

SECTION MEN WERE DRUNK

Sensational Charges Made in the Davis Trial at Lincoln.

WITNESSES ALLEGED TO HAVE SOLD OUT

Defense Produces Testimony Placing the Rock Island Railroad Company in a Bad Light.

LINCOLN, Nov. 23.—(Special.)—It is evident that the defense in the George Washington Davis murder case is putting in strong testimony that a large number of the witnesses were drunk at the time of the trial.

One of the witnesses testified this morning that he was fairly well acquainted with the section gang at that time employed by the Rock Island company and that on the night of the wreck they were individually and collectively drunk.

This information was shot out of him before the court could interfere in response to an objection by the prosecution, and it reached the jury for all it was worth.

The court would not permit the testimony to be considered on the ground that the men whom Hoffman saw drunk had not been identified as the ones who repaired the trestle, it is said, it had been repaired.

T. J. Stepien, a colored barber, is a brother of Eph Cornal. His evidence was sensational. He testified that on one occasion he was present when Captain Billingsley and R. J. Green, attorneys for the Rock Island road, called upon Cornal.

The latter was in bed, but he testified that he had a handful of silver and told his wife that if she needed anything to let him know.

Cornal is one of the witnesses for the prosecution. Hoffman said that he was told by George Botts, another witness for the state, that he (Botts) was in receipt of \$3 per day for a witness in the case.

WAS RUNNING VERY FAST. J. C. Panta, traveling man, said that he boarded the train at Fairbury and that after leaving that point it made a tremendous rate of speed, nearly sixty miles an hour.

He said the train swayed so heavily that he was afraid to cross the platform from the smoker to another coach. Cross-examination showed that the train would be dangerous to the company, although he was one of the injured in the wreck.

Charles Monte, a brakeman on the Burlington train, who was killed in the wreck, shortly after the accident, said that he heard Harry Foote, a brakeman on the fatal train, say that they were running at a speed which would be dangerous to the conductor Lawson of the Burlington testified to the same effect.

He added that a slight defect in the track, such as a loose joint, would be dangerous to the train had it gained a high rate of speed.

It is thought the trial will not be concluded before the close of next week. The man giving his name as Walter Dover was at the police station this morning, charged with having escaped from the Asylum for the Insane.

The description tallied so closely with that of Thomas Finn, who was arrested for taking a hat from a local store.

THEATER MANAGERS QUARREL

The annual row between the two local theaters and the belligerent managers are snarling at each other.

Last winter the trouble broke out over the appearance of the Punkie at the Danforth Hall.

Church of the Lancing said that the actress was billed for his play house and there was some talk of legal proceedings.

The Punkie, however, has not yet been "singed." Each manager says that it will give the play Thanksgiving day, and it is understood that the Punkie will be in the houses.

NEEDS OF WESLEYAN UNIVERSITY. The needs of the Wesleyan university, by special request will be presented tomorrow morning in the Methodist church.

General Order No. 13, issued from the adjutant general's office to E. H. Gibson, captain, Nebraska cavalry, who enlisted at Omaha, December 8, 1862, and was discharged at Omaha December 1, 1864.

The superior court today was filed a motion for a rehearing in the case of the American Water Works company, plaintiff, against the state of Nebraska, executor.

WALKER DEFENDANT IN ERROR. The former hearing the defendant secured judgment. The motion filed by the attorneys for plaintiff, Cornell & Ives, is as follows:

And now comes the defendant named plaintiff in error and moves the court for a rehearing in the cause for the following reasons: First, The decision of the court is based on the fact that the service charged for, and which the relator refused to pay for, had been already paid for by the relator.

Second, The decision of the court is in violation of the rule in controversy in this case unlawfully discriminates between citizens of the same county in different conditions—a discrimination which is unlawful.

Omaha people at Lincoln: At the Lindell J. O. Eppner, Mr. C. E. Danforth, Mr. E. H. Gibson, Mr. P. King, James Allan, Richard Smith, At the Capital—J. S. Bangs. At the Lincoln—O. H. Osbourne.

