origin in South Omaha.

missed.

customers alike.

Rodgers, deceased.

gued for.

Last fall a year ago Hiram B. Kennedy

was operating a gambling house in South

Grocers Against Produce Exchange.

Verdicts in Damage Suits.

Swift and Company, wherein suit was

brought by the plaintiff for damages alleged

to have been sustained by an elevator acci-

dent, the jury found for the plaintiff, re-turning a verdict for \$1,950, the full amount

The jury in the case of John Opocensky against John Knezacek has found for the de-

fendant. The plaintiff sued for \$1,500 damages, alleging that the defendant maliciously

Notes from the Courts.

Elizabeth Rodgers has been appointed special administratrix of the estate of W. O.

S. I. Jeter has secured a temporary re-

straining order, enjoining the city from changing the grade of Mason street, between Eleventh and Twelfth.

Judge Scott is practically through with the

business of the February term of court. He has but two cases remaining upon his docket and there is no certainty about these being

Nora Meyers seeks a divorce from her hus-band, David Meyers. She alleges that he

has been convicted of crime, sentenced to the

Judicial Negligence.

Slabaugh of the criminal section of the dis-

trict court has brought into question his

system of accepting bonds in cases where

felonies are charged and detendants are held

John Brown and Lew Price, charged with assault with intent to do great bodily injury," said the police judge this morning, "have been misconstrued by Judge Slabaugh.

the higher court they obtained a continuance of their trials and renewed their bonds before Judge Baker, who accepted as their surety O. R. Rickette. When this new bond

was executed that which they furnished in

operative. These being the facts, it seems to me that if anybody deserves censure in this case it is the district court judge who

Clerk Clancey asserts that since his con

nection with the police court not a single bond has been accepted that was not good

Unless sureties are well known citizens and wealthy they are always required to justify.

obligations to be in the district court to answer, as they know that nothing can be

LATTER DAY SAINTS CONFERENCE.

Delegates Arriving for Annual Meet-

ing of Reorganized Church.

Gold Engaged for Import.

NEW YORK, April 7.-Brown Bros. & Co

INDEPENDENCE, Mo., April 7.-The

my court with the same security became in

"The facts on to the bonds in the cases o

to the higher tribunal.

enewed the bonds."

caused his arrest and imprisonment.

In the case of Edward Blies against

## IRRIGATION IN THE MIDWEST

Features of Recent Progress in Kansas and Nebraska.

JUMBO MILLS

Samples of the Wealth Obtainable by Tic"ling the Soil with Artificial Moisture \_ Future Prospects.

frigation as a factor in the agricultural development of the midwest is described with tivation are made. These exhibits and the considerable detail in Mr. Matthews' last let-

newspapers. He has found that the average ered. cost of these mills that are knocked together the box, where it is cut off from the breeze,
And this pushes up another arm, which is
caught by the breeze and whirled around
down into the hold, and so arm after arm in the wind, the power being applied to a pump that raises the water from the ground.

One of the most remarkable of these mills which is supposed to sink through the ground, it is probable that 56 per cent of Kansas may be irrigated to advantage.

State Board of Kansas sums up the feet wide, nine feet long and has eight fans. This mill saved a struwberry patch, a garden and some small fruit in the worst drouth that Nebraska ever experienced. There is unother of these mills at Lincoln Neb., which is nine feet wide, thirteen feet high, thirteen feet long and which cost only \$8. The box is made of discarded lumber about the place and the sails are wooden frames on which old coffee sacks are stretched. This odd contrivance irrigates five acres of garden land and supplies a reservoir 150 feet long, five feet wide and two feet deep. Another peculiar kind of windmill is what is known as a merry-go-round mill. It has saile that spread themselves out full automatically when the wind is at their back, and turn an edge and cut through the wind when it is against them as the affair whirls around.

problem of the west—that is, methods of sup-plying sufficient moisture at the critical moment for growing crops." VALUE OF THE MILLS. In talking of the value of these mills, Prof. Barbour tells this story in the Farm Imple-

ment News:

Prof. Barbour, in pointing out the crudities

of these mills, says: "They all point to a

tendency to invent along the line of para-mount importance to agriculture. And who

dares gay that these crude mills may not lead to a solution of the only agricultural

"The largest and best known jumbo mill in the costern third of the state is probably that of John Tannahill, market-gardener and nursery man of Columbus, Platte county, Nebraska. It viscs like a great winged spectre above the lake of water which it supplies by its two heavy pumps. This mili irrigates ten acres successfully, and is now so surrounded by a growth of timber that it stands in the midst of a miniature forest which cannot be penetrated by the camera Photographs taken six to eight years ago show a level prairie diversified chiefly by a huge jumbo and a pend. This sudden trans-formation can be better understood by the westerner than by the casterner. On the trees often atiain, in eight years, a height of fifty to sixty feet, and a diameter of ten to twelve inches. The writer has seen many a house in eastern Nebraska surrounded by a forest so dense, though not ten years old, as to shut out the camera, or rather shut in all the farm buildings, the irrigating pond, and the stately windmill and tower, so that otographe, no matter how desirable and in-

