### THE CHARGES INVESTIGATED

Marshal Cummings and His Accuser Brought

THE BLOCKADE RAISED.

Ex-County Clerk Leavitt's Accounts-A Confidence Victim-A Wedding Broken off-General Local.

#### Investigating the Marshal.

The Sullivan-Commings investigating committee met yesterday afternoon at the council chamber. Chairman Ford called the committee to order shortly before 2 6'clock, and City Clerk Southard was chosen to act as cierk. Marshal Cummings was represented by N. J. Burnham, esq., and ex-Captain Sallivan by Attorney Charles Ogden. There was a fair attendance of outsiders, and both principals were also present.

Attorney Burnham, on behalf of the marshal, asked the method that was to be pursued by the committee in investigating the charges, and it was agreed to take up the charges against both the mar-

shal and captain, simultaneously.

At this point a letter was received from Mayor Boyd announcing that he had accepted the resignation of Maurice Sullivan as a member of the police force, which had been tendered Jan. 4. It was agreed not to let his resignation affect the investigation, and the taking of testi-mony was then begun.

The first witness called was Policeman James O'Boyle on behalf of Sullivan. He related the facts about the arrest of Travis, as already known. Attorney Ogden then asked the witness in regard to the arrest and release of the prisoner Lawrence, which occurred February 14. Witness testified he made the arrest oncomplaint of the man who said he had been robbed by Lawrence. He was not present when Lawrence, He was not present when Lawrence was released, but the next day he Saw Marshal Cummings, who gave him \$2.50, saying that the complaining witness had refused to file a complaint against Lawrence, and that he had been discharged.

On cross-examination, the witness tes-

tified: On the night of the arrest of Lawrence I was acting jailor. A man named James Lund came into the jail and said he had been robbed. I went out with him, and at Thirteeuth and Howard streets we met Lawrence, and Lund said, "That is the man." I placed him under arrest, and at the jail he was put down as charged with highway robbery. No war-rant had been issued nor compleint made. I never knew of any complaint being made against him. I was not present when the prisoner was discharged. The money was paid me in front of the old court house, but I do not remember whether Lawrence or Land was present when it was raid. All know about the when it was paid. All I know about the Travis case was that I assisted to make the arrest. I did not know anything about his release. I understood that the reason why Lawrence was released was because he paid back the money to Lund, and I was given the \$2.50 as a voluntary reward by Lund for the recovery of his money. I did not consider it a bribe. Marshal Cummings did not tell me to say nothing about it. The subject has not been mentioned by him since he paid me the money. I told other officers about it. walk while being transferred from the

Ex-policeman Duff Green was the next witness called. He also testified as to the arrest of Travis: I made the arrest oon on information from a man from the Bluffs. As we were going out the door he com-menced to stab himself. Officer O'Boyle As came up just then and we took Travis to jail. The charge put on the books was 'fugitive from justice.'' I never had a talk with Travis about his crime. Chief of Police Skinner, of Council Bluffs, was in town at the time, but I understood he

was after another man.

The next witness called was Col. Dickey, superintendent of the Western Union telegraph office, who testified: I was served with a subpornae this morn-

ing, to produce the telegrams of Dec, 1884, but can not do it, as the records for that time have all been destroyed.

C. F. Spetman, of Council Bluffs, was called and testified: I am a dealer in merchandise, I met Travis December 4, 1884. He had been arrested for forging a check on me. The original check was for \$5.35, but it had been raised to \$851. He came into the store that day and bought a box of eigars, paying for them. He asked for a check so that he could send the money in a letter, and we accommodated him. He tried to have the check cashed, but the bank refused payment and Travis left town. Skinner came over to Omaha to look for Travis, in company with my brother. He was arrested as already stated. I came over the next morning and filed acomplaint against him in police court. It was agreed to wait for him to recover from his injuries before the trial should take place. I talked with Marshal Cummings the same day, and he said that Travis would go across the river without a requisition as soon as he was able. The next day I saw the marshal again, and he said the case ought to be fixed up as Travis had a wealthy brother in the west who would never allow him to go to the penitentiary. I told him I wanted the matter fixed up on the other side of the river and asked the marshal if he would hold Travis. He said that he would, "until hell freezes over." I had a requisition for Travis, and the marshal agreed to let me know before he moved in the matter. It was about four days between the arrest and release. On the day of the release I was informed by the marshal of Council Bluffs that he had received a telephone message for us to come over for our prisoner. I heard of it about 11 o'clock in the morning and came to Omaha with an officer on the 1:30 dummy. At the jail we were informed that Travis had been we were informed that Travis had been released. I was pretty mad, and when I saw Marshal Cummings I told him I thought it was a "great note" to release Travis. The marshal replied that he could not hold the prisoner any longer, as the time was up and he was obliged to let him go. [The indictment against Travis was then introduced in evidence.] The marshal did not give me much information

