

DOUBT THROWN ON TAX DEEDS

Supreme Court Gives Chance to Owners in Case of Deeds by Default.

DECISION IN CASE OF ANNIE B. HOMER

High Court Criticizes Wording of Scavenger Sale Act as Something Like the Clumsy Hamlet Thought Were Whales.

The Nebraska supreme court at its last sitting handed down an opinion in which it held that the judgment entered in the scavenger tax suit on default is a mere ministerial act. Consequently those who failed to file their answers in the scavenger suit before the default decree was entered will still have their day in court and a right to contest their taxes. This decision is the result of an appeal in the scavenger suit taken by Attorney Charles Battello, representing Annie B. Homer, a resident of Europe.

The facts in the appeal were that after the default decree had been entered the property owner learned of the same for the first time and promptly applied to the district court for leave to open the decree and be allowed to defend. This application was denied. The supreme court sustained the lower court in overruling the application to open the decree, but says that a suit may be brought to cancel the void taxes practically as though the scavenger law did not exist.

View of Supreme Court. The court, in referring to the provisions of the law, says: "The most curious examination of these provisions of the statute shows that the proceedings directed to be taken by the clerk of the district court in marking the word 'defaulted' opposite each tract and the 'decree' which it has provided, the judge of the district court must enter in accordance with the specific directions of the law are merely ministerial in their nature. We know of no judicial functions which have been delegated to the clerk of the district court sufficient to permit him to declare judicially that a certain party has made default. Nor can we see that a proceeding whereby a judge is deprived of all discretion of all judicial functions, and is merely required to make an entry in accordance with certain specified formalities as to the making of such entry, can be in any wise the rendition of a judgment or decree. The provisions specify that the decree must be for the amount shown in the petition.

Hamlet's Whales in Comparison. "It is true that a legislator has seen fit to designate these proceedings by the terminology which properly appertains only to the exercise of the judicial and determining faculty, but such an order is no more a decree or judgment in the legal sense than the order which Hamlet thought looked like whales were living denizens of the deep. Had the owner of the property sought to be reached interposed an answer, as the law provides that he may do, the proceedings would then have become adversary and the exercise of the judicial power of the court would be called into existence for the purpose of determining an issue."

The result of this decision will be, according to attorneys, that those who have purchased the taxes at the scavenger suit, where an answer has not been filed by the owner of the property, may not be able to obtain a valid tax deed, for the reason that the owner would still have the right to contest the taxes, and if the same were void the deed would be defeated.

JOPLIN COUNTRY IS GROWING

Traveling Man Paints Prospects of the Lead Mine Region in Bright Colors. Henry Knight, a traveling man who has just returned from Joplin, Mo., is full of enthusiasm regarding the boom that is on in the southeastern Kansas and southwestern Missouri country just now. He said: "I was more particularly struck with the development of the country west and north of the Frisco line. New lead discoveries are being made there this winter, and land that would have sold for \$50 per acre last summer cannot be bought for three times that amount now. Pipe lines have been extended through the country from the oil fields northward into Joplin and Galena, and gas is also being piped all through that country. The roads have all been picked with the Galena gravel and they look like boulevards. Every farmer has a telephone, and all through Cherokee county, the southeast corner county of Kansas, the farmers were plowing last week. Then, over at Lowell, Kan., the government has put in one of the largest dams in the world that has made a beautiful lake of that part of Spring river, and the lake is now being bordered with elms and private villas of the rich nabobs of Kansas City and St. Louis."

Successful Strike against lung trouble can be engineered by Dr. King's New Discovery for Consumption, Coughs and Colds. \$2 and \$1 For sale by Sherman & McConnell Drug Co.

Chances in Civil Service. The United States Civil Service commission announces the following vacancies to be filled by competitive examination: February 23—Position of domestic science teacher (female) in the Indian service at Chillicothe, Okla.; salary, \$900 per annum; age limit, 35 years or over. February 14—Position of machinist experienced in printing machinery, especially printing presses, at \$1,200 per annum (to be increased to \$1,500 at the expiration of the probationary period if the appointee proves

FAVORS INVIOLEATE SABBATH

Rev. M. V. Higbee Thinks Purchases Ought to Be Made Saturday.

