

DAN PATCH DRAWS A CROWD

Paces a Fast Mile, but Falls to Break Any Record.

STATE OFFICERS ENTERTAIN VISITORS

Supreme Court Docket Shows an Increase in Number of Cases as Compared with the Last Term.

(From a Staff Correspondent.)

LINCOLN, Aug. 31.—(Special.)—Dan Patch, the world's fastest pacer, went a mile against time this afternoon at the state fair grounds in 2:05 1/2, just a half second faster than he went at the Iowa state fair and just two seconds slower than his own record on a half mile track.

The time by quarters was: First, 0:31; second, 0:32; third, 0:31; fourth, 0:30 1/2. The race was down a solid line of people that extended around the track and was witnessed by a crowd estimated to be as large as that of yesterday. It was a great performance and there was plenty of excitement. The little animal seemed not to touch his feet to the ground so gracefully and so smoothly did he sail around the track. There was not a bobble nor a hitch. He was as cool as an old work horse when he began, and he showed no concern when the people gathered around at the finish.

Before the final trial Dan Patch was given three or four warming up heats and every one of them created the greatest enthusiasm. He went faster and faster and on the last mile he came under a perfect machine, showing little or no exertion. The pace was at 4:10, but three hours before that time the grand stand was filled, but unlike yesterday, there was little complaint made while the people were waiting for the appearance of the horse. The races were unusually good and the standing showed a wonderful improvement over yesterday. Every finish was a close one and the winning horses in every race were given ovations.

This was fraternal day on the grounds and though this fact was overlooked by it being also Dan Patch day, there were many lodge members present. The committee drill, under the leadership of Woodman camp No. 129 of Omaha, Captain Marlin. The drill, however, was only participated in by this lodge and Bonnie Doo No. 200, Royal Highlanders, Lincoln, Captain Gildersleeve. The winners set a purse of \$100, while the losers get \$75. As a purse of \$500 was hung up on the grounds, the fact that no more teams competed \$125 will revert to the fair management. Much disappointment was expressed that more teams did not compete, but it is said that the two teams named are semi-professionals and other teams in the state felt that it would be useless to compete with them.

The attendance today was 25,173 of which 17,000 were paid admissions. The total admissions yesterday was 25,488. The receipts for yesterday in cash as reported by Treasurer E. McIntyre, were \$2,281.25, an advance of \$100. This shows that the amount to be paid for railroad coupons.

State Officials Entertain. This was visitors' day at the state capitol and the officers at the state house were kept busy all the time showing curious sights from over the state the wonders of the big building.

Treasurer Mortensen with the first office in the east and west capitol, gets the crowd first and shows off the burglar alarm to a favored few. Then comes the office of the secretary of state and the governor. The latter official has been practicing with a grip machine, it is said, in preparation for the event, and he now dispenses handshakes at a furious rate an hour, looking after his voluminous mail in the meantime. The governor has a grip that gives the visitor all kinds of pleasant visions. Superintendent Fowler comes next in the number of visitors, and he, too, runs the crowd through the handshaking mill with the greatest possible facility, and all the while carrying on a propaganda for the improvement of the rural schools, and the consolidation of districts where they are too poor to improve.

Adjutant General Culver, in addition to the handshakes, has an exhibition of war relics, which draws the visitors. He has given every facility for the display of a large number of war relics closely associated with the early history of the state. Norris Brown, who is soon to be called "general" for short, also held an informal levee in the apartments of the attorney general.

While all the officials were doing their utmost in making it pleasant for the out-of-town people, the dome is still a superior attraction, several thousand people having inquired for it up to the noon hour. Great numbers of people have made the ascent to the crowning lantern, from which they are enabled to view the entire city, and the grounds for miles around. While the greater height of the 200 feet in peculiar height must be made on a tortuous spiral stairway, no casualties have taken place so far.

Litigation on the Increase. There are 105 cases to go on the supreme court docket for the September term. This is twenty-three more than the number of cases on the docket for the September term last year, and proves conclusively that the litigation in the supreme court instead of falling off is increasing at a fantastic rate. While this great increase in the number of cases which must be disposed of, there is a prospect of another glut such as that which existed three years ago when it took the average litigant from two to three years to have his case determined in the supreme court. The situation is already causing speculation among lawyers who have supreme court practice.

Mr. Lindsay announced today that this is the last day for filing cases desired to go on the docket for the September

term. At noon 105 cases were on file to go on that docket. Because of the necessity of getting out the docket without delay for the first sitting of the court, which takes place September 26, and also because of the very large number of cases he deems it inexpedient to wait longer. Cases filed after today will have to go on the January docket.