structive, were impossible, So much for the work of getting the water above ground in a crude way. The real effective windmill is yet to be invented for tapping the great tertiary underflow or the deep Dakota waters. At present Ne-braska leads in the matter of irrigation by diverting the streams that flow through the state. It has an irrigation law patterne-largely after the law of Wyoming, which aims to give the largest use of the public waters to the farmers. The state has a State Board of Irrigation, which grants permits to companies and individuals to use the waters of the rivers. The claims are known popularly as the old and the new claims, deriving that designation from the fact that in 1895 the irrigation law of the state was changed. The new claims have been filed under the revised law. The old applications for water numbered 2,200, with a total estimated cost of the ditches amounting to about \$2,750,000, covering about 1,061,ing to about \$2,750,000, covering about 1,061,000 acres of land. The cost averaged about \$2.50 an acre and, according to the figures of the state board in Lincoln, the value of the increase in the land is more than \$3,000,000 or about \$9 an acre. That shows the desirability of irrigation. The new claims before the board aggregate about 2,200 miles, with an estimated cost under the new methods of \$5,000,000 and an increased acreage amounting to 2,400,000 acres. The estimated

increase in land values is about \$19,000,000

IRRIGATION FROM CANALS. Kansas has no such board, but irrigation from canals into which river water has been led, it is said, amounts to the use of about 1,500 miles of ditches of various sizes. In 1895 Kansas appointed a board to examine into the possibilities of irrigation. The ap-propriation was most meager for the work signed to it and the board could not begin to do all that was required of it. It sunk nearly a score of wells in the upland districts and made an exhaustive study of the geo logic conditions, much of which has been summarized in this article. When Governor Leedy sent in his message to the legislature in January of last year he was not impresse seriously with the prospects of irrigation He said he had not seen a copy of the commissioners' report, and it was plain that he thought the scheme of irrigation on a large scale chimerical. The report has been made public since then, but it is not known whether the governor has modified his views. In Nebraska no such extended study of the geology of the water supply has been made. Prof. Stout of the agricultural department of the Nebraska State university has issued a bulletin on the water supply of Nebrarka, in which he says that the sheet water supply difficult to estimate or determine the conditions are at all favorable, will hav m two to fifteen acres under irrigation by a method." This presupposes a wide exthis method. This presupposes a wide ex-tent of the sheet water on the uplands of Nebraska, such as is known to exist on the uplands of Kansas. The Dakota water is known to exist to a great depth in Nebraska, as in Kansas and in all that sloping territory

that lies east of the Rockies NOTABLE BENEFITS. Some notable cases of the benefits of irrigation have been published in the Nebraska Irrigation Annual for 1897. Instances are given where irrigated corn has yielded sixty-five bushels to the acre, while adjacent corn, not irrigated, yielded only thirty bushels an acre. H. J. Hendryx of Platte county had twenty-five acres of celery under irrigation.
The proceeds were \$200 an acre, and the

profit \$125 an acre. A Lodge-Pole creek farmer raised 1,365 budiels of onions on an irrigated acre of ground, the largest onion of he crop weighing nineteen ounces, which the crop weighing nineteen ounces, which, the Annual declares, made "a fair-sized meal for seven persons"—of course meaning the vegetable part of a meal. Neighbors without irrigation raised only about 100 bushels of onlons to the acre. Mr. Sailing of Cozad, Dawson county, irrigated his wheat field, applying water to it only twice. His wheat averaged forty bushels to the acre, while adjacent wheat land, not irrigated, only produced from twenty to twenty-three bushels to the acre. to the acre.

These instances are extreme cases, of course, but they show the trend of events in agriculture in the arid and semi-arid regions of the west. A notable incident in this matter of irrigation is the sinual fair that is held in Nebraska, where exhibits of produce raised through this method of cul-

water for little patches of irrigated property and hard—as the best way of forestalling a in that state. Prof. E. H. Barbour of the drouth. It is also asserted that eastern Nebraska State university has made a thorough study of these crude windmills and their possibilities, and has published his views extensively in agricultural and other winter ice in large quantities may be gath-

CONCERNING THE FUTURE. cost of these mills that are knocked together on the farm is only about \$6. They are made from old broken machinery, and generally face toward the south. A long rectangular box is first constructed, and on the sides resis the axle of the revolving part of the machinery. From four to eight arms project from this axle. The wind catches one of these arms and thrusts it down into the box, where it is cut off from the breeze, and this pushes up another arm, which is caught by the breeze and whirled around down into the hold, and so arm after arm of concentrate for the farm is only about \$6. They are made from old broken machinery, and general lit is most difficult to forecast the future of the arid lands. It is clear that only the supply of tertiary water may be drawn upon when improved cheap machinery comes. The Dakota supply must be ignored, at its great that only the bignored, at its great that only the basis of a pump, to be run by the winds, that can take advantage of low velocity breezes, say those that blow at an average of from four to six miles an hour. A desirable thing the way of machinery is to secure some kind of a pump, to be run by the winds, that can take advantage of low velocity breezes, say those that blow at an average of from four to six miles an hour. A desirable thing the next trial and at the same time Attorney General Smyth filed a motion for a new trial, alleging that the jury had been tampered with. When the motion was argued inese charges were filed accusing the jurors of irregularities and misconduct during the trial, and at the same time Attorney General Smyth filed a motion for a new trial, alleging that the jury had been tampered with. When the motion was argued inese charges that the jury had been tampered with. When the motion was argued inese charges the project from the supply of tertiary water may be drawn upon the pump to fear that only the pump is the provided and the supply of tertiary water may be drawn upon the pump to fear that only the pump is the form of the supply of ter down into the hold, and so arm after arm one pump as the force of the wind increases. or sail after sail is raised, and the axle turns in the wind, the power being applied to a pump that raises the water from the ground.

Owing to the uncertain source of supply of the tertiary water, Prof. Haworth has estiment by Judge Powell and passed upon this mated that, using only that part of the water morning.