INCLINED TO FAVOR SALOON KEEPERS' VIEW

Motto of President Roosevelt, "Better to Be Faithful Than Famous," Is Text for Sermon by Rev. Dr. L. O. Baird.

Rev. M. V. Higbee, preaching at Knox Presbyterian church Sunday morning, commended the work of the Civic Federation and urged his congregation to insist upon an "invioleate Sabbath." He was inclined to favor the attitude of the saloonkeepers that other business should be closed on Sunday as well as theirs. In the course of his sermon on "Civic Righteousness and the Church," he said, among other things: "The word of God does not reveal a scheme of civil government. There is, however, in the word of God, which is the living word, given to a living world, a world of constitutions upon which the laws of municipalities, states and nations may be founded. This constitution is the constitution of love—the loving of God supremely and the neighbor as one's self. There is a difference in being a good person and being a good seed. There are people who are good for a great many things, but are not the kind that discourage evil and have a tendency to extinguish it. In this connection is involved the power of personality; and still greater, the power of accumulated personality. The source of the good seed is a conspicuous example is Gladstone, whose personality it is unquestioned was formed by the vitalizing principles of God as brought to him through the church. Our own Roosevelt speaks of the word of God in such a way as to make us know that it is the vitalizing principle of his life. It has not been said or shown that a single dollar of the late Marshall Field's great fortune was made in a dishonest way. In all things he seems to have stood for righteousness and the force of his example was tremendous. "Doubtless the world is to be reformed, but by no single movement. I think we must rejoice in the work of the Omaha Civic Federation and that it has succeeded in enforcing the Slocumb law. It is a good thing to know that at the present time not one saloon in the city is dispensing the death dealing drug and that children no longer are sold liquor. It is to be hoped that the houses of ill-fame may be reached in some way. It does not mean that the question of temperance is forever solved in Omaha, but it does mean there has been a disturbance on the surface to indicate that the heaven is at work that is to make over the world. "I have heard it stated that to offset the closing of the saloons the liquor interests will insist upon the enforcement of other laws closing barber shops, meat markets, grocery stores, and the like. Pink Christian people should purchase necessities Saturday night. There should be no necessity for any place of business being open on Sunday. The saloonkeepers, perhaps, are right in insisting that other businesses should also close."

TEMPLE ISRAEL DEBATES SITES

No Conclusion as to Location for Proposed New Temple Will Be Reached for a Month.

A special congregational meeting of Temple Israel was held in the lecture room of the temple on Harney street Sunday afternoon to hear the report of the board relative to a location for a new temple. The board reported upon three sites as adapted for the purpose, but no definite conclusion was reached.

The special committee to whom the matter of investigating the various sites proposed submitted its report on properties within the territorial limits prescribed, between Twenty-third and Twenty-eighth streets, Farnam and Leavenworth streets. There was such an equal division of opinion on the sites proposed that it was finally decided to refer the matter back to the special committee, remove the restriction as to territorial limits and permit the committee to investigate proposals for a location anywhere within the city limits. The general preference for a location is from any point west of Twenty-third street south of Farnam toward the Hanson park district. The special committee was given thirty days more to submit its report.

NICKERSON A DEPUTY MARSHAL

Resigns from Rural Free Delivery Service to Take Place with Marshal Warner.

J. B. Nickerson, clerk in the Omaha division, rural free delivery, has resigned his position with that department to accept the appointment of deputy United States marshal and will enter upon his new duties Tuesday morning. Mr. Nickerson succeeds to the appointment first tendered Crawford Kennedy of Lincoln, whose appointment failed of confirmation. He will act as one of the office deputy marshals with the additional duty of stenographer. The employment of a stenographer is made necessary by the increasing work in the marshal's office, particularly as a result of land fencing and fraudulent land filing cases now engaging the attention of the federal courts.