shal did not give me much information about the release of the prisoner, but blamed the Conneil Bluffs officials for

Mr. Farnsworth was called and testi-fied: Am cashier of the First National bank at Council Bluffs. The check in question was presented to me for payment, and I refused to pay it. Did not know anything about Travis until after his arrest. Then I was approached by a like track by this evening. On the order of Superintendent Dorrance, the small branches suspended traffic during the blizzard. On the Marysville extension and the Winnie McDermott and John Reily.

party from Omaha, who told me that he was well connected, and the affair ought to be fixed up. His name I do not know. I told him I could not fix the matter up in any way. He said I would make more money out of it than I would lose. I came to Omaha very soon after the re-lease. I had a talk with Marshal Cummings about the affair, and asked why he was suffered to be released. He told me that the Council Bluffs authorities had neglected to do their duty, and he could not hold the prisoner any longer. His answers to my questions were short and meatisfactory

Ed. Gorman was then called and testifield. I was city jailer when Travis was arrested. He was charged on the books with being a fugitive from justice. He was wounded in the abdonum in three or four places. The cuts were not very deep. Dr. Carter attended him and dressed the wounds. Gen. O'Brien came to the jail to see the prisoner. He appeared to be his attorney, coming to see peared to be his attorney, coming to see him two or three times. Gen. O Brien spoke to me about taking the prisoner to St. Joseph's hospital on the day of his release. Gen. O Brien and the marshal talked to Travis on the day of his release. I telephoned to Council Bluffs to the anthorities to come for Travis by order of the marshal. He told me not to hurry, the marshal. He told me not to hurry, but to telephone after 11 o'clock. Shortly after 11 o'clock I called them up and told them to come over for Travis right away as we could not hold him any longer. About 1:30 in the afternoon the marshal and Gen. O'Brien entered the jail and went to Travis' cell. The marshal said: "Hurry up and get out of here." Travis started to pull on his boots, and the marshal said: "Don't wait; put your boots on in the carriage." Travis jumped up and made a rush for the carriage which stood in the alley in the rear of the old jail. There was some the rear of the old jail. There was some one in it, and as soon as Travis got in it drove away in a hurry. The marshal came back and said he presumed the Council Bluffs people would be "hot," but he couldn't help it. I had a talk with Moses O'Brien about the charge against Travis on the morning of the day of the

Being questioned in regard to the Law-rence case, the witness testified. The morning after Lawrence's arrest, I started with the prisoners for police court, when the marshal asked me for Lawrence's en-velope. He tore it open and gave some money to Lawrence and told him he could

not affect my testimony.

Cross-examined: It was not customary for prisoners to be released without an order from the police judge. I never saw an order for Travis' release. Gen. O'Brien told me he was going to take the

prisoner to the hospital. Jerome Pentzel, clerk of the police court, testified: Have charge of the police court records; have the affidavit made by Spetman against Travis December 5, 1884, charging him with forgery; there is no other record of his case in the police court docket; he was never ar-raigned in police court, and Judge Beneke has never said anything to me

William McHugh testified: I was acquainted with some close relative of Travis living in Denver in 1884. He had plenty of money. Knew the man Travis who was arrested. Never received any communication concerning the case about the time Travis was arrested. I don't recollect whether I had any talk with Mr. John A. Creighton about the arrest of Travis. I I do not know that he was released without being brought before the police judge. I never heard that he was brought before the police judge, and supposed he was released on the side-

paid over the money to the attorney.

