How the Cases Against Kennedy and Poppleton Were "Fixed Up."

WHAT JUDGE STENBERG SAYS.

The Sloman Fatture Again-Powell is Set Free-The March of Improvement-Other Local Items.

A Oncer Transaction.

There was a quiet little farce enacted in police court yesterday the principals in which were Frank Poppleton and J. A. Kennedy (the two young men arrested some time ago for obtaining goods from Tootle & Maul and other firms here on false pretenses) Mr. Allen Koch, District Attorney Estelie, and a half a dozen

When Poppleton and Kennedy were arrested some time ago, it was predicted that as the former had many influential friends in the city, he would never be prosecuted. Mr. Allen Koch of the firm of Tootle & Maul, protested vigorously that the offenders would be given the most thorough prosecution—that the cases against them would be pushed for all there was in them. He even begged the BEE not to publish the arrest of one of the men, until the full particulars
of the plot could be worked
up, and other important arrests made. But District Attorney
Estelle has nolled the case so far as the
district court is concerned. Mr. Koch
has changed his mind about relentless prosecution and the two young men will not go to the penitentiary. "Inflooence" has saved them, Prisoners and lawyers are happy and Judge Stenberg is highly

The farce referred to above was in two acts. The last act was successfully played yesterday when Poppleton and Kennedy were brought before Judge Stenberg about 11 o'clock and, according to instructions from Mr. Estelle, allowed to plead guilty to obtaining on false pretense goods amounting in value to less than \$35. On this charge they were given by Judge Stenberg the fullest limit of punishment, and \$100 fine

There is something very queer about the transaction. The total amount of goods obtained by these young men, on forged orders, from Tootle & Maul, and other firms, was over \$125. The goods obtained from Tootle & Maul, according to a swarm total way. cording to a sworn statement made by Mr. Koch to Judge Stenberg a few days ago, as that official says, amounted in value to \$44, or more than enough to make the offense a penitentiary one. Accordingly Judge Stenberg gave the two young men a preliminary examination, and after determining the facts of the matter, held them to the district court. Now District Attorney Estelle has nolled the cases, and thus the affair has ended. "If these prisoners had been two poor devils without any influential friends, remarked a gentleman who was quietly watching the whole proceedings yesterday "they would have gone to Lincoln without any doubt. As it is, they will escape very easily. Influence is a great thing."

In justice to Judge Stenberg it ought to be said that official is in no wise con-cerned in this little matter, but is, rather, very much disgusted with the whole affair. "It is a shame," he said "that such a thing should be allowed. There is no question whatever that the offense for which these men were held by me was a penitentiary offense. Of course, my hands are tied and I have got to do just what I am told by the district attorney.
But I am sick and disgusted with
the whole transaction It is not
the first time either that the prosecuting attorney has turned criminals loose When Manning and O'Brien robbed the man Archer last year I turned them over to the district court. What became of their case? Estelle nolled it. A few weeks ago I sent up a couple of women for robbing a man, whom they had taken out for a hack ride, and plied with intox-icating liquors. What became of their cases? Estelle gets the transcript from my court, after the women have been bound over, and before the ink is dry he sets around and nolles the case, and turns the women free. With regard to these cases against Poppleton and Ken-nedy he said that they could never be convicted in the world. I told him that he had no business to make such a de-claration before he had tried the case, and that I considered the evidence against the defendants very good indeed.

SPOILED A HIPPODROME FRAUD. The Foot Race Between Hughes and Hitchcock Declared Off.

The seventy-five yard boat race for \$500 apiece, which was advertised to take place at Athletic park Wedneaday Lafter noon, between John Hitchcock and C. W. Hughes, did not take place, and in the reasons for the withdrawal of the race lies a little story of a hipprodrome fraud that was nipped in the bud. Hitchcoek was being backed by H. B. Kennedy, while Ed Rothery was putting up
his good money on Hughes' running
powers. There was a \$100 a side up as
forfeit money, in the hands of Pat Ford.
Tuesday afternoon Rothery placed an
additional \$400 in Pat Ford's hands,
making up his side of the bet making up his side of the bet Ford alleges that late on Tues-day night he was approached by Kennedy who wanted him to allow the race to be run without the additional \$400 being put up for Hitchcock. Kennedy said Hitchcock was going to win the race and there would be no use of him putting

But what if Hitchcock falls down, asked Ford.
"If Hitchcock falls down, Hughes will fall down to. Aughes has been fixed and Hitchcock is sure to win the race," is the reply which Ford alleges was made by Kennedy.

