

REDUCED ELKHORN RATES

Unexpected Decision of the State Board of Transportation.

MAY BE ARRESTED FOR CONTEMPT

Federal Court May Call on the Members to Show Cause Why They Should Have Disobeyed the Temporary Injunction.

LYNCH, Nov. 23.—[Special to THE BEE.]—The members of the State Board of Transportation set their houses in order today in anticipation of a visit of the United States marshal with an order for their arrest for contempt of court for disobeying the temporary injunction of the federal courts in reducing freight rates. They are thus preparing themselves for a temporary residence in the Douglas county jail because they had the temerity to reduce the freight rates from 7 to 10 cents per hundred, and increased the minimum capacity of carload weights from 16,000 to 20,000 pounds. This action on the part of the board created a feeling of intense indignation among the many shippers along the line and petitioners asking the State Board of Transportation to restore the former lower rates were circulated in many of the prominent towns. The board is now in session for the purpose of considering the matter.

Restored the Old Rates. The secretaries of the board had investigated the matter and when the board met this afternoon their findings were ready for submission. They reported that the old rates had been in effect for 100 years and six months prior to the increase. These rates seemed to be remunerative. Under them the people along the Elkhorn road shipped 200,000 tons of hay and for the year ending June 30, 1893, the shipments amounted to 28,477 tons. The new rates, in the opinion of the board, were excessive, and they recommended that an order be issued requiring the company to restore the old rates at once or show cause within ten days why the rates should not be restored. The general freight agent of the Elkhorn will be served with a copy of the order of the board tomorrow.

Lower than Newberry Rates. A comparison between the rates fixed by the railroad and the board with the ones established by the legislature in the maximum law reveals the fact that the rates fixed by the legislature are nearly double the rates which have been in effect for so long a time. On a distant point the maximum legislative rate is 15 cents per hundred. The rate always in vogue prior to October 4 was 7 cents per hundred for the same distance. The rate sought to be established by the board under the new schedule, adopted October 3, was 10 cents per hundred. The excessive rates, it is claimed, are the cause of the loss of business in the railroad classification it is placed in class E.

The question as to whether today's action of the board is in conflict with the injunction issued by the federal court was thoroughly discussed and the members of the board came to the conclusion that the restraining order of the court simply prevented the board from attempting to enforce the rates fixed by the maximum rate law. Secretary Dierwirth, who has given the subject much careful study since the injunction was issued, is clearly of the opinion that the action of the board today when the whole amount falls due, will be \$60,000. At the present time there is due \$14,000. The company has taken advantage of every legal quibble to evade payment and has claimed that it was not liable for the charges for grading and inspection. In order to evade the payment of its share of the expense of grading and inspection, amounting to \$100,000 of the claim now due, the company appealed to the courts, and pending a settlement has refused to pay any part of its claim. Every request of the city treasurer has been met with refusal and every demand with silent contempt. The company arrogated to itself the right to decide when and how it should pay its dues to the city.

Brought to Time in a Hurry. For several hours today the officials of the Lincoln street railway did some lively hustling in order to prevent the city authorities from seizing the entire line together with all its rolling stock, power, plant, equipment, etc. For several years the street railway has persistently refused to pay the assessments levied against it under the city charter. The entire assessment due the city today, when the whole amount falls due, will be \$60,000. At the present time there is due \$14,000. The company has taken advantage of every legal quibble to evade payment and has claimed that it was not liable for the charges for grading and inspection. In order to evade the payment of its share of the expense of grading and inspection, amounting to \$100,000 of the claim now due, the company appealed to the courts, and pending a settlement has refused to pay any part of its claim. Every request of the city treasurer has been met with refusal and every demand with silent contempt. The company arrogated to itself the right to decide when and how it should pay its dues to the city.