> matter in these words: "The present chief use of the uplands of the western third of the state is for the growing of stock, and in order that they may be utilized to their fullest extent in this business, it is necessary that families reside there, and that water be pumped from the earth and food grown for man and beast. There is not one domestic animal in the western third of Kansas where, under proper conditions, five might be maintained. Nor earth and food grown for man and beast. Jurors improperly communicated with and There is not one domestic animal in the western third of Kansas where, under proper conditions, five might be maintained. Nor will there be until an irrigation plant is the basis of each home.

the basis of each home.
"Our investigations ratisfy us that there is available water to irrigate at least 10 per cent of the upland, which, with a fair market for the product, would make a rich agricul-tural and stock growing section, and this proportion of the land will come under in-tense cultivation as the knowledge of the conditions is brought home to the people.

"To realize the change of conditions which may be brought about by the small irrigation plant in connection with stock growing let us suppose that 1 per cent of the land is irrigated. This means 6.4 acres per section, and is easily within the powers of a single windmill. This amount thus cultivated is a sure support for a family of five persons. The remainder of the 640 acres is available for stock and forage crops, and will support for a family of five persons. The remainder of the 640 acres is available for stock and forage crops, and will support may be laid aside, together with the proceeds of the poultry. Assuming the counties to average thirty miles square, there would be 900 sections to the section means a rural population of 4,500. This would be the effect of the irrigation of 1 per cent of the lands."

IDEAL PROSPECT.

It is easy to be accepted the counties in the Bartley case liable for the wrongs done by others, and the heartley case liable for the wrongs done by others, and the Bartley case liable for the wrongs done by others, and the Bartley case liable for the wrongs done by others, and the Bartley case liable for the wrongs done by others, and the Bartley case liable for the wrongs done by others, and the Bartley case liable for the wrongs done by others, and the Bartley case liable for the wrongs done by others, and the Bartley case liable for the wrongs done by others, and the Bartley case liable for the wrongs done by others, and the bastement Hyland answered, substantially that the the tilt seemed unfair to do such the first weemed unfair to do such the first weemed unfair to do such the first was a serving out his term.

The petition for the probate of the will of the late W. O. Rodgers has been convicted of crime, serving out his term.

The petition for the probate of the will of the Perhambation to do the liable.

Hyland is entitled that Hyland is neitled to the benefit of the benefit of the broad that the holes and the holes and the late W. O. Rodgers has been convicted to the benefit of "To realize the change of conditions which IDEAL PROSPECT.

It is easy to be seen that a 1 per cent irri-000 persons who have left western Kansas, but would add greatly to the population.
There are nearly forty counties in the arid region of the state. A population of 4,500 to the county would mean 180,000, or 100,000 more than the population at the height of the boom times. It would mean a new kind of farming—the farming of small tracts; the intense farming rather than farming on broad areas. It would probably lead to an-other change in the character of the live stock industry and in time to the abolition

of the ranges for developing meat food.

The subject of irrigation's future has been summed up in a picturesque way by Secretary Coburn of the Kansas State Board of Agriculture, whose poetic and practical words in his enthusiasm for his hobby I have used before in these articles. efore in these articles. He says, regarding "the demonstrated extensive underground water supply:

"The pumping of these waters will be in-expensively done by harnessing to the work the ever present breezes which, shot through and through with sunshine, are wafted across our broad prairies and give the ideal healthful climate for all breathing things and for developing the choicest growths of grain, fruit and flower."

It is safe to say that if such an ideal time does come it will be by a gradual encroach-ment upon the uplands from the river-fed ment upon the uplands from the river-fed valleys. The steps will be along the lines of least resistance and will be slow. Kansas has grown tired of rushing into things without counting the cost. Mr. Ingalls has said that the state "developed at random." One may easily believe that, whether one consider ers some of the public men, big or little, that it has produced, or whether one considers some of the crops of great and small extent that it has brought forth. That time and condition have passed in the state. With unlimited waters below the fertile ground and unlimited breezes above it, perhaps these two agents may be made to mingle their powers on the surface of the soil, and it may become a garden. But it will require time—a long time.

WAS ALMOST OVER THE STYX.

Ferryman Had a Fare Nearly Landed Only to Lose Him. Jacob Barr of Detroit, Mich., wound up a protracted spree about 12 o'clock last night in a hotel at 110 North Thirteenth street, where he secured a room. Six hours afterwards he was found in bed almost asphyxiated with gas which flowed from a half closed jet. Barr claims to be the son of a wealthy stock grower having a farm nour Detroit. He is an all-'round athlete, and has been in Omaha several weeks seeking to organize a class for the instruction of boxing and other athletics.

When Barr appeared at the hotel the night clerk noticed that he was greatly under the influence of liquor. He was taken to a room and left to disrobe and retire, both of which he succeeded in doing after no little difficulty. About 6 o'clock in the morning the porter, in passing through the hall, detected gas escaping and immediately began an investigation. He finally located the odor as coming from Barr's room. He attempted to rouse the occupant, but falling he broke in the door. Barr was undressed and on the in the door. Barr was undressed and on the says, however, in speaking of irrigating from bed, but his appearance was that of a dead man. The porter shut off the gas, threw next few years nearly every farmer in the western and middle parts of the state, where called, and after working over the uncon-scious man for several hours, succeeded in bringing him back to consciousness. The patient is now considered out of danger. Barr denies that he attempted to commit

Barr denies that he attempted to commit suicide and thinks that when he attempted to turn off the gas in his drunken condition he turned the jet on again without knowing what he was doing. He says he has plenty of money and that while he had been drunk for several days there was no reason in the world why he should have wanted to end his life. He has been removed from the hotel to St. Joseph's hospital.

