

ESTABLISHED JUNE 19, 1871.

OMAHA, SUNDAY MORNING, JANUARY 3, 1904.

SINGLE COPY FIVE CENTS.

AFTER HOLIDAY CLEARANCE OF MEN'S FINE NECKWEAR. Choice Silk Importations, In Newest Shapes. Former \$1.50 grades, 75c Former \$1 grades, 50c



ODDS AND ENDS OF MEN'S WOOL UNDERWEAR, Greatly Reduced. Broken Lots From Our Choicest Qualities. 50c values... 25c | \$1.50 values... 75c | \$1.00 values... 50c | \$2.00 values... \$1.00

The Acknowledged Center for Correct Dress for Men, Young Men and Boys.



...AND NOW COMES THE ONCE A YEAR EVENT...

An after holiday clearance sale for which hundreds of Omaha men and young men have waited with anxious eyes. Determined that not one suit or overcoat, of winter or middle weight, shall be carried over until next season, we have carefully overhauled every garment in our stocks and have cut deep into the price, until not one semblance of former figures remain. COST, PROFIT AND VALUE, EMPHATICALLY IGNORED.

Winter and Middle Weight Suits Stupendously Sacrificed.

Matchless Offering. 235 Suits, odds and ends from a phenomenal season's business. Marvelous reductions for quick selling. Single Breasted Sack Suits of finest materials, superior high class garments, formerly priced at \$10, \$12 and \$15.



A FINAL CLEARANCE OF ALL BROKEN LOTS—

Extensive Gathering of Men's and Young Men's Finest Suits and Overcoats. Nearly 10,000 of them. PRICES CUT DEEPER AND GREATER VALUES THAN EVER BEFORE.

Table listing various men's suits and overcoats with their former prices and current sale prices. Includes items like 'MEN'S SUITS, Former Price, \$35.00, go for... \$25.00' and 'MEN'S OVERCOATS, Former Price, \$50.00, go for... \$35.00'.

MID-WINTER CLEARANCE MEN'S, YOUNG MEN'S and BOYS' TROUSERS.

Table listing men's and young men's trousers and boys' knee pants with their former prices and current sale prices. Includes items like 'MEN'S FINE TROUSERS, Former Price, \$8.00, go for... \$5.00' and 'YOUNG MEN'S FINE TROUSERS, Former Price, \$4.00, go for... \$2.50'.

Coupled with the enormous savings this sale extends to you--the sterling integrity of this firm, the absolute faultless construction of all of our clothing, and a readiness to readily refund the purchase price, upon every occasion, where satisfaction is not given, insures you of securing not only the greatest values at the smallest possible price, but only the best makes of the best makers in America.

PROFIT, COST, VALUE, POSITIVELY IGNORED.

...A sale in which early buying is paramount to secure your choice of the choicest...

NEBRASKA LAW OF DESCENT

Statement Prepared for Women Who Are Taking Interest.

FOLLOWS THE ANCIENT ROMAN LAW

Family and Not the Individual the Unit and Property is Divided Among Surviving Relatives of Decedent.

The following simplified statement of the Nebraska law for the descent of property was prepared, by request, by Hon. D. L. Johnson of Omaha, for the benefit of the women of the state, who, considering it unjust, will present to the next legislature a bill that they consider more equitable. The succession of property of deceased persons is one of the most interesting subjects in law, and one of the greatest importance to the people generally. The Roman law may be said to have furnished the model for the present law governing wills and the descent and distribution of property of deceased persons for the civilized world. Under the older Roman law the family and not the individual was considered the unit of society. The property belonged not in earlier times to the head or any individual member of the family, but to the family as a whole. The family consisted of those who participated in the sacra or its religious services. These services were administered by one called the pater familias, or the head of the family. The right to administer the family sacra was the important thing and he who had the right, had incident thereto, the right to manage the family property. Upon his decease the administration of the family rights descended to some member