Plattsmouth Business Chances. PLATTSMOUTH, Neb., Nov. 23.—(Special.)—A very important business change took place here yesterday when A. H. Wickbach & Co., closed the bargain whereby Messrs. J. V. Engenberger and Robert Fort assumed control of affairs in the large grocery store in this city.

The new firm was engaged in a like business here a number of years ago under the same firm name. Wickbach will settle up his affairs, and depart for Germany, but is undecided as to whether he will remain here.

Mrs. Herman Herald departed this afternoon for Orient, Ia., to visit her daughter, Mrs. Will Skinner.

The Church of Christ congregation of this city has recently completed some extensive repairs on their church building, and tomorrow Bishop C. M. McCurdy will deliver a dedicatory sermon at 11 o'clock a. m., speaking again at 7:30 p. m.

The Plattsmouth Woman's club was entertained last evening at the home of Mrs. Byron Clark, on High School hill, in this city. A delightful time was had. Music, cards and social gossip furnished the entertainment.

Mrs. O. H. Snyder entertained this afternoon at "coffee" in honor of her sister Mrs. Joseph Reed of Council Bluffs. Those present were: Mesdames Joseph Reed, Mrs. Will Buffs, Samuel Maugh, S. H. Atwood, Samuel Chapman, C. F. Stoughton, Joseph Pillebury, R. B. Windham, F. E. White and Frank Wilson.

About forty members of the German Evangelical church of Plattsmouth invaded the home of their pastor, Mr. J. Schmitt, last evening and completely took them under their wings, their calling being to remind the hosts that her sixtieth birthday had arrived.

St. John's Catholic church of this city will be solemnly dedicated Sunday at 10:30 a. m., by Bishop Donagan, assisted by several priests. After the dedicatory exercises the bishop will preside at pontifical high mass. The sermon will be preached by Father Nugent of the pro-cathedral of Lincoln.

Lee Pollard of Nebraska is in the city today. Better Than Much Fine Gold. MOORE JUNCTION, Neb., Nov. 23.—(Special.)—While it is believed that gold can be found here in the valley of the Blue,

flowing wells are considered by farmers as one of the most valuable prospects in the valley of the gold fields. The flowing wells are being found near McCoil. Two wells have been located in this county and a number of farmers near here are going to tap for the artesian flow. One thing is peculiar about these flowing wells. They are common to about five feet below the surface. The valley of the Blue in which McCoil is situated is a beautiful improved farms and is considered the most productive agricultural district in York county. Good improved farms here are offered at \$25 to \$35 per acre. The flowing wells are a valuable asset in the flowing wells are a bore.

WELTY-NORRIS CONTEST BEGUN.

Taking Testimony as to Who Was Elected District Judge.

BEAVER CITY, Neb., Nov. 23.—(Special Telegram.)—Evidence in the Welty-Norris election contest was taken here today before the referee, J. F. Cordell, appointed by the supreme court to investigate the charges of election frauds in this county, as charged in Judge Welty's petition for a mandamus.

Before the taking of any testimony Welty withdrew all charges of fraud against County Clerk McFadden, T. H. Francis and D. E. McCallister of the canvassing board, and Attorney C. S. Anderson. The investigation was restricted to the returns from Union precinct, in which it had been charged that the vote was changed from 10 to 6, to 6 to 10.

The poll book was opened and identified and the officers of election of Union precinct were examined. His possession of forty-two votes, the footings on one place forty-six and where written out in full forty. Whether or not the book had been tampered with in the case of Andrew Dehney, one of the judges of election testified that in making the footings a mistake of five or six had been found and that a dispute had arisen.

One of the attorneys, however, testified that the duplicate poll books had not been compared; neither had one of them been deposited with a judge of election until after the canvass had been completed. He also testified that County Clerk McFadden is ill and unable to testify.