Ford further alleges that Kennedy then Ford further alleges that Kennedy then offered him \$100 to go in with the scheme, stating that Hughes was to get \$100 for throwing the race, and that Pardoe, Hughes trainer would get another hundred, leaving two hundred of Rothery's money, in addition to what they could, win on the side, to be divided betweed Kennedy and Hitchcock. Mr. Ford refused to join in any such scheme and at an early hour Wednesday morning when to Rothery and told him of the proposals to Rothery and told him of the proposals that had been made to him. Rothery at once withdrew his stake money and the race was declared off.

lughes failed to make his appearance atD the hour named for the race and is reported to have left the city

POWELL FREE.

A Divided Jury Cause a Nolle to be Entered.

Yesterday Cabout 10 o'clock, the jury in the Powell case was brought into court on the order of Judge Neville. Through their foreman they announced their inability to agree. They were afterwards separately polled, and each testified that such was the case. Thereupon, Mr. Estelle, the prosecuting attorney, stated to the court that he did not think a jury could be secured which would agree upon the case, and that he was willing to enter a noile in the premises. The motion was recorded, and Powell was discharged. In was immediately surrounded by a lost of friends and embraced and control of the fact that both he and Mr. Smithwere about to make a trip over the

gratulated till he must have telt that he was a hero. The mortification and disappointment of the friends of the other side of the trial was illy concealed, and side of the trial was illy concealed, and they left the court room silently and tried to avoid contact with everybody. The jury stood seven for acquittal, three for conviction of manslaughter and two for murder in the second degree.

Judge Neville then entertained a few

Judge Wakely was engaged all the morning in hearing the case of McEltee vs. Housel. The trial will probably last until late this afternoon. It involves a number of close legal points, and it is quite probable that the jury will be asked to make special findings, leaving the law questions to be discussed by the counsel before the nudge.

motions and subsequently adjourned to

before the judge. Bridget Murtagh filed a petition for divorce in this court yesterday from her husband John. She charges him with failure to support her besides brutal conduct, culminating in a threat to

MARCH OF IMPROVEMENT. Some of the Steps Now Being Taken Onward.

The steam roller of the asphaltum company Wednesoay rolled out of its 'retirement in the rear of Barney McGinnis' saloon, on Dodge and Fourteenth streets caparisoned for the season's work. It was liberally decked with green and red, as if the joint possession of an Englishman and Irishman. To-day it is doing duty on Jackson st reet, where it is putting the roadway in shape for the pro-

posed pavement.

Jones street has been curbed to Tenth street. It has been graded to Eleventh street and vesterday the pavers commenced to lay the blocks of Colorado sandators for the blocks. sandstone for the pavement. At noon about 10 feet had been laid while the sand had been laid for quite a distance in ad-

The sewer, north Sixteenth street, extending for a mile north of Nicholas street, the work of which has been carried on by Mount & Griffin, will be finished

this week.

J. F. Dailey, the contractor for the sewer on North Saunders street, extending 800 feet north of the old creek across the contract of the old creek across finished his work that thoroughfare, finished his work

Synagogue Notes.
To night, at the Jewish synagogue, Dr. Benson will lecture upon the subject of "Labor and Profit." Special attention is called to the general public that the attendance at the synagogue is not only composed of Israelites, but also of members representing almost every denomination.

Divine services will commence at 7.39 o'eloek. The Jewish feast of Penticost, or "Shebuoth" will commence next Tues-day evening. This festival, observed on the sixth day of the Hebrew third month called "Sivan" is celebrated in commem-oration of the delivery of the ten commandments on Sinai on that occasion.

The confirmation class of the Hebrew The confirmation class of the Hebrew Sabbath school connected with the congregation are composed of the following named young ladies and gentlemen: The Misses Addie Newman, Mattie Polack, Katie Sonnenbaum, Eva Spiegle and Blanche Hellman, and Masters Nathan Bernstein, Joseph Oberfelder, David Kellner, Leon Goldsmith and Max Rau.

