

HORSE AGAINST CABLE CARS.

Interesting Information Pertaining to Both Lines in This City.

ASSESSING THE DAMAGES

A Meeting of the Commissioners Appointed to Adjust the Differences Between the Two Companies.

Cable vs. Horse Cars.

The commission consisting of Lewis Clements, of California, Thomas Corran, Kansas City, and Leavitt Burnham, Omaha, appointed to inquire into and assess damages, if any, sustained by the Omaha Horse Railway company, by reason of the Cable Tramway company building their lines upon and across streets occupied by the horse railway company, convened at 9 o'clock yesterday morning in the judge's chamber, custom house, and resumed the hearing of testimony.

W. A. Smith, superintendent Horse Car company, testified as follows, the examination being conducted by Judge J. M. Woolworth, counsel for the horse railway company:

An secretary of the horse railway company. The number of passengers daily carried on our lines from the Union Pacific depot to Farnam street, is from 1,500 to 1,800. We have sixty-two cars in regular service, 450 horses and 105 men, outside of construction gang.

Question—What percentage of your earnings go to defraying expenditures? Answer—Nearly 90 per cent. Our expenses would, in some cases, be increased by the consumption of proposed extensions. We carry from 10,000 to 15,000 passengers per day.

Cross-examination by General Cowin, who with Judge Lake represents the Cable Tramway company.

We have a line on Leavenworth from Phil Sheridan street to Park avenue, and from Sixteenth to Leavenworth, starting at the viaduct. The motor line proposes to build along Leavenworth street, and they enjoined us. We propose to build south on Sixteenth street and over the viaduct, which is sufficient for horse car service. We have a prospecting line on Twentieth street, and put in crossings and curbs one year ago last summer, this year expect to make extension to fair grounds. We have a single track from depot to Farnam on Tenth street. Cars on Tenth only run in one direction from depot up into the city. Double track on Farnam west from Tenth. Bulk of travel on Tenth street is from depots, passing up Farnam in heart of city, the bulk getting off between Tenth and postoffice.

On Twentieth, if the cable company builds, will parallel us from Cass to Cumming street, a distance of four blocks. We have double tracks there, cars going north on east track and south on west track. Bulk of our travel passes over this stretch. That is a section where we pick up the largest percentage of travel. Those are the only two points, I think, where they propose to parallel us on same stretch. Double track on Twentieth, average from \$7 to \$10 daily, about \$8 now, and about 25 per cent lighter during the winter. It cost about \$7.50 per foot to run a car.

W. W. Marsh, treasurer of Horse Railway company, testified.

June receipts, Farnam street lines, something like \$86,024.50; Park avenue lines, \$6,080.40; from depot to park, \$8,010.55. Fifty to sixty per cent goes to expenditures. When our lines are all complete and thoroughly systematized our expenses will not exceed 50 per cent. It will be difficult to induce passengers to cross cable lines to take horse cars. Per cent of damages would be to the two lines thus affected 70 at least. We would lose a large proportion of the business. Don't know what building up market value of line would be a cheap horse car railroad. It couldn't be laid cheaper. Their rails run about 20 to 30 pounds to the yard. The injunction against our Leavenworth line has a serious effect. We charge five cents a passenger. We reduce for children.

Cross-examination by Commissioner Burnham.

The value of our line on Tenth and Farnam—plans, material and all, is about \$3,500, on an estimate of \$12,500 for construction per mile. Twentieth street line, between Cass and Cumming, one-quarter of a mile, value, \$2,500, material and laying track. The damages that would accrue by reason of the crossing at the intersection of Farnam and Tenth street, resolves itself into the maintenance of said crossings. Invariably the party who cuts maintains the crossing.

Cross-examination by Cowin: The termini of our lines are as follows: Thirtieth and Cumming line, Twentieth and Tenth, south, Thirty-sixth and Cumming; Red line, Union Pacific depot, corner Lake and King and Patrick's addition; Green line, Hanscom park, Lake and King; Farnam and Park line, Hanscom park and Union Pacific depot; Farnam and Twenty-fourth street line, Union Pacific depot and Creighton college, on California street.

