

KLOPP AGAIN IN CONTROL

Wins Legal Battle with Stockholders of Klopp and Bartlett.

REORGANIZATION IS CANCELLED

Important Decision Rendered by District Judge Sears that Preferred Stockholders Need Not Be Given Power to Vote.

A decree returning to Aaron T. Klopp control of the Klopp & Bartlett company, from which he was ousted several months ago by other stockholders in the corporation, was issued by District Judge Sears. Several months ago Mr. Klopp, who held control of the common stock and control of the corporation, was induced to release common stock for the preferred stock, held by the defendants, in the belief that the state constitution required him to give the holders of preferred stock voting privileges. In the reorganization the new common stock issued acquired the same voting power as his former 51 per cent. The result was that he was soon practically ousted from the control of the concern, according to his charges, related to the court.

Judge Sears held that the situation was incorrectly represented to Mr. Klopp. The decree held that Mr. Klopp is legally entitled to the granting of the power of his petition, wherein he asks that the stock as lost issued by the corporation, be retired, and reissued in all respects as prior thereto. That the articles of incorporation as amended contrary to the views herein expressed, be cancelled and decreed re-enacted as they were before they were pretendedly superseded.

Affects Old Omaha Company.

Aaron T. Klopp, with his brother, C. M. Klopp, and his brother-in-law, E. W. Bartlett, incorporated the Klopp & Bartlett company in 1882. It has since been conducted as a co-partnership for several years prior to that time. In 1902 Aaron T. Klopp purchased the stock belonging to his brother, and J. B. Redfield was taken into the corporation. Other blocks of stock were sold to other employees of the concern, Aaron T. Klopp retaining 51 per cent of the common stock and expecting to retain control of the corporation. Subsequently, the defendant stockholders, J. B. Redfield, Harvey E. Milliken, Francis Colvin, Frank Devore, William H. Metcalfe, Otto E. Schrick, Carl R. Gouchner and Minnie Blackett, gained control of the preferred stock and Aaron T. Klopp was voted out of control of the concern, and a new president of the company was elected.

In handing down the decision in the case Judge Sears said: "My conclusion is that at the crucial moment between the parties in this litigation, that the 51 per cent of the common stock held by Klopp was in entire control of the affairs of this company and that the preferred stock was without voting qualification at stockholders' meetings.

The testimony from both sides leads unalterably to the conclusion that Klopp always personally desired to maintain with his 51 per cent of the common stock, his control of the corporation until he should voluntarily dispose of his stock in

"WON'T EAT," SAYS BECKY. "YES YOU WILL," SAYS DR. DAVIS.



ABOVE BECKY EDELSON, BELOW COMMISSIONER OF CHARITIES KATHERINE B. DAVIS.

NEW YORK, July 24.—That American authorities will cope differently with their hunger strikers than do the English police is evidenced by the stand taken by Charities Commissioner Katherine Davis in the case of Becky Edelson, the anarchist agitator, on a hunger strike at Blackwell's Island. "I'm going to serve my full ninety days," says Becky. "If they want to keep me, but I won't take even a glass of water. They can let me die if they want to." Dr. Davis is not worrying over the prisoner's attitude. Commissioner Davis will resort to forcible feeding if necessary.

whole or part. That time had not arrived at the time of the change of the constitution or articles of incorporation, whereby the preferred stock was taken up and all stock re-issued as common stock.

Legal Status of Stock. "No one would buy preferred stock except on a knowledge of its preferred,

and lack of preferred, qualities. Its preferred qualities being its fixed dividends before a dividend could be declared in favor of the common stock; its lack of preferred qualities being its having no voice in the practical affairs of the company, any more than the voice of a strictly named mortgage.

The lawsuits involving control of the Klopp & Bartlett company have formed what is said to have been the hardest fought legal battle between stockholders in a corporation in the history of the city. Mr. Klopp lost the first two suits brought by him and won in the third, which involved all issues in the case. He was represented by Attorneys Howell and Burbank, while Jeffers and Tunison acted for the defendant stockholders. Judge Sears' decision that preferred stock need not be given voting power is of interest to every corporation in Nebraska.