Mr. Ogden, the attorney for Sullivan, then asked Mr. McHugh how much money had been paid to the attorney. This question was objected to by Mr. Burnham on the ground that the relations of lawyer and client ought to be held sacred and inviolate. The private business of the lawyer ought not to be laid bare. The question, moreover, he said, had no par-ticular bearing on the point in issue. Mr. Ogden made a speech in defense of his question, and the dispute was settled by an agreement on the part of the committee that the question was a proper

Examination resumed: I do not know how much money Gen. O'Brien received. It was no large amount, probably about \$200 or \$250. This was money I advanced to Mr. Travis. I did so at the request of Mr. Travis himself. Saw no telegrams from the Travis in the west receiving his houter was a superference of the same of the same and the same are same as a superference of the same and the same are same as a superference of the same are same as a su garding his brother until about turce or four weeks after the release. Don't re-member the substance of the telegram. I was in the carriage which took Travis away from the jail. It did not go to the hospital or to the train. It went out into the country somewhere.

This concluded Mr. McHugh's testi-mony and the committee adjourned to meet again at 10 o'elock this morning.

### RAISING THE BLOCKADE.

The Scenes on the Streets—Street Cars Running-Weather Prospects.

The weather yesterday was a decided improvement upon that of Monday. The mercury had risen considerably, the blinding shower of grail had ceased, and the streets were nearly passable. The sidewalks were tolerably clear, though in certain localities they had not been freed from their snowy covering.

By dint of hard work the street car company managed to get the drifts off the tracks, and the cars were started on all the lines yesterday, none of them ran on schedule time. About seventy-five men found employment Monday clearing away the snow, and about half that number worked yesterday shoveling on the tracks. In fact the snow has woved a house to the proved a bonanza to those out of employment, and has again proven the truth of the oid adage that "it is an ill wind that blows no-one good." The raising of the "blockade" had a

wonderful effect on business. The streets were thronged with all manner of vehicles, and all Omaha seemed to have turned out to welcome the return of agreeable weather. Merchants who complained of excessive dullness of trade yesterday, were to-day brightened up by a rush of rustomers.

Yesterday signal advices from the west and northwest are to the effect that the thermometer is falling, and another cold snap be expected here shortly.

### THE TRAINS AND THE SNOW

The Blockade Being Removed and

and none have been sent out and no train has arrived since. An army of men and large numbers of plows are at work and it is hoped to clear the track by this evening. On the order of Superintendent Dorrance, the small branches suspended traffic during the blizzard.

The suit.

Mary A. Dugdale commenced suit against the city yesterday for \$10,000 damages alleged to be sustained by property belonging to the plaintiff by the change of grade on Dodge street.

Appeals from the award of appraisers for the Omaha Beit railway right of way were filed yesterday by Ann Bagiev.

Kansas division the trains are still is tilling with blockades.

The B.& M. train which left here Mon-

morning laid at Greenwood all t. The eastbound due here Sunday night. The eastbound due here Sunday night laid at Harvard all Monday night and the train due here Monday night laid up at McCook. Kansas City and Red Cloud passenger due in Denver Monday night arrived there yes day morning. Communication with Lincoln has been almost cut off for the past three days. Large forces of men are at work along the line and the blockade will be raised

torning. The Missouri Pacitic due here Monday morning arrived yesterday morning reporting all clear at last. The out found which was abandoned Monday went out out on time yesterday morning.

The Chicago, St. Paul, Minneapolis & Omaha is having a hard tight. The train

due here vesterday morning arrived last evening. Only a stub train up to Blair was started out yesterday morning. was started out vesterday morning. 

The Chicago, Burlington & Quincy and the Rock Island came in on time yesterday morning. The Northwestern and day morning. The Northwestern and Milwaukee arrivals were both about eight hours late. All eastern departures went out on time yesterday. The wires through Iowa are in very bad condition, and it

is difficult to learn of the condition of In the yards here both the U. P. and B. & M. have construction trains busily engaged hauling out the snow and traffic is fairly smooth. The B. & M. locomotive ditched near the smelter Monday was put on the track yesterday morning.

#### LEAVITT'S ACCOUNTS.

#### The County in Debt to Him-How the Shortage Occurred.

J. J. Peints, who as expert accountant has long been at work upon the books of H, T. Levitt, late county clerk, completed his task yesterday and turned over his accounts to the commissioners. When irregularities were first suspect

ed in Leavitt's methods and Mr. Points was put upon the work of investigating the books, the situation placed the county clerk some three thousand dollars behind. On his retirement he succeeded, with the aid of has bondsmen in refunding \$2,400. This left him with an exact money to Lawrence and told him he could go about his business. Officer O'Boyle told me that the marshal gave him \$5, but he didn't know what it was for. The marshal stayed in the jail and I went on to police court with the prisoners. I have no ill feeling against the marshal. I did have, but it has been obliterated and does not affect my testimony. extra work. Of these claims the commissioners allowed \$791.50 and to-day Mr. Points in completing the balance found naturally that the county stands in debt to Mr. Leavitt to the amount of \$10.29.

Mr. Leavitt to the amount of \$10,29.

It is perhaps only just to both the public and Mr. Leavitt to show how his deliquency arose. The greatest portion of his shortage is revealed in the fee book, which document, with Mr Points' adjustments, is an interesting record. One of the county clerk's chief duties, and the source of pearly all the funds which the source of nearly all the funds which pass into his hands, is the receipt of fees. In keeping account of these payments, he has usually a memoranda or rough tab upon which during the day he marks his receipts, transferring them in the evening to a ledger for preservation. It was a simple thing for Mr. Leavitt in securing ungranted loans from the county to record each item less than the actual receipt, accurately pocketing the difference. The tabs upon which he made correct entries, and which he could as well destroyed, he retained with the intention of returning the sums he had appropriated. Investigation, however, was prematurely sprung upon him and failing, by discovery, in an attempt to right the garbled records and restore the funds, he made a full breast of the matter and turned over his tabs. Had he destroyed these tell-tale papers he could have made a successful theft of his purloinings and defied investigation. It is the belief of the county commissioners that Mr. Leavitt never intended to keep the funds he temporarily appropriated and as every cent was returned and the balance finds him ahead, they exonerate him from all felonious intentions.

### HIS NEW FOUND FRIEND.

#### Another Verdant Joins the Sad Procession of the Duped.

Christopher Timme, a verdant from Atlantic, Iowa, on his way to Cherry county, was met by a confidence man on Eleventh street yesterday. Before he got through with his friend he was sadder and wiser-and poorer by the sum of It appears that Timme came over from

the Bluff's in the morning with the intention of remaining a day or two in Omaha before resuming his journey westward. One of the first men he met was a rather welldressed, smooth looking and snave individual who gave the name of Charles Weston, and claimed to be going west ward. The two soon became fast friends, and before long Weston proposed that they go and get breakfast somewhere Timme consented and the two went into an Eleventh street restaurant. Weston agreed to pay for the meals. When he went up to the cashier's desk he pulled out a large roll of bills and selecting a small sized one paid the sum of seventy cents. The granger's eyes bulged out when he saw Weston's roll, and he asked innocently "How much money has you innocently, "How much money have you got there?"

got there?"
"Four hundred dollars," was the reply.
"I have got to buy a team of horses today, and so I have plenty of money on
hand. By the way, I've got a check here
for \$50 that I'd like to get cashed, and I
don't care to go to the bank, which is
way down on Sixteenth street, before I
buy the horses. If you'll cash the check
for me will go around and law the horses for me, will go around and buy the horses and then see the town." Timme readily consented and produced the necessary

amount in exchange for the check.

The rest of the sad tale is soon told.
The Iowa man was left standing on the corner of Tenth and Farnam street by his new found friend, who just wanted to "go around the corner to get a his grip-sack." Weston, of course, never returned And Timme will have to telegraph home for funds wherewith to continue his jour

### ney westward.

DISTRICT COURT NOTES. Liquor Dealers Sued for Damages-A

Case Against the City. Suit for damages was commenced in blamed the Council Bluffs officials for not getting here sooner.

