THE LOCAL RAILROAD WAR.

Atterneys Smith and Thurston Present the Union Pacific Side of the Case.

THE MILWAUKEE'S CONTRACT REVIEWED.

Ed Dickinson as General Superintendent of the Union Pacific-Work on the New Depot-Dropping Deadheads.

At the morning's session of the Wilwan kee-Union Pacific injunction case in the court the attendance was even larger than Monday. Among those present were noticed Judge Clarkson of the district court and Thomas L. Kimball.

After hearing a few minor matters Judge Dundy directed the defense to proceed with

their argument. Mr. E. P. Smith, assistant general attorpey of the Union Pacific in Nebraska, opened the argument. He said that, after the able argument of Mr. Poppleton, he should approach the case tremulously, if it were not that he felt strong in the consciousness of right. He knew that he was ig counsel of national reputation, but he fell that the cause he supported was a just one, and he was encouraged by the knowlege that right must prevail.

"What is there in this case, your honor, to cause it to be taken out of a court of law which can give full and ample compensation. to a court of equity which cannot give such relief! There is no evidence to show that the Union Pacific is unable to meet any judgment which night be obtained against it, therefore the plaintiffs in this netion have a full remedy at law for a violation tion have a tail remark at the contract and have no cause to seek re-lief at the hands of a court of equity."

Mr. Smith then said that coming to the Mr. Smith then said that, coming to the actual question in the case, the Union

Pacific was merely the agent of the government. Quoting from the proceedings of the Wisconsin courts to show that the corporations cannot make contracts in violation of their charters, he took up the charter of the Union Pacific, claiming that it showed that the road was built for the purpose of binding the Atlantic to the Pacific, thereby keeping the Pacific states within the union, and also for postal and military purposes. By the act of July 1, 1862, the Union Pacific was created a corporation and authorized to locate, build, occupy and enjoy a continuous line of railroad enjoy a continuous line of rantout not, he claimed, to enjoy the road in common with some other corporation or individual, but to occupy and enjoy it exclusively. One section of the charter authorized the construction of a single line of track from the western boundary of Iowa, and the eastern terminus was there by fixed at the eastern bank of the Missour river, not one and a half miles south on the west bank, and no one had the right to move that terminus one such west of the east bank of the river. The speaker therefore held that the eastern terminus of the road was in Council Bluffs and that the bridge was a part of the line of the road the same as though the river was not there and the road ran across the prairie directly Council Bluffs. He quoted from a decision of the supreme court in support of his posi-

tion on this point. Another section of the charter was read which stated that the object of the road was to premote the public interest and welfare and to secure to the government at all times the uses and benefits of the road for postal and military purposes. All this, it was claimed, was inconsistent with giving to the Milwaukee the use of the bridge or any other part of the road. It was made the special duty of the road to transmit dispatches, troops, munitions of war, etc., and no part of this duty would be delegated to

another road Continuing, the speaker said the act authorizing the construction of the bridge contemplated its construction for the conven ience of the road as a means of crossing the river and not as a convenience for other

Counsel referred very briefly to the ques tion of tolls, quoting from the act authoriz-ing the construction of the bridge, which gave the company the right to collect tolls from wagons, etc. He held that this supported the position of the road in the present

Referring again to the charter the road, Mr. Smith said the Union Pacific was given the power to make by-laws, and the said by-laws gives the board of directors of the road control over all its property to administer the same, as agent of the government, as required by the charter, but without going outside of the provisions of the charter. These powers, he claimed, were granted for public and not for private purposes. The corporation was only the agent for the government; it had no authority to tie up the road for 999 years. No one would say what might happen in that time. It was practically turning the road over to the Milwaukee permanently. If the directors could tie up a part of the road in that way they could do the same thing with all of it. Without distinctive legislative authority they would not convey or lease any franchise or

property.