Not Guilty of Fast Driving. FREMONT, Nov. 23.—(Special.)—The jury in the case against George Bauman, charged with violating a city ordinance by fast driving on a business street, brought in a verdict of acquittal at 11 o'clock last evening. Bauman was convicted in police court and appealed to the district court.

"Cinderella" was given at the Normal school chapel this evening by a company of children under the direction of Mrs. Delario. The work of the company was very creditable and showed that they had been carefully trained.

In the place of the usual literary program at the Normal school chapel this evening an excellent musical program was rendered. The club is constantly taking in new members and maintains the high standard it has held since its organization.

Judge Marshall this morning sentenced George Irvin, who pleaded guilty to the assault on the body of a woman, to the penitentiary for six months and to pay a fine of \$5.

They with His Contest. IMPERIAL, Neb., Nov. 23.—(Special.)—Judge Welty has canceled the December term of district court of this county, presumably to attend to his contest against S. W. Norris, the republican candidate who thinks he was elected judge over Welty in the Fourteenth election of 1892.

The proceedings were held in the county jail, and the defendant was held in the county jail. The defendant was held in the county jail. The defendant was held in the county jail.

Falls City Items of Interest. FALLS CITY, Neb., Nov. 23.—(Special.)—Norman Musselman is visiting friends and relatives in Beatrice.

Julie Schoenheit of Lincoln is in the city attending court this week. She is in the city attending court this week. She is in the city attending court this week.

Mrs. E. A. March has gone to St. Joseph to spend the winter. She is in the city attending court this week. She is in the city attending court this week.

Mrs. Ed. Minnick of Auburn is in the city visiting relatives. She is in the city attending court this week. She is in the city attending court this week.

The Falls City Produce company is building a 500-ton ice house north of the cannery factory. She is in the city attending court this week. She is in the city attending court this week.

NEBRASKA CITY NOTES. Dr. G. M. Brinker, the oldest physician in this city, was taken suddenly ill at his home this morning, and it is feared that owing to his extreme age he cannot recover.

John V. Morgan and E. H. Morgan left for Lincoln this morning. They are in the city attending court this week. They are in the city attending court this week.

Mrs. C. A. Simpson of North Platte is a guest of Mrs. J. J. Miller. She is in the city attending court this week. She is in the city attending court this week.

Mrs. D. Dennis of Greeley, Colo., is visiting friends here. She is in the city attending court this week. She is in the city attending court this week.

The best sugar growers think they have a show to get their money out of the crop, as they have shipped ten carloads of sugar further notice at the contract price, the last sample standing the proper test.

Good for Fall Grain. IMPERIAL, Neb., Nov. 23.—(Special.)—It began snowing here yesterday morning and the appearance is for a good fall. The ground is so dry that it is impossible to do any fall plowing except on lands lying on the river banks.

Changes at Rosebud Agency. VALENTINE, Neb., Nov. 23.—(Special Telegram.)—Colonel J. T. Oglesby, who came here from McDonough, Ga., in August, 1893, as receiving and shipping clerk for the Rosebud agency, has just been commissioned to succeed Colonel J. T. Oglesby as Indian agent and disbursing officer.

North Loup Paper Suspends. ORD, Neb., Nov. 23.—(Special.)—The Loyalty, republican and populist, and the only paper in North Loup, has suspended publication. The Ravens Creamery company has purchased the Ord creamery and will open for business in the spring. This is a good point for that business.

Union Pacific Brakeman Fatally Hurt. GIBBON, Neb., Nov. 23.—(Special Telegram.)—William Jordan, head brakeman of the first section of train No. 19, was found dying beside the track at the east end of the switch on this place this morning. His right arm and leg were cut off. His wife and child live at Grand Island.

M. P. Employee Dangerously Hurt. NEBRASKA CITY, Nov. 23.—(Special Telegram.)—George Goldsberry, an employee of the Missouri Pacific at this point, was thrown from a handcar this afternoon and injured internally. His recovery is very doubtful.

Otoe County Farmer's Home Burned. NEBRASKA CITY, Nov. 23.—(Special Telegram.)—The residence of F. W. Robb, nine miles north of the city, burned this afternoon. Everything was lost with the exception of a few pieces of parlor furniture.