Wheat Yield of Victoria.

## BARTLEY VERDICT STANDS

Jury's Action Exonerating the Bondsmen Remains Unchanged.

COURT DENIES MOTION FOR A NEW TRIAL

Judge Powell Holds that Charges of Misconduct on Jury's Part Are Not Well Sustained and Its Decision is Warranted.

The verdict in the case of the State against F. M. Cook, A. B. Clark, John H. Ames, Charles A. Hanna, Mary Fitzgerald, Edward J. Fitzgerald, C. C. McNish, E. E. Comboys, Frank and Emmett, were arrested considerable detail in Mr. Matthews' last letter in Harper's Weekly. Concerning the
progress of irrigation in Nebraska and Kansas the writer says:

Nebraska has apparently taken the lead in
fashioning these affairs, and nothing is commoner than to see what are known as
"jumbo" mills and "go-devil" mills pumping
water for little patches of irrigated property

annual meeting in that state of the friends
in that etaite of the friends
of irrigation are spreading the cause
rapidly through the entire arid and
semi-arid territory, and bringing about
a change in farmers' methods. It
is even declared that farmers in the
cast will learn in time that it will pay for
them to have a storage reservoir—they are
made castly by scooping out a pond and allowing cattle to trample its bottom solid
and hard—as the best way of forestalling a
the rease.

Charles A. Hanna, Mary Fitzgerald, E.dward J. Fitzgerald, C. C. McNish, E. E.
Brown, Thomas Swobe, Cadet Taylor, N. S.
Harwood and William A. Paxton, first term
bondsmen of Joseph S. Bartley, ex-state
the decision of Judge Powell, who has delowing cattle to trample its bottom solid
and hard—as the best way of forestalling a
the cause
that are the cause the verdict of the jury be set aside and a new trial had.

As state treasurer Joseph S. Bartley was accused of embezzzling state funds aggregating \$555,790,66, and his bondsmen were sued for the amount. Suit was brought October 20, 1897, and the trial was had during the early days of the present term of Judge Powell's opinion in the case is as

The State asks the court to set aside the verdict heretofore rendered in this case and grant a new trial, and as reasons therefor, among others urges, that there was misconduct on the part of the jury to which the case was tried, and especially that, First, Juror Hyland had formed and expressed an opinion before being called or sworn as a juror; and, Second. That several, if not all the other jurors improperly communicated with and

CONCERNING HYLAND. As to the charge that Juror Hyland prior As to the charge that Juror Hyland prior to being called as a juror, expressed an opinion to the effect that a recovery should not be had against the defendants, W. B. O'Shaughnessy, in an affidavit filed herein states; That on the morning of the 8th of February, (which was before Hyland had been called as a juror) he (O'Shaughnessy) said to Hyland, in substance, that it did not seem fair to hold such business men as were the bondsmen in the Bartley case

nessy.

As against this showing the evidence of

tine state is not sufficent to support a finding of mis-conduct on the part of this juror in this regard, nor to justify a court in setting aside the verdict of twelve men of which this juror was only one.

The other charges of misconduct rest entirely upon the affidavits of two men employed by the state and detailed by a detective agency to watch the jury during the progress of the trial. Neither of these affidavits contain any statement, which even if wholy true, is not susceptible of explanation entirely consistent with honesty and integrity as jurors.

Against this showing each of the jurors has filed a saparate affidavit meeting every charge contained in the affidavits of the state, covering and fully explaining their actions and conduct during the entire time of the trial with great particularity.

These affidavits are supported by the testimony of both bailiffs who had charge of the jury continually during its confinement.

A consideration of all this evidence leaves no room for the slightest suspicion of misconduct on the part of any member of the jury which tried this case. Indeed the conduct of these jurors and of the bailiffs in charge of them is shown to have been in every respect most exemplary and is deserving of the highest commendation.

SUPPORTED BY EVIDENCE. SUPPORTED BY EVIDENCE.

The other reasons urged for the granting of a new trial have all been considered, but none will be noticed here except the principal one, that the verdict is not supported by sufficient evidence, and is contrary to

cipal one, that the verdict is not supported by sufficient evidence, and is contrary to the evidence.

Upon the trial of this cause and at the close of the introduction of evidence the state requested the giving of a peremptory instruction for the plaintiff. This instruction was refused for the reason, as I then believed, that to instruct under the evidence adduced would have been reversible error.

It would consume time unduly and serve no useful purpose to at this time discuss the evidence. It has become familiar to both court and counsel. It is sufficient for the purposes of this hearing to say that a careful consideration of the record, concerning which my recollection, already clear, has been aided by copious notes taken during the trial, has falled to convince me that the verdict is not supported by evidence. Even if it were true that I might, if the case had been tried without the intervention of a jury, have reached a different conclusion from the entire testimony, such fact would not make it proper for me now to usurp the functions of the jury.

This case was carefully tried. The facts

proper for me now to usure the functions of the jury.

This case was carefully tried. The facts were fairly submitted, as provided by the constitution and laws, to a jury of twelve citizens drawn from the body of the people, they were unhampered by any outside influence during the trial, and have returned a unanimous verdict. That verdict will not be disturbed by this court.