Referring again to the contract Mr. Smith insisted on calling it a lease and stated that an old principle of law allowed the parties to a contract to put their own construction on it and the courts upheld them in it. The lease in controversy gave a foreign corporation the right to run over and occupy the line of the Union Pacific for 999 years. This was practically an unending contract except at the will of the Milwaukee, which had the right to a release from it by giving three years' notice, but the Union Pacific was held fast and was given no power to fast and was given no power to revoke the lease. He denied that the Union Pacific retained full and complete control of the road and tridge. The Milwaukee road was bound to pay a proportion of the operating expenses and the time cards, and the run-ning of the road was to be decided upon by parties to the contract. He quotes from the contract to support these

Concluding, Mr. Smith demanded to know what rights the directors had to renounce the rights of the government and surrender the tracks of the road to another corporation There was no necessity for stop There was no necessity for stopping at one mile. They might as will make a contract for ten miles as for one mile and so on to the end of the road. There was nothing to prevent the Milwaukee from building elevators along the line of the Union Pacific and putting in sidetracks of its own. The Milwaukee pretended that there was business in South Omaha, which it wanted to reach. The speaker held that it was the duty of the Union Pacific to get that business for itself. In conclusion, Mr. Smith held that the Union Pacific had no right to wake such a Union Pacific had no right to make such a contract, and that the Milwaukee had no more right to transgress the law than had the Union Pacific. He charged that the at-torneys on the other side knew that the law was being violated, and that the men who made the contract were violating their obli-

The speaker claimed that there was no ground for pleading the doctrine of estoppel in the United States court, and wound up by quoting numerous authorities to show

that the company had no right to surrender the control of its rord.

At the conclusion of Mr. Smith's argument court was adjourned until 2 o'clock.

When court opened in the afternoon John

M. Thurston took up and continued the argument on the part of the defense,

He said he had never realized so strongly

that he was an advocate as when he con-fronted the distinguished counsel now before fronted the distinguished counsel now before him. He was sorry, he said, for some remarks which Mr. Poppleton had made in his argument. If strangers had come in while the gentieman was talking they would have supposed that an indignation meeting was in progress, in which the citizens were giving full rein to express their feelings against a common evil. In spite of his admission that the contract was properly signed. Mr. Popcommon evil. In spite of his admission that the contract was properly signed, Mr. Poppleton had devoted fully one-third of his argument to show its validity.

Plunging at once into his subject, Mr.

Thurston said there was no provision charter compelling the Union Pacific nect with any other road at Council Bluffs or at any other point, except under direction of the United States, both as to place and terms. This clause had been inserted in the charter, he said, to prevent the Union Pacific from frittering away its rights, and to place it directly under the control of the government in

case of war.

DHe insisted that the rules on which the case must be decided were finally settled.

The law on which the case rested was that the charter of a corporation is the measure of its power, and that the enumeration of those powers implied the exclusion of all others. Unless the other side showed some provision authorizing such a contract as the one in question, it was void and ultra vires.

The speaker took it for granted that the her side would admit that the Union Pacific rould not turn over to the Milwaukee or any other corporation the right to operate its road from Council Bluffs to Ogden, or even to Cheyenne or Fremont, but they said, in effect, that they had taken such a little of the

road that it was all right. Taking up the contract in question, Mr. Thurston claimed it was a contract for the ise of ten miles of the main line of the Union Pocific road. It was not a contract for terminal facilities, but was a connecting link whereby the Milwaukee road might use ten miles of the track of the Union Pacific to reach the point where the Rock Island tapped the Union Pa-cific, thus giving the Milwankee and Rock Island a through line through a country now isiand a through ine through a country now occupied by the Union Pacific. If there was the power to grant a centract for the use of the ten miles of the Union Pacific, what was to prevent the latter from giving to one or a dozen roads the use of the whole road?

He stated in reply to Mr. Poppleton's ques-tion of what would become of Omaha if the contract was abrogated, that the execution of this contract would place three dictators over the bridge and would prevent the Union Pacific from granting the right to any other road to come into Omaha over the bridge, and would effectually shut out all other eastern

Referring to the contract, Mr. Thurston charged that it was a lease, in which the Milwaukee and Union Pacific were to have the joint use of the track. The latter was divested of all power over the movements of the former's trains, and was bound to be governed by the former in the movement of its own trains. It had surrendered the right to run its trains and collect toils, which it clearly had no right to do. This action of the roads Mr. Thurston il-lustrated by saying that it was the same as though the Union Pacific had a cow and placed two of her teats in the hands of the Rock Island and two in the hands of the Milwaukee. Judging from the present case the two latter reeds would say the Union Paeifle still had the cow.

