward the ground. There was a conversation on the walk and a few minutes later we returned to see if the man had any money. That was at Coyne's suggestion. When w reached the man's ride Floth went through his pockets. He took the watch. After that he struck the man several times. Then we all started home, leaving the man lying against the wall of the shop.

Judge Baker asked the witness if he saw any one kick Fee. Moliner's answer

When court convened Detectives Johnson and Helin were put on the witness stand in turn to tell of the recovery of Fee's watch, which Floth took from his pocket after assaulting him. Detective Johnson said that at first Floth denied having stolen the watch, but on being confronted by Coyne, who had previously admitted that he had taken it, he confessed and accompanied the officers to a vacant lot at Twenty-fourth and Jones streets, where the timepiece was recovered from its hiding place in the weeds

Defense Calls but Two Witnesses.

Before the close of the afternoon session the testimony was all in and the arguments of the attorneys for the prosecution were completed. The case did not go to the jury, but will be submitted this morning after the arguments of the defendant's attorneys. The defense was contented with calling two witnesses to tell the court that on the night of the murder they heard a wagon or carriage driven through the alleyway past the shop where Fee was found. The importance of this circumstance is that Fee might have been killed by having been struck by a horse's hoof, as he lay at the corner of the shop near the alley.

Harry Floth, the defendant, was put on the stand. He admitted that he was drinking in the rear of the smithy, but declared that neither he nor Coyne nor any of the others in the group struck or kicked Fee. His testimony was identical with that of er witnesses, excepting that he would act admit having quarreled with Fas or

A Fabulous Conception

of olden times pictured the genii as transporting inhabited palaces through the air. This conception is almost real-

of the time instead of \$60. Judge Slabaugh is hearing the case of Mrs. Jennie Lank against the Woodmen of the World, in which suit is brought to recover \$1.000 on an insurance policy which the plaintiff's husband. Frank Lank, car-ried with the organization. Lank killed himself on May 13, 1809. The officials of the organization contend there is a clause in the policy exempting them from payment in the case of suicide. ized today in the Burlington's Chicago Special.

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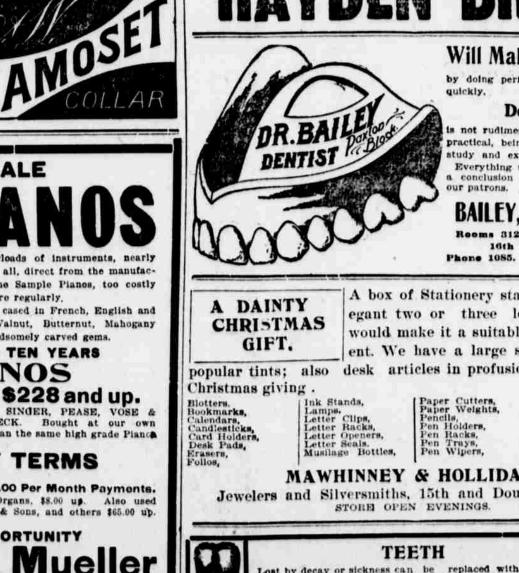
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