The termini of the cable lines as far as projected are as follows: Grace street, south along Twentieth; Leavenworth, from Twentieth east to Tenth on Dodge and Harney; Tenth, south, to depot, on Leavenworth west college. Of these lines there are already in a state of completion those from Grace to Cumming, from Tenth to Twentieth and from Union Pacific depot to the expense of the same.

About one-half the expense in constructing lines on Ninth and Tenth streets was entailed by the paving, basing estimate on cost of paving to-day. The cable crosses the horse line on Tenth and Dodge. The work of laying did not interfere with our receipts. They did it at night, or all of it they could.

Woolworth re-examines: The work does not give us a very serious loss. There has, however, been considerable pains taken to make both lines perfect, and when entirely finished they may be all right. One crossing has just been put in, the other was put in weeks since. Work not in good condition so far as it infringes on our lines. Number of passengers who get off between Cass and Cumming reaches from 1,300 to 1,500 daily. We would have to cover the ground on Twentieth if cable hadn't. We had, in fact, begun ours; had our crossings, etc., all in. Their line is laid parallel with our proposed extension, with their tracks one foot wider apart than ours.

Cross-examination by Commissioner Burnham: Have employed a man to make estimate of number of passengers between given points. Between Cass and Cumming the business part of our road. These are important residence streets and just far enough away to induce people to use the cars.

Q.—Mr. Marsh, on Twentieth street, from Cass to Cumming, where the cable talks propose to parallel your line, what would you say if they would offer to put in double track and give your company privilege to use it? It would do away with the necessity of four tracks, you see. If they should do this, could you use it?

A.—We could.

Q.—Would your company be willing to do that?

A.—I have no authority to answer.

Q.—Well, then, as treasurer, stockholder and director, would you vote to accept such a proposition?

A.—I am always willing to do what is best.

Q.—Mind, we to put in the track and make it as available for you as for ourselves?

A.—Do you make that proposition?

Cowin—Oh, I'm only an attorney, you know. I say if they make it.

A.—I think I would.

Q.—Well, don't you know that proposition was made to President Frank Murphy?

A.—No sir; never heard of it, save when I once hinted at such an arrangement myself.

Mr. Burnham examines. In case horse car lines were cut off below Tenth and Farnam, what would be the effect?

A.—We'll lose 1,800 passengers daily. Yes, the depot is the terminus of all our lines, excepting the Twentieth, which goes within a couple of blocks. By transfer, without extra charge, we carry passengers from any part of the city to the depot.

B. Rustin, secretary of the cable lines, testified: We made Mr. Murphy a proposition relative to building tracks on Twentieth between Cass and Cumming, but nothing definite came of it. The cable company is still willing to do this. Yes; horses can travel on cable lines.

With Mr. Rustin's testimony, the hearing of the evidence closed, and the commission is now engaged in its deliberations, the testimony of the cable line having all been taken by deposition in the injunction suit of the horse car company against them one year ago. The commission will finish its labors this afternoon, but will not promulgate any decision arrived at. For this the public must wait upon the courts.

At 4 o'clock yesterday afternoon the commission filed its report in the office of the clerk of the United States circuit court. The report was sealed and will be opened in Judge Dundy's court this morning.

THE COURTS. What Was Done Before the Judges To-day.

Yesterday morning Julia Doran, the widow of Bernard Doran, who was killed by the falling of an elevator wheel in I. Werfeld's store last March, filed a petition in the district court against Oberfelder asking for damages at \$5,000. She complains that the support of the elevator was defective, consisting of a few rotten boards connected with bolts and nails, and all through the negligence of the defendant.

Judge Groff was hearing the case of Elmer E. Finney against Officer Hinchoy, charging with false imprisonment. He sues for \$2,000 damages. Jerry Murphy says it was he who made the arrest.

The case of the Omaha Lumber company vs. Joseph Leuder, was being heard by Judge Hopewell. It is an effort to recover a \$60 lumber bill.

