

DEPENDS ON POINTS OF LAW

Tax Mandamus Case is Reduced to Strictly Legal Basis.

REFEREE RYAN DEFINES HIS POSITION

Says that on Showing of Facts Relators Are Entitled to Writ, but There May Be Legal Obstacles.

Referee Ryan has again declared himself as to the status of the tax mandamus hearing, and his position is virtually the same as a week ago.

"I am convinced that the relators are in fact entitled to the writ. They have technically demonstrated their right to it, and the only thing standing in the way of it now are one or two legal points upon which I am still in doubt.

On the Nebraska revenue laws, which clearly says that in assessing franchise corporations the bonds must be subtracted from the stock in order to ascertain the value of the franchise.

Attorney McIntosh said: "But the court may not look at it as you do, your honor, so I think I had better proceed along this line and finish my record."

Referee Ryan said: "I don't think the supreme court is inclined to split hairs."

Attorney Webster objected to this question on the ground that if speeches were made they took the place of testimony.

"When was that minute made?" "January 14," was the answer.

Then, pointing to the note in its expanded form in the journal, he read, of accord with the request of P. D. Weed, the hearing of all complaints against the franchised corporations was fixed for Friday, January 17, at 2 p. m.

"When was that written?" he asked. "February 11, I think."

"Could you hold in your mind the exact words of the order an entire month?" Attorney Webster objected to this question, and the objection was sustained.

"You wouldn't undertake to say that the language in this entry is correct?" was Mr. McIntosh's next question.

"No, I say it as I remember it," was the answer.

Councilman Zimman Called. Councilman Harry B. Zimman was then called to the stand.

"Mr. Zimman," asked Mr. McIntosh, "was there any order made by the board that day relating to the hearing of the public service corporations, the street railway company and others?"

"No, there was not," he answered.

"He was interrupted by the city attorney and all the corporation counsel in chorus."

"You're altogether too slip with your answers, Mr. Zimman," exclaimed Mr. Webster, with asperity.

"His answer was the truth," said Mr. McIntosh.

There was no more testimony during the forenoon session, the remainder of the time being taken up in arguing the question of whether Mr. Zimman would be permitted to resume his testimony.

ADDING TO COUNTY PAYROLL

Commissioners Shoot Two More Holes in Retrenchment Schedule.

DEE AND BODWELL SECURE EXTRA HELP

Connolly Tells Ostrom that the New Salary Schedule is So Full of Holes that He Could Never Recognize It.

The Board of County Commissioners shot two more holes in its retrenchment schedule yesterday by giving Superintendent Ed Dee of the court house, janitor and E. J. Bodwell, superintendent of instruction, the assistant he formerly had.

"Your honor, this is simply a question of memory either way we take it. On the one hand we have the memory of Mr. Elbourne, who, after the lapse of a month, and after he finds that the entry will be needed in the trial of a case, presumes to enter in the journal something he alleges took place before the board.

On the other hand we have the memory of Mr. Zimman of the same subject, which should certainly be as good. The record, Mr. Elbourne admits, was made from no minutes taken at the time.

He then cited several authorities to show that mutilated records had several times in the past been excluded by courts to make way for oral testimony.

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GRANDEIS STORE & SONS BOSTON & SONS

Fine Silks from the Grand street store of Lord & Taylor, New York, on sale at about half price.

Lord & Taylor's \$1 and \$1.50 Silks 39c and 50c per yard

39c 50c Very choice lots of foulards, broadcloth silks, plain and fancy taffeta silks.

\$1 New Foulards 55c Cheney Bros. Lyons, satin finish and will foulards, beautiful and exclusive patterns.

55c 25c Black and white Japanese and China silks, 50c quality, at 25c

45c 75c Lyons taffetas, including black and white, 50c quality, per yard 45c

50c Embroideries and Laces 1 1/2 Yard Large bargain counter with big lots of all kinds of lace and embroidery.

1 1/2 Yard 5c Embroideries and Laces 10c Yard Many thousands yards very fine embroidery and lace.

10c 6 1/2c Ladies' all linen handkerchiefs, all widths of hemstitched, sheer quality.

VERY SPECIAL BASEMENT BARGAINS New spring plisse or cotton crepon, 10c quality 3 1/2c

3 1/2c 2 1/2c Regular 7 1/2c lawns, per yard 2 1/2c

2 1/2c 1 1/2c No. 600 Long cloth, the best made, per yard 1 1/2c

1 1/2c 8 1/2c 12 1/2c and 15c wash goods, all kinds, per yard 8 1/2c

8 1/2c 3 1/2c Seersucker gingham, per yard 3 1/2c

3 1/2c 6 1/2c Heavy basket cloth, the 15c quality, per yard 6 1/2c

6 1/2c 10c 36-in. wide percale, light and dark colors, 10c quality 10c

10c 3 1/2c White and colored heavy madras shirting per yard 3 1/2c

3 1/2c 3 1/2c New spring prints, per yard 3 1/2c

FOR RENT. Handsome Brick Residence on the southwest corner of Seventeenth and Douglas streets.

MAKING READY FOR PAVERS Workmen Laying New Street Car Rails on North Twenty-fourth.

Descendants of Roman gladiators and Spanish grandees are co-laboring with some remote relatives of German barons.

WHERE THE SERVANTS OF THE HOUSES reside the basement, containing laundry, storage rooms, storeroom, cellar and wine cellar.