PICTURES PLEASANTLY PUT



THEY HAVE COME AT LAST—

A delayed shipment of the 20th century ladies' shoe, of which we have the sole sale in Omaha. A tailor made shoe for the new woman like nothing shown in the city. It is made of French calf and \$5.00. We also have it in the \$3.50 and \$4.00 qualities. Send for our illustrated catalogue, free.

LOOKS LIKE A WEDDING—

Be prepared in time—Come to us, who are headquarters in wedding gifts—study our catalogue of a thousand and more things bought especially for the purpose. Novelties—exclusive—in silverware, cut glass, clocks, opera glasses, at \$1.50 and upwards to the choicest gifts in the land, any of which will be highly appreciated.

Drexel Shoe Co., Mandelberg, G. E. Shukert,

1419 Farnam Street. JEWELER, N. E. Cor. 16th & Farnam

WE MEAN BUSINESS, SURE—

Our Thanksgiving week sale of muffs, capes, gloves, coats, robes and furs at the cost of making is something never before attempted by any retailer. We have made up a unusually large quantity of these fur goods, and to close them out in season we think it better to come out even on them than to hold them longer. Sale Monday, Tuesday and Wednesday.

ALL OUR FURNITURE REDUCED—

If you buy furniture at all within the next year you should not miss this chance. Every piece of furniture in the house cut and out hard. We want your order, and will get it if you get inside the store.

Hedgcock & Odell,

208-210 N. 16th—North of New P. O. Music and Art. 1513 Douglass St.

EXAMINE IT CLOSELY—

And you will find all those perfections abound. In fact, the Kimball is the only piano on earth that combines all the good qualities of all, without the defects of any. Besides, it's the lowest priced high grade piano made. Our easy terms are another attraction.

APPEAL FOR JUST RATES

Omaha's Contention Before the Interstate Commerce Commission.

ARGUMENTS SET OUT IN THE BRIEF

How the City Has Been Discriminated Against in Tariffs to the Southwest and in Favor of Kansas City.

Arguments and briefs have been filed before the Interstate Commerce commission in what has come to be known as "The Omaha case." Attorney W. D. McHugh of this city, who represents the Commercial club, sent his brief yesterday for filing before the commission. The name of J. E. Utt, freight commissioner of the Commercial club, appears on the document, Mr. Utt having been active in the preparation of the figures showing the discriminating rates from which Omaha and South Omaha have suffered.

The title of the case is the Commercial club of Omaha, complainant, against the Chicago, Rock Island & Pacific Railway company; the Chicago, Rock Island & Texas Railway company; the Missouri Pacific Railway company; the Burlington & Missouri River Railroad company in Nebraska; the Kansas City, St. Joseph & Council Bluffs Railroad company; the Missouri, Kansas & Texas Railway company; the Atchison, Topeka & Santa Fe Railway company; the Gulf, Colorado & Santa Fe Railway company; the Denver & North Pacific Railroad company; the International & Great Northern Railroad company and the Texas & Pacific Railway company, respondents.

The brief of Mr. McHugh alleges that the respondent companies in Omaha have discriminated against Omaha in the rates for the transportation of freight between Omaha and southern and southwestern points, especially Texas points, unjustly and illegally discriminating against Omaha and the merchants of Omaha very much the worst of it. Year in and year out the packers and live stock shippers of Omaha have made pilgrimages to the meetings of the traffic managers of the roads in question, and have appealed and pleaded with them to reduce the rates.

Mr. D. A. Campbell has returned from the Atlanta exposition, whither she was accompanied by the little Misses Dovey of Plattsmouth.

Ed. G. Yates of Holton, Kan., formerly in business in this city, is circulating among the merchants of Omaha a list of names of those who have been in the city for the purpose of securing a revision of the rates that would give Omaha something like an equal business opportunity with other countries.