Arguments are being made in the Cochran divorce case.

Jacob B. Eron has filed a suit in the district court against Isaac H. Russell, for a breach of contract in building on lot 9 block 7, in South Omaha. An injunction has been issued restraining Russell from interfering with the property.

Arguments were made in the case of Gay S. Dayton vs. Jacob Wertheim, to recover commission on goods sold, was begun before Judge Dundy of the United States' court this morning, and went to the jury at 3 o'clock this afternoon.

M. V. B. and Co., of Hastings, brought a bill in equity in the United States circuit court yesterday to have judgment rendered against them and Isaac Russell, for the Olds Wagon works of Indiana, set aside. The judgment was for \$322.40. The plaintiffs base their claim to have it set aside on the ground that they understood from their attorney that the case had been dismissed and so allowed judgment to be rendered against them by default.

COUNTY COURT. In the county court yesterday Jacob Elmers, by his best friend, Charles Tinker, filed a suit against Charles White and John Morrison to recover \$400. The defendants conduct the club rooms at 1321 Douglas street, and Elmers claims to be a minor and to have lost the amount mentioned at a faro table. The suit is said to have been instigated by rival gamblers and is an outgrowth of the late row with the man Soderstrom.

Abraham Silverman brought suit yesterday morning against Julius A. Roeder. The latter was his in-law, and though the former was not in debt, Roeder pulled off part of the roof of the place which Roeder rented, 313 South Twelfth street. While thus exposed rain destroyed \$500 worth of his stock.

JUDGE KALL. Henry Polhman, the man charged with drawing a revolver on Constable Edgerton, was arrested this morning on a warrant issued by Judge Karll.

POLICE COURT POINTERS. There was not much stir in police circles yesterday morning, and the work before Judge Berka was of a lighter order than it has been for two weeks.

Fred Williams, Frank Parker, Nellie Gray and Mrs. Currie, color women, were at an early hour this morning by Officers Grady and O'Brady, for disturbing the peace, were fined \$5 and costs each, which they paid.

Ben Smith and the well known crook, Willie Morse, were arrested by Officer Pulasky about 11 o'clock last night while in the act of tapping F. Klenche's till, corner Sixteenth and Leavenworth streets, and this morning their shoes were continued, as they are suspected of having a hand in a much bigger job. About two weeks ago Klenche's house was robbed of \$350 in cash, and the very next night was burglarized, the second raid netting the thieves Mrs. Klenche's gold watch and chain, a silver watch, some trinkets and a small amount of cash, and Morse and Williams are thought to be the parties who did the work. When searched by Jailor Ormsby, a revolver, some money and several watches were found on each.

William Moore, a colored man, was towed in by Officer Ormsby, this afternoon, under the suspicion of having stolen a lot of valuable jewelry. The charge against him was grand larceny.

Henry Bloom was arrested by Officer Bloom for abusing his family.

The trial of A. B. Moore, for malicious destruction of property, in cutting down some trees belonging to Frank Despar, was yesterday in progress before Judge Berka and a jury.

COUNTY BUSINESS. The county commissioners were yesterday morning working with renewed interest in the matter of equalizing the assessments of the county. They had covered the entire county and expected to find a number of omissions of the lists in addition to those which have already been made public. These omissions have been charged to the clerk by whom they were made. It is claimed by friends of the latter that such mistakes are almost unavoidable, because of the rush in the office, and the inability of a comparison being made because the law requires the books to be delivered to the assessors at about the time the clerical work upon them is finished, thus preventing all chances of comparison.

Slugging on the Street. A disgraceful set of fights took place this morning on Douglas street near Hibben & King's restaurant. An employe of that place had in some manner broken a pane of glass, and later engaged in an altercation with the manager of the place a man named Burdick. They resorted to blows. The employe seemed under the influence of drink and got decidedly the worst of the encounter, being cut badly in several parts of the face.