Damrosch Concert. The sale of seats is going steadily on at the Auditorium for the concert on Thursday night by Walter Damrosch and his New York Symphony orchestra. Notwithstanding this fact, there are plenty of good seats left, and at the prevailing popular prices it is to be hoped that Mr. Damrosch and his eighty artists will be greeted by an audience that will test the capacity of the Auditorium.

Attention, I. O. O. F. All members of Danneberg lodge No. 216 are requested to meet at their hall, 234 and Cuming Sts., Thursday, Jan. 25, at 1 p. m. sharp to participate in the funeral of our late brother, M. S. Mathieson. Members of other lodges invited.

SEPTU'S SURLAND, N. G. A. P. HANSEN, Sec. Merchant Tailors' National Protective Association at Cambridge Springs, Pa. Reduced rates via Erie R. R. Jan. 21 to Feb. 15. Beautiful souvenir free on application to J. A. Dolan, T. P. A. Erie R. R., Railway Exchange, Chicago.

Have you friends? In the east? In the west? In the old country? Send them each a copy of the Jubilee Edition of The Bee. Advertise Omaha.

Attendant still administrators justice at the "old stand," 433-434 Paxon block. DIAMONDS—Edholm, 16th and Harney. Harry B. Davis, undertaker. Tel. 1224.

SEVENTH DAY ADVENTIST URGES RELIANCE

Rev. A. C. Anderson, pastor of the Seventh Day Adventist church, preached Sunday morning on the subject of "A Glimpse Into the Past and Future." He said:

"We are surely living in those days of trouble in the word of God which are foretold in the last days when the mystery of God shall be finished as He hath declared to His servants, the prophets. So there is special need of vigilance on our part or we shall be caught unawares. "The multi-millionaires, the trusts of this country are being tested for their loyalty to lean on for help. They have looked upon the labor union and socialism with perplexity. They have also been watching the aristocracy of Russia, and have seen the fruits which they are reaping because of their great wealth, and are working to feel that something must be done for protection. Every one can see that there is surely a demand for a remedy for all the evils which are confronting us on every hand. "The disease is too great for any human power to heal. The coming of the Prince of Peace is our only hope. The time has fully come when the Lord must work in behalf of His people. The way is opening more and more, and it seems to me, for the enforcement of the 'mark of the beast.' Satan knows this full well, and is working with all power and lying, with all deceivableness of unrighteousness in them that perish because they received not the love of the truth. The spirit of prophecy has clearly stated that now, just now, we are being tested in a crisis which will bring deliverance to the people of God. Wherefore let him that thinketh he standeth take heed lest he fall. "Protestants know not what they are doing when they think to stay the over-coming of evil by the enforcement of Sunday laws. The Slocumb book which Federation of Churches, will by no means bring the desired peace looked for; but the proverb will be heard in the land, 'We looked for peace, but no good came, and for a time of healing, and behold trouble.'"

REV. BRINSTAD SAYS FAREWELL

Baptist Missionary Worker Leaves Nebraska for California.

The sermon at the Immanuel Baptist church, 204 North Twenty-fourth street, last night was delivered by Rev. C. W. Brinstad, who for the last six years has been connected with the Nebraska field of the Baptist church as missionary. The services were in the nature of a farewell meeting tendered to Mr. Brinstad, as he is about to take up work in another field, going to the Pacific coast. He spoke feelingly first of his attachment to the people of the church and of his hopes for the future of the congregation. He mentioned the project which has been set on foot looking toward the securing of a new church building and stated it as his belief that such a thing will be brought about. Referring to his text, which was on the subject of being separated from friends and family, he read from the first of Isaiah: "Your sins are forgiven thee, or 'Arise and walk.'" "There is a difference between sin and sins," said Rev. Brinstad. "Your sins are forgiven thee until the sin in you has received a death blow." He pointed out and made the assertion that the performing of miracles was an easy thing for Christ to do; that the real task is the forgiving of sins. He also pointed out the fact that in nature's laws there is a punishment for every infraction of one of the laws; that even in man's laws retribution is demanded, in neither is there ever a tendency toward forgiving. He, therefore, contended that Christ could much more easily heal the sick, make the lame chatter ever again, and in any of His creations, when the earth and all were so wonderfully created out of nothing by Him, than He could forgive the sins of man. Before the sermon by her husband Mrs. Brinstad, who possesses a rich and sweet voice, sang two solos. After the benediction the congregation remained for a few moments to say goodbye to the departing minister, who had taken such particular pains in a number of times to help the immanet church.