The term during which the shortage is alleged to have occurred covered the period between January 3, 1895, and January 7, 1897.

that when he was in the county fail during June, 1896, he was tied up by the hands and tortured in a most inhuman manner. He says that handcuffs were placed around his wrists, and that through these a rope was drawn and that then he was pulled up until his toes barely touched the floor of the jail. He says that he was kept in this position for the period of ten hours, and ill without cause or provocation.

their own version of the story. At the time of the alleged ill-treatment they say that Claycomb was in the county fall serving out a sentence, having been convicted of robbing the graves of Mount Hope cemetery, and that while so imprisoned he was conand that while so imprisoned he was con-tinually creating a disturbance among the other prisoners. Upon this particular oc-casion they say that Claycomb attempted to create a riot in the jail and that he was cautioned to desist. Refusing to do so, he was placed in the solitary cell, where he pounded the walls and floors, acreamed and MELBOURNE, Victoria, April 7.—The wheat yield of this colony is estimated at 10,400,000 bushels.

Claycomb paid no attention by the colony is estimated at Claycomb paid no attention before the colony is estimated at 10,400,000 bushels.

tils disturbance. He was then handcuffed and tied. In doing this, the sheriff and the jailor both say that Claycomb's hands were elevated, but not enough to cause any suffering. His feet were squarely upon the floor, and no bad results followed, as he was kept in this position only a short time.

Coverland Will Allow People to Travel Cheap for Months. for Months. PEYTON BROTHERS ARE RELEASED.

UNION PACIFIC MAINTAINING EXCURSIONS

State Unable to Prosecute the Case Against Them.

The case of the State against Frank and Emmett Peyton has been dismissed and the prisoners ordered released from custody, thus Declines to Withdraw the Special Privileges at the Behest of ending a ecusational incident that had its the Western Passenger Association.

The Union Pacific railroad has taken a very

decided stand in favor of the continuance of homeseekers' excursions, which have for several years past formed an institution of and charged with the commission of the crime. They were convicted and sentenced considerable value to the west in aiding to bring out prospective settlers. The Western to the penitentiary and tiad been taken there. The case was taken to the supreme Passenger association has just made strenuous efforts to have the Union Pacific call off court and after being considered was reversed and remanded. In the meantime Kennedy all its homeseekers' excursions after June 1, had moved away. After being brought back the Peyton boys were let out on bonds and an effort was made to have Kennedy return but the movement has come to nil. General Passenger Agent Lomax has informed the Western Passenger association that the and prosecute, but as he refused to do so the county attorney ordered the case dis-Union Pacific railroad has arranged homeseekers' excursions up until January 1, 1899. and proposes to grant the reduced rates for all the excursions that have been scheduled. The case of Shaw & Fell, retail grocers of At the meeting of the Western Passenger the city, against the Omaha Produce exassociation in Chicago nearly all of change is on trial before Judge Scott, where Wednesday was devoted to a consideration the plaintiffs ask for a restraining order and the dissolution of the exchange. The plaintiffs allege that the defendant corporation has blacklisted them and re-fused them credit and aver that the exchange of the cate situation on western lines, which thas been bad for some months. Among other means suggested for improving the demoralized rate situation was to cut off homescekers' excursions as soon as possible. is an illegal organization, created for an illegal purpose and that its rules are unjust and unreasonable. The defendant cuters a Nearly all of the western lines had excursions arranged for this spring, and most of them excursions up to Jure 1. It was de-cided that if the Union Pacific would congeneral denial, and contends that it is doing a legitimate business and treats all of its sent the homeseekers' excursions should be

discontinued after June 1.

The Union Pacific railroad is not a member of the Western Passenger association, and on the proposition to discontinue har-vest or homeseckers' excursions General Passenger Agent Lomax of the Union Pa-cific did not agree with the other western general passenger agents. In reply to the telegram asking him if he would agree to cut off such excursions after June 1, 1898, he replied that he would not, and added that he had arranged homeseekers' excursions up to the end of the present year and proposed carrying out the program he had adopted. It is believed to be unlikely that the other roads will abolish the excursions in question without the co-operation of the Union Pacific. The homescekers' excursion onion Pacine. The nomesceners excursions are run on a reduced rate of one fare for the round trip, plus \$2, and the rates are generally offered on the first and third Tuesdays of each month.

WINDING UP THE RECEIVERSHIP. Judge Sanborn Issues Another Order

in the Union Pacific Case. Another indication of the approach of the final winding up of the Union Pacific receivership cace has been given in an order of Judge Sanborn just filed in the federal court, in which instructions are given the receivers to hasten in the matter of filing accounts of properties that have been in their hands and are now in their possession. As stated in the order the instructions are given in view of the fact that "the larger portion of the properties have passed to purchasers under the decree of

The order more specifically instructs the receiver to prepare on or before May 1 a general statement of the amount, character and value of the properties which they nave had in their possession in the course of the suits or which they now may have. They are ordered also to file accounts in certain cases growing out of the main case in which Police Judge Gordon is considerably

they have had a part on or before June 1.
Judge Sanborn says also that a final de-termination of the compensation the receivers shall be awarded for their services in the main case and in the other suits and pro-cedings in which they have had control of property shall be reserved until these ac-counts are filed. In the meanwhile the repensation than the salaries they are drawing and which were awarded under previous

orders of the court. This portion of the order disposes of the applications made by the receivers for a raise in salary. They were each given \$12,000 for their services, but in view of the fact that they have had to act in a large number of When I bound these men over to the district court on October 2, 1897, they both gave a justified bond of \$500. At the last term of cases dependent upon the main case they had asked that the amount of salary, in the way of extra compensation, be \$18,000.

General Cowin, who is assistant counsel for the government in the receivership cases, said that the order is preliminary to the winding up of the case.