Cross examined: I have a feeling against the marshal on account of the release of Travis. I was very much put out about it, and I hold the hardshal responsible for it. That feeling has not caused me to color my testimony.

H. Guenella was called and testified: Ameity marshal of Council Bluffs and was at the time of the arrest of Travis. I was in the fail at the time the telephone message came saying that I must come for the Travis or he would be released. I went out to see the officers who had the nexter in charge and met Mr. Spetman about two blocks from the jail. He said he would go over after Travis.

May a feeling Removed and Sauth Restored.

The Blockade Being Removed and Schedule Time Almost Restored.

The snow and the gale of the past few days have much impeded traffic, and brought after demorralization to all the railroads centering at this point.

The main track of the Union Pacific is clear, and the trains are running close to time. No. 2, the "overland," rolled in yesterday morning on the dot, and the west-bound left only an hour behind. On the Lincoin branch, however, a different state of affairs has existed. The train which left here on the evening of the 2d inst was held at Valparaiso, and none have been sent out and no train has arrived since the children of John Lennon, through their next friend, William O'Connor, against J. D. F. Schnell and Samuel Olsen, saloon-keepers, and their surfices, Fred Hickstein, Charles Westerguart and Julius Freitschke, for causing the death of John Lennon by selling him liquor. Lennon, the petion alleges, had been intoxicated for several days prior to July 4, 1884, and on that day, after being warned, the saloon-keepers named furnished him with liquor, from the effects of which he died during the day. The judgment asked by the plaintiffs is \$5,000 and the costs of the 2d inst was held at Valparaiso, and none have been sent out and no train has arrived since.

An army of me he would give the children the district court yesterday by the

Grain and Provision Commission Mer-

chants, 97 Board of Trade Building, Chicago. We copy from the Chicago Inter-Ocean of 1st inst, the following deserving notice of a well-known grain and provision

Although this city is a mighty mart. yet it did not become such of itself. It was made what it is by the strong sense was made what it is by the strong sense, the earnest vim, and push of our merchants. The magnitude of the grain interests has naturally attracted men of strong character and large capacity. To them the opportunity is inviting, but the rivalry is so strong that only he most clear-headed and vigorous can keep the lead or even hold a place long. But Chandler, Brown Co. have done all this, and more, too. Starting in 1863 they have rapidly mushed their ing in 1863 they have rapidly pushed their business arms into every region of the northwest, until the magnitude of their operations includes a large number of the most extensive operators, east and west. To create and maintain an enterprise of this magnitude requires more than ordinary executive sagacity and ability. The firm are located both in Chicago and Milwaukee, and in each city command a wide circle of business con nections. The Chicago branch is directl under the management of Mr. J. A Brown, who has been an active grain dealer from his boyhood, and has dealer from his boyhood, and has grasped the fullest knowledge of the de-tails of the trade. Five representatives are constantly engaged on the floor of the Board of trade conducting the large busi-ness of the firm, and all who have transactions with them speedily discover that Chapdler, Brown Company are strong enough and discreet enough to be implicity trusted. The means at the dis-posal of the firm are ample, and an hon-orable promptitude marks every transaction. Chandler, Brown Company are certainly among the commanding houses

#### Police Court.

One of the first prisoners arraigned in the police court yesterday was August Baker, known as "John Door-Knob," from his carrying a door-knob on his watch chain in place of a time-piece. He had been carousing Thursday night and was captured by the police. The judge released him.

John Horan, charged with assaulting Peter Milbood, near the packing house yesterday, paid a fine of \$10 and costs for the fun.

Frank Brown, drunk, and disorderly.

Frank Brown, drunk and disorderly, \$5 and costs. John Johnson, an aged sinner, whose dependence is mainly on the county, was arrested for being intoxicated. He was

released. Will Simons, vagrant, discharged.