of the family, usually the oldest son. This person stood in precisely the same relation to the family as the deceased had done, and was called the heres or heir. As time progressed the head of the family acquired greater and greater rights respecting the property and its management until he was finally considered to be the absolute owner thereof. Laws were enacted, however, providing for an equal distribution of the property among the several members of the family, males and females taking alike. Between Husband and Wife. Other modifications of the Roman law led to what is known as community property law, in which the husband and wife form a kind of partnership, and the property brought to the community by each member thereof regarded as capital stock, and the increase of such property, during the married relations, is called community property. Neither can dispose of the interest of the other in the community property by will or otherwise, and on the decease of either, his or her undivided one-half interest descends, if there be no will, to such persons as the law designates. Community property law may roughly be said to exist in all of the Latin countries and in Louisiana, and in modified forms in Texas, California and several other of the western states, and in Canada. From the Roman law the English law of descent and distribution of personal property may be said to be derived. The law of the descent of real estate in England, after the conquest, was made to conform to the feudal system then in vogue and the word her came to mean one who succeeded to the real estate of a deceased person, without will, and not to one who took personal property. It may be said here that this distinction in law exists today and that we take personal property now, not as heirs, but because of the statute of descent and distribution. I may also at this place call attention to

the fact that we speak of the descent of property, even though it go to an ancestor or a collateral kindred. Originally it was true that the property of intestates descended; that is, it went to those who were descended from the decedent, but the term is still used to denote the evolution of property from the deceased person to another, though it be to an ascendant or a collateral. Descent in Nebraska. The law in Nebraska and in most of the United States is modeled on the English law, in which dower and curtesy exist. At quite an early date Massachusetts enacted a law for the descent of real estate closely resembling the law of England governing the descent and distribution of personal estate, retaining, however, the dower and curtesy features of the English law. Michigan followed with slight variations the law of Massachusetts, and we in Nebraska in turn have copied the Michigan law almost word for word. In this state when any person, except married women, dies owning real estate his or her real property descends in the following order: 1. To the issue, by which we mean the children, children's children, and so on, including all descendants. In this case, if there be a widow she is entitled to the use of one-third of the real estate during her natural life. 2. If there be no issue, no widow is entitled to the use, not only of one-third, but of the entire real estate during her life. 3. If there be no issue and no widow the property goes to the father of the decedent. 4. If there be no issue, no widow and no father, then the property goes to the brothers and sisters and mother in equal shares. 5. If there be no issue, no widow, no father, no brothers and sisters and no mother, then the real estate goes to the next of kin, whoever they may be. This, of course, includes uncles and aunts, nephews and nieces, cousins, etc. 6. If there be no issue, no father, no brothers or sisters, no mother and no next

of kin whatsoever, the estate goes to the widow, not only for use during her lifetime, but in fee simple; that is, in absolute ownership. 7. And lastly, if there be no issue, no widow, no father, no brothers or sisters, no mother and no next of kin, the real estate escheats to the state of Nebraska. By this it will be seen that the widow succeeds to the absolute ownership of the real estate only in the event there are no relatives whatsoever to whom it might go. If the deceased person be a married woman, her real estate descends: First--To her issue--the husband being entitled to a life interest in all the real estate, which interest we call curtesy. Second--If there be no issue, the fee simple interest in the real estate descends to the father of the decedent. Third--If there be no issue and no father, then to the mother of the decedent. Fourth--If there be no issue, no father, no mother, then to the brothers and sisters. Fifth--If there be no issue, no father, no mother, no brothers and sisters, then it goes to the next of kin. Position of the Widow. There is no provision under our law by which the husband of a deceased woman can inherit the fee simple interest in her real estate, and likewise there is no provision under our law for the property of the deceased woman escheating to the state of Nebraska. It is provided in our law that the widow or widower shall be entitled to the use of the homestead during his or her life. This is in addition to the dower and curtesy interest heretofore spoken of. The personal estate of an intestate deceased person, under our law, passes, as follows: First, the wearing apparel, the ornaments, the household furniture, the excursions and other property to the value of \$200 goes to the surviving husband or wife. If there be no surviving husband or wife, then the same go to the heirs at law. Under our statute the widow and children are entitled to all the chattel property, if it does not exceed \$500 in value, and they are also entitled to an allowance, by the court