Brought Suddenly to Time. This morning the city treasurer determined to settle the matter for good. He issued a distress warrant for the amount of the city's claim against the street railway company and placed it in the hands of Sergeant Bartram of the city police force. At 10 o'clock this forenoon Sergeant Bartram and six police officers walked into the general offices of the company and gave the president of the company the choice of paying the city's claim or relinquishing control of the entire system to the city. Four officers had been stationed at the loop at the corner of Tenth and O streets with instructions to watch for a signal from the general offices. Upon receipt of the signal they were to board every car coming round the loop and run it into the police house. This would have tied up the entire system, but the city treasurer was meaning business this morning.

Seized the President. President Little was arrested at the visit of the police officers and informed City Treasurer Stevenson and City Attorney Abbott, who accompanied the officers, that the city's demand for control of the system meant ruin for the company. The city treasurer calmly informed the president that the city did not want the road. It wanted the money due the city. President Little asked for time and was finally given until 2 o'clock this afternoon to consult with his attorneys.

This afternoon the company paid the city treasurer \$2,000 in cash, gave a bond for the payment of the balance of the amount now due within thirty days and signed a paper waiving all technicalities and acknowledging the legality of the entire assessment, and stipulating further that in the future every assessment would be promptly met. The city treasurer agreed to the propositions, and the company officials breathed a little easier.

The action of the city treasurer is considered a master stroke of policy and he is receiving the congratulations of the taxpayers for his firmness in dealing with the company after patience and forbearance had ceased to be virtues.

Stole a Wagon Load.

News of a daring burglary, committed at the little town of Malcom, seven miles north of Lincoln, was reported to Deputy Sheriff Hoagland this morning. Some time during the night the general merchandise store owned by Mayer Bros. of that city was entered by thieves and a large quantity of goods stolen. The stolen goods included dress goods, cloth of various kinds, underwear, groceries and other staples usually kept for sale in a small country store. At least a wagon load of goods were taken. The store was entered by the thieves, who pried open the front door with heavy chisels, the marks of the tools being plainly visible on the woodwork. The

thief was a daring one as it must have required considerable time to load the goods into a wagon. The full moon was shining brightly and the bright light would have enabled any chance passer-by to witness the operations. There is no clue to the thieves.

Awarded Heavy Damages.

Elizabeth Downing, administratrix of the estate of her son, James Esters, was today awarded a verdict of \$5,333 damages against the American Bluffton company of this city. Esters was an employe and in working around the machinery his arm was torn completely off at the shoulder. He died from the effect of his injuries. His mother sued the company for damages and the trial ended with this verdict. The company will move for a new trial and in failing to secure it will doubtless carry the case to the supreme court.

Lincoln in Brief.

The usuary houses of the city were raided again by the police last night and twenty-one female inmates rounded up at the station. Twelve men of the same character were brought in. A large number of Lincoln Knights of Pythias went to Omaha today to participate in the celebration of the silver anniversary of that order. H. G. Burdick, a traveling man living at Springfield, Ill., was severely cut beneath his right eye this forenoon shortly after arriving in the city. He was walking up the street from the depot when he was struck in the face by a stone which pebbled his forehead. The stone was a deep one, and the traveling man is thanking his lucky stars that his eye came out of the engagement unharmed. It is believed that the pebble had rolled on the street car track and when struck by the wheels was propelled or "pinched" through the air at a high rate of speed. Small boys have been known to amuse themselves by placing such pebbles on the track for the fun of seeing them sail by through the air.

Tobias Notes and Personal.

TORIAS, Neb., Nov. 23.—[Special to THE BEE.]—The building boom still continues here. The latest is a large ice house being built by the Omaha Ice company. The flooring mill is running day and night in order to keep up with orders. Rev. Mr. Marsh of Wientia, Kan., arrived last night, and will assist his father in holding a service at the Methodist Episcopal church, beginning tonight. Union services will be held on Thanksgiving day at the Methodist Episcopal church, Rev. Mr. Marsh delivering the address. He will be assisted by the Baptist minister, Rev. J. M. Horney. The choir of both churches will unite and furnish appropriate music for the occasion. An account of the change in time by the B. & O. Omaha papers do not reach here until the afternoon. Before the change they were received at 10:30 a. m. The Grand Army of the Republic, the Sons of Veterans and the Woman's Relief corps held their convention at this place today. The principal address was delivered by Captain Henry of Fairmont. Deceptions from several neighboring towns were present, making the affair a grand success. Judge Williams, who has just returned from his European trip, contemplates going south in the near future.

