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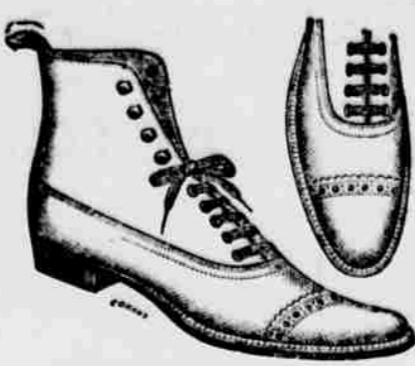
Superb Styles and Superior Quality at Popular Prices.

N. E. Cor. 16th & Douglas Sts.

N. E. Cor. 16th & Douglas Sts.

Men's Low Shoes

We have some very swell shapes in low shoes for men who want style and comfort on a hot summer day. Also a very complete line of men's, boys' and youths' black and tan Bicycle Shoes at popular prices.



Price \$3.00

In Russia and Willow Calf black and colored Vic Kid. We say it is the neatest and best shoe to be found in any market at this price—\$3.00.

The number of this last is E 171 It has no equal for value—style—fit and comfort. It is made up in Willow Calf, Russia Calf, Chocolate and Black Kid. It is the wonder of all who see it.

Price \$3.50



Ask For Style E 98

It's all good honest leather, well put together.

\$2.50

All kinds—black or tan—Price.....

Patent Leathers

The largest assortment, most reliable makes, more modern up-to-date shapes to select from.

At prices to please



We have many other styles—it would be impossible to mention them all—our windows will give you a fair idea of the most complete stock of men's footwear ever in Omaha, every pair made expressly for our trade by America's most reliable manufacturers. We buy the best shoes money will purchase, therefore we can sell you the best shoe money can buy—this applies to all grades. We would be glad to have you call—we know we can please you.

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SUSTAINS JOHNSONS' PLEA

Judge Slauch Passes on the Midland State Bank Matter.

PROSECUTION IS NOT PROPERLY BEGUN

Court Rules that a District Judge Cannot Sit as an Examining Magistrate—Full Investigation is Directed.

Unless a new information is filed and unless the case is prosecuted along the regular lines, Frank B. Johnson, William H. Johnson and Charles A. Sharp, officers of the defunct Midland State bank, will not be tried on the charge of fraudulent banking. Such was the decision of Judge Slauch handed down yesterday afternoon.

The Midland State bank closed its doors some years ago and it is charged that on the day before the failure of the concern, the officers received deposits, well knowing that the bank was insolvent. During the vacation preceding the February term of the district court just closed, William McKenna appeared before Judge Scott of the equity division of the district court and swore to an information charging the two Johnsons and Sharp with the crime of fraudulent banking. He also alleged that on the day of the failure of the bank the officers received his deposits. The Johnsons and Sharp were given a preliminary hearing before Judge Scott and were held to answer before the judge of the criminal section of the district court. The attorneys for the bank officials filed a plea in abatement, contending that a judge of the district court had no jurisdiction as an examining magistrate. McKenna demurred, alleging that the plea in abatement did not constitute a defense. The questions raised by these pleadings were argued before Judge Slauch some time ago and a decision handed down yesterday.

SUSTAINS THE PLEA

In passing upon the case Judge Slauch reviewed the law at some length, citing cases and reading from the decisions of the courts of Nebraska and other states. He said he was firmly convinced that prior to 1873 the statutes of Nebraska conferred upon the judges of the district court authority and power to sit as examining magistrates. At the session of the legislature of that year the law was repealed and the power taken away. Taking this view of the law, Judge Slauch said he would overrule the demurrer and sustain the plea in abatement. The action of Judge Slauch throws the case out of court, but it does not end the litigation, for in handing down his decision, he stated that he had directed the county attorney to make a thorough investigation of the charges alleged by McKenna. If that official finds them to be true, the judge will order a vigorous prosecution. If such is brought, he said he would institute and conduct along the regular lines, the same as other criminal cases. In pointing out the course to follow, Judge Slauch said there is the county judge, the police judge and numerous justices of the peace, all of whom have unquestioned jurisdiction as examining magistrates and before whom the action can be brought if the county attorney believed there is sufficient cause to justify the filing of an information. He said overruling the demurrer and sustaining the plea in abatement will not delay the final hearing of the case in the least, as the preliminary steps can be taken and the trial had at the May term of court.

