

YESTERDAY'S COURTS.

The Three Councilmen's Cases Continued to Next Term.

The Motions to Quash in the Oros Cases now Before the Courts—The Brighton Ranch's Amended Answer Filed.

In the police court yesterday afternoon the examination of Frank Burns and Pat Cominski, begun on Wednesday, was concluded. Burns was bound over in the sum of \$1,000 and Cominski in \$300 to appear at the next term of the district court.

George Wagner, whose charge for burglary was examined into Wednesday afternoon, was discharged by Judge Beneke, the evidence not being sufficient to warrant his being held.

In the district court the motions for continuance in the bribery cases against the three councilmen came up for argument before Judge Neville.

The application was based upon an affidavit alleging that Contractor Mack, a material witness for the defense, is now in northern Nebraska and before he returns to Omaha would go to St. Louis or Chicago. The motions were opposed by District Attorney Goodwin, but the continuances were granted by the court thus putting the trials of the cases over to the February term.

In the last one of the five indictments for bribery now pending against Ex-Mayor Chase W. T. Cannel, yesterday gave notice that should the motion now before the court in this case be decided against his client he would file a plea in abatement averring that the testimony in this case is the same as in a former case in which acquittal was obtained and asking that his client be discharged.

Before Judge Wakely the case of Killinger and others against Hartman, coming up on exceptions to the referee's report, was taken under advisement by the court and will not be decided until the February term.

Judge Donce, counsel for Rasmussen in the Nelson-Rasmussen case, will file a motion for a new trial to-day.

Christian A. Jensen yesterday instituted suit in this tribunal to recover the sum of \$84.50 for grading done on West Farnam street.

THE FEDERAL COURT. Upon the convening of court yesterday morning the defense in the Lavejoy case took up the introduction of evidence.

The witness first called to the stand was C. E. Lavejoy, the son of the absconded receiver and principal upon the bond. The name of the witness appeared upon that instrument, but when called upon to testify to the genuineness of his signature declared he had signed it neither as bondman or witness in both of which capacities it was written.

Thomas W. Moore, the next witness, swore he never signed the bond although his name as surety appears upon it.

Dr. Schwenk was next called to testify to the habits of the defaulting receiver, and was allowed to give such testimony as he thought proper in rebuttal of the objection of irrelevant and immateriality, Judge Dundy refusing to rule out this evidence and preferring to leave it to the jury on a verdict of special findings.

Upon the conclusion of yesterday's trial of the case the court took up the three to quash the Omaha land conspiracy cases. Messrs. Ashby, Woolworth, Griggs and Thurston argued for the motion. The points urged upon the court were that it was the Ohio Indians, the holders of the titles to these lands, who were defrauded and not the government, as charged in the indictment, and that the presentments did not charge a conspiracy to defraud the government out of a specific thing, this averment being in general terms.

District Attorney Lambertson will probably be heard to-day in his arguments against the motion to quash.

THE AMENDED ANSWER. The Brighton Ranch company by its attorney, Hon. J. M. Woolworth, yesterday filed its amended answer to the petition of the United States, praying for a mandatory injunction to compel the destruction of fifty-two miles of wire fence in northwestern Nebraska, which have been built by the defendant and enclosing several thousand acres of the public domain. This answer is of considerable length, covering ten folios, and specifically denies several of the allegations of the petition.

It admits the corporate existence of the Brighton Ranch company under the laws of Nebraska, and denies that the absolute title to all lands enclosed within the barb wire fence is in the plaintiff, and avers that others have rights to certain portions of them and are entitled to the enjoyment of their possession.

It averses the averment in the petition that all these lands are subject to entry by the third National land office, and alleges that no part of this fence is upon government property and that patents have been issued by the United States to some of the enclosed portions.

The fence, it is averred, were erected with the knowledge and acquiescence of the United States, and great injustice would follow should the government compel the defendant to remove the fences. These fences do not prevent access to the lands within them, as several gates have been built at convenient places for the purposes of ingress and egress. The defendant claims it has always encouraged settlement within and without the enclosure, and built the fence to more profitably carry on the grazing and herding of cattle. Two hundred and eighty-one homesteads and two hundred and thirty-five more are now within this wire fence. The defendant has protected these claims by building fences around them, and has furnished a market for corn to those occupying them.

The answer avers it is not the intention to enclose the lands. No rights of small cattlemen have been curtailed by this fence, nor has intimidation been resorted to against settlers to prevent them from entering the lands in question. No damage has resulted from the defendant's acts that could not be recovered in a regular suit. Fraudulent entries to the defendant's knowledge have not been made, and, if such be the case, however, it has been in pursuance of an agreement with the Brighton Ranch company.

Further answering, the defendant says no injunction, mandatory or prohibitory, should issue, should it be compelled to answer, as the signature of

the attorney general is not attached to the plaintiff's petition. The final allegations set forth the fact to be that no conspiracy between the Brighton Ranch company and its employes has been entered into to defraud the government of its lands.

A COMPROMISE MADE.

A Contract About to be Entered Into

Between the County and City for an Exchange of Property.

The difficulty and threatened litigation between the city of Omaha and Douglas county growing out of the disputed title to the court house site seems to have been averted.

Some time ago a special committee with Mr. Hascall as chairman, was appointed by the city council to exchange the lot on the southwest corner of Farnam and Sixteenth and the one on the northeast corner of Howard and Ninth, both belonging to this municipality, to the county for the present old court house site. On Wednesday Mr. Hascall offered the county commissioners the sum of \$20,000 for the site or as much more as these two lots would bring. The proposition was accepted by the county commissioners subject to the legal opinion of Gen. Cowin, county attorney. After investigating the matter Mr. Cowin came to the conclusion the exchange could be legally made and yesterday afternoon the acceptance of the commissioners was approved upon the records.

The report of this special committee will be made to the council at its next meeting and its adoption will complete the contract. It is said that this scheme will be opposed by one or two councilmen, but its ratification by the council is assured. An offer of \$15,000 by the board of trade was made at the last council meeting for Farnam and Sixteenth St. lot and the matter was referred. It is proposed, however, to put them up at public sale and sell them to the highest bidder. It is not thought, however, that the Farnam street lot will sell for over \$10,000 and should it not do so the board of trade will become the purchasers and in the near future will erect a chamber of commerce building upon it. The Howard street lot has a sixty-six foot front and its value is placed at \$10,000.

The proceeds of the sales of these two lots should the contract be consummated will be used by the county in erecting a retaining wall to the Farnam front of the new court house square.

The city, immediately upon the abandonment of the old court house, by the county will occupy it for the purposes for which it was purchased. The court room will be used for a council chamber and the various rooms for offices. The building will be repaired and rodded at once, and will be occupied by the city until such a time as it will be able to build a city hall.

The measure appears to meet with general favor and considering the long litigation that would ensue before the title could be determined by the courts, it seems the best thing to be done, although the county will not receive any more than one half the value of the court house site.

Christmas Musical at Brownell Hall. The young ladies of Brownell Hall give a musical this evening to mark the coming of the holiday vacation, with the following programme:

PART I. Duet—Tannhauser March, Miss Flora Castetter and Miss Jennie Blanchard. Starry Night, Miss Jennie Blanchard. Galop de Concert, Miss Flora Castetter. Song, Miss Mammie Blanchard. Recitation, Miss Adda McMillan. Recitation, "Joseph Allen's Wife at A. T. Stewart's," Miss Flora Castetter. Hunting Song, Miss Mendelssohn. Miss Marie Maynard.

PART II. Vocal Duet—"The Flower Gatherers," (Glover Miss Stella North and Miss Adda McMillan. Waltz, Op. 43, Miss Emma Fried. Fantasia in C Minor, Mozart, Miss Flora Castetter. Recitation—"He saved St. Michael's," Miss Jennie Abbott. Song, Miss Stella North. Duet—Op. 64, No. 1, Miss Stella North. Miss Marie Maynard and Miss Stella North.

PERSONAL. Dr. D. T. Martyn, of Columbus, is at the Millard. J. Sterling Morton, of Arbor Lodge, is in the city, staying at the Paxton. E. Kendall, manager of Claybough's Creole company, was at the Millard yesterday.

Hon. D. P. Newcomer, republican member-elect of the coming legislature, is in the city. Mr. S. M. Demmond, western traveling agent of the Pennsylvania company, is at the Paxton. Harvey Rustin, of Leadville, Colorado, formerly of this city, is here on a visit to parents and friends.

Dr. Tierman, chief surgeon of the Northern Pacific railroad, and wife, are registered at the Paxton, having arrived in Omaha yesterday.

Mr. James Powers, who was called to the bedside of his sick mother in Indianopolis, Ind., about two weeks ago, returned last night to Omaha.

Last evening's trains over the C. & N. W., the C. B. & Q., and the C. St. P. M. & O. roads were all behind one hour owing to the extreme cold weather.

Mr. Max Hoffman, Stuebendorf & Nestor's traveling salesman, and one of the royal men of the road, is in the city and spent last evening with his many Omaha friends.

W. J. Chappelle, representing Daly's "Veatation" company, was at the Millard, theatrical headquarters yesterday. His company will pass through Omaha in a few days and will not make a stand until San Francisco is reached.

William Becker and wife, John Fangeam, Talmer, Mrs. Akker, Duber, Newell Burnett, North Platte, A. G. Hastings, L. D. Woodruff and wife, York, J. W. Faragher and John A. Mann, of Blair, Neb., are at the Metropolitan.

Mr. W. H. Kent, who has been connected with the press of this city for a number of years, left last night for Alaska. It has been the one fond dream of his life, to visit that country and he has had in view the building of a railroad across the Behring straits, and if he can, after looking over the ground, secure sufficient capital, his plan will be carried out.

THE SLAUGHTER HOUSE.

The Innocents Slaughtered with an Unrelentless Hand.

Something Never Before Heard of in the Annals of Crime.

One of the most fearful slaughters ever heard of in this country has just taken place. Men stand aghast, while the ladies themselves are thunderstruck, and yet the work of death goes on. Death! Yes, death to high prices and a slaughtering in all classes of goods and in all departments.

Smith, the dry goods man at 1307 Farnam street, is the butcher who is doing all this frightful work, and with one fell stroke of the butcher knife he has cut the pins out from under all high prices and goods have come down with a crash which is as tremendous as it is frightful.

Never in the history of Omaha has there a time when goods could be bought at such low prices as now at Smith's store. This gentleman has inaugurated a system of low prices in the dry goods trade in Omaha which bids good for the purchaser. But the line of goods in which the greatest cut has been made is holiday goods, such as stockings in hand and must be closed out immediately, regardless of prices. Dolls, photo albums, toilet cases, nail sets, glove boxes, ladies handkerchiefs in alligator, plush, grain, seal and plain leather. Ladies' and gents' fine and cheap hosiery, neckties, mufflers, piano covers, table covers in wool and raw silks, jute and Parisian tapestry. All the above goods will be sold at 25 per cent less than they can be bought for in Chicago. A large line of seal skin sashes will be closed out at 25 per cent less than they can be bought for in this city or Chicago.

In the cloak department can be found bargains never before heard of in this section of the country. The entire stock of cloaks, and it is a large one, is thrown upon the market at 33 per cent less than any other house in this city can offer for them. There is no exaggeration about this report and if you will visit any other place and get prices and then compare them with the prices at Smith's, you will at once be convinced that in the latter gentleman is offering goods at prices never before heard of in Omaha.

In a short time Mr. Smith will have possession of the large store now occupied by Grunbaum Bros., and will open a large double store, converting his present quarters into one mammoth store-room, second in size to none in the city. In order to close out his stock before opening the large store he will make prices which will sell the goods without any trouble, and he certainly has done this. If you are the least bit skeptical and think that Smith will not do as he says, just call in and after looking at the goods and seeing the prices, your prejudices will melt away like dew before the summer sun.

Young Charlie Conroy, whose leg was broken at the Union Pacific crossing on Tenth street three weeks ago, is improving rapidly, and is now able to be about with the aid of a crutch.

This morning about 1 o'clock it was discovered that a water main had bursted and the pipes were all shut off to find the leak. At 3 o'clock the leak had not been found and scarcely enough water remained in the boilers throughout the city to run the engines.

It is stated upon good authority that Parnon Davis, of Chicago, is making arrangements to entertain the lovers of the many art of this city with a first class glove fight. He is being fought by the Illinois pugilist, and Dominic McConroy will give him an offer to pay \$50 to any one who will stand up before either of them four rounds.

OFFICERS' CONVENTION. JUDGES AND TREASURERS, CLERKS AND OFFICIALS MET TO TALK OF TROUBLE. Lincoln Hotel, 18th.

In response to a call issued some time ago for county officers to meet in convention to talk over plans for the best means of securing their rights in a financial way, a large number of officials, county clerks, clerks of the district court, county judges, sheriffs and treasurers, arrived in the city yesterday and met last evening in convention at the district court rooms.