"Would you deny that you got any of the milk," asked Mr. Poppieton.
"If we got any it would be skimmed milk of the poorest kind," retorted Mr. Thurston.
Counsel on both sides then indulged in sev-

eral minutes of repartee which caused general laughter. Resuming, Mr. Thurston pursued the same line of argument, namely, that the Union Pacific had no more right to give to the Milwankee the right to operate ten miles of its road than it had to turn over the whole road. He remarked that if the Milwaukee had proposed to turn over to the Union Pacific all the tells collected for passengers and freight on the ten miles in question the latter might be satisfied.

Mr. Thurston then took up the authorities presented by Mr. Poppleton in his argument, and claimed in each case that the findings of the court were capable of a construction different from that placed upon them.

In summing up, Mr. Thurston said it was very evident that the Union Pacific had no power to make such a contract as the one in

He then referred to the charge that the Union Pacitic was in contempt and had no standing in court. He said the plaintiffs admitted that they had no lease, and consequently they were merely running their trains over the defendant's tracks. The Union Pacific had taken advantage of a time when no cars of the Milwaukee were on the ten miles of track in question and simply locked the plaintiff out. He therefore held that the Union Pacific was not in contempt of the United States or any other court, as the act of barring out the Milwaukee had been per-formed before the issuance of the order by Judge Doane, which order had not been vio lated since the removal of the case to the United States court.

Mr. Thurston stated further that there was no claim that the Union Pacific had taken or heid a dollar's worth of the Milwaukee's property, or had used any violence He then read an opinion of the court in a similar case in which the court held that there was no power to compel a party to a void contract to abide by the terms

of the contract when it saw fit not to do so This, he claimed, was an opinion bearing directly upon the present case, and he charged that the other side was seeking to have the court compel the execution of a void contract, for the reason that the Union Pacific had submitted to it for a certain time. He held that the action for contempt could not be, as the coutract was void and the Union Pacific was not bound to abide by its promises. Mr. Thurston dwelt at length on the fact that all the conditions of the contract changed except the compensation. The country would improve, the business would increase, and, in fact, everything would grow

except the price for the use of the road. In closing, Mr. Thurston repeated that the case hinged upon the point of whether the Union Pacific had the right to turn over to another corporation even the smallest part of

the road. Referring to the statement of Mr. Poppleton, that the abrogation of the contract would operate to the disadvantage of the city of Omaha, Mr. Taurston said he might say that the carrying out of the con-tract would be the worst thing which could happen the city, as it would prevent the Union Pacific from ever allowing castern roads to enter the union depot, as it would be bound to the Milwaukee and Rock laland roads and could not do anything with Island roads and could not do anything with-out the consent of both, Mr. Woolworth here asked Mr. Thurston how his company proposed to contract to admit eastern roads into the union depot over the tracks and

union depot over the tracks and bridge of the Union Pacific. Mr. Thurston replied that he did not think his company had the power to make such a

contract Being asked by Mr. Poppleton if the Union Pacific would comply with the ordinance of the city and the condition under which the bonds were voted for the viaduct, Mr. Thurston expressed the opinion that the company had no legal right to make any such a con-tract, but he had no doubt that it would be able to give sufficient bond to guarantee campliance with the terms of the agreement re-garding the admission of other roads to the epot. Continuing, he said that in his opinion it would be the best thing for the Union Pacific if the proceedings now being had, to prevent the delivery of the bends, were successful; it would be to the advantage of the

Union Pacific company.

Bringing up the question of contempt again, Mr. Thurston quoted authorities to show that the power of an equity court to punish for centempt was limited to the punishment of a disobedience of an order of that court, and not an order of some other court. court, and not an order of some other court, Also that the power of the court was limited to the acts committed after the order was issued. He therefore held that, as no order had been issued by the United Statos court, the Union Pacific could not be in contempt in that court.

This closed the argument for the defense, and Judge Woolworth will reply for the plaintiff this morning.