BETTER FAITHFUL THAN FAMOUS

Rev. Dr. Baird Draws Lessons from Motto of President Roosevelt.

In his series of sermons on the motto of famous man, Rev. Lucius Olmstead Baird of St. Mary's Avenue Congregational church preached Sunday afternoon on "The Motto of President Roosevelt," namely, "It is better to be faithful than famous." Dr. Baird said that the motto was what he had accomplished by faithfulness to what he conceived to be his duty and said: "He always tried to do things right rather than to be popular. In the New York assembly he trumpeted upon the principles of the leaders of his party, doing his duty as he saw it, and the lobbyists and the bosses were against him. When police commissioner he said that laws on the statute books should be enforced, and the lid went on in the metropolis. At 2 o'clock in the morning he was about among the patrolmen to see if they were doing their duty. Apparently politically buried in the vice president's chair, he was faithful to his trust. Brought to the presidency by the assassination of McKinley, he declared that he would attempt to finish the administration on the lines laid down by the martyred president. And he did it so well the people made him president again. "What was once called Roosevelt luck is now called Roosevelt pluck. By faith to himself in his physical being when a boy, faith in his political principles as a man, and faith all through to himself and to his Savior, he has come into place as one of the most famous personages of the world today. "If a man will only do his duty in a simple way he will get more credit and far more lasting than this fame which perishes quickly. The rich reward is for all the poor, the sick, the overworked. Not one of these but can shine brighter in the kingdom of God than the unfaithful rich and famous. Each can be faithful to God and that is better than being famous."

BORN TO BE COLLEGE PRESIDENT

Former Secretary of Y. P. S. C. E. Becomes Presbyterian Educator.

John Willis Baer, for many years international secretary of the Young People's Society of Christian Endeavor, has accepted the presidency of Occidental college at Los Angeles, succeeding Dr. Guy W. Wadsworth, who became president of Bellevue college last September. The last official work of John Willis Baer was as a field secretary or missionary for the Presbyterian Home Board. A general disagreement among factors of this board led Mr. Baer to his decision to resign and later led to a plan for a reorganization of the board. Mr. Baer, though involved in the disagreement, was not unfavorably connected in any way. His work with the board, it is understood, was characterized by the same zeal and aggressiveness which made him such a potent factor in the world affairs of the Christian Endeavor and gave him a permanent place alongside that of President Francis E. Clark in the affections and esteem of the Christian Endeavorers of the world over. It is admitted by prominent Presbyterians who know that, while Mr. Baer's training

JOBBER KICK ON A DEPOSIT

Twenty Million in Hands of Railroads for Drawback on Mileage Books.

VIGOROUS COMPLAINT BEING REGISTERED

Demand in Some States for a Straight Two-Cent Rate for Commercial Men, and All Are Insisting on a Change.