A. V. S. Saunders, of Gage county, was chosen chairman, and C. W. Meeker, of Saline county, was made secretary.

After a brief session, motions were made that the convention divide and that representatives from the several counties, judges, clerks, treasurers and sheriffs meet in separate bodies and discuss and formulate plans and report a general session this morning at 9 o'clock. The motion prevailed, and when our reporter visited the court house last night the different bodies were getting down to the merits of the case in hand in a business-like way.

It is the purpose of the convention to prevail upon the county judges to pass some law that will enable county officers, especially sheriffs, to secure their fees after they have earned them. Under the present law a Nebraska sheriff does about half his work for nothing, as the requirements concerning security for costs in certain cases are very slack.

The grievance of county clerks and clerks of district courts is that while in Lancaster, Douglas, DeW, Gage, and many of the older and more thickly settled counties of the state the pay of these officers is fair and right, still in many of the western counties the clerks hardly get enough to enable them to run their offices, much less to live respectably. To remedy this it is proposed to ask the coming legislature to abolish entirely the salaries of county clerks and clerks of district courts, and to give the present fees and allow the officers these for their work.

Just what the judges and treasurers demand was not made known last evening, but that they want only what is fair for themselves is certain.

The present system of fee works injustice to officers in new and thinly populated counties of the state, and it is to revise those or move in that direction, that the convention is held. Officers in older and denser populated counties understand the injustice that is worked under existing circumstances, and hence the readiness with which they join in the present convention and take hold of the matter before it.

The following gentlemen are in attendance upon the meeting: Geo. Spicknall, county clerk; H. B. Tussy, clerk of district court; Butler James Evans, county clerk; C. A. Bryson, clerk of district court; Cummings E. A. Mevins, county judge; Dawson R. B. Pierce, county judge; Douglas H. T. Leavitt, county clerk; A. M. Chadwick, county clerk; W. G. Hanson, sheriff; Franklin Wm. A. Cole, county clerk; C. H. Frank, county treasurer; Gage A. V. Saunders, clerk of district court; Hall James Cannon, sheriff; Hitchcock J. A. Piper, county and district clerk; Lancaster J. A. McVay, county clerk; H. Gage, A. V. Parker, county clerk; judge, S. M. Melick, county judge; O'Connell W. Stevenson, county clerk; W. T. Clonaha, sheriff; Thos. F. Morgan, county judge; Pawnee W. B. Raper, county clerk; G. T. Ewing, judge; Phelps C. J. Bachman, county judge; Platte John Steuffer, county clerk; C. A. Newman, treasurer.

THE ILLINOIS SENATORSHIP.

An Ohio View, and the Correct One, of Certain Contingency.

The Cincinnati Enquirer says editorially: "In the Washington correspondence of the Equivocal yesterday was the Malloyan appointment of Representative Townsend, of Illinois, respecting the election of a Senator to succeed Logan; 'It is my opinion the legislature will fail to elect, and a deadlock will follow. In such event I believe Governor Oglesby will appoint Senator Logan.' This is all fair, and the governor of a state may appoint a senator to fill a vacancy which occurs by death or resignation when the legislature is not in session, and then only until there be a session of the legislature. If the legislature, when in session, fails to elect a senator the office is vacant and remains vacant until it is filled by legislative action. Of this there can be no doubt. And it is amazing that a representative should make the utterance that is attributed to Representative Townsend, of Illinois. A case in point: In 1844, in Indiana, the legislature was in a tie. Jesse Bright was lieutenant governor and president of the senate. The term of Oliver H. Smith as senator expired in March, 1845. No election was made by that legislature, and the seat was vacant after March 4, 1845, and until Bright appeared after his election. The senate of the United States has passed upon the precise question, and it is not debatable. If the legislature of Illinois fails to elect a successor to Senator Logan, there will be no vacancy of the office until it does elect one, even if it should be vacant for a hundred years.

A Smoke-Burning Locomotive. A smoke-burning locomotive, which has been tested on the Chicago & North-western and Chicago & Rock Island railroads, has proved very successful. Though the poorest quality of bituminous coal was used, there was an absence both of black smoke and cinders. As the gases are all burned in this locomotive, there is a considerable saving of fuel. The smokestack during the winter, so that the locomotive, in straight and curve, it the smoke travels forty feet, instead of twelve, the usual distance, passing through an upper and lower set of flues. The heavy cinders and dust fall into a smoke arch in front, and another arch in the rear catches the lighter particles of dust and ash, so that no cinders, ashes or fire is thrown out, and the light white smoke causes no annoyance.