DICKINSON CALLED BACK.

H. Clark if he wants it.

He Can Be General Superintendent of the Union Pacific-Rail Notes. Ed Dickinson can have the general superintendency of the Union Pacific under S. H.

A report recently given currency, that Dickinson has been tendered the position, has been confirmed, and the matter now rests with him and the chances are that he will accept the offer.
Gradually the local officials are beginning

to learn of the plan of Gould and Clark for the management of the system. One of the headquarters men, in authority, outlines the

plan as follows:

"Clark will be made first vice president at the annual meeting in May and Mr. Holcomb will become general manager. A general superintendent will be appointed with full charge of the operating department, a general traffic manager with authority in all matters pertaining to traffic affairs and a division superintendent to succeed the present general managers of the various divisions.

"The coal and stone departments now under two general managers will be abolished as separate institutions and transferred to the traffic department. This will let Tebbetts and Rhoades out.
"Thomas L. Kimball, one of the best traffic

men in the country, can be general traffic manager if he will have the position. He is getting along in years and may not want to engage in such an active position, still the work is to his liking and he may accept it."

Work on the Union Depot The architects of the new union depot have prepared a statement of the money ex-

pended on the construction of the new union depot. It shows that, exclusive of work on the viaduct there have been \$153,000 expended on the depot, or \$3,000 more than the amount required by the company's contract with the city as a preliminary to the surrender of the

\$150,000 in bonds to the company Dropping the Dead-Heads.

Some persons who were wont to revel in free railroad passes will not revel so much as usual this year. The recent agreement entered into between the different western lines will be strictly maintained, General Manager St. John of the Rock Island having been selected to see that the agreement is enforced. Mr. St. John has appointed E. P. Ripley, W H. Newman and M. C. Markham to assist him in the work. The agreement says that annual or time transportation shall not be is ued to officers of the Grand Army or Sons of Veterans or to officers of the relief corp f either organization. No passes will be is med to employes of foreign roads except upon requests of officers, and half-fare per mits will be limited to the state in which the requests for them are make. The lines also agreed to issue no passes to the world's fair commissioners or officials of street railways or cable companies.

Notes and Personals.

W. D. Sanborn, Pacific coast agent of the Burnington, is in the city. Assistant General Passenger Agent Scott of the Union Pacific and General Passenger Agent Francis of the Burlington are in Chleago attending a meeting of the passenger association.

The following certificate excursion rates have been authorized: National farmers' al-liance, Omaha, Neb., January 27 to 28; Na-tional Association Master Composition Roofers, Pittsburg, Pa., January 27 to 28; Na-tional Association of Builders, New York city, February 8 to 13.

It is now probable that the troubles existing between the Chicago, St. Paul & Kansas City and the Kansas City, St. Joseph & Coun-cil Bluffs railroads will be amicably settled, and that in a few days the St. Paul road wil be running its trains into the St. Joseph depot over the tracks of the Kansus City, St. Joseph & Council Bluffs road.

A weak back, with a weary, aching lameness over the hips, is a sign of diseased kidneys. Use the best kidney curative known, which is Burdock blood bitters

PROPOSED CROOK MONUMENT.

A Communication from Mayor Cushing on the Subject. In support of the proposition to erect a nenument to the memory of General George

A. Crook, Mayor Cushing has transmitted the following letter to the city council:

OMAHA, Jan. 5.—To the Honorable City Council. Gentlemen: I would respectivity suggest the appointment of a committee subject to your approval. committee will be considered to the following named gentlemen. Measrs. John S. Collins, J. A. Creighton, G. W. Lindinger, J. M. Woodworth and George L. Miller, to draft plans and specifications and submit them to you for approval together with the proable cost. The work of this committee will be to take into consideration the erection of a suitable monument in some fit place in our city—for instance Jefferson square—to commemorate the life and services of the late General George Crook.