TERM ADJOURNS

The February term of the district court has been adjourned. The order was entered yesterday afternoon by Judge Slauch after he had passed on the case of the State against Johnson and others. All of the other judges quit business some days ago. Judge Slauch was not ready at that time, owing

to the fact that he had some bonds in criminal cases that had to be renewed. The next term of the district court will convene on May 2, but it is not likely to be a long session as there is a light docket. In addition to this, the judges are anxious to get through with their work in order that they may put in considerable time in promoting the exposition. The jury trials cannot last longer than six weeks, as jurors have been drawn for only the first and second three weeks of the term.

IT WAS ONLY A WEATHER KITE.

Object of Much Curiosity and Some Approbative Speculation. Hundreds of Omaha residents sighted a big white speck out in the northwest heavens yesterday morning and puzzled their brains to establish its identity. Some declared it to be last year's air ship; others insisted that it was a planet and opined that a planet seen so close to the earth is a sure sign of war. Not one in a thousand hit upon the right solution—that it was a kite sent up at the recently established kite station.

The station is located on the top of a knoll near Fifteenth and Cuming streets, where plenty of room is given for the experiments. Aerial Observer C. K. Robinson hoisted the big kite for the first time late yesterday afternoon, but few people noticed it. As it hung in the heavens at the second ascension yesterday morning and its white canvas sides gleamed in the bright sunlight, it attracted universal attention. Both flights were very successful. On Tuesday evening the kite went up a little over 5,000 feet at the end of 7,500 feet of line. Yesterday morning it ascended about 4,200 feet with the same length of line. It was intended to try another flight yesterday afternoon, but the wind was not strong enough. A ten-mile-an-hour breeze is required to raise the big kite. The kite is about seven feet long, about as high and nearly three feet in width and yet weighs not more than ten pounds, with its instrument attached. It is what is known as an ordinary paper kite with a wooden frame of strips of canvas fastened about the framework. The string consists of fine steel wire, 12,000 feet of which is wound upon a reel. To hoist the kite, it is carried about 1,000 feet from the reel. The man at the latter rapidly winds up the kite, and the pressure of an ordinary paper kite does when any runs to raise it. The reel is arranged upon a pivot so that it veers whenever an upper current of air changes the course of the kite.

Both flights so far made have been only trials, since the instrument with which data of the upper currents is to be secured has not arrived. This is a combination barograph, which registers the pressure of the air; a thermometer, which records the temperature; a hygrometer, which registers the humidity, and an anemometer, which takes the wind velocity. The instrument is self-registering. The only other instrument which shows the height of the kite. Attached to the reel is an indicator to show the amount of line that has been used. The aerial observer has quite a bit of work to do during a flight. As the kite goes up the instrument registers continuously the condition of the currents of air through which it passes. During all this time the observer is taking account of the surface conditions. For example, the notes he prescribes are: pressure, humidity and wind velocity on earth when the kite is up 1,000, 2,000 feet and so on, in making up his report the observer notes the conditions of the air at the various altitudes. The instrument is compared.

Newboys Form a Union

A mass meeting of the newboys of the city was held last night at 1234 Farnham street. It was their purpose to organize a union under a charter which has been granted by the Central Labor union. About 120 boys were present, and after a temporary organization had been effected, an exciting election of officers was held. This resulted as follows: William Loftus, president; Carl Foley, vice president; Thomas Foley, secretary; Edgy Bernstein, treasurer. Several vigorous speeches were made by the boys in defense of what they regarded as their rights, and a fund was raised for the furtherance of newboys' interests. More than \$100 has been placed in charge of the treasurer for this purpose.

SKIN GAME CAPPERS HELD

Men Wanted in Nashville Under Present Arrest in Omaha.

ONE OF CHIEF GALLAGHER'S BRIGHT MOVES

Sure Thing Gambling Device Allowed to Run Unmolested, While Two "Boosters" Are Taken on an Old Charge.

J. W. Burns and William Dwyer were arrested last evening under "booster" not only a plain old illegal gambling device but just an palpable "skin game." The arrest was not made, however, so break up the operation of the game, because that was allowed to proceed without molestation. The police were simply forced to gather in the two men because they are wanted in another city on a serious charge. They are consequently charged with being fugitives from justice from Nashville, where they are said to be wanted for a shooting affray.

The men have been the cappers for a game which has been allowed to run unmolested for several weeks on Sixteenth between Chicago and Davenport streets. The proprietor is one Kirschbaum, who has found his business so profitable at this place that he has opened another office near the corner of Fourteenth and Douglas streets. Both places have been well patronized and have paid well, inasmuch as the player stands no chance of losing the game. The proposition offered at the game looks good. The sucker is provided for 25 cents with a ball, which he shows an object at the rear of the board. In falling the ball hits a board covered with pegs, skipping between them until it reaches pockets at the bottom. If it lands in certain of the pockets the thrower is repaid at a rate of four to one, receiving \$1 for his quarter.

In order to bring the interest of the spectators to the playing point a lot of "boasters" or "cappers" come up and buy balls at a quarter apiece. These invariably prove successful, falling into the \$1 holes, and the manipulator promptly hands out the dollar. When an outliner throws, however, the board is switched and the ball, when it reaches the bottom of the board, could not be forced into a winning pocket with a crowbar. Chief Gallagher, although he admitted that the game is of the "skin" order, says the men were not arrested for taking part in it. He declares that the game is run under a license and that he does not feel called upon, therefore, to interfere with it. He says the men were arrested on the strength of a letter received some time ago from Nashville, where they are wanted for taking part in some sort of an angle. The chief knew that the men were in the city and had located them for some time but did not attempt to arrest them until last night. "I wanted to see if they intended to be straight, and as they showed no intention of doing that I censured them to be arrested," he declared. The Nashville authorities will be notified of the arrest immediately.

Made to charm the taste of real people—S. & H. "VIOLETS"—the aristocratic perfume for the breath. Five cents.

Funeral of Edwin Taylor. The funeral of Edwin Taylor was held at 4 o'clock yesterday afternoon from the Beth Eden Baptist church. The auditorium was well filled with the friends whom Mr. Taylor had gained during his long residence in this city. The services were in charge of Rev. C. B. Allen, pastor of the church, who spoke simple and earnest words of tribute to Mr. Taylor's memory and of consolation to his friends. At the conclusion of the services the body was conveyed to the depot and sent to Boston, which will be the future home of the family. Mr. Taylor was an old and valued employee of the Pacific Express company, with

which he had been connected for eleven years. His son, Henry Taylor, who was for some time in business in Omaha, is now located at Providence, R. I. Mr. Taylor left last night to join him.

Burglar Surrenders Himself.

William Edwards appeared at the police station last night with the statement that he was a burglar and should be taken into custody. He said that in company with another man he had broken into a hardware store in Leavenworth, Kan., and carried away \$20 worth of goods. At Atchison, Mo., the men parted and Edwards came to Omaha, where he disposed of his portion of the spoils. Conscience has been getting in its work since his arrival, so Berry affirms, and he has concluded to be good. The Kansas authorities have been communicated with and an effort is being made to locate the stolen property.

Farmer with Fifteen Dollars. John Berry, a farmer from the eastern slope of Iowa, arrived in Omaha yesterday, having in his possession \$15. He was unable to withstand the allurements of a strange woman, however, and the money was shot a man with nearly fatal results and to have been convicted of the offense in Memphis, Tenn. They are said to have been arrested for their bonds and left for an unknown destination.

America makes the finest brand of champagne. Cook's Imperial Extra Dry. It is delicious, fruity and pure.

Mrs. Charles Stora Hurt. Mrs. Charles Stora met with a painful accident yesterday afternoon as she passed Caldwell street on Twenty-fourth. She was in a phaeton and was accompanied by her three children. The horse became frightened at a motor train and threw the vehicle into the gutter. Mrs. Stora fell upon the pavement and received a severe scalp wound. She was taken to her home and the injury was found to be serious.

LOCAL BRIEVITIES.

An unknown sneak thief stole from E. E. Sisson of 1209 Farnham street, an umbrella valued at \$15. The theft was reported to the police.

A Klein was fined \$10 and costs in police court for assaulting his wife and beating his children. He was unable to pay and went to jail.

The British-American citizens will meet in the exposition directors' room in the Paxton block Thursday night for perfect organization.

A formal dancing party was given last night by the Thurston Girls in their armory. About 100 were present and the entertainment of guests was in charge of Lieutenants Stockham and Forby and Musicians Risley.

Royal Neighbors of America lodge No. 10 gave an informal card party last night in the Labor Temple. Refreshments were served and the evening was concluded with dancing. Those in charge were Mesdames Holt, Jones, Yapp, Striding, Baker and Devall.

Missouri Valley's Patriotic.

MISSOURI VALLEY, Ia., April 20.—(Special Telegram).—At a public meeting this evening a company was organized for military drill, meeting Friday night for election of officers and perfecting organization.

Movements of Ocean Vessels, April 20.

At New York—Sailed—Majestic, for Liverpool; Kensington, for Antwerp; Burgundia, for Marselles; Arrived—Westernland, from Liverpool; Mohawk, from London. At Liverpool—Sailed—Vonia, for Boston. At Southampton—Arrived—Paris, from New York; Sailed—Hamburg, from New York. At Copenhagen—Arrived—Hestia, from Glasgow; Sailed—Bohemia, from Hamburg. At Bremen—Arrived—Kaiser Wilhelm der Grosse, from New York via Plymouth. At Copenhagen—Arrived—Hestia, from New York.

PEN THAT DID THE BUSINESS

Instrument Used by McKinley to Sign the Cuban Resolutions.

MERCER WANTS IT FOR THE EXPOSITION

Files Application for Loan of the Article for Omaha's Show—Chadron Female Cavalry Offer Their Services.

WASHINGTON, April 20.—(Special Telegram).—Congressman Mercer today requested the loan of the pen for exhibition at the Transmississippi Exposition which President McKinley used to sign the resolutions calling upon him to intervene with force of arms in Cuba. Secretary Alger received the pen from the president, having been the first to request the same. It was accordingly turned over to him.

A telegram was received today from the Mercer brigade of Omaha by the War department, stating that fifty colored men were awaiting orders from the secretary of war to move on the Spaniards. The tender of service, like thousands of others, was placed on file to be used when emergency arises. The War department is greatly wrought up over a telegram from Chadron, Neb., by the tender of a female cavalry company for active service in Cuba. Advice received today that the females are all crack shots and excellent horsewomen and refer to Colonel Cody (Buffalo Bill), for confirmation of their sterling qualities. If any female company is selected General Miles says he will give the Amazons first chance.

Nearly 400 applications from newspapers have been filed with the commanding general of the army for places for newspaper correspondents who will accompany the army in the bottom of the Gulf of Mexico. General Miles also stated today that he was receiving applications from many of the leading military lights of the old world for assignment to his staff in event of hostilities, which is permissible under the rules of international law, especially when the requests are coupled with the sanction of the governments of which the officers are citizens.

News for the Army.

WASHINGTON, April 20.—(Special Telegram).—Captain Frank D. Baldwin, Fifth Infantry, has been relieved from duty as acting Indian agent at Kiowa agency, Oklahoma Territory, and upon the transfer of the agency, property and funds to his successor will proceed to the Department of Dakota for duty as acting inspector general. Second Lieutenant Albert J. Bowley, Fourth artillery, has been transferred to light battery F of that regiment.

Second Lieutenant Robert M. Williams, First artillery, is transferred to the Seventh artillery. Captain Albert D. Niskern, commissary, will report to Brigadier General John J. Coppinger at Mobile, Ala., for duty as commissary.

The following named officers now under instruction in order to serve as will let's Point, N. Y., have been relieved from duty and will join their respective regiments: First Lieutenants William H. Williams, Fourth infantry; William O. Johnson, Second infantry; Harry J. Hirsch, Eighth infantry; and Robert L. Hamilton, Fifth infantry; Second Lieutenants, John S. Murdock, Twenty-fifth infantry; Arthur M. Edwards, Third infantry; Fred G. Stritzinger, Jr., Twenty-third infantry; Joseph S. Murdock, Twenty-fifth infantry; Arthur M. Edwards, Third infantry; Fred G. Stritzinger, Jr., Twenty-third infantry. Brigadier General Joseph C. Breckenridge, inspector general will report to the major general commanding the army for temporary duty.

The following changes in station and duties of officers of the subsistence department are ordered: Lieutenant Colonel John P. Weston, assistant commissary general, has been temporarily relieved from duty as purchasing

commissary at New York City and will report to Major General John H. Brooke at Chickamauga National Park for duty. Major Wells Wilford, commissary, will, in addition to his present duties as acting chief commissary of the Department of the East, temporarily relieve Lieutenant Colonel Weston of his duties as purchasing commissary at New York City. Major Henry G. Seape, commissary, has been temporarily relieved from duty as purchasing commissary at Boston, Mass., and will report for duty to Brigadier General James M. Wade at Tampa, Fla. Captain John McE. Hyde, assistant quartermaster, will, in addition to his present duties, temporarily relieve Major Henry G. Seape, commissary, as purchasing commissary at Boston, Mass.

Leaves of absence for five months is granted

Lieutenant Colonel James M. Marshall, deputy quartermaster general. The extension of leave of absence on surgeon's certificate of disability granted Captain William P. Goodwin, Fourteenth infantry, is extended three months. February by the reorganized company, the earnings and expenses of the Kansas Pacific lines during the same month are included in the following statement, though they were operated during the month by the receivers and not by the new Union Pacific company. The earnings of all branch lines and all miscellaneous earnings are excluded in the statement, which follows:

Month of Feb., 1898.	1897.	Changes.
Gross earnings...	\$1,178,250	\$86,097
Inc...	\$192,140	
Exp. excluding taxes...	614,958	649,209
Dec...	6,640	
Net earnings...	\$531,291	\$335,607
Inc...	\$196,824	
Exp. excluding taxes...	1,200,219	1,334,212
Dec...	56,177	
Net earnings...	\$969,617	\$632,627
Inc...	\$127,220	

Abandon Hope for Walthall.

WASHINGTON, April 20.—There was no change in Senator Walthall's condition at 9 o'clock this morning. Hope of recovery has been practically abandoned.

Daily Treasury Statement.

WASHINGTON, April 20.—Today's statement of the condition of the treasury shows: Available cash balance, \$229,751,878; gold reserve, \$180,375,268.

EXPECT AN ADVERSE DECISION.

Railroads Prepare for Demoralization of Freight Rates.

CHICAGO, April 20.—The railroads have the opinion that the supreme court will this week declare that the Joint Traffic association is an illegal organization, and they are already proceeding to manage their affairs without any reference to it or its orders. Instructions were quietly passed around among the railroads to contracting agents today that they need pay no attention to the rules of the Joint Traffic association in their business, and the result was a lively general scramble for business in which contracts were made for handling grain between Chicago and the Atlantic seaboard as low as 10 cents. This demoralization appeared in the absence of any authentic information that a decision adverse to the Joint Traffic association had been rendered, and it is expected that it will become worse if the decision should be as much against the roads as is anticipated.

CONSIDER WHO WILL PAY THE TAX.

Railroads Are Discussing One of the Possible War Measures.

CHICAGO, April 20.—Passenger officials of the roads centering in Chicago are divided on the question as to whether the railroads, or the purchaser of tickets, should pay the tax to be imposed by the government in case of war. Some are of the opinion that the maximum rate law effective in some states will prevent them from adding anything to the present price of tickets, and others say that the increase will not be an increase in the price of the tickets, but will be a tax, and that the government and the passenger can settle the matter between them, and so far as state law on the subject of maximum rates is concerned the law from the government will take precedence over any enactment by state legislatures. Another question is whether the tax will be made to cover all fares paid for transportation, or simply tickets sold. If the latter

NEW UNION PROFITS EARNINGS.

First Month Under new Management Makes a Good Showing.

The financial statement of the Union Pacific for the first month of its reorganization has just been made public. It shows a gratifying increase in gross earnings and a marked decrease in expenses in comparison with the corresponding period of 1897. While only the main line from Council Bluffs to Ogden was operated during the month of February by the reorganized company, the earnings and expenses of the Kansas Pacific lines during the same month are included in the following statement, though they were operated during the month by the receivers and not by the new Union Pacific company. The earnings of all branch lines and all miscellaneous earnings are excluded in the statement, which follows:

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Railway Notes and Personal.

J. C. Kiley, who has been appointed advertising manager of the Baltimore & Ohio Southwestern, has been in the advertising department of the Big Four two years.

C. G. Warner, vice president of the Missouri Pacific, is quoted as saying that a line is to be built from McCracken, Kan. to Denver. At present the Missouri Pacific rents the Rio Grande tracks from Pueblo to Denver, the distance from McCracken to Denver is 165 miles.

On April 15 F. C. Fargo, superintendent of the Indiana division of the American Express company, became general superintendent of the American Express company with headquarters at Chicago. The position had been vacant since the death of James Trumbull. Eleven years ago F. C. Fargo was appointed assistant superintendent of the Indiana division, and one year later, on the retirement of E. W. Sloans, was appointed superintendent of this division.

Colonel Cooke Retired.

ATLANTA, Ga., April 20.—The retirement of Colonel H. C. Cooke, commandant at Fort McPherson and now on his way to Tampa, Fla., at the head of the Fifth Infantry, has been ordered by the medical board of the Department of the Gulf on account of disability.

INSOMNIA

I have been using CASCARET for Insomnia, which I have been afflicted for twenty years, and I can say that Cascaret has given me more relief than any other remedy I have ever tried. I shall certainly recommend them to my friends as being all they are represented.

THOS. GILLIAND, Esq., Ill.

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