The court is greatly hampered by the necessity of holding matters for rehearing in nearly every case on the docket.

Litigants Go the Limit. "Litigation has changed greatly in the last fifteen years," said Clerk Lindsay today. "Then motions for rehearing were infrequent, but now they are filed in nearly every case and their determination places a very heavy burden upon the court, with the result that the work of disposing of each case is almost doubled. The hearing of motions and their consideration all fall to the court, so that the judges and their capacity for the disposition of cases is greatly reduced."

The old condition when the court docket was crowded with litigation caused an enormous loss of dissatisfaction with the court because of the long delays in the settlement of suits, and the threat of a renewal of those difficulties will probably lead the legislature to consider anew the possibility of holding matters for rehearing in nearly every case on the docket. The most likely solution will be an increase in the number of commissioners from three to nine, unless the people at the forthcoming election vote for a constitutional convention, which would permit of changes in the original law to provide for an increase in the number of judges to five or seven. This would enable the state to do without commissioners, since it is claimed that a judge on the bench will do much more work, and accomplish it more expeditiously than a commissioner, who is in theory a superior sort of a private clerk. Such an amendment would carry with it a provision for an increased salary, but the whole expense, it is claimed, will not be larger than that incurred for nine commissioners and three judges, the number needed to cope successfully with litigation at the rate it is coming in now."

Watson to Speak in State. Announcement was made today by the populist state central committee that the Presidential Candidate Watson had been secured to make four speeches in the state during the campaign. All of these are to be made at night, and will be held at Broken Bow, for which the leaves have already been donated. One of the speeches will be at Cambridge, the second at Broken Bow, and the two others at places not yet selected.

ENGINEER HAS NECK BROKEN

Slips and Falls into Fly Wheel While Starting the Engine.

FREMONT, Neb., Aug. 31.—(Special.)—John L. Pope, the engineer at the Harris brick yard just south of this city, was caught in the fly wheel of his engine about 11:30 this morning and so badly injured that he died in a few minutes. A boy by the name of Stout, who was in the engine room at the time, says that Pope turned on the steam a little and then took hold of the spokes or rim of the fly wheel to start it. He slipped and his left arm went under the belt, drawing his body up against the wheel and breaking his neck. He fell back on the floor still breathing, but in seven minutes life was extinct.

Mr. Pope was 73 years of age and had lived in this city for twenty years. For the past fifteen years he had been in the employ of the brick yard company as an engineer and was considered by them as one of the most faithful, competent and reliable men ever in its employ and was practically as strong and vigorous as many men at 50. He leaves a widow, a son, J. L. Pope, Jr., of this city, and a married daughter in Missouri. He served in a Missouri regiment during the civil war and was a member of McPherson post of the Grand Army.

Engineer Makes Serious Mistake

ORD, Neb., Aug. 31.—(Special.)—Word reached this place of an almost fatal accident that befell Earl McIntyre, an engineer in charge of an engine that was running a threshing machine a few miles north of this place yesterday. In an attempt to start the engine forward he made a mistake and reversed the machine and it came back, pinning him between the separator wheel of the machine and the separator. A doctor was summoned, when it was found that he had sustained a double fracture of the left thigh and that his right arm was also broken in two places. Internal injuries of a serious nature had also been received. Owing to the man's condition and the distance from a farm house it was necessary to reduce the broken bones in the open field and with only the stubble as a bed for the victim. He is improving slowly and may possibly recover from his injuries.

Prisoners Almost Out

COLUMBUS, Neb., Aug. 31.—(Special.)—A wholesale "fall delivery" was averted last in the nick of time last evening. The prisoners had been left in the corridor during the daytime on account of the hot weather, and when the warden made his rounds last night just before locking the prisoners up in their cells he discovered that three bolts holding the grating over one of the windows had been sawed in two. Only one bolt was all that prevented springing the grating and giving liberty to the inmates. The sheriff investigated the matter, and inmates laid the blame on W. F. Carby, who is awaiting trial on a charge of "booby stealing." A strict watch will be kept over the jail from now on.

Stricken with Paralysis

COLUMBUS, Neb., Aug. 31.—(Special.)—John Wiggins, for thirty years a resident of this city, is lying at his home in a critical condition as the result of a stroke of paralysis which he suffered last evening. His physicians say that he has practically no chance to recover. Mr. Wiggins is 52 years old, and for many years was engaged in the live stock business in this city. He belongs to the Masonic order and lives with his son and daughter at the family home here. His wife having died some three years ago.