It is needless to say in this connection that apart from the debt of gratitude the entire country owes General Crook for his distinguished services as patriot and soldier the etizens of Omaha are under special obligations to him. To his unequaled courage and sagacity are we indebted for the establishment of peace and security throughout the borders of the great west in the past which made possible the marvelous growth that inspires the prosperity and greatness of our city. Here, too, in our mids the passed many the following letter to the city council:

made possible the marvelous growth that inspires the prosperity and greatness of our city. Here, too, in our midst he passed many years of his life, strongly identified in thought and sympathy with all our concerns.

It seems to me, therefore, peculiarly proper that we should in the manner snggested evidence our appreciation of his great service; that we should in fitting form commemorate his gallant deeds, and I believe our efforts will meet the hearty and substantial support of the people of our city.

I ask the hearty cooperation of the council in this undertaking. Very respectfully.

R. C. CUSHING, Mayor.

Mountains of Coking Coal. There are mountains of excetlent coking coal, and two large iron fields at Trinidad,

Tickets at lowest rates and su perior accommodations via the great Rock Island route Ticket office, 1602—Sixteenth and Farnam streets Omaha.

The License Board.

The fire and police commission met yesterday afternoon as a license board and granted licenses to the following saloonkeepers: John Morrissey, 724 South Thirteenth street; Charles A. Kohlmeyer, 1302 Dodge street Frank O'Rourke, 2630 North Sixteenth street; Gotleib Wuetrisch, 1729 St. Mary's avenue: Henry Rohlff, 2056 Poppleton avenue: F. J. Kasper, 1423 South Thirteenth street; Thomas Cummings, 3834 Sherman avenue.

A license was refused August Schultz, at 123 North Eleventh street, on the grounds that he had kept a tough and disorderly place

and had violated the Sunday closing law.

There was a protest in the case of Charles Nieber, who keeps a saloon at the corner of Tenth and Capitol avenue. The complaint was to the effect that Mr. Nieber keeps his windows obstructed by blinds, and that he had violated the Sunday closing law. Ser-geants Sigwart and Whalen stated to the board that they saw men going in and out of the back door of Neiber's saloon at 1:30 one Saturday night in October, 1890.

Mr. Nieber's certificats of publication furnished by the World-Herald was put upon the rack also for the reason that it did not state that the publi-cation had been in the paper having the largest circulation. Some members of the board wanted to hold the applicant strictly to the requirements of the law and demand that his saloon notice be published in The Bre, as the question of circulation had been fully determined and the board had decided to accept no certificates of publication excepting those from THE BEE; but other members of the board claimed that Mr. Neiber had inserted his notice in the World-Her-ald in good faith, believing, no doubt, that he was advertising in the paper of the largest circulation, and seeing that the matter had not been definitely decided by the board at the time Mr. Neiber inserted his notice

the board decided to accept his certificate as a fulfillment of the law. In the case of Frank O'Rourke, 2620 North Sixteenth street, there was a protest filed which stated that several men had been seen in there on Sunday during the month of cember last engaged in a game of cards. board took the case under advisement and adjourned to meet at 2 p. m. today.

1602. Sixteenth and Farnam streets is the new Rock Island ticket office. Tickets to all points east at lowest rates.

An Insurance Suit. The case of the state against the Nebraska

fire insurance company, sprung by Mr. Johnson of the Phoenix company, was called yesterday in police court. After Moriarty had introduced evidence to

how that the company had never complied with the law and several members of the company had been examined upon the filing of the articles of incorporation and other documents, Mr. Hall surprised the plaintiff in the case by submitting a certificate from the auditor stating that the stock of the com-pany had been examined and found satis-factory, and authorizing the company to pro-

ceed with business.

Moriarty still maintained, however, after recovering from his surprise, that the com-pany had never filed a certificate with the auditor showing that the capital stock was

the bona fide property of the company.

Mr. Hall claimed that such a thing would be absurd after the auditor had stated that the evidence of capital stock was satisfac-tory. Upon this point Judge Helsiey said he should take some time to decide, and the case will rest until the judge has time to look the matter up and reach a decision.

The itching of the scalp, falling off of the hair, resulting in baldness, are often caused by dandruff, which may be cured by using Hall's Hair Renewer.

The only railroad train out of Omaha run expressly for the accommodation of Omaha, Council Bluffs, Des Moines and Chicago business is the Rock Island ves-tibuled limited, leