

# Friday and Saturday



Will be the Wind-Up of the Most Extraordinary Removal Sale of

## FINE PIANOS

ever held in Omaha. Since this great piano sale started we have sold 384 high grade standard pianos. We have only 57 more on hand and will sell them before Saturday night if cut prices and your own terms will be any inducement. These instruments are all standard makes from the best factories of the world, and represent the latest styles and most exquisite designs. You can not get a better piano if you wait 25 years and you never will get as good a one at such a low price if you wait a life time. Here are a few of the prices that will make our competitors tremble:

3 Uprights, regular price \$225, Removal sale price.....	\$95	1 Upright St. Domingo mahogany case, regular price \$335, Removal sale price.....	\$195
2 Uprights, regular price \$250, Removal sale price.....	127.50	5 Uprights, rosewood and mahogany cases, regular price \$338, Removal sale price.....	\$247
4 Uprights, regular price \$285, Removal sale price.....	\$158	7 Uprights, regular price \$425, Removal sale price.....	\$268

In addition to the above great bargains we will sell five square pianos ranging in price from \$10 to \$45. Also 16 organs at from \$10 to \$28. These organs and square pianos are all in good order. They were taken in exchange as part payment for new uprights.

If you ever intend to buy a piano buy now, for a like opportunity to get a standard piano at such a low cost will never occur again. Where in Nebraska can you find such a line as the following:

Steinway, A. B. Chase, Hardman, Steger, Emerson, McPhail, Kurtzman and the Celebrated Mueller.

Remember this Great Money Saving Piano Sale will positively close Saturday, April 7th at 10 P. M.

## SCHMOLLER & MUELLER

Winding up the greatest Removal Sale of high grade pianos ever held in America at their factory at 1407 Harney Street. On Monday, April 9th, we will open our new store at 1311 and 1313 Farnam Street.

## OMAHA CHARTER IS VALID

Supreme Court Decides that Act is in Accordance with Constitution.

COUNTY TREASURER MAY SERVE CITY

Law Providing for the Extension of Terms of County Commissioners is Held to Be Invalid.

(From a Staff Correspondent.)

LINCOLN, April 5.—(Special.)—The supreme court today handed down a decision in the case wherein John T. Cathers sought to enjoin the city treasurer of Omaha from turning over his office to the county treasurer as provided in the new city charter, and the decision holds the charter is valid and constitutional. Commissioner Ames not only holds the charter good, but takes occasion to hold with the district court of Douglas county that Cathers did not have sufficient interest to maintain the suit and therefore only the main points of the charter are in good order, while the minor points will be passed upon when a party really interested brings them to the attention of the court.

In his opinion Commissioner Ames said: The sole object of this action is to assail the constitutionality of the new charter. It is first contended that the title is not broad enough to cover all the subjects of legislation that which was used in the State against Palmer, 10 Neb. 202, and which has served as a model for titles of cities providing elected officers. The government of municipalities in this state for more than twenty-five years. It is analogous to a title to "provide a criminal code" or "provide a criminal code." The plaintiff contended that the designation of the county treasurer as city treasurer was a violation of the constitution. The latter office is held by the legislature. This argument appears to us to be far fetched. It is not a violation of the constitution to give the qualifications of electors who shall be entitled to choose a city treasurer of Omaha. Similar provisions have been made in the state from the beginning, as for example the school law, which provides that city village treasurers shall be ex-officio treasurers of school districts composed in whole or in part of the same contiguous territory as the city or village in which they are situated.

If objection is valid it applies with at least equal force to the provisions of this and the last preceding charter of the city. The plaintiff's contention is that the title is not broad enough to cover all the subjects of legislation that which was used in the State against Palmer, 10 Neb. 202, and which has served as a model for titles of cities providing elected officers. The government of municipalities in this state for more than twenty-five years. It is analogous to a title to "provide a criminal code" or "provide a criminal code."

The court holds the contention that the consolidation of the two treasuries leaves the school board without a treasury because the city treasurer is the ex-officio school treasurer is without foundation. It is not the office is not vacated, but merely a change has been made in the manner of filling it.

In his syllabus Commissioner Ames says: It is competent to embrace in one act every subject of legislation, whether or not having direct reference to the subject expressed in the title.

The court holds that a certain class of cities and prescribing and regulating their duties, powers and government is a subject in which the only city of that class should be ex-officio treasurer of the city.

The supreme court has decided that a person who fails to attend before a notary public in obedience to a subpoena may be punished as for a contempt, but the punishment cannot exceed a fine of \$50 and the notary is not authorized by a statute to commit the witness to a county jail.

Last of Biennial Election Law. The district court of Douglas county, passed by the legislature of 1905, an act defining the terms of office of county commissioners has been declared invalid by the supreme court. The judgment of the district court of Douglas county is affirmed in the case of William G. Dre and Emmet G. Solberg against the county clerk and county treasurer of Douglas county.

In reversing the judgment of the district court of Douglas county with directions to dismiss plaintiff's petition in the case of the United States Fidelity and Guaranty company against the county clerk and county treasurer of Douglas county, the court holds that a surety on a waste bond given to supersede an order of confirmation of sale in a foreclosure proceedings is not liable to the mortgagee nor to the purchaser at these sales, for the taxes assessed against the property pending the confirmation of the sale in the supreme court.

Injunction Improper Method. The supreme court has refused now to try title to an office by injunction proceedings. The case came up from Phelps county. There they are having all manner of trouble over the office of treasurer and moderator of school district No. 77. Frank Hornbeck and Joe Doe were elected school

treasurers at a meeting of electors and the vote was viva voce. They selected a treasurer and then elected Jennie Cowgill teacher. Two months later a half dozen school trustees have been elected by ballot and the other two directors from acting in this capacity, alleging they had not been elected by ballot as provided by law. The injunction was dissolved by the district court and the supreme court affirmed that decision and held it would not try title to office in an injunction proceeding. It said the contract made with the teacher was legal because the two defendants were de facto officers, if not the legally elected directors.

City Can Revoke Taxes. The dismissal of the injunction suit of the S. D. Mercer company to prevent the Omaha city council from relieving a special assessment upon certain property of the plaintiff in the sewer district is affirmed. The court holds that the Omaha charter of 1887 contains sufficient authority for the levy of a special assessment which was attempted to be levied under a former act, but failed because of irregularity in procedure.

Relief on Assessment. The supreme court has held it makes no difference what adjoining property has been valued at for assessment purposes when a party appealing from the decision of the County Board of Equalization proves his property has been assessed at a figure in excess of its true value.

This is held in the case wherein Jennie E. Brown of Lincoln appealed from the assessment of her property by the county assessor. The assessor valued the property at \$13,500; this valuation was reduced by the County Board to \$5,000 while the district court valued the property at \$3,000. The plaintiff claimed it was worth, and which she proved was the correct value of the property.

The supreme court today granted a writ of mandamus to the city of Red Cloud to compel the auditor to register a series of light bonds to the amount of \$5,000. The county of Lancaster has again won in the supreme court its suit for money which was paid to the state after the failure of the Capital National bank. The money has been collected by the county and deposited in this bank. Some of the money belonged to the state and the county treasurer paid to the state that amount which it lost in the bank. The court held the state has no right to pay out this money and suit was brought. To this suit the state filed a demurrer. The court holds the loss must fall upon the state and that the county has the right to recover the amount paid.

Harrowing Tale in Court. In the divorce court of Judge Frost Mrs. Valenta A. Gribbin told a story today which rivals the most stirring efforts of the yellow-back novelists. She told the tale under oath and solemnly avowed that it was true in every detail. She was formerly the wife of J. W. Harcastle, a United States customs officer in New York. They were married at Orange, N. J., and afterward went to Capetown, South Africa. In the latter place her husband died. While she was suffering from the delirium of grief she was taken to Gribbin, who charged him with being a thief and a scoundrel and a companion of murderers. After indescribable sufferings, her husband being sentenced to prison, she made her way to America and finally came to Lincoln. She wishes a divorce and the custody of her son.

Minor Matters at Capital. Fire this afternoon caught in the Curtis & Bartlett factory at Sixth and K streets. Prompt work by the fire department stopped the flames and kept the loss between \$2,000 and \$3,000. How the fire originated is a mystery.

Chief of Police Cooper this afternoon received a telegram from Ravenna stating that his brother-in-law, Abe Hill, was dead. Hill was a pioneer Nebraska settler and served in General Thayer's regiment during the civil war.

Students of the State university are in favor of appointing an investigating committee to investigate grafting among the various societies. The agitators favor investigation of the finances of all class affairs. It is asserted that money has been diverted from the proper funds and used by students.

District Court at Auburn. AUBURN, Neb., April 5.—(Special.)—The district court has been in session the last two days, with Judge John B. Raper of Pawnee on the bench. He sat as an examining magistrate in the case against P. Colone, charged with stealing \$1,000 in gold. It developed that Colone was living in the house of Joseph Ulrich, who is confined in the asylum at Lincoln, and on or about October 12 he found buried in the ground in a wooded place \$1,000 in gold and some currency. He took the money and went to Nebraska City and engaged in a poker game and lost part of it. He then went to Omaha and lost several hundred dollars in gaming. He also spent part of his find on a drunken spree and turned \$300 over to his

There's a reason.

## Consumption and Hemorrhages Cured



MISS MINNIE GILROY.

## Duffy's Pure Malt Whiskey

cures coughs, colds, consumption, grip, bronchitis and pneumonia. It stimulates and enriches the blood, aids digestion, builds up the nerve tissues, tones up the heart and fortifies the system against disease germs. It prolongs life, keeps the old young, and the young strong. It contains no fuel oil and is the only whiskey recognized as a medicine. This is a guarantee. CAUTION—When you ask for Duffy's Pure Malt Whiskey be sure you get the genuine. Unscrupulous dealers, mindful of the excellence of this preparation, will try to sell you cheap imitations and malt whiskey substitutes which are positively harmful. Demand "Duffy's" and be sure you get it. It is the only absolutely pure Malt Whiskey. Sold in sealed bottles only; never in bulk. Look for the trade-mark, the "Old Chemist," on the label, and be certain the seal over the cork is unbroken. All druggists and grocers, or direct, \$1.00 a bottle. Medical booklet and doctors' advice free to any one. Duffy Malt Whiskey Co., Rochester, New York.

Doctors pronounced as incurable Miss Minnie Gilroy, of Morrison, Colo., who suffered agonies from consumption, hemorrhages, and severe coughing spells. She wasted away to a shadow and had given up all hope when she decided to try Duffy's Pure Malt Whiskey.

Miss Gilroy began to improve at once and gained 15 pounds during the first two months. She is today happy, well and strong, and writes the following letter of thankfulness:

"I suffered for a long time with consumption and had terrible attacks of coughing and hemorrhages. I lost flesh and was all run down. My breathing became difficult and painful, and the doctors pronounced me incurable."

"I decided at last to try Duffy's Pure Malt Whiskey and procured a bottle. I began to improve at once and gained fifteen pounds the first two months. My cough was relieved, the hemorrhages ceased and I now feel splendid in every way. I can sleep soundly and have no more restless nights."

"I cannot say as much in praise of Duffy's Pure Malt Whiskey, as it has permanently cured me after doctors' medicines failed to do any good."—MINNIE GILROY, Morrison, Colo., November 21, 1905.

## WRECK ON THE BURLINGTON

Baggage, Mail and Passenger Cars Piled Up, but No One Seriously Injured.

ST. MICHAEL, Neb., April 5.—West-bound train No. 41 of the Burlington, with two engines, was wrecked three miles west of St. Michael at 7:20 this morning while going at the rate of about forty-five miles an hour and making up lost time. The train was made up of three express and mail cars and eleven coaches. It was well filled with passengers. Two baggage and express cars were completely overturned and one coach and six chair cars derailed and badly wrecked, but only four people were slightly injured:

H. D. Holway, bruised in side; refused aid, being of Christian Science faith.  
C. M. Osborne, from central Missouri, ankle sprained in getting out of car.  
Express Messenger James Tipton of Lincoln, bruised in chest and shoulder from being thrown against side of car.

Another passenger received sprained ankle and several received slight cuts from crashing glass.

The escape of such trainload of passengers with so little injury is regarded by the train crew as perhaps beyond all previous records. Some of the coaches are all right and several were thrown thirty feet from the track.

The gas tank in one of the chair cars caught fire, but was thrown out of the coach before it exploded. The explosion set fire to the car, but the fire was quickly extinguished by use of buckets and water in adjacent ditches.

The wreck was caused by spreading rails, but the engine remained on the track and ran ahead. The engineer, on looking back and seeing the piled up coaches, was confident there were scores of injured, and without taking time to inquire rushed to Ravenna for a relief train. Four physicians from Aurora and five from Grand Island were sent to the scene and attended the few slightly injured. The conductor of the train was J. B. Austin, the engineer C. E. Finch. Traffic will be delayed at least twelve hours. A wrecking crew has been sent from Lincoln.

Surprise at North Platte.

NORTH PLATTE, Neb., April 5.—(Special.)—The city election of North Platte, which to all appearances was being carried on quietly, came to some very decided and somewhat unanticipated results. In every instance where petition candidates ran, they were elected almost by an overwhelming majority over the republican nominees; an occurrence the like of which has never been to the time when the memory of man runeth not to the contrary, in the affairs of the thrifty metropolis of the western half of Nebraska.