Th confirmation exercises will be conducted by Rabbi Benson, and will consist of addresses by the children and a thorough examination in their religious studies. The musical renditions for the occasion will be classical traditional selection.

The following is the programme of music at the synagogue this even-"Blest Instructor"-Quartette...... Weber Hear Me O Lord"—Alto Solo and Quar-

Quartette......Fiotone
Mr. Wilkins and Choir.
Miss Rothebild—Organist.
Mr. Ad. Meyer—Director of Choir.

Police Court Points. The most interesting case in police court yesterday was that of James Campbell, who was arrested at the instance of Mrs. Maggie Elliott on a charge of disturbing the peace. It appears that yesterday, Mr. and Mrs. Elliott called at the house of Mr. and Mrs. Campbell to have a neighborly chat. The beer was brought out and passed around, and for a time everything went as smoothly as a marriage bell. Then Mrs. Elliott grew hufly about something and declared that she was going to leave. And she did. Her husband, however, did not accompany her, but remained behind to enjoy the beer. Later in the evening he returned to his house, accompanied by Mr. Campbell. Mrs. Elliott was not feeling in very good humor when the two came into the house, and it wasn't very long before a lively quarrel was in progress. Here it was that Mr. Campbell was guilty

of disorderly conduct, as Mrs. Elliott al-During the progress of the trial, at which both husbands and wives were present, there were many sharp passages-at-arms, and once Mrs. Elliott turned to Campbell and said vehemently, "You're a har!" The case was dismissed by the judge, as it did not appear that Campbell had committed any serious offence. Several other unimportant cases of "drunks" and suspicious characters

were disposed of, some being released, and others being sent up to the county Constable Houck Talks.

"There is one thing I won't do," de elared Constable Houck yesterday[]"and that is to attach the goods of a poor, sick woman with four children to support, all for a petty debt of \$19."

"Who wants you to do such a thing?" asked a BEE man who was standing in the vicinity.

"James, of the Law and Order League. There is a man by the name of Garvey iving at the corner of Twenty-fifth and California streets who owed James a debt of \$18. The Law and Order man went to Justice Anderson's court and got out a warrant of attachment against the out a warrant of attachment against the property of the family. I went to the Garvey house, which is a wretched little hut, accompanied by James. I found there—what do you think?—an old bed, a cook stove, a rickety sewing machine and a few old chairs. The poor woman was sick and scarcely able to move around. However, James insisted on my carrying off the property to satisfy his carrying off the property to satisfy his \$18 attachment. I told him that I wouldn't do it. 'Well,' he roared, 'I'll make you pay it. d— it!' I expect he will try to do it, but I would rather pay the \$18 myself than do what he wants me to.''

Rail Notes.

A new circular has been issued announcing that the freight business of Mr. W. F. Gifliths will be attended to, until further notice by General Freight

greater part of the Union Pacific, it seemed as if it was undertaken for the

purpose of relaxation.
"We are going to Leavenworth first, next to Kansas City, and thence we shall go to Denver. We can't say how long we shall be away, but we shall get back before people become annoyed over our

Mr. Callaway denied that there was any truth in the rumor that the property bought by the Union Pacific between Seventh and Ninth streets and Jones was

intended for a passenger instead of a freight depot.

Conductor Mack, of the dummy has been absent from his post for two days back, being engaged in the domestic duty of moving to a new home on South Tenth

AMUSEMENTS.

JOHN T. RAYMOND "FOR CONGRESS." On Saturday night, the representative American comedian, John T. Raymond will appear at Boyd's opera house in his political satire called "For Congress." While called new it is only because it is so very much newer than "Colonel Sellers" that the public long for any change. The piece was played last year, but it has since been rounded out and perfected, and it must be admitted that now in the hands of Raymond, it is the most delicious bit of political satire

most delicious bit of political satire
seen on the stage in many a day,
summer opera at popular prices.
Manager Boyd has closed with the
Grau opera company for a two weeks'
engagement commencing June 21st. The
"Mikado," "La Perichole," "Grand
Duchess," "Patience," "Pirates of Penzance," and "Princess of Trebizone" will
be rendered. The manager has just seen
the company at the Gillis opera house in
Kaosas City, where they have been play-Kansas City, where they have been play ing for the past four weeks and pronounces the performance vastly superior to that given here last season. Fifty