Amira at Fremont.

FREMONT, Nov. 23.—[Special to THE BEE.]—The case in the district court against James Nelson for burning the barn owned by O. H. Nelson near Hooper, is eliciting much interest. There is said to be proof that Nelson set the fire that burned the barn and the stacks, with about \$1,000 worth of property, on November 5, and the defense is attempting to prove that he is of feeble mind and not responsible for his action. Nelson is 17 years of age. Sessions on Fourth street near C are confident there is a vein of coal underneath them, as indicated by the oily scum on the water from the wells, which makes it almost unfit for drinking. The evangelists, Speck and Birdsal, are eliciting much religious interest in their meetings at the Women's Christian Union temple. Their subject tonight was "Ghosts." They are laboring under the auspices of the Christian church.

Herman C. Ziefus, charged with permitting gambling on his premises, pleaded guilty and was fined \$50 and costs. The Young Men's Christian association has secured Benjamin F. Holzer, late of Lincoln, as physical director for the new gymnasium.

Oceola Odd Fellows Celebrate.

OCEOLA, Nov. 23.—[Special to THE BEE.]—One of the largest and most pleasant gatherings ever held in Oceola was held on the occasion of the third anniversary of the dedication of the hall of the Independent Order of Odd Fellows last night. There were more than 400 people present. The evening was spent in singing, speaking, music and eating. Remarks were made by Rev. Mr. Vangiesen, Rev. A. B. Whitmer and Judge Saunders. Word has been just received here of the death of Judge J. S. Sheesley, who had gone west for the benefit of his health and had been staying at Kimball, in this state. He died last Saturday. He had been county judge of this county for three terms in succession and was prominent in the councils of the democratic party in this county. He is survived by his wife and four small children. The remains were taken back to the old home near Peoria, Ia., for interment.

Progress of the Koch Murder Trial.

HARTINGTON, Neb., Nov. 23.—[Special Telegram to THE BEE.]—The whole day has been spent in hearing testimony in the Koch murder trial. Eighteen witnesses for the state have testified. There are more for the state, but their evidence will not be taken. The court will hold an evening session and then attorneys for the defense think they will get through tonight. Their closing remarks will be made tomorrow and next day. It is expected that the case will go to the jury about Saturday. The testimony of the state's witnesses rather favored the defendant and the general impression is that the jury will render a verdict of acquittal. The court room was packed to its utmost capacity today.

Grand Island Wreck.

GRAND ISLAND, Nov. 23.—[Special to THE BEE.]—An extra freight train which arrived here last night at 10:20 ran off an open switch and was wrecked. Engineer Charles A. Anderson received a sprained ankle and knee and Fireman Howard Helman a slight injury on the right leg. The train was kept the main track and take water here, but the switch had been left open by the crew of train 45. Brokenman Danahy jumped off one of the wrecked cars, which contained horses, and landed on one of the animals, being thus saved from being crushed under their hoofs. Three cars had been badly wrecked and two others were derailed.

Three Nebraska Weddings.

WAVEBURY, Neb., Nov. 23.—[Special Telegram to THE BEE.]—Mr. Robert Howby and Miss Mary A. Swale, both of this place, were married today at Lincoln. At Havelock, James Trumble and Miss Cassie Kusl were married today. Both are well known residents of this vicinity. They were the recipients of many valuable presents.

Used Cuts and Axes.

LAWRENCE, Neb., Nov. 23.—[Special to THE BEE.]—On complaint of Mrs. Royce, a man named Mizener, his wife and son, were arrested and tried in Justice Lear's court for assault and battery. Mizener is a tenant on Mrs. Royce's farm and trouble has been brewing for some time. Yesterday the three attacked Mrs. Royce with axes and clubs. She was bruised and gashed and narrowly escaped being killed. The defendants were fined \$5 and costs.