The O'Neill freight train, personally known to the condition of affairs at Valentin, nor does it wish to do that town an injustice, but for information would inquire if it is or is not a fact that the county judge keeps a saloon, that the sheriff also keeps a saloon, that the county clerk keeps a saloon, that the deputy sheriff deals in a saloon, that the judge, clerk and sheriff also deal in a saloon, and that the sessions of the county court are held in a saloon, and if gambling is not the main business of the town.

O'Hara's ninety mile contract on the Valentine extension is finished all but three miles of heavy work, which is partly done, and will be completed by New Year's. O'Hara Bros. have the refusal of the fifty miles of grading next west of their contract, but will not close a contract for it until the work they are now on is completed. It is also said that the object of the Northwestern in letting the additional fifty mile contract this season is to allow the rock work which they have been doing during the winter. This rock is a soft sandstone, and the cuts through it are of considerable depth. It is desired to get those cuts opened during the winter, so that the fifty miles reaching to White river can be completed by the middle of next July.

CHRISTMAS CARDS GIVEN AWAY. NO HUMBAG. All our odds and ends of Christmas cards will be sold at just half price, beginning at six o'clock to-night and continuing two days. We have more cards than we can show and will sell all odd cards at half price. All will be on separate tables so that there will be no mistake. KUHN & CO., 15th and Douglas st.

Opera Glasses from \$2.50 to \$25 a pair at EDHOLM & ERICKSON'S. Go to Saxo's for your Xmas and New Year Cards. Best stock in the city.

All kinds of Christmas Toys, Candy Toys, Dolls, Novelties and Christmas Trees, the cheapest in the city, at John Struikel's, dealer in all kinds of nuts and candies, 610 S. Tenth.

Tuck's Xmas Cards at Saxo's. 25 PER CENT DISCOUNT ON ALL HEAVY OVERCOATS AND SUITS. B. NEWMAN & CO.

ELEGANT XMAS PRESENTS. AT SAXO'S OPERA HOUSE PHARMACY you will find the largest and best selected stock of Holiday Novelties in the city, everything new and attractive and prices as low as the lowest. Call early and make selection while the stock is fresh.

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CHAS. SHIVERICK, Furniture, UPHOLSTERY AND DRAPERIES. PASSENGER ELEVATOR TO ALL FLOORS. 1201, 1208 and 1212 FARNAM ST., OMAHA, N. B.

GERMAN D. WYATT, LUMBER MERCHANT. LUMBER, LATH, SHINGLES, SASH, DOORS, BLINDS, MOULDINGS, LIME, PLASTER, PAINT, CEMENT.

GUMMINGS AND 20TH STS. OMAHA, NEB. A. J. SIMPSON. Established in '58. THE LEADING CARRIAGE FACTORY. 1409 and 1411 Dodge St., Omaha, Neb.

Orange Blossom Flour. WHOLESALE BY L. A. STEWART & CO., 1013 Jones Street, OMAHA, NEB.

A FINE LINE OF Pianos & Organs. WOODBRIDGE BROS., THE ONLY EXCLUSIVE MUSIC HOUSE IN OMAHA, NEB.

OMAHA Medical and Surgical INSTITUTE. 1118 HOWARD STREET. N. E. Corner 12th and Howard Sts. For the Treatment of Chronic and Surgical Diseases of Females, and Private Diseases of the Urinary and Sexual Organs, a specialty.

Imported Beer. ERINGER, Culmbacher, Pilsener, Kaiser, Budweiser, Anhauser, Best, Schlitz-Pilner, Krug's, A. S. Porer, Domestic and Rhine Wine. 1213 Farnam St.

WESTMINSTER BASE BURNER. ACORN STOVES AND Ranges. (EVERY STOVE WARRANTED.) JOHN HUSSIE'S Hardware Store, 2407 CUMING STREET. COAL, COUTANT & SQUIRES, 213 S. 13th. Read Morse & Brunner a new card s-m-t-h.

Gen'l Insurance Agent. Phoenix Insurance Co., London, Cash Assets, \$5,000,000. Western Fire, N. Y., Capital, \$1,000,000. The Merchants of Newark, N. J., Capital, \$750,000. Glenside Fire, Philadelphia, Capital, \$1,000,000. Women's Fund, Capital, \$1,000,000.</