D. R. Anthony, of the Leavenworth Times, is fat the Paxton. He left

last evening on a trip to the Black Hills. He was met Dyesterday by a BEE reporter and questioned as to his destination, but though he cheerfully imparted the desired information, yet he claimed he didn't desire to have it go abroad. He is the avant courier of a party of gentlemen from his city who are to make a four weeks' visit to the Hills, both with pleasure and speculation in view. The reporter could not ascertain the names of the intending excursionists. They will be here to morrow and follow him in the evening. Mr. Anthony is a slight, pointed-shouldered, stoop-headed man. His features are irregular, a prominent aquiline nose, rather emphasizing the rest, which have a complexion of ruddiness peculiar to slight but hardy men, For a man who has been shot and scarred and fought and bled because of the pleasure it afforded him to lampoon an enemy, Mr. D. R. Anthony is looking

The Gas Wrangle. The long standing question between the Union Pacific and the gas company with reference to the Eleventh street lot is still unadjusted. It has finally been referred to Mr. Geo. Barker and Mr. Callaway, Mr. Callaway has been out of town all the week and consequently he has not been able to give the matter much attention. Meanwhile, the railroad company retain their ties and rails upon the premises, and doubtless will until the matter is settled. The gas company, however, have removed their army of protection. The delay occasioned by the adjustment is a source of annoyance to the gas folks. They anxiously desire the lot in question upon which to build a new generating house. They have al-ready forwarded the plans of the intended building to Philadelphia and instructed the manufacturer of their new generating machinery to make the latter in conformity with the outline of the

Queen of the Track. The engine 825 which pulled the Union Pacific Loverland out yesterday was a wonderful piece of workmanship. She was almost as high as a high as a house and as stately as a queen. She is just out of the shops of this city, where she was built by Master Mechanic Hackney, his foreman being John Bay. Her beiler was seven inches greater in diam-eter than that of any engine in the employ of the company. Her wheels lack but a fraction of being six feet in height. She weighs forty-seven tons, and is calculated to run sixty miles per hour. This is now becoming a matter of necessity with the Union Pacific and they proposed to keep first class time. The other day, the dis-tance between Valley and this city, thirty-five miles, was run with a heavy train and four stops in fifty minutes, being considerably more than at the rate of a mile a minute.

Populating Valley. "The papers are talking and bragging about this great suburban train. Now,

what good does it do to Omaha?" The speaker was an ex-railroad man, who addressed a BEE reporter at the Union Pacific depot yesterday. "Even if it does bring passengers in, it takes away steady residents. It has taken four crews from here and sent them all along the road. Trains 42 and 43 don't come in here at all now. There were two crews, They are now stopping out at Valley. Then, there's another from Columbus to Norfolk, that was also taken from here. A fourth crew of reserves lies off at Valley also. Formerly these men use to live in Omaha and spent their money here. They now help to make Valley rich."

"Yes, said a by-stander. There's one

conductor who has been there but four days and I understand he's already run-ning for mayor of the place. Didn't Want the Cuff Buttons.

Yesterday Jefferson Bates, a negro, went into the store of F. Rosenkranz, on Sixteenth street, near Webster, and asked to look at some cuff buttons. He was shown severa, pairs, and picked out one pair, the price of which was 35 cents. He paid the money, and at once thereafter declared that he didn't want the buttons. Rosenkranz, however, declined to refund the money, and shoved the darkey into the street. "Gimme back dat 35 cents" bellowed

The only reply he received was a only reply he received was a sounding blow in the face. One of Rosenkranz's fingers happened to find its way into the darkey's mouth, and that worthy bit it in a very vigorous manner. Thereupon a lively row ensued which was only interrupted by the arrival of Officers Jasperson and Bloom, who are rested Rosenkranz and the negro.

It was reported yesterday as the latest de velopment in the Sloman failure that an eastern firm has sent a lawyer to Omaha to look up the facts connected with the crash. It is said that the firm contemplate suing Bradstreet's local agency for sending out too favorable reports about the condition of Sloman Bros.' finances, on the strength of which the firm aforesaid sold the Omaha house a very heavy bill of goods. As Sloman Bros. intend to sue Bradstreet's for sending out reports which not favorable to them, it will be seen that

the case is a very much "mixed up" one indeed. One of Brad street's men said yesterday that he reports of the firm's condition were obtained from Morris Sloman. and with him all responsibility ought to rest.