PRESIDENT GOULD IN OMAHA.

Head of the Missouri Pacific and Iron Mountain Lines Here. George J. Gould, president of the Missouri Pacific and the Iron Mountain railway com-

panies, accompanied by Charles G. Warner, County Attorney Baldrige, in speaking of the methods pursued in the police court with reference to accepting bonds of prisoners for vice president and general auditor of the companies; W. B. Doddridge, general manager, and H. G. Clark, general superintendtheir appearance in the district court, said: "We have abandoned the idea of suing on ent, spent Thursday morning in Omaha. The party arrived in a handsome special train over the Union Pacific railroad from Denver about 8 o'clock, and spent the day in conbonds, simply for the reason that nine times out of ten the sureties accepted by the police judge are absoultely worthless, and a suit would result in nothing but an expense to ference with other railway mmagnates in would result in nothing but an expense to the county.

"While I do not try many of the police cases in police court, I am informed by my assistants that Judge Gordon never requires a bondsman to qualify. He will accept any-body, regardless of whether or not they have this city. The party left the train at the Union depot

and room afterward called at the Union Pa-cle headquarters, where they remained closeted with President Burt for some little time. In the meantime the special train was operty. There are many instances where has taken as bondsmen parties who have run around to the Webster street station of the Missouri Pacific. From there the party neither real nor personal property. Parties giving such bonds do not feel under any late in the morning, took a run out to the grounds of the Transmississippi Exposition. The stay there was a short one, but long enough for President Gould to become con-vinced of the broad scope of the great westcollected from the surelics and the surelies know the same thing. When the cases are called if the parties have left the county ern enterprise and for him to favora-bly comment on it to those who ac-companied him. At noon the party returned to the headquarters of

the jury.

This case was carefully tried. The facts were fairly submitted, as provided by the constitution and laws, to a jury of twelve citizens drawn from the body of the people, they were unhampered by any outside influence during the trial, and have returned a unanimous verdict. That verdict will not be disturbed by this court.

The term during which the shortage is alleging in the premises. We let him have alleged to have occurred covered the period between January 3, 1895, and January 7, 1897.

EX-PRISONER SUES THE SHERIFF.

Stanley Claycomb seeks Damages for Alleged III-Treatment.

The case of Stanley Claycomb against Sheriff John McDonald and County Jailer George Shaud is on trial before a jury in Judge Baker's court. The plaintiff seeks to recover the sum of \$5,000 damages, alleging that when he was in the county jail during the judge continues to the propose of consequence to the sufficiency of baile and consequence and the cases are called iff the parties have left the county for the case of the pooling in the parties have left the county for the people. The total sum and the total and dismiss the cases of the pooling in the premises. We let him have district court we prosecute, but if the exposition. From here President Gould and party will take a trip of inspection over the dismissant form the discrete court to the united to the beadquarters of the Union Pacific railroad, and President Gould was there waited upon by a replication of the union Pacific railroad, and there is nothing for us to do the Union Pacific railroad, and there is nothing for us to do the Union Pacific railroad, and there is nothing for us to the bail and dismiss the cases.

"Time and again my assistants have called the Union Pacific railroad, and there is nothing in the parties fave called the Union Pacific railroad and the union pacific railroad and the

Railway company for the purpose of con-solidating the two lines under the name of the Missouri, Kansas & Texas, a surprise was sprung upon the stockholders of the "Katy" company by the serving of an in-"Katy" company by the serving of an in-junction on the "Katy" people to prevent the consolidation. The injunction was backed forty-sixth annual conference of the Reby the estate of R. S. Stephens, which holds 13,000 shares of Kansas City & Pacific stock. organized Church of Jesus Christ of Latter Day Saints, now convened at Independence, They assert under the consolidation their shares would have to be exchanged for Mis-souri, Kansas & Texas stock, which they promises to be a notable one in the history of the church. Nearly 700 delegates are in attendance. Each delegate has a report to present of the work being carried on in the various parts of the world. President Joseph Smith of Lamoni, Ia., the head of the church and chief of the presidence of three best of the church and chief of the presidence of the church and chief of the presidence of three best of the presidence. souri, Kansas & Texas stock, which they state is of less value. After a warm discussion action on the consolidation was deforred until May 10. The annual meeting of the stockholders of the Kansas City & Pacific railway re-elected H. W. Poor, Colgate Hoyt, H. C. Rouse of New York; F. C. Stevens of Washington, D. C.; R. R. Reynolds of Erie, Lee Clark and C. H. Kimball of Parsons, Kan. The directors met and elected H. W. Poor, president; Colgate Hoyt, vice president; C. G. Hedge, treasurer; and S. M. Haline, secretary; Simon Stern, general counsel; James Hagerman, general soand chief of the presidency of three, is directing the work of the conference. have taken \$1,250,000 in gold for import.

Kessler & Co. have \$250,000 engaged for import from London.

Additional gold engagements are an anounced by L. Von Hoffman & Co. of \$250,000 and the National City bank of \$500,000, the latter from Berlin. Mueller, Schall & Co. At the annual meeting of the stockholders of the Missouri, Kansas & Texas railway

this afternoon, the following directors were elected for a term of tour years: John D. Rockefeller, William Dowd, Joel F. Freeman and Charles G. Hedge. The meeting of the full board of directors for the election of officers will be held sometime next month.

BARBER COMPANY'S CLAIMS

Settlement Likely to Come Only After a

LIST OF QUESTIONS PREPARED.