Got a World's Fair Souvenir.

FREMONT, Nov. 23.—[Special to THE BEE.]—One of the students of the State normal visited the World's fair during closing days and brought back with him as a souvenir the measles, and presented them to nearly one-fourth of the students before he knew he had them. In consequence nearly every boarding place in town has from one to six down with the disease. No cases have proved fatal.

Small Blaze at Blair.

BLAIR, Nov. 23.—[Special to THE BEE.]—An incendiary set fire to the Floral hall this morning and it was destroyed. George Sutherland had a new grade stored in the hall for the winter which cost him \$1,500.

BLOCKED BY THE BLUFFITES

Five-Cent Fare Between the Sister Cities in Jeopardy.

TROUBLE OVER THE NEW BRIDGE FRANCHISE

Objection to Extending the Franchise for a New Motor Line for Two Years—Damage Suit Thought to Be Behind the Opposition.

Council Bluffs is not dead sure that it wants a street railway to Omaha if the action of the council of that city stands as an indication in such matters. On the first day of December, 1893, the city of Council Bluffs, through the council, granted to the Interstate Bridge and Street Railway company permission and authority to operate a line of street railway over and along some of the streets, and alleys and avenues in Council Bluffs under certain restrictions and conditions. On December 2, 1893, the ordinance was approved. The main condition of this ordinance was one requiring the company to commence the construction of its line on both sides of the Missouri river within six months of the date of the ordinance and to complete its main line and have the same in actual operation from the main business portion of the city of Council Bluffs into Omaha, within three years from the date of the adoption and passage of the ordinance, "provided, first, that the necessary legislation could be obtained from congress for a bridge across the Missouri river, and provided, further, that no delay of time caused by unavoidable delays, strikes, the action of the elements, the acts of God and public enemies or by legal or other legal proceedings shall be added to the above named specified time limits and the time above specified for the completion of said work shall be extended to that extent, but such extension of time shall not in any event exceed a period of two years."

Work Began Promptly.

On November 28, 1893, only two days before the charter was passed, the Interstate Bridge and Street Railway company was incorporated so that virtually the franchise granted the company by the legislative body of Council Bluffs was in actual operation. The franchise has demonstrated in a most remarkable manner its ability to carry out all its agreements, at a time when other companies organized for much greater amounts were forced to suspend operations by reason of the financial depression. Immediately upon receiving the franchise the company applied to congress for a charter to construct a wagon and motor bridge across the Missouri river at Council Bluffs, and provided, further, that no delay of time caused by unavoidable delays, strikes, the action of the elements, the acts of God and public enemies or by legal or other legal proceedings shall be added to the above named specified time limits and the time above specified for the completion of said work shall be extended to that extent, but such extension of time shall not in any event exceed a period of two years."

Damage Against a Railroad.

NEBRASKA CITY, Nov. 23.—[Special Telegram to THE BEE.]—In the district court today John F. Tiekner was awarded \$2,500 against the Missouri Pacific Railroad company for injuries sustained at Weeping Water about two years ago. Charles Schott was arrested today charged by Fred Blume with obtaining a horse and riding it on false pretenses. He was released on bail. T. S. Hale, an old resident of this city, died last evening, aged 85. The deceased came to this city in 1844 and resided here continuously up to the time of his death.

Railway Notes.

F. L. Harris, superintendent of the Omaha Bridge & Terminal company, has removed his office to the round house in East Omaha. The Chesapeake & Ohio railway has put on a new sleeping car service between St. Louis and Washington, D. C. J. W. Munn has returned from Chicago, where he went to attend the transmissouri conference meeting.

Causes of the Delay.