#### Brevities.

Shannon Letter Bill File, Filing Cabinets and Cases. Schlicht's Standard Indexes, 219-12th street, opposite Nebi Nat'l Bank. The finest assortment of single and louble cutters to be found anywhere in the city is on exhibition at the Lininger & Metcalf Co. repository, corner of Sixth and Pacific streets.

If you went a good single or double cut ter at a moderate price, you had better pay a visit to the Lininger & Metcalf Co. repository, corner of Sixth and Pacific streets. There you will find the largest and best selected assortment of sleighs of all kinds to be seen anywhere in the

### Pitiable Destitution.

Yesterday Superintendent Pierce remanded to the poor farm an old man named John Olsen, whom he found living in circumstances of squalor and filth in a Jones streets. Olsen is about 60 years of age and stone-blind. He has been eking out a miserable existence by making brooms, but of late has been so ill that he could do nothing. How he has managed to live or take care of himself is a mys tery. He is so far gone that it is prob



### a strength and wholesomeness. More eco aithan the ordinary kind, and cannot be in competition with the multitude of low test short weight, alum or phosphate powders. Sold only in cans. Royal Baking Powder Company Wast Ireet, N. Y.

ARCHITECTS.

F. M. ELLIS & Co. Architect and Building Superint's OMAHA, NEB, and DES MOINES, IA.

office, Cor. 14th and Farnam Streets, Room

GEORGE BURLINGHOF, with E. M. Eili TIMEN SPRING VEHICLES.

### DOCTOR McMENAMY

Omaha Medical and Surgical CORNER ISTE ST. AND CAPITOL AVENUE. Chronic and Surgical Diseases.

Deformities, Diseases of Women, Private Diseases, Piles, Catarrh, Diseases of the Lungs, Liver, Kidneys, Blood, Skin, Stomach, Nerves, Eye and Ear, Send for Book upon all diseases free. Rooms and Board for Fatients. Write for

PRIVATE CIRCULAR TO MEN. on Private Special and Nervous Diseases, Sominal Weakness, Spermatorrhosa, Syphills, Glect, Stricture, Varicoble, and all Diseases of the Urio ary and Sexual Organs. Cases freated by correspondence, or personally. Confidential, Medicine sent by mail or express without marks to indicate Batteries, Inhalers, Braces, Trusses, and

DR. McMENARY,
Or OHARA MEDICAL AND SCHOOLAL INSTITUTE,
13th St., Cor. Capitol Averue, Omnhu. Neb.

### WOULD YOU BUY?

# WITH 1119 TO SELECT FROM

On Farnam St., bet. 11th and 12th,

# AN OVERCOAT

At one-half the real value, cut in any style you may desire, made and trimmed from the best foreign and domestic fabrics; if so, visit

## THE ONLY MISFIT CLOTHING PARLORS WOULD YOU BUY?

At your own price, a thing you or any man could use; if so, you should not fail to buy that

### SUIT

### Only Misfit Clothing Parlors, 1119 Farnam St WOULD YOU BUY.

When you can find the style of pattern and cut you would desire, and have a perfect fit guaranteed, for less than half what your tailor would charge to make the same for; if so, select from misfit and uncalled for

### PANTALOONS

At the Only Misfit Clothing Parlors, 1119 Farnam St.,

Consignments received daily from the leading Merchant Tailors throughout the country, with orders to sell. There are now on sale the following, at the following sacrifice:

### PRICE LIST:

\$ 2 65 Will buy a pair pantaloons made to order by a Leading Merchant Tailor for ...... \$ 5 50

And many others in the same proportion, more expensive if desired,

## At the Only Misfit Clothing Parlors, 1119 FARNAM STREET,

# SUITS.

And many others in same proportion which will be found in the consignment, cut in four button cutaways, Chesterfields, straight cut sacks, double breasted sacks, Prince Alberts and Prince Williams. Full dress suits a specialty.

### OVERCOATS

At this season of the year are numerous, and suffice to say any style can be had, at comparatively your own price, as special orders accompanied the consignments to sell. If its clothing YOU WOULD BUY, come to

THE ONLY MISFIT

# Clothing Parlors,

1119 Farnam Street.

Open evenings until 9 o'clock.