State Board of Transportation Serves An agreement has been reached between

the attorneys of the various railways in the state and the State Board of Transportation that certain written questions shall be submitted to each road by the board and answers indicative of the road's financial condition shall be returned to the board at the

earliest possible date.

It was announced to The Bee by one of the railway attorneys who was present at the hearing at Lincoln that the questions would be along lines laid down in the decision of the United States supreme court in the Nebraska maximum rate cases. The questions will be as fololws

The amount expended in permanent improvements.

ompany's bonds and also of its stock.

The present as compared with the original ost of construction. The probable earning capacity of the prop-

erty under particular rates prescribed by statute and the sum required to meet oper-The present freight and passenger rates per The cost of operating freight and passenger

trains per mile Debating Exposition Rates.

CHICAGO, April 7.- The roads of the Western Passenger association met today to consider the rates to North Pacific coast points and the rates and arrangements to the Transmississippi Exposition at Omaha. The problem in the rates for the exposition was how the rates between Chicago and Omaha should be equalized with those be-tween Chicago and Kansas City, but this went over. It is expected that the meeting will settle these matters tomorrow.

Southern Pacific Officers.

SAN FRANCISCO, April 7 .- At the meeting of the board of directors of the Southern Pacific company, held in this city today, the following officers were elected for the coming year: President, C. P. Huntington; vice president, Thomas H. Hubbard; second vice president, George Crocker; third vice president, J. C. Stubbs; fourth vice president, Julius Kratschnitt; secretary and controller, B. C. Wright; treasarer, N. J. Smith. President Thomas of the Eric.

Omaha was quite long on railway presi dents during the day. In addition to Presidents Burt of the Union Pacific and Gould of the Missouri Pacific, there was Hon. E. B. Thomas of New York, president of the Eric railroad. President Thomas was in the city for a brief while during the morning. He came on the eastbound limited of the Union Pacific and from Council Bluffs went over to Chicago on the Northwestern.

Complete Railroad to Astoria. ASTORIA, Ore., April 7.-The last spike n the Astoria & Columbia River railway has been driven and the completion of this road tives the first all rail line from casters United States seaports to Astoria.

Railroad Notes and Personals J. O. Phillippi, assistant general freight and passenger agent of the Missouri Pacific, has returned from Chicago.

General Freight Agent Sargent of the Kansas City, Pittsburg & Gulf is in town from Kansas City, Mo., and reports business along the new north and south line to be very good.

who is in the city, has just received a teleam announcing the sudden death of R. R. Wintern, superintendent of the Superior division of the Milwaukee road, at Green Bayt Wie.

Allen I. Blanchard of Chicago, the inven tor of the Blanchard form of cash fare slips, is in the city. His system of cash fare slips is used on about twenty railroads and he is now endeavoring to secure their adoption on the Fremont, Elkhorn & Missouri rallroad.

W. B. Kniskern, general passenger and ticket agent, and H. A. Gross, general east-ern agent, both of the Chicago & Northwestern railway, passed through Omaha on Wednesday afternoon. They were return-ing from a sojourn of ten days on the Pa-

The statement that W. R. Kelly appeared for the Union Pacific railroad, or the receivers of the Union Pacific railway, befor the State Board of Transportation at Lin coln on Wednesday is a mistake. Judge Kelly was not in Lincoln at all. W. J. Carroll appeared before the board at the hearing of the Tibbles case, but says he did not represent either the Union Pacific railroad or the receivers of the Union Pacific railway.

The resignation of B. L. Winchell, general passenger agent of the Union Pacific, Denver & Guif railway, to accept the higher poet of general passenger and ticket agent of the St. Louis & San Francisco railroad, drew out many complimentary notices for that progressive passenger man in local railway circles. It is considered likely that The Fisher may be appointed general passenger agent of the Gulf road. He has held the position of chief clerk to General Passenger Agent Winchell, and was formerly with the Union Paci Gulf road. on Pacific system when it included the

KELLY OF ULYSSES IS ROBBED. Minnie Doyle and Jack Wiggins 1

Jail for Taking His Property. Edward Kelly is another stockman Ulysses, Neb., who has seen the seamy side of Omaha. He came here with money and a gold watch; now he has neither. taking in the sights Wednesday night he came across Minuie Doyle in the proscribed district and she treated him so nicely that he remained in her company. In the morning he discovered that he had not only spent all of his money in revelry, but that the woman had "touched" him for his watch. Kelly went to the central station and told his story. Now the Doyle woman and Jack Wiggins are in jail, charged with working the "panel game" on the farmer, Kelly has filed an information against the pris-

oners, charging them with larceny from the

Mrs. Eugene Weinberg arrived in Omaha yesterday morning with her 4-year-old daughter from Kansas City and went to the city jail to get assistance from the police to locate her husband. He is a baker and came to the city several weeks ago in search of work. Thinking that it would be more economical for the family to be together. Mrs. Weinberg, without giving notice of her intended move to her husband, came to Omana with her child. Then she discovered that she was among strangers and could not give the whereabouts of her husband of tell where he was likely to be found. She is at a hotel and the police are trying to locate Weinberg. city jail to get assistance from the police

Tarough mistake an old Swedish woman carried the wrong valise from a train at the Union depot yesterday: The woman who owned the valise became much excited over her loss, and, together with her husband, hunted up a policeman and finally succeeded in recovering the valise before the Swede woman had gone very far. In the meaontime the train pulled out and when the husband and wife had recoered from their excitement a little it dawned upon him that he had left his overcoat on the train. Another exciting scene ensued, but telegraphing to South Omaha, the coat was recovered and will be restored to the couple who had so much trouble with their possessions. owned the valise became much excited over

Settlement Likely to Come Only After a Hard Lawsuit.