Jobbers of the country are beginning to raise objections to the mileage book system which is in general use on the railroads of this country, because at least \$20,000,000 belonging to the jobbers is constantly tied up in these books. This money is tied up from one year's end to another, and the railroads pay no interest. It represents the excess amount which traveling men pay for their mileage books and is not returned until after the book is used up. A mileage book is worth \$30, but the railroad companies collect \$30, and return the extra \$10 when the book is used up. The business of redemption is conducted by mileage bureaus connected with the various passenger associations. Passenger men assert that if a mileage book was sold at a flat rate of 2 cents a mile, which would require no refund or extra expenditure on the part of the purchaser, a wholesale scalping in these books would result and few persons would purchase regular tickets, even for short journeys, because of the ease with which they could get the mileage books from the scalpers. Complaints Are Pouring In. A movement of revolt is growing on the part of the traveling men to this form of book, and the railroads are hearing many complaints. One of the results of the agitation is a demand in some states for a straight 2-cent mileage without reservation. The railroad and warehouse commission of Illinois has promised to take up this matter and give it a full hearing. The railroads of Michigan were forced to come to a compromise with the traveling men by giving them a mileage book which, while not reducing the initial price, gives them an advantage which the other states in the central passenger association do not have. Governor Hanly of Indiana has also taken up the agitation and it is being pushed with the administrative officers of Ohio and Pennsylvania. With this official agitation, as well as the work being done by the traveling men, the railroads will soon have to take notice of this evil. One feature which makes it hard for the railroads to urge with success the necessity of this excess is that all the roads do not require it. The Reading does not require a \$10 deposit. A prominent railroad man defends the extra deposit thus: "So many other persons than those rightfully entitled to use the mileage books were securing the reduced rate through scalpers, and mileage was being dealt with as a regular commodity in some quarters to the extent that something had to be done. So we conceived the idea of having an extra \$10 deposited, to be returned, that a forfeit may stand if the signature on the slips given to the conductors did not correspond with the signature given to the agent. We considered it a fair and just protection to ourselves."

RICHARDSON COUNTY'S FIND

Man Who Knows the Country Thinks Mineral Deposits Should Be In That Section.

"I taught school for ten or a dozen years in Richardson county," said I. S. Catter of Lincoln at the Her Grand Sunday afternoon, "and I am pleasantly surprised over the report of the discoverers in that vicinity. I believe that they will develop into something big. There is a fair quality of coal that has been dug there at Rulo for years. It has always seemed strange to me that all mineral resources should disappear from the face or bowels of the earth at the Nebraska line. Kansas, you know, has illimitable mineral resources, and new ones are being discovered and developed all the while. I am told by observing men who have traveled through southeastern Kansas that the geological indications of the country, as well as its general topography, are very similar to those prevailing in Richardson county, and, in fact, that the topography of Richardson county and southeastern Nebraska seems more favorably adapted to mineral deposits and ore bodies than southeastern Kansas."

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from excess of victims to Nervous Debility or exhaustion, Wasting Weakness, with Early Decline in young and middle-aged; lack of vim, vigor and strength, with organs impaired and weak. Our treatment will correct all of these evils and restore you to what nature intended, a healthy, happy man, with all powers vigorous and perfect. VARICOCELE cured perfectly and permanently for men, with all powers vigorous and perfect. BLOOD POISON At once every trace of the disease disappears, no scars come on body (scars in mouth, throat, tongue, hair falling out stop at once). We cure all contagious or acquired diseases—Hydrocele, Prostatic, Catarrh of Bladder, Kidney, all chronic diseases of men and women. FREE examination and consultation. Write for Free Symptom Blank for home treatment. DR. SEARLES & SEARLES, 14th and Douglas Streets, Omaha, Nebraska.

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Men's Winter Overcoats, including our entire stock of Hart, Schaffner & Marks hand tailored garments, now on sale at Wholesale Prices.

Men's Suits at \$5.00 and \$7.50

A splendid assortment of stylish Suits in plain and fancy Cheviots, Worsteds, Cashmere, etc., either single or double breasted styles, regular \$7.50 to \$15 values, in this great clearing sale, at \$7.50 and \$5.00.

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In Our Boys' Department you will find the values offered even greater than you expect. The assortment practically unbroken. All dependable garments from our high grade stock.

Boys' Knee Pants Suits in double breasted and Norfolk styles, well made and neatly trimmed, a complete line in all newest patterns and material, regular \$1.50 value up to \$3, sale price 1.50

Boys' Knee Pants Suits in double breasted, Norfolk, sailor blouse and three-piece styles in great assortment of splendid all wool fabrics, worth regularly up to \$4.50, sale price 1.95

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Boys' Knee Pants Suits in double breasted, Norfolk, sailor blouse and three-piece styles in great assortment of splendid all wool fabrics, worth regularly up to \$4.50, sale price 1.95

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