But unforeseen difficulties intervened in completing the new bridge across the Big Muddy. The strike at the Homestead Iron works delayed the railroad construction for months, then came the winter high water, taking away the false work and tramways, which also delayed the completion of the structure until the summer of 1892, and instead of having the bridge open for traffic last April, as provided for in the final contract, the structure was only opened for rail traffic last week. The charter granted by Council Bluffs expires within a month or two, and recently Assistant General Manager Webster appeared before the council and asked that the franchise be extended two years for the reasons given. But a change seemingly has come over the legislators and commercial men so much in favor of granting the extension as they were in giving the company the franchise. The reason for this is thought to be a \$1,200-damage claim, which the city will be compelled to pay unless it can force the Omaha Bridge and Terminal company to pay the claim. In order to complete the franchise it was necessary for the company to commence the construction of a railway track in Council Bluffs, which was done after the passage of the ordinance. This was done by putting in a track over one of the crossings, but embedded deeply in the ground. Last winter a great deal of sleighing was seriously hurt by the runner of his sleigh catching in the rail. He sued the city and recovered \$1,200. The city failed to make the Omaha Bridge and Terminal company a party to the suit, but it is understood the council now wants the company to pay the claim before an extension will be granted.

Mr. Webster's Opinion.

In talking about the situation Mr. Webster said: "We submit that when we obtained the franchise we did so in good faith, with the honest intention to push the work with the utmost rapidity to completion; that we have unnecessarily and carelessly labored to our own enterprise to successful completion, and that under the circumstances we have really accomplished as much as could possibly have been expected. "From the city of Omaha our street car line has been constructed and is in operation to the site of the bridge. The bridge is now in such shape that the line can cross. The street car rails are on it and the line is really at Council Bluffs' doors, but the time without unavoidable delay, and it is expected to have the line completed is about to expire. Our charter requires that we shall carry passengers from Council Bluffs across the bridge and into the city of Omaha for five cents. For many years the travel over our line must, in the nature of things, be light. The line itself, without doubt, will run at a loss until the northwestern portion of Council Bluffs has been largely settled and the city has grown up with the homes of workmen who may be employed in the factories which will, without doubt, be located on the west side of the river, in what is known as East Omaha. If our company is to be met with a friendly spirit on the part of the Bluffs and citizens we will build our line with all possible speed. If, on the other hand, we are to meet opposition, contention and protracted litigation on the part of the Bluffs it will be a serious question with us as to whether we shall care to further extend our line. Mr. DeLong, secretary of the East Omaha Land company, speaking of the affair, said that naturally he supposed the citizens of Council Bluffs would defend the new company with muskets if necessary, as it gave them the only hope of relief. But now he thought opposition had got in a workable groove, and he didn't know if they would build into the Bluffs or not. The situation is decidedly mixed, and should Council Bluffs do anything in the matter it may find itself without its long prayed for relief from the Council Bluffs and Omaha Bridge company."

Changes of Time.

Effective Sunday, Nov. 26, the following changes in the running time of trains will be made: No. 4 on the Milwaukee will leave at 6:35 p. m., arriving at Chicago 9:40 a. m. No. 1 will leave Chicago 6:25 p. m., arriving in Omaha 9:30 a. m. No. 2 on the Northwestern will leave at 6:30 p. m., arriving in Chicago 9:35 a. m. No. 3, formerly leaving Chicago at 7:30 p. m. and arriving at Omaha at 12:35, will under the new card, leave Chicago at noon and arrive about 9 o'clock a. m. No. 4 on the Burlington, leaving Denver at 12:30 a. m., will, after and after November 26, leave at 10:30, arriving at Omaha at 9:35 a. m., in the same as now. Pacific is carded to arrive eastbound at 6:30 p. m., No. 8 at 11:05 a. m.

Mortgages for Millions.

LOUISVILLE, Nov. 23.—A mortgage covering \$15,500,000 was filed yesterday in the

office of Recorder Penning in Jeffersonville by the Baltimore & Ohio Railway company in favor of the Farmers Loan and Trust company, and a copy of this contract, the transfer of the Ohio & Mississippi to the Baltimore & Ohio. The document covers 100 closely written pages of manuscript.

STILL HOLDING OUT.