BLLS FOR REPAIRING ASPHALT PAVING

Council Committee in Favor of Res sisting the Collection in Court and Will Recommend the Employment of Special Counsel.

The finance committee of the city council has decided to make a vigorous fight against the Barber repair claims, and a recommendation, which will briefly outline the plan of procedure, will be submitted to the council at the next meeting. Although a deficite The original cost of construction of the arrangement has been postponed until after the recommendation has been approved by the council, it is probable that Hon. James The amount and the merket value of the M. Woolworth will be retained by the city to defend the case. City Attorney Connell has declared himself out of it since his plan for a settlement was turged down and since he refuses to act it was decided to procure special counsel. The committee came to the conclusion that if it was proposed to fight the case at all it was worth while to secure the best legal advice to be had, and Mr. Woolworth was the unanimous choice. It is understood that the city will depend to some extent on the contention that the repair contract was never legally executed, from the fact that no bids were advertised for and it was entered into without competition, which the law requires. The case is set for the May term of the United States court, and the preparations for the defense will be begun as soon as the decision of the finance committee is approved.

> PAVING CONTRACTORS GET READY. Operations Will Be Well Under Way

In a Few Days. The local paving contractors are making active preparations to begin work as soon as the weather becomes settled and the indications are that by the middle of the month paving operations will be fairly under way. Hugh Murphy has a gang of men getting South Sixteenth street ready for the asphalt and J. B. Smith is resetting the curbs on hio Farnam street district while he is wait-ing for the completion of his asphalt plant. The Grant Paving company is hauling slag for the completion of its Farnam street district. The weather is still somewhat too raw and uncertain to lay asphalt, but in another week or two the contractors will be expected to start the work.

Peddlers and Down Town Streets. Some of the peddlers and banana venders who operate in the business district are much excited on account of the ordinance now before the council which shuts them out of the immediate business center, except by special permission. Some of these peddlers pay considerable sums to retailers for the privilege of occupying a portion of the street near their places of business. One man pays a department store \$30 a month to be allowed to locate his stand in the olley adjoining its place of business. In most cases these rentals are paid under a lease for a year or six months, and the peddiers assert that if they are driven to other localities they will lose this money as well as their

favorite locations.

City officials assert that since the people who lease these stands to the peddlers have no legal right to rent out the public streets and alleys they would be unable to enforce the lease, and they are not a little inclined the new north and south line to be very good.

Superintendent Gibson of the Milwaukee, who is in the city, has just received a teleprovides a regulation under which the license inspector can compel the peddlers to remain at certain corners where they will offer the least interference to traffic.

Mortality Statistics.

The following births and deaths were reported at the health office during the twenty-four hours ending at noon yeaterday: Births-James Martin, 1410 North Thirtlth, girl; Charles A. Hogie, 3827 Decatur,

Deaths-S. A. Hanna, 72, 3223 Manderson, eumonia, Forest Lawn; Anthony Kilday, 55, Eleventh and Davenport, pneumonia, St. Mary's cemetery; Mrs. Calliban, 95, county hospital, old age, St. Mary's.

Removing Wooden Aprons. The effort of the Board of Public Works to secure the peaceable removal of the unsightly wooden aprons from the streets is proving fairly successful. A number of owners are already taking up, the aprons adjacent to their properties and putting in the stone step required by the board. Ten days additional notice has been given and at the end of that time the street force will be instructed to remove any aprons that re-

Painting the City Hall. The contractors who have the job of painting the interior of the city hall have commenced work, and "fresh paint" will be in evidence for the next few weeks. It is promised that the job will be completed long pefore the first exposition visitors arrive. BOARD OF BARBER EXAMINERS.

Pushes Its Examinations Until Nearly All Applicants Are Through. The Board of Barber Examiners has been

meeting two or three times a week to dispose of the applicants. About 250 have taken the examinations and have secured the required certificates. With the exception of a special meeting to be held on Tuesday, April 19, the board

While will meet in the future only once a month At the special meeting a few barbers of the city who have as yet failed to take the required examinations will be permitted to do so. The meeting has been set simply, for their accommodation. As a result of the examinations there are a few applicants who have not satisfied the

board as to their qualification to follow the trade. These applicants will be given an opportunity to satisfy the board in a prac-tical way in the next few days by giving the members an exhibition of what can do in the way of cutting hair and shaving.

WOMAN HURT ON THE STREET. Mrs. Lizzie Jehrk Knocked Down by a Passing Team.

Mrs. Lizzie Jehrk of 2013 Pierce street was run down by a horse at the corner of Douglas and Fourteenth streets while crossing the thoroughfare and painfully injured. Louis Gamer, the photographer, was driving in a buggy along Douglas street and as he was passing the corner where the accident occurred he did not notice the woman immediately in front of the horse. She saw her danger too late to get out of the way and the next moment the borse knocked her down, trampling upon and crushing her left foot badly. The woman was also bruised about the body. She was removed to her home in the police patrol wagon.

Henry Whiting Cuts an Artery. Henry Waiting of the Murphy-Wasey company met with a dangerous accident yesterday at the chair factory. yesterday at the chair factory. While opening some letters with a sharp knife it suddenly slipped, running through his cand and cutting a large artery. He was taken to the city, but before they could reach his paysician's office he was nearly exhausted from loss of blood. Dr. Hanchett, who dressed the wound, says he will soon recoved, however, if blood poisoning does not follow, of which the top or thinks there is little danger.