Remember the great auction sale of pure bred Hereford bulls, by Sotham & Stickey, at the stock yards to-day at 1 p. m.

THE GOVERNMENT TESTS.

Royal Baking Powder is Superior to all others in Strength and Purity.

Certified extracts from the report of Hon. E. Mall, Commissioner, and Professor William Saunders, F. R. S. C., Public Analyst, Inland Revenue Department, Ottawa, Canada, pages 4, 20, 21:

"Eight samples of baking powder have been analyzed; six were found to be adulterated, the proportion of adulterant varying from 20 to 60 per cent. The other two consisted of a mixture of bicarbonate of soda and pure cream of tartar without any adulterant."

"Royal—Result of analysis: Contains cream of tartar, carbonate of soda; pure."

"Price's—Result of analysis: Contains matter insoluble in water 24.16 per cent., consisting of starch and tartrate of lime; adulterated."

"The Royal Baking Powder is absolutely pure. It is undoubtedly the purest and most reliable baking powder offered to the public."

"HENRY A. MOTT, Ph. D.," U. S. Government Chemist.

THE RANGE.

The Shoot Which Took Place Yesterday Afternoon.

Yesterday afternoon at 3 o'clock the largest number of members of the Omaha Gun club which has yet attended the weekly meeting at the range, left over the B. & M. to enjoy the special programme which was prepared for to-day. The day was delightful and the promise of an excellent shoot was most encouraging.

Among the features outlined were a couple of team shoots, together with a few individual contests. Among the visitors were a number of leading society ladies of the city.

HARRISON'S CASE. There has been a great deal said in the papers about the lot purchased by Harrison on and near the Bellevue rifle range, and it now looks as if the matter would be settled. This morning he exchanged the lot, which lies right in the line of vision on the range with Mr. T. A. Creigh for property in another locality, though he still retains possession of the other lots in question. One of these parcels lies to the west of the range, and even if the line of the latter should be changed the bullets would still pass, Harrison says, close to his place. This property has been fenced up by H. T. Clark, who, Harrison claims, has no right whatever to it. The third lot, northeast of the targets, Harrison still holds. What will be done with the latter parcels, Harrison says, depends upon H. T. Clark.

Fourth of July. The Chicago, Rock Island & Pacific Ry. will sell round trip tickets to all points in Iowa at one fare for the round trip tickets. On sale July 30, 31 and 4th. Good to return on or before July 5th. Ticket office, 1305 Farnam st.

Exposition Theatre. Yesterday morning there was a meeting of Max Meyer, John A. McShane, J. W. Miner, J. A. Wakefield and several other members of the board of Directors of the Exposition association at Max Meyer's store. The object of the meeting was to devise a means of remodeling the exposition building for theatrical and show purposes. A number of ideas were suggested, and among them were those of several experts.

Len Graham, one of the best known scenic artists in the country, has arrived in this city. He is the gentleman who has done the painting of the scenery at the Boyd for the last four years, and all of his work has been greatly admired. Mr. Graham is now figuring upon the scenic work which is to be placed upon the exposition building.

A Bargain 20 cents situated on the main line of the B. & M. R. R. and near the new South Omaha depot at the terminus of the dummy line. Plenty of good, clear spring water, and a constant flow of native timber, suitable for a summer garden.

W. G. ALBRIGHT, 218 S. 15th st.

The Fish Commission. A meeting of the Nebraska Fish commissioners was held this afternoon in B. E. Kennedy's office. Dr. Livingston, of Plattsmouth; W. L. May, of Fremont; M. E. O'Brien, South Bend; and B. E. Kennedy, of this city, were present. After discussion, a motion was passed authorizing the secretary to have cards and circulars printed embodying the state law with regard to the protection of fish and calling upon citizens to aid the commissioners in enforcing it. The circular will be forwarded to justices of the peace, judges, constables and other public officers throughout the state.

Low May is attending the meeting with all the majesty becoming the president of the Nebraska Fish and Game society, an honor conferred upon him and Nebraska at the last meeting of the association.

