

TWENTIETH YEAR.

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NUMBER 116.

Heyman & Deiches

Have a Larger Stock -OF- Ladies' Misses' and Children's

CLOAKS

DRESSES

Than any House in America. WHY? BECAUSE

They have just received from a New York manufacturer who is going out of business

One Thousand Ladies' Cloaks, Five Hundred Misses' Cloaks, Two Hundred Ladies' Dresses, Two Hundred Misses' Dresses,

With the instruction to sell them at

the Best Of Manufacture.

Sale Commences Monday Morning, October 13th. 1518-1520 Farnam Street.

1518 and 1520 Farnam Street.

In all probability Every One

---of these---

CLOAKS

DRESSES

Will be sold within One Week

And no more such bargains will be offered.

Here are a few instances:

LADIES' --Cashmere Dresses-- Already Made. \$3, \$4 and \$5.

LADIES' ALL WOOL --Flannel Dresses-- Tailor Made. \$5.00 to \$7.50.

LADIES' EXTRA FINE --Broadcloth Dresses-- \$10, \$12.50 and \$18

A FEW COLORED SILK DRESSES \$10.00.

These dresses will not be fitted by us, but we will pin them if requested.

Heyman & Deiches

HEYMAN & DEICHES, 1518-1520 Farnam St

Ladies' heavy winter Ulsters, well made, serviceable garments, no misfits, all sound and good, in beaver, Berlin twill, stripes and plaids, Scotch chevots, plain and trimmed,

\$5 \$6 \$7 \$8 \$9 \$10

MISSIES' CLOAKS.

From 12 to 18 years,

\$3 \$4 \$5

ALL GOOD MATERIALS.

HEYMAN & DEICHES, 1518-1520 Farnam St.

IT IS NO MYTH

Among the cloaks are garments the cloth of which cannot be procured for less than \$8 or \$9, yet they sell at

\$6 and \$7

LADIES!

We wish to remind you that we keep a large and well assorted stock of furs and fur trimmings. We keep

Capes and Muffs, Boas and Collars

of any kind or any description. We only keep the best qualities, that is, do not keep any inferior goods. Our prices are away below any others. If you want to buy furs and you do not price ours before deciding, you will never know the bottom prices.

We carry other goods besides furs and can afford to sell them cheap, as we don't need to make enough money on them in 3 months to last for a whole year.

It seems almost impossible that a dress already made can be sold for

\$5 or \$6

If the goods will cost more than that.

HEYMAN & DEICHES, 1518-1520 Farnam St.

ATCHISON & NEBRASKA DEAL

The Argument of C. G. Dawes in the Quo Warranto Proceedings.

WHY THE FRANCHISE WAS LOST.

The Combine One Designed to Remove Competition and in Direct Violation of the Letter and Intent of the Constitution.

Following is the argument by C. G. Dawes for the plaintiff in the quo warranto proceedings instituted by the state in the supreme court against the Atchison & Nebraska railway company:

The undisputed evidence introduced in this case and now forming part of the record which is before you for consideration, shows that from the year 1872 to 1888 the Atchison & Nebraska railway company, formed by the consolidation of the Atchison & Nebraska railway of Kansas with the Atchison, Lincoln & Columbus railway of Nebraska, operated an independent line of railroad from Lincoln, Neb., to the south line of the state of Nebraska. During this time the B. & M. operated a line of road passing through the middle part of the state and running through Lincoln to Plattsmouth, at which latter point it made direct connections to Chicago. It also operated during this period of time a line of road on the west of the line of the Atchison & Nebraska railway, running from Lincoln to Kearney, and from the year 1877 (when it leased the Nebraska railway) to the year 1880, it operated a line on the east of the Atchison & Nebraska railway, running through Lincoln via Nebraska City to Omaha City. This suit in quo warranto is brought to obtain a forfeiture of such of the franchises as were formerly granted by the state of Nebraska to the Atchison, Lincoln & Columbus railway company, in other words, the franchise for operating that part of the Atchison & Nebraska railway lying within the state of Nebraska.