for their support for one year, that is, during the time in which the estate is supposed to be settled up. It is also provided in our law that if the mother be dead, all children under 14 years of age are entitled to an allowance for support until they reach that age. After the provisions herein enumerated, and property to the value of \$500, all the chattel property goes to the payment of the debts of the estate, if need be. In the event of all of the debts being paid, and there is a surplus, it goes to the same person as the real estate does, the widow or widower counting as a child. That is, if a person died, leaving chattel property and a widow or widower, and say four children, then the estate would be divided into five equal parts of which the widow he trusts, and talks to him freely, widow or widower would be entitled to one. Complaint has been made that under our law the surviving widow or widower is not fairly dealt with. It is contended that the survivor should be entitled to an absolute ownership in a portion of the real property, and a larger interest in the personal property. This, it seems to me, is a just criticism, and the law has been permitted to remain as it is largely through the fact that the people generally have not given the subject attention. Some eighteen of the states of this union give the survivor a fee simple interest in the real estate, and even the old Roman and the English law as early as magna charta gave the widow and widower a larger interest in the personality. Under our system, a husband or wife may dispose of all his or her property by will, save only the homestead dower and curtesy interests, and the exemptions and allowances provided for in the personal property. It is the opinion of the best legal authorities that under the common law of England a testator could only dispose of his whole personal property if he left no wife or children. If he left either wife or children he could dispose of one-half, and one-third

if he left both wife and children. These provisions were called their reasonable parts, and the recognized by magna charta. WAR TALK SENDS WHEAT UP Probability of Outbreak in Far East Assigned as Cause of Bullish Market. Grain quotations were involved yesterday morning in the sort of hysterics technically known as a flurry. Wheat was bought on the figure 3 by 11 o'clock and corn was up 1 1/2 cents. Customers of the grain firms and bucket shops were eagerly watching the quotations. "War talk," said S. A. McWhorter, vice president of the Grain Exchange. "These rumors of coming war between Russia and Japan has sent the grain up. Stocks have not been much affected--much less than I anticipated. In case of actual war, I look for 1 1/2 wheat and all other provisions to be equally high. Stocks will be depressed. A war between these countries will, in all probability, be of some length, and they will draw largely on this country for provisions. American securities, it is true, are not largely held by either Japanese or Russians, but they will be affected strongly for all that. The effect will come indirectly through the English capital which is so heavily interested." Mr. McWhorter has just returned from Chicago, where he went from Minneapolis. "Oh, no," he replied to a question as to whether he had been there in search of grain capital, "my visit was largely of a social and personal nature. I talked with some of the most prominent members of the Board of Trade there, however, and they were of the opinion that we in Omaha are as justly entitled to a corn market as is Minneapolis to a wheat market. They seem to see no reason why we should not at least become a flourishing corn market."

AK-SAR-BEN BUYS OLD DEN Board of Governors Fava Twelve Thousand Dollars for Coliseum. DECIDES NOT TO BUILD NOR LEASE Transaction is Not Completed, but Will Be, and Some Money Already is Paid Over. Ak-Sar-Ben has bought the Coliseum. The consideration was \$12,000. "Yes, we have practically purchased the old den," said a governor when asked if a sale had not been made. "The deal is not completed, as we have not signed the papers yet, but we have put some money as a retainer. We finally decided to do this after long consideration. The proposition of leasing the building was the first thought, but in the end we decided to buy. The building is in really good condition and for the purpose of housing the floats and holding initiations is as good as we could ask. We found it impracticable to build or lease any place nearer town." Mortality Statistics. The following births and deaths have been reported to the Board of Health: Births--Sherman Weippen, 369 Pacific, boy; William Ricker, 121 South Thirty-third, boy; George L. Menerhof, 222 Leavensworth, girl; James Snyder, 215 South Eleventh, girl; Charles Reber, 243 North Twenty-first, boy; G. F. Finerty, 276 Manderson, boy. Deaths--Eide Peters, 220 Poppleton avenue, 2 years; Matilda Weber, St. Joseph's hospital, Leight, Neb., 15; Henry C. Strick, 1012 South Thirtieth, 46; Mrs. Bettie Lieber, 1241 21st Street, 51; Milton Arthur Goble, 1012 South Tenth, 1; Mrs. C. B. Ricker, 224 Spencer, 82; Rebecca P. Armstrong, 72 Pierce, 7; Theresa Neuhreucker, 211 South Twenty-first, 61.