VERY LOW RATES Via the Union Pacific. MISSOURI RIVER TO

SAYS GOODAL'S ACT IS SHAM No Hypnotic Influence Figures in It. According to Manager Paul Quint.

Paul Quint, who was fined \$1 and costs for trespassing on the grounds of the Union Pacific railroad while attending and assisting in the wake given by Alfonso Goodal.

VOLENAC SUES CAR COMPANY Wants Five Thousand Dollars for Alleged Injuries to His Son Frank.

Michael Volenac has commenced suit against the Omaha Street Railway company for \$5,000 damages and \$134 doctor's bill.

RECALLS DIAMOND ROBBERY Chief of Police Donahue Receives Some New Pictures for His Rogues' Gallery.

Chief of Police Donahue has received photographs of the principals in the Portland (Ore.) diamond robbery whom the Omaha police caused to be arrested.

RISING BREAST And many other painful and serious ailments from which most mothers suffer, can be avoided by the use of

"Mother's Friend." This great remedy is a God-send to women, carrying them through their most critical ordeal with safety and no pain.

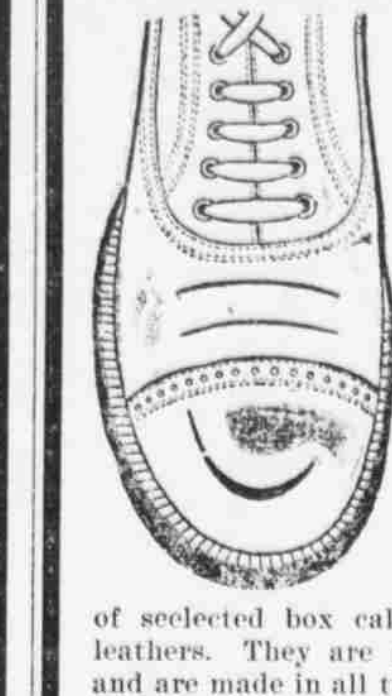
No woman who uses "Mother's Friend" need fear the suffering and danger incident to birth; for it robs the ordeal of its horror.

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"Mother's Friend." This great remedy is a God-send to women, carrying them through their most critical ordeal with safety and no pain.

No woman who uses "Mother's Friend" need fear the suffering and danger incident to birth; for it robs the ordeal of its horror.

Saving Money on Shoes...



There are two ways of saving money on shoes. One is to pay the price you always have paid, and get better shoes.

We offer for your choosing several cases of men's dependable shoes. No spongy soles, no careless making, no shoes damaged by unskilled workmen.

Section is the most complete of any in the land. We are selling boys' satin calf shoes, in sizes from 13 to 2, for \$1.10.

Nebraska Clothing Co. CLOTHES FOR MEN & WOMEN

Metz Bros., Brewing Co. Telephone 119, Omaha. Or Jacob Neumayer, Agt., care Neumayer Hotel, Council Bluffs, Ia.

The Lakewood Hotel. In the PINES of Southern New Jersey.

A Big Fact. No; no one has ever truly been disappointed in the purchase, sale or use of

Hunter Baltimore Rye. It is simply perfect for health and hospitality.

Cheaper Than Wholesale! Sold a lady from the IMMANUEL HOSPITAL this morning when we answered her inquiry as to how we sold malted milk; it is a wonder the wholesalers don't kick.

Drug Stock For Sale. AT ADMINISTRATOR'S SALE: The well known stock of drugs, store fixtures and household furniture of the late Christian G. Rapp for the past ten years located at 21st and Grace streets, Omaha.

SCHAEFER'S DRUG STORE. CUT PRICE! Goods delivered FREE to any part of city.

MISSOULA COLLAR. Deputy State Veterinarian, Food Inspector. H. L. RAMACCIOTTI, D. V. S., CITY VETERINARIAN.

MERCANTILE. IF YOU ARE NOT SMOKING THE. Try one, then notice the fine Aroma of our present Havas Tobacco and compare it with high priced imported Cigars.

Training. It is indispensable to athletic success. In training, much stress is laid upon diet, careful attention to the quantity and quality of the food eaten, with regularity of meals.

Dr. Pierce's Golden Medical Discovery cures diseases of the stomach and other organs of digestion and nutrition, and enables the body to be built up into vigorous health by the assimilation of the nutrition extracted from food.

OPEN SEASON FOR FISHING

Omaha Anglers Making Arrangement to Be Early in the Field.

Tuesday morning the open season for fishing in the lakes and streams of Nebraska begins, and a large number of anglers are making arrangements to be the first in the field.

Dr. Pierce's Golden Medical Discovery cures diseases of the stomach and other organs of digestion and nutrition, and enables the body to be built up into vigorous health by the assimilation of the nutrition extracted from food.

Mortality Statistics. The following birth and deaths were reported to the Board of Health during the twenty-four hours ending Monday night.

Deaths: Ernest A. Mason, 2221 Harvey, boy, 3 years; Frederick W. Jones, 484 W. 10th, boy, 11 years; John Belovic, 147 1/2 North Thirtieth, aged 26; John J. Harrington, St. Joseph's hospital, aged 25 years; Frederick Mears, St. Joseph's hospital, aged 25 years; Ellwood J. Rogers, 1821 South Twentieth, aged 24 years; E. J. Jones, 1821 South Twentieth, aged 49 years; A. B. Jensen, 1928 1/2 South Twentieth, aged 69; one scurvyling, 122 South Twentieth, aged 3 months.

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