Estimates for glass furnished by Cummings & Neilson, jobbers of Plate, Window and Ornamental Glass, Paints, Oils, etc., 1118 Farnam St.

A Vaudeville Theatre. The old Buckingham theatre has been overhauled and re-christened the Olympic. It will be opened Saturday night as a first class variety theatre by Cole & Parish. It is the intention to run a vaudeville theatre of the very best character and excellent talent has already been booked for weeks ahead.

Broke His Leg. Fred Higginson, the six-year old son of Mrs. Colma Higginson, 610 north Twentieth street, accidentally broke the small bone of his right leg yesterday forenoon. He is a grandson of St. A. D. Balmombe.

An Early Close. Owing to the illness of Janish the Boyd opera house boards will not be occupied by that actress or her company. Janish has returned to New York. The season will close with the presentation of Harrigan's "Leather Patch."

Captain Steadman, of the ninth infantry, is at the Millard with his bride. They are on their way to their future home at Fort Robinson.

"The Happy Thought" is the best hard core gardener in the world. For sale by C. F. Gardner, 719 North 14th st.

WHAT BETTER

Do you want than the bargains we are now offering in every department? Last week we mentioned a few good things in furnishing goods; they are going off like hot cakes. Evidently the people know that we never advertise bargains unless we can show them. For this week we will offer a few special drives in PANTS.

1000 pairs good Cassimere Pants, every fiber wool, in two shades, both nice and attractive, well cut and made; a Pants which other dealers are offering as a bargain at \$3; only \$1.75.

600 pairs good all wool hair line Pants in several patterns at \$2.25; full worth \$4.

600 pairs finer grades at \$2.50.

Several lots of fine Cassimere Pants, striped and checked, some all wool and some silk mixtures, at \$2.90, \$3.25, \$3.50 and \$3.75. Some of these are equal to custom made goods, and fully worth double the money asked.

For the laboring man we offer good substantial Jean Pants, well made at 50c, 75c, \$1 and \$1.25.

Remember we have no special leaders but every article we offer is a leader in itself.

All goods marked in plain figures and at strictly one price at the

Nebraska Clothing Company, Cor. Douglas and 14th sts., Omaha.

OMAHA MEDICAL & SURGICAL INSTITUTE. CHRONIC & SURGICAL DISEASES. BRACES AND APPLIANCES FOR DEFORMITIES, TRUSSES, AND THE NEW VARIQUOSE SUSPENSORY CLAMP COMPRESSOR.

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DRS. S. & D. DAVIESON. 1707 Olive St., St. Louis Mo. Of the Missouri State Museum of Anatomy, St. Louis, Mo., University College Hospital, London, Gieson, Germany and New York. Having devoted their attention SPECIALLY TO THE TREATMENT OF

ASBESTOS ROOFING. THIS is the perfected form of portable roofing, manufactured by us for the past twenty-seven years, and is now in use upon roofs of Factories, Foundries, Cotton Gins, Chemical Works, Railroad Bridges, Cars, Steamboat Decks, etc., in all parts of the world.

DEWEY & STONE, FURNITURE. A magnificent display of everything useful and ornamental in the furniture maker's art, at reasonable prices.

U. S. Mail Chutes. In office buildings, enables tenants to mail their own letters without leaving the floor on which their offices are located. In use in sixteen cities.

C. S. RAYMOND. RELIABLE JEWELER. Watches, Diamonds, Fine Jewelry, Silverware. The largest stock, prices the lowest. Repairing a specialty. Work warranted. Corner Douglas and 15th streets, Omaha. Licensed Watchmaker for the Union Pacific Railroad Company.

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STEINWAY, FISCHER, LYON & HEALY. BURDETT, STANDARD, LYON & HEALY. PIANOS. ORGANS. Prices, quality and durability considered, are placed at the lowest living rates for cash or time payments, while the long established reputation of the house, coupled with their most liberal interpretation of the guarantee on their goods, affords the purchaser an absolute safeguard against loss by possible defects in materials and workmanship.

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