Omaha Cricket Club. On last Tuesday there was a meeting of a number of the admires of the game of cricket at the B. & M. headquarters, which resulted in the formation of the Omaha cricket club. Thirty members were enrolled, after which P. S Eustis was elected president, John F. Francis secretary and treasurer, and F. O. Wood, J. Purdon and J. Burleigh, members of d. Furdon and J. Burleigh, members of the executive committee. The latter have authority to arrange for all matches, provide supplies and attend generally to the affairs of the club. Challeges will shortly be issued to the clubs at Lincoln Hastings, and when matches cannot be arranged, the home club will form eleven from their own ranks and when for the comments of the clubs at the comments of the clubs are the comments of the clubs. from their own ranks and play for recre-

ation on Saturdays. "Judge" Gurley.

George Gurley, the accomplished clerk of the county court, stands in good chance of hereafter being known as "Judge," the commission vesterday issued to him by the county commissioners to issue a marriage license to Judge McCulloch, being the ineocent cause. Judge Gurley had not issued the license at last accounts, and claimed he would not issue it until he should be approached in all due solemnity and with the information in such cases required.

Uncle Sam's Servants.

J. W. Walker, special agent of the treasury department, was in town examining the books of the collector of port, Campbell. He is making a special inquiry into the marine part of the custodian's books. This is the second representative of the government who has been here in a week looking after has been here in a week looking after Uncle Sam's monetary affairs. The other was Mr. Lapp. Mr. Walker is taking in all the river towns, having last

Suspicious Characters. J. H. Duffy, who is believed to be a sharp pickpocket and confidence operator was arrested yesterday by Detective Valentine of the Union Pacific. He had on his person pawntickets for a large amount of jewelry-amounting to several hundred dollars worth-which he had pawned in Chicago. He was held for trial. John Gaines alias "Jack" Harris, an expert pickpocket well known to the police, was also arrested.

Kyle's Case. The Kyle case, which has been hanging fire in the county commissioners' court for two months past, was called Wednesday afternoon, Kyle appearing. Doyle, who preferred the charges against Kyle, failed to appear, and the case was formally dismissed, the costs being taxed up to Doyle. Kyle now threatens to vindi-cate his character by suing Doyle for damages.

The Perjury Case. Crosby, the new witness for the defense n the Powell murder case, was arraigned before Justice Solomon in Florence Wednesday afternoon on the charge of perjury. He took a change of venue on the grounds of the prejudice of the magistrate and had his case postponed until Friday at 2 o'clock before Justice Mears.

He Loaned Money. Judge Berka was engaged this yesterin listening to the case of James : Ellis vs. Edward W. Funke, to attach the goods of the latter, who is supposed to be skipping out. The attachment was served to secure something to pay the first mentioned for \$15.75 alleged to have been loaned to Ellis.

Bound for Beatrice. The Knights Templars of the different lodges of the city went down to Beatrice yesterday to attend the Ascension day exercises in that place. They were accompanied by the Fourth Infantry band, which discoursed sweet music on the march to the depot.

Wanted for Bigamy. Sheriff Coburn received a letter from Kansas City Wednesday, stating that Fielder, who is in jail charged with hav-ing murdered Ruhle, is wanted in Kansas City to answer to the charge of bigamy. A Bad Rumor.

It was rumored extensively in town yesterday that Fred Metz had sold his brewery for \$122,600. Fred Metz was seen yes-terday and said that nota penny less than \$210,000 would make him part with property at that place.

Training for Toronto. The members of the uniformed rank of

the Knights of Pythias are training for the great prize drill contest which akes place in Toronto in July. The delegation from this city will number seventy-

560acres land in Thayer county, Neb., to sell or trade for merchandise. Address John Linderholm, 614 S. 10th St., Omaha,

The Bank Clearings, The bank clearances yesterday amoun-

Opelt's Hotel, Lincoln, Neb., opened March 15th, first class in every respect. Personal Paragraphs.

