

IT LOOKS QUITE QUEER.

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

WHAT JUDGE STENBERG SAYS.

The Sloman Failure Again—Powell is Set Free—The March of Improvement—Other Local Items.

A Queer 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 Estelle, and a half a dozen lawyers.

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 presented. 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 as 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 nolleed 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. "Influence" will save them, and the two are as happy and Judge Stenberg is highly displeased.

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 pretenses 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 each.

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 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 nolleed 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 concerned 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 in which these men were guilty of is 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 thing."

SPOLIATED A HIPPODROME FRAUD.

The Race Between Hughes and Hitchcock Labeled O.K. The seventy-five yard hot race for \$500 apiece, which was advertised to take place at Athletic park Wednesday afternoon, 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 hippodrome fraud that was nipped in the bud. Hitchcock was 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 \$100 in Pat Ford's hands, making up his side of the bet. Ford alleges that late on Tuesday night he was approached by Kennedy who wanted him to allow the race to be run without the additional \$100 being put up for Hitchcock. Kennedy said Hitchcock was going to win the race and there would be no use of him putting up \$200.

"But what if Hitchcock falls down," asked Ford. "If Hitchcock falls down, Hughes will fall down too. Hughes has no money and Hitchcock is sure to win the race. It is the reply which Ford alleges was made by Kennedy. 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 Ford, 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 between Kennedy and Hitchcock. Mr. Ford refused to join in any such scheme and at an early hour withdrew from the race and 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.

POWELL FREE.

A Divided Jury Cause a Nolle to be Entered. Yesterday (about 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 nolle in the premises. The motion was recorded, and Powell discharged. He was immediately surrounded by a "set of friends" and embraced and con-

gratulated till he must have felt that he was a hero. The mortification and disappointment of the friends of the other side of the trial was fully 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 motions and subsequently adjourned to 2 o'clock. Judge Wakely was engaged all the morning in hearing the case of McEhee 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 judge.

Bridget Murnigh 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 kill her.

MARCH OF IMPROVEMENT.

Some of the Steps Now Being Taken Onward. The steam roller of the asphaltum company Wednesday 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 street, where it is putting the roadway in shape for the proposed pavement. The "Colonel Sellers" will be rendered. The manager has just seen the company at the Gillis opera house in Kansas City, where they have been playing for the past four weeks and promising to perform a vast number of acts to that given here last season. Fifty cent prices will prevail during this engagement.

Marked Anthony. D. R. Anthony, of the Leavenworth Times, is at the Paxton. He left last evening on a trip to the Black Hills. He was met yesterday 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 avowed maker of a party of gentlemen from his city, who 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 evening at 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 quite well.

Queen of the Track.

The engine 825 which pulled the Union Pacific overland 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 boiler was seven inches greater in diameter 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. The out at Valley, coming a matter of necessity with the Union Pacific and they proposed to keep first class time. The other day, the distance 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 here at one time. The 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 spend the money they earn. They now help to make Valley rich." "Yes, said a by-stander. There's one conductor who has been here but four days and I understand he's already running for mayor of the place."

Didn't Want the Cuff Buttons.

Yesterday Jefferson Bates, a negro, went into the store of F. Rosenkrantz, on Sixteenth street, near Webster, and asked to look at some cuff buttons. He was shown several 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. Rosenkrantz, however, declined to refund the money, and showed the darkey into the street. "Gimme back dat 35 cents!" bellowed the negro.

The Sloman Failure.

It was reported yesterday as the latest development 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 contemplated suing Bradstreet's local agency for sending out too favorable reports about the credit 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 for sending out reports which were not favorable to them, it will be seen that

the case is a very much "mixed up" one indeed. One of Bradstreet's men said yesterday that he reports on the firm's condition obtained from Messrs. Sloman, and with him all responsibility ought to rest. Omaha Cricket Club. On last Tuesday there was a meeting of a number of the admirers 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. Francis was elected president, John F. Enstis secretary and treasurer, and F. O. Wood, J. Pardon and J. Burleigh, members of the executive committee. The latter have authority to arrange for all matches, provide balls and attend generally to the affairs of the club. Challenges 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 play for recreation on Saturdays.