Aultman's Remains Disinterred

NORFOLK, Neb., Aug. 31.—(Special.)—The remains of Louis Aultman, the Bostonian who was shot and killed here by Officer Pilger, were disinterred this after-

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"Those who have not been identified and who have not voluntarily appeared we have nothing to do with. This being an order to show cause, we have no jurisdiction by merely filing a complaint against those not identified to appear and who did not voluntarily appear."

In this connection Mr. Smyth moved the discharge of Robert Booth, W. Chanler, G. Como, Ed Carlson, John Ericson, George Plicker, A. Gerner, James Ardistry, Harvey Hickey, Julius Hoffman, Patrick Jordan, Eric Johnson, Jacob Jaboussin, Albert Johnson, Frank Hanlin, Charles Linton, William Lake, Frank McGrath, Patrick Mitchell, Matt Miller, Gus Mattson, Claude, Andy and Lewis Nelson, Charles Ohler, William Parsons, Ed Peterson, Oscar Reed, Frank Rattl, John Roddy, Charles Servant, Joe Wolf and E. J. or E. L. Williams.

The discharge of these men was asked because they had not been identified by anyone. They are included in the list of eighty-eight summoned with Stephen Vail and others. The men were thereupon discharged by the court.

The hearing was resumed, with Thomas Creigh, the general attorney for the Cudahy Packing company, being the only witness examined. He testified merely to the incidents of July 25 and 26, when a car of colored men and three cars of white workers were intercepted by the strikers.

Creigh Sees No Violence. "I saw no violence there," he said. "Neither did I see any person struck or injured by the strikers. I saw one man pleading to be let alone."

The witness assisted in a way to identify certain of the strikers upon whom writs might be served by the United States marshals. He said, further:

"The strikers were really more excited than violent. I saw groups of pickets, as I supposed, stationed at various points about South Omaha. I do not know that they were strikers. I merely thought them to be."

The prosecution here rested. "This is our case," said General Cowin.

A recess was taken to this afternoon, when the first witness for the defense will be introduced.

We will not call Mr. Vail or Mr. Stephens as witnesses," Attorney Creigh said, in response to an inquiry as to when they would be put on the stand.

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After some formal discussion relative to the discharge of a number of the parties cited and the comparison of lists and names by attorneys for both packers and strikers, Mr. Smyth moved the formal discharge of Stephen Vail and George Stephens, "as there was no evidence to show that either of them were guilty of the offense charged."

The first witness for the defense, William Hickey, was called. The entire afternoon was spent in the examination of this witness. He denied emphatically that he had taken any part in the proceeding of July 25, when the colored men were removed from the freight car, and denied that he was in the market on August 26. Krause, his victim in the market, said the witness had been served with a copy of the injunction, but had not been served with a citation to show cause. Kain was subjected to a rigid cross-examination by General Cowin, but his testimony could not be shaken.

This hearing was adjourned to 9:30 this morning.

John Hickey Bound Over. John Hickey was bound over to the federal grand jury by United States Commissioner Anderson. Though not a striker, he is charged with assaulting and forcibly pinning Roddy, a mute, from a street car in South Omaha August 4. Roddy claimed to be an employe of one of the packing houses, and was en route to his work when the assault occurred.

Hickey was tried before Judge Munger, with John Hoxley and Dan Dady, for tips and tips, but was discharged, as the court held that it had no jurisdiction over Hickey, as he was not a striker, hence did not come within the inhibition of the injunction order, and was not amenable for contempt of court. Hickey's case consequently was shifted to the United States commissioner's court as a criminal case.

Effect at South Omaha Light. Donnelly's New Proposition Causes Little Anxiety There. The statement was made last night that President Donnelly's call ordering out the butchers in independent plants would not have any effect to speak of in South Omaha. Four small independent plants are in operation here, two in the city proper and two in the vicinity. At these plants the slaughtering is not extensive enough to amount to a great deal. The men working in these slaughter houses said last evening that they would keep on working as long as there was work for them. Some of the butchers in these houses say they are union men and others declare they are not. Should the call become effective here not over a dozen men would be compelled to stop work completely.

While the talk of shutting out independent butchers at other points called a flurry of excitement here for a moment, this soon subsided when union men commenced to figure what a small percentage of slaughtering is done here by the independent houses. Two of these independent houses were in operation long before the strike started and prepared meat and sold the same to a certain class of trade. This trade, the independents say, will be taken care of just the same.

More union men interested was manifested when news came from Chicago that President Donnelly expected to call out the switchmen and others in the motive power departments of the railroads that handle packing house products. Along in the afternoon there were rumors that the switchmen were going to quit and leave the usual trains of packing house products.

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