Louis Burke, of North Platte, is at the Hon. J. M. Woolworth went to Boston last evening.

Mr. S. A. Orchard has gone east on a purchasing tour. John A. McShane came in from the west yesterday-

Mr. James Stephenson has gone to Montana on a business trip. Miss Mollie Jones returned Wednesday from a month's trip to Missouri,

William Shull and wife went to Kansas City yesterday by the Missouri Pacific. W. J. Bonton, Tecumseh, Frank Sanders, Rockport, Mo., are at the Canfield. Sheriff Dan Farrell and Dr. McCloskey, of Glenwood, Iowa, were in the city looking over real estate with a view to

Prof. L. B. Avery, of Tabor, Iowa, was in the City Wednesday en route for Mar-shall, Minn., where he assumes the prin-cipalship of the city schools.

Mr. Hugh Thompson, of the city water works, left yesterday with his wife, child and sister, to visit Mrs. T.'s parents in Ewing, Neb. After that the family will visit in the east. Rev. Willard Scott went to Central City yesterday where he will bring a close the sessions of the Nebraska sunday school convention, now being held there, by a lecture which he gave last night on the "Influence of the

Thomas J. Lipton, of Glosgow, Scotland, is a Paxton guest.

Bible on national character."

Officers Mostyn and O'Grady arrested two men yesterday at the corner of Harney and Tenth streets for disturbing . The dozen or more Omaha physicians who attended the meeting of the State Medical society in Lincoln returned

yesterday: 4 The chief of poilice of Ceago has tele-

graphed Letter Carrier Jablesnech that Le will look out for the arrival of the latter's son at that place. The son ran away Wednesday with \$60 of the

Dr. Lilly, of Chicago, was in the city vesterday straightening out the affairs of his brother, Dr. Francis Lilly, who was killed by falling out of the Arcade window. He left this afternoon for the east.

Robert Mack, business agent for Mr. and Mrs. Geo. S. Knight, who are to appear in the opera house on the 8th and 9th of this month, in their new piece, "Over the Garden Wall," is in the city. There will be a meeting of the property owners interested in securing the cable tramway on Dodge street at Mr. Robert W. Patrick's office in the Paxton build-ing at 8 o'clock Friday evening.

William Daily an employe of the smelting works, was found by Marshal Cummings yesterday lying dead drunk on lower Chicago street. He had been robbed of a valuable gold watch and

The wedding of Judge McCulloch to Miss Josie McCague will take place on June 10th. The marriage license will be issued by County Court Clerk Gurley, who has been placed under \$50,000 bonds for that he avy responsibility.

The half-mile race between Cunningham and Ross takes place next Sunday at Kansas city. It is for \$250 a side and the championship of the west. Both men are in good training and the race will undoubtedly be an interesting one.

Joe Montague, the cranky Italian who was sent to the county jail a few weeks ago charged with being insane, is now seeking release claiming to be completely restored. When Judge Stenberg visited the jail yesterday Joe dropped to his knees and kissed the judge's feet in his anxiety to secure his liberty.

It seems to be settled to a moral cer-tainty that Mrs. Frank has successfully carried out her scheme to outwit the Law and Order league by leaving town. It is said that she has gone to her old home in Canada. The property in this city has been sold to a Frenchman who runs a gambling house on lower Dodge street. gambling house on lower Dodge street.

A grip sack belonging to Charles Beekon, the sneak thief who was given 100 days in jail by Judge Stenberg, was examined yesterday. It contained half a dozen assorted napkin rings, a dozen mismated sleeve buttons, a Mason pin, from which a diamond had been picked, an Odd Fellow's pin and a miscellaneous assortment of pocket knives, all the assortment of pocket knives, all the products of his sneak thieving procliv-



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That they are backed by a syndicate representing \$10,711,711 That there has already been expended between \$1,000,001 and \$1,000,000. That there is a fine system of waterworks, furnishing pure spring water. That the railways all center there.

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has everything to make the property the very best paying investment in Real-Estate to lay. Examine It Carefully Look Into It. Don't Buy a Lot.

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Fork Packing and Beef Canning Establishment Which in ten years will be the LARGEST INDUSTRY in the west and will make property worth per for what is now asked for a lot. The drainings of the above institutions is perfect and flows south from the town

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