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 the "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 seen on the stage in many a day. SUMMER OPERA AT POPULAR PRICES. Manager Boyd has announced that the Grau opera company for two weeks' engagement commencing June 21st. The "Mikado," "La Perichole," "Grand Duchess," "Patience," "Pirates of Penzance," and "Circus of Pezance" will be rendered. The manager has just seen the company at the Gillis opera house in Kansas City, where they have been playing for the past four weeks and promising to perform a vast number of acts to that given here last season. Fifty cent prices will prevail during this engagement.

Uncle Sam's Servants.

J. W. Walker, special agent of the town 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 the Uncle Sam's monetary affairs. The other was Mr. Lapp. Mr. Walker is taking in all the river towns, having last been at St. Joe.

Suspicious Characters.

J. H. Duffly, 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 quantity 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 vindicate his character by suing Doyle for damages.

The Perjury Case.

Crosby, the new witness for the defense in 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 evening listening to the case of James Ellis vs. Edward W. Funke, to attack 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, and the music was sweet music on the march to the depot.

Wanted for Bigamy.

Sheriff Coburn received a letter from Kansas City yesterday, stating that Fielder, who is in jail charged with having murdered Rulife, 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 \$122,000. Fred Metz was seen yesterday and said that not a penny less than \$210,000 would make him part with property at that price.

Training for Toronto.

The members of the uniformed rank of the Knights of Pythias are training for the great prize drill contest which takes place in Toronto, Ontario, this week. The delegation from this city will number seventy-five.

The Bank Clearings.

The bank clearances yesterday amounted to \$931,598.25. Opelt's Hotel, Lincoln, Neb., opened March 13th, first class in every respect.

Personal Paragraphs.

Louis Burke, of North Platte, is at the Millard. 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 Jennie 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. Banton, Tecumseh, Frank Sanders, Rockport, Mo., are at the Canfield. Sheriff Dan Farrell and Dr. McLoskey, of Cottonwood, Iowa, were in the city looking over real estate with a view to investment. Prof. L. B. Avery, of Tabor, Iowa, was in the city Wednesday en route for Marshall, Minn., where he assumes the principalship of the city school. 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 the case of "Influence" of the 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 here, by a lecture which he gave last night on the "Influence" of the Bible on national character.

graphed Letter Carrier Jablonsch that he will look out for the arrival of the latter's son at that place. The son ran away Wednesday with \$60 of the father's money. Dr. Lilly, of Chicago, was in the city yesterday 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. 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 building at 8 o'clock Friday evening. William Daily an employee 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 chain. The wedding of Judge McCulloch to Miss Josie McCague will take place on June 9th. The marriage license will be issued by County Clerk Gurley, who has been placed under \$50,000 bonds for that heavy 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 certainty that Mrs. Francis 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. A grip sack belonging to Charles Beckon, the sneak thief who was given 100 days in jail by Judge Stenberg, was examined yesterday. It contained half a dozen assorted mapkin rings, a dozen miscellaneous buttons, a silver pin, from which a diamond had been picked, an Odd Fellow's pin and a miscellaneous assortment of pocket knives, all the products of his sneak thieving proclivities.

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

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REMINGTON STANDARD TYPE WRITERS. Potter & Meehan, Law Reporters and Copyists. State Agents for Nebraska. Thomas J. Upton, of Glasgow, Scotland, is a Paxton guest. Officers Mostyn and O'Grady arrested two men yesterday at the corner of Harney and Tenth streets for disturbing the peace. The dozen or more Omaha physicians attended the meeting of the State Medical Society in Lincoln returned yesterday. The chief of police of Congo has tele-