For mayor there were two candidates, the republican, C. M. Newton, who was badly beaten because of the machine which supported him, and Dr. N. C. McCabe, who was elected by a majority of 177 votes. The vote on councilman in the second ward resulted in a victory for Frank Tracy, petition candidate, as against Claude Weinand, republican nominee, the vote giving Tracy a majority of 31 votes. On the other officers elected there were no opposing candidates on the ticket and the following were elected practically unanimously: Members of school board, F. E.

BLAIR—Barnes Bros. of Des Moines, Ia., are grading contractors who have been wintering at Bancroft since their work with the Great Northern was completed. They are now on their way to Omaha to commence work with the

GRAND ISLAND—The city will, on April 12, receive a new municipal lighting bonds bearing 5 per cent interest, the proposition also being open for bid on the bonds at the rate the city, with the second lowest bid, was able to refund its all the larger other bonds recently. The history of these bonds is said to be perfect, having the attention of two attorneys, step by step, and the manner in which they carried, by a vote of 10 to 1, is also believed to be strongly in their favor.

FREMONT—A plainly dressed German woman, rather past middle age, made some what of a sensation here yesterday by announcing herself as the widow of August Fuchs, former manager of the Continuous Brick Kiln company and an old resident of this vicinity. She claimed they were married in Germany and that he left her in Denver, Colo., many years ago. An examination of the city records effectually disproved the claim, as they showed that Fuchs had obtained a divorce from his first wife by a court of record in this city less than twenty years before he married the one who survived him.

NORTH PLATTE—The gross receipts of the North Platte postoffice for the year ending March 31, 1905, were \$14,100, an increase of \$14,100 over the previous year. When the receipts of the office reach \$10,000 the city will be entitled to free delivery, and the receipts of the coming year show a corresponding increase with the past year. The men of the above list represent the city improvement party and are for high license. The two councilmen holding over in the first and second wards are high license, giving them the entire board. For members of the Board of Education for the term of three years Charles E. Carter and W. L. Rose were elected.

## Pale, Thin, Nervous?

Then your blood must be in a very bad condition. You certainly know what to take, then why not take it?—Ayer's Sarsaparilla. If you doubt, then consult your doctor. We know what he will say about this grand old family medicine. Sold for 60 years.

We have no secrets! We publish the formulas of all our medicines.

Made by the J. C. Ayer Co., Lowell, Mass.

AYER'S HAIR VIGOR—For the hair. AYER'S PILLS—For constipation. AYER'S CHERRY PECTORAL—For coughs. AYER'S AGUE CURE—For malaria and ague.

## PROSPECTING NEAR TECUMSEH

Colorado Men Seek Leases Before Commencing Work.

TECUMSEH, Neb., April 5.—(Special.)—Messrs. J. N. Maupin and W. A. Maupin, father and son, respectively, of Boulder, Colo., are in Tecumseh this week. They come here, representing Lincoln, Neb., capital, for the purpose of leasing at least 10,000 acres of land in close proximity to Tecumseh for the purpose of drilling for oil, gas, coal or any valuable deposit that may be found in the earth here, and agree to go down to a depth of 4,000 feet if it is necessary to find the deposit. These gentlemen are experienced along the line indicated and are backed by a company which has plenty of means. At Lincoln the machinery is being put on the grounds for work, and the same company has been investigating the matter at Falls City, thought Messrs. Maupin say nothing will be done in Richardson county at the present time.

They ask the land owners the privilege of exploring conditions here, not agreeing to give rental unless something is realized. In case of valuable finds the property owners will receive a royalty of 10 per cent of the output. Messrs. Maupin say machinery to cost not less than \$10,000 to \$15,000 will be used here and will soon be on the ground in case the required number of acres can be leased. They say they have reason to believe there is mineral wealth here and are willing to stake their money on their judgment.

## PEMBERTON FOR GRAM CASE

Beatrice Lawyer Named as Referee

(From a Staff Correspondent.)  
LINCOLN, April 5.—(Special Telegram.)—L. M. Pemberton of Beatrice was this morning appointed by the supreme court to be the referee to hear the testimony in the grain cases. Senator Pemberton is attending the Kansas supreme court at Topeka and it is not known yet whether he will accept.

## Criminal Cases at Beatrice.

BEATRICE, Neb., April 5.—(Special.)—Charged with selling liquor without license, Scott Connors of Courtland was held to the next term of federal court by United States Commissioner Cobble today. He gave bond in the sum of \$300 and was released. Charles Bland, who was lodged here several days ago charged with assaulting his wife with intent to do great bodily injury, was released today on bond of \$1,000, furnished by A. Q. Smith, a relative. His preliminary is set for April 10.

## WANTED

50 experienced coat and skirt hands immediately for alteration department. Large salaries.

S. Fredrick Berger & Co.  
1517 Farnam Street.