Hundred and Seven Cars of Wheat Day's Receipts Locally

Wheat receipts on the Omaha market today aggregated 107 carloads, nearly all of which was sold for milling purposes. There were fifty-two carloads of corn and thirty-eight of oats.

The wheat stocks continue low, owing to the unprecedented demand for the grain for milling purposes. The stocks on hand at this time are 52,000, as against 212,000 bushels on the corresponding date of last year.

The easing off in prices on corn is having the effect of more going into storage than usual, the stocks in elevators today being 302,000 bushels, as against 441,000 bushels on this date of one year ago.

Fence on Sidewalk is Ordered Removed

City Commissioner C. H. Withnell has ordered the fence about the United States national bank building at Sixteenth and Farnam streets removed at once. It was put up to protect passersby from injury while the steel framework of the new building was being hoisted.

PUGNACIOUS GORMAN LEAVES WITH HIS WIFE

Joe Gorman, pugnacious pugilist, arrested on complaint of his wife, was discharged in police court when he promised to leave town immediately. Gorman, according to his wife, has made trouble for her in half a dozen cities and always beat up police officers who came to her rescue. In Omaha the police reversed the usual performance and Gorman was a badly whipped person when he appeared in court.

Mrs. Gorman will leave Omaha with her husband. Gorman several years ago gained a slight reputation by fighting Stanley Ketchel and later Knockout Brown. In both fights he was defeated.

Strengthens Weak Kidneys. Electric Bitters will more than surprise you after the first bottle, get a bottle today, safe and sure, 50c and \$1.00. All druggists.—Advertisement.

NEW EVIDENCE ON MURDERS

Some Witnesses Who Testified at Inquest Will Be Contradicted.

MOTIVE FOR QUARREL IS SHOWN

Coroner's Jury Will Re-Convene Wednesday to Learn New Facts—Perjury Charges May Be Made.

When the coroner's jury investigating the mysterious deaths of William Rapp, Fred and Peter Schroeder, reconvened next Wednesday afternoon, new evidence of a nature as yet withheld, will be brought out by the police. It became known today that two persons had voluntarily appeared before the authorities with evidence and stories which contradicted some of the witnesses who appeared on the stand early this week.

That several of the witnesses made false statements is charged by other witnesses. "From what we now have, I am more firmly convinced than ever that the men quarreled among themselves," asserted Chief of Police Dunn. "We have clues which indicate strong motives for such a fight."

If charges of perjury can be proven, it is possible that the arrest of several witnesses will follow the inquest.

Joseph Rapp, brother of one of the victims, has hired a private detective to investigate. This detective, it is declared,

has spent much time following a line of thought which may lead to civil action for damages against the saloon keeper who found the victims lying. Detectives Rich and Ptasnowski are still on the case for the police, and today Chief Maloney assigned two more men from his bureau to probe the affair. Coroner Crosby is still making personal investigations and Thursday saw several of the jurors acting as scribes on their own motion.

Judge Decides in Favor of Martin

District Judge Leslie has decided in favor of City Treasurer P. J. Martin and City Attorney Murphy of South Omaha in the case in which Mayor Thomas Hecker and the city council sought to expend the fund derived from collection of back taxes for various city expenses. The decision means a saving of about \$20,000 to South Omahans and the jurist declared that Treasurer Martin, acting under the advice of Attorney Murphy, did right in placing the money forthwith upon its receipt in the city sinking fund.

Choice of the House

Your unrestricted choice of any Woman's Suit, Coat or Dress in our entire stock, Saturday at \$10. ORKINS, 1510 Douglas Street

Saturday Sale of Summer Wash Dresses

DRESSES Worth to \$7.50 DRESSES Worth to \$15

\$2.98 Late style dresses in crepes, lawns and volles, with the new long tunics, in white, colors and stripes; worth from \$5.00 to \$7.50.

HOUSE DRESSES
\$1.65 A splendid bargain in house dresses, in gingham, percale and madras, in solid colors and stripes, worth up to \$2.75. All sizes.