Mr. J. C. McMahon is home from a short visit with her parents in Tamora, Neb. The Omaha stock will leave next week for Portland, Ore.

Went to Seek Their Fortunes. ASHLAND, Neb., Nov. 23.—(Special.)—Four of Ashland's "promising young men" left home without saying goodby to friend or foe. They were absent only two days and glad to get home.

Parke & Loring bought a car load of fine parkers of James Weidell, paying \$317. They will be shipped to Omaha tomorrow morning. In a report last evening stated that he expended for the year ending October 1, something over \$500. It was given to the poor in various ways.

Considerable clothing for little and big old and young, has been donated by various charitable bodies here. He says that I met with an interesting case and urge all societies to be in this mind.

Mrs. George Jenks of Fairland, close to Ashland, is still dangerously ill. She is in the city attending court this week. She is in the city attending court this week.

Beatrice Charity Minstrels. BEATRICE, Neb., Nov. 23.—(Special.)—The charity minstrels performance given last evening by local talent was a success in every sense of the word, the Paddock opera house being filled to capacity.

Veteran Bootlegger Sentenced. DECATUR, Neb., Nov. 23.—(Special.)—Snyder, the veteran bootlegger who took the Indians so long, was tried in the district court at Tekamah on three different charges. He pleaded guilty to the first two charges and was fined \$250 and costs and to be confined in jail until paid. He was also found guilty on the third charge, party Judge Deffe has not yet passed sentence. Snyder has violated the law openly and defiantly. The court told him the next offense would cost him the full extent of the law.

LET'S THE BRICKYARD GO. Arthur Johnson Confesses Guilty and Agrees to Foreclosure. Arthur Johnson and wife, Carrie, no longer have any interest in the brickyard of Johnson & Bro. The records of the district court at least show this, for yesterday Johnson made a confession of judgment and allowed a decree of foreclosure on the property, to be granted in favor of Alfred B. Dufrene, who brought a foreclosure suit yesterday on a mortgage secured against the brickyard. Accompanying the papers was an application for a receiver.

The transaction gave interest from the fact that the property in question is a matter of which there is a considerable amount of legal dispute. It will be remembered that the late Mrs. Johnson, who was party to an emotional divorce suit as respondent. His wife, Minnie, obtained a divorce from him and a considerable amount of alimony was paid to her. It is said that she paid the alimony promptly, and consequently a short time ago his former wife levied upon the brickyard to obtain satisfaction.

John A. Horbach is organizing a temporary restraining order enjoining the city from cutting an alley through his property, between Twenty-first and Twenty-second streets, from Paul to Charles streets, and from collecting the special taxes levied for the work. Horbach alleges that the alley is necessary, that the principal property owners adjoining have not petitioned for it, that it will cause him great damage, although the city has decided to put it away for a benefit, and especially that the alley would be put there for the benefit of one man, who remains unknown.

Cutting of an Alley Enjoined. John A. Horbach is organizing a temporary restraining order enjoining the city from cutting an alley through his property, between Twenty-first and Twenty-second streets, from Paul to Charles streets, and from collecting the special taxes levied for the work.

WHEAREN RATES ARE UNJUST. The complainant charges the respondent railroad companies with establishing excessive rates and unjust discrimination against Omaha in the following particulars: 1. In making class rates between Omaha and Texas points, 2. In making rates on sugar from Texas points to Omaha, 3. In making rates on cattle shipped from Texas points to Omaha, 4. In making rates on hogs from Omaha and Texas points, 5. In making rates on hogs from Omaha and Texas points, 6. In making rates on hogs from Omaha and Texas points, 7. In making rates on hogs from Omaha and Texas points, 8. In making rates on hogs from Omaha and Texas points, 9. In making rates on hogs from Omaha and Texas points, 10. In making rates on hogs from Omaha and Texas points, 11. In making rates on hogs from Omaha and Texas points, 12. In making rates on hogs from Omaha and Texas points, 13. In making rates on hogs from Omaha and Texas points, 14. In making rates on hogs from Omaha and Texas points, 15. 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