Efforts to bring the Chicago Great Western to Terms Prove of Little Avail. Chicago, Nov. 23.—The Chicago Great Western is still holding out, and, although every inducement has been made to bring it into line, nothing can move it. The Western Passenger association today resolved itself into an attempt to raise the reluctant road around. It is offered a guarantee of one-sixth of all the emigrant business to St. Paul and to points west of that city and an equal share of business with all Missouri river roads, but it would have none of it. Its chief objection to the agreement is the extra expense connected with the organization and operation of the line. It believes it can do as much business outside the agreement as within and with less expense. The meeting of general passenger agents was unable to make any progress with the Great Western officials, and as a last resort turned the matter over to their general managers, who will now attempt to bring their subordinate have failed to accomplish. Advice from Springfield fell of the incorporation of the Terre Haute, Olney & Chester railroads, which will run from a point near the village of York, Ill., to Chester, on the Mississippi river. The principal officers will be at Olney, Ill. The road is capitalized for \$2,000,000. The western classification committee, composed of the chief freight officers of New York, Chicago and St. Louis, met at the Grand Pacific hotel today. It is the semi-annual meeting of the committee, and the object is to revise the classification list and to make such changes and additions as may have been put into effect since the last meeting.

Trying to Oust Russell Sage.

NEW YORK, Nov. 23.—There is a movement on foot among the bondholders of the Kansas Pacific to try and get Russell Sage removed as trustee, and to appoint two new trustees. Since Jay Gould's death Mr. Sage has been the sole trustee, and the dissatisfied bondholders claim that he has failed to comply with the terms of the mortgage in regard to the proceeds of the land sales. There is believed to be \$700,000 or \$800,000 cash on hand from these sales, which should be used to purchase the bonds. Pursuant to the terms of the consolidated bonds herefore made as high as 110, but none have been bought for some time, although they are now selling at 85.

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Continental Clothing House

Another immense sale of Ulsters and Overcoats FRIDAY AND SATURDAY.

2,000 more ulsters received and will be on sale beginning Friday morning. Last week's stupendous sale almost cleared our tables, but we have received from our Boston House, 2,000 more ulsters

From the Thompson, Willis & Nugent Stock

and will have them on our tables Friday morning. This will be the greatest money saving chance that clothing buyers have ever had in Omaha.

The prices for men's ulsters at this sale will not average over 60 cents on the dollar of regular retail prices.

Table with columns: T. W. & N.'S PRICE, USUAL RETAIL PRICE, OUR PRICE. Lists items like Light Tan Irish Frieze Ulsters, Extra Fine Blue Chinchilla Storm Coats, etc.

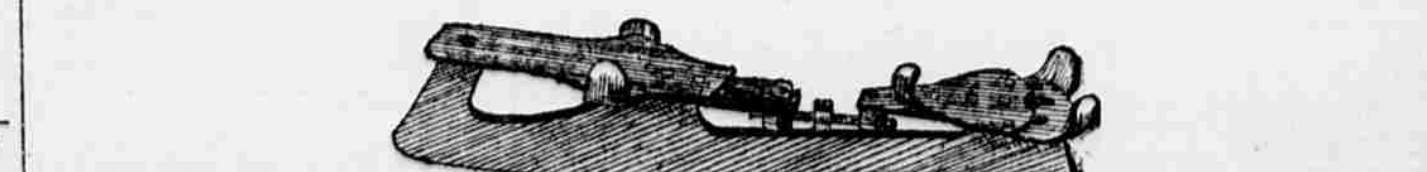
BOYS' ULSTERS.

Table with columns: T. W. & N.'S PRICE, USUAL RETAIL PRICE, OUR PRICE. Lists items like Boys' Black Frieze Ulsters, Plaid Frieze Ulsters, etc.



HOMOEOPATHIC Medicines and Books

For Doctors and the Public. Medicine Cases Filled For \$1, \$2.50 and \$4. WRITE FOR PARTICULARS. OMAHA, NEB.



SKATES FREE ON SATURDAY

A pair of Columbia adjustable skates given to every purchaser of a boy's suit or overcoat on Saturday.

Continental Clothing House