LINGERIE WAISTS
\$1.75 Exceptional values in wash waists in dainty lawns and volles, handsomely trimmed with laces and insertion. Worth to \$3.50.

The season's best models in ratine, linen, crepe. They feature the newest style tendencies and are worth regularly \$12.50 to \$15.00.

\$6.50

MIDDY BLOUSES
Three different styles, in all white, red or blue trimmed, with breast pocket and lace ties—regular \$1.25 values.

49c

WASH SKIRTS
Pretty separate wash skirts, in linen and pique. They come in white, natural and colors. Long tunics. Worth to \$2.75.



A Closing Out of Our Summer Wash Suits
\$7.50 Ranging in Value from \$20.00 to \$30.00 **\$7.50**
We have left about twelve of our high grade wash suits in French and Raulie linen. Colors are white, copen, labrador and tan. Many are real hand embroidered and range in value from \$20.00 to \$30.00. Sizes 34 to 40.

Berg Clothing Co.
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CLOAKS, SUITS, DRESSES, WAISTS—Second Floor.

The White River Country in the Missouri Ozarks

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KILPATRICK'S FINAL MILLINERY CLEARANCE

Summer Hats \$1.98

75 Hats, including blacks, a few colored and leghorns, Trimmed in feathers, ribbons and flowers. Some of these hats sold for \$10.00, others a little less. Yours Saturday at **\$1.98**

UNTRIMMED SHAPES 49c

Untrimmed shapes, in black and colors, some cost as high as \$3.50. We will sell them Saturday at **49c**

Thomas Kilpatrick Co.

PHENOMENAL SALES at KILPATRICK'S SATURDAY

DON'T MISS SHOE SALE

Silk Sale Starts at 9 A. M.

Bag Sale at 10 A. M.

SHIRT SALE ALL DAY

SHIRT SALE STARTS SATURDAY AT 9:00 A. M.

Laundered cuffs, soft cuffs with separate collars; a great variety of patterns, excellent qualities, sold previously at \$1.50 and \$2.00, Saturday, **98 CENTS EACH**. The best will be picked up rapidly. **Remember the time.**

Heaps of people are going away. Railroad men are smiling. We like to help a good thing along, and so we place on sale **Matting Suit Cases**, special from **\$1.49 to \$3.00** each.

LINEN SECTION—8x8 and 8x10 Linen Damask Cloths, at **\$1.98**, instead of \$3.00. Marvelous values in White Goods—one lot sold up to to \$2.50; Saturday **89c** a yard. Bath Towels..... **25c** each instead of 35c

Bath Towels..... **29c** each instead of 40c
For your comfort and our convenience let us suggest that you visit the store promptly at the opening hours—9 A. M.

At the Silk Section
Between 300 and 400 yards of much wanted **CREPES, FOULARDS, ETC.**, new styles, made by standard makers—40 to 42 inches in width—(Note width please; really double width). Sold everywhere from **\$1.95 to \$2.25**; Saturday starting at 9 A. M. **89c** per yard. Now the sale price is less than goods of HALF the width are sold at. Rather **EXCITING**, we think, as well as wonderful.

Extraordinary Bag Sale
This sale starts at 10 A. M. **Two Lots:**
No. 1—Late styles Pin Seal, Persian, Morocco, Grain Seal—all good leathers and exceedingly well made; sold up to to \$3.00, will go quickly at **\$1.25**.
No. 2—Fine Bags—Walrus, Vachette, Silk Moire, etc.—many with 2 fittings; sold up to \$5.75, yours at **\$2.58**.
Not in many moons have we offered such wonderful values. Don't miss the time or you may have regrets.

A Bull in a China Shop
would not cause greater commotion than our sale of Glasses. This one at 9 A. M. Colonial glass footed Sherbets—**25c** for 1/2 dozen; usually 80c per half dozen. We cannot deliver these.

At Glove Sec.—Odd Lots, at **Woe Prices**

Thomas Kilpatrick Co.

You Never Have to Apologize For Being Seen in KILPATRICK'S