It is charged by the state in this case that the Atchison & Nebraska railway company, which, as the controller and owner of the Atchison, Lincoln & Columbus franchises and the property acquired under them, has assumed its liabilities to the state, has made a lease for 999 years to the B. & M. a parallel and competing line thereby rendering itself liable to lose its corporate existence. On the part of the defendant it is claimed that the Atchison & Nebraska railway was not a competing line with the lines of the B. & M. railway, and that its lease to the B. & M. railway was legal and its franchises are therefore not subject for forfeiture. The defendant also asserts that the lease of this road did not result in a legal non-user of franchise after the date of leasing.

may be inferred from his present position as a railroad employee. He testified that prior to 1880 he was in the employ of the Atchison & Nebraska railway at Troy Junction, at Humboldt, and that he finally became contracting agent at Lincoln (answer 185)—that time of his employment with this road covering a period of nine years. While it is evident from the reading of this testimony of Miller, that his sympathies are with the defendant railroad company, yet his answers are marked by a candor and evident sincerity of purpose that commend them to special consideration. He testifies that in the year 1879—the year prior to the consolidation—more than half the shipments over the Atchison & Nebraska railway, routed to Chicago, went over the Rock Island, or over the Hannibal & St. Joseph railways, well known as competitors of the Burlington system; and he further states that the shipments of the Atchison & Nebraska railway were given to the connections of the road at Atchison which "would do the best with it" (answer 186). It is true the witness testifies that for the period of a year, some time before the consolidation, when Mr. Barnard was superintendent of the Atchison & Nebraska, all the shipments of the road to Chicago went over the Burlington from Atchison; (answer 197) but he also testifies that during that time all the grain shipments of the Atchison & Nebraska went over the Chicago, Rock Island & Pacific railroad to Chicago. And his testimony in question 199 is to the effect that during the nine years of the independence of the Atchison & Nebraska railway the traffic to Chicago was about equally divided among each of the roads entering Atchison. In answer 199 he also says that the road which "would do the best for us would get our business." He affirms that the Atchison & Nebraska railway worked with any road that would give it the best rate, (answer 234) and says that he regarded the Kansas City, St. Joseph & Nebraska railway, the Hannibal & St. Joseph, the Chicago, Rock Island & Pacific railroad and the Missouri Pacific railroad as competitors of the Atchison & Nebraska railway at Atchison (answer 205). His testimony shows that he traveled along the B. & M. selling freight for the Atchison & Nebraska railway (answer 210). He admits that it was sometimes necessary to figure against the Nebraska railway on rates (answer 224). In answer to question 234 "was there an advance in rates," he says: "I knew so far as the public were concerned that the private rates were shut off, the rebates were shut off." In answer to question 237, inquiring on what proportion of freight passing over the line of the Atchison & Nebraska railway rebates were paid, he says: "I was there an advanced rate, but of the grain shipments and stock shipments and coal shipments and lumber shipments, there were rebates on all of them." This denoting evidence showing that there was an increase of rates after the consolidation owing to the abating of rebates on the bulk of the shipments of the Atchison & Nebraska railway, and that the rebates were shut off. It is further stated that the rebates were paid to only a few individuals. What difference does it make to whom rebates were paid provided they were paid as the witness testifies, on the bulk of the shipments, over the Atchison & Nebraska railway? The community received the benefit of higher prices for their commodities, whether the lower rates on the bulk of shipments came from rebates or through an open rate. Competition among buyers, to which Mr. Ut in his testimony so often refers, and the law of supply and demand caused the community to pay the same for the commodities that they were paid on substantially all shipments of any bulk. The law of supply and demand caused the community to pay the same for the commodities that they were paid on substantially all shipments of any bulk. The law of supply and demand caused the community to pay the same for the commodities that they were paid on substantially all shipments of any bulk. The law of supply and demand caused the community to pay the same for the commodities that they were paid on substantially all shipments of any bulk.

know about the business of the Atchison & Nebraska railway. Perhaps, have sought permission to know about the business of the line for which he was agent both at Lincoln and at Humboldt, and of which he was the general contracting agent; but his testimony shows that he did not know this business, and knew it well. He probably would have lost his position if he had not known it.

Mr. Lowery testifies directly that he purchased along the lines of the Atchison & Nebraska railway, perhaps, have sought permission to know about the business of the line for which he was agent both at Lincoln and at Humboldt, and of which he was the general contracting agent; but his testimony shows that he did not know this business, and knew it well. He probably would have lost his position if he had not known it.

roadbed and service of the Atchison & Nebraska railway prior to its consolidation with the Burlington & Missouri River railway and to efforts to belittle the testimony of the plaintiff.

It is not what it should have been, nor as good as that which furnished by the Burlington corporation.

to plead a misuser of franchise in defense of the charge of non-user. Let us open our eyes to this fact. The enforcement of laws designed to protect the people from the destruction of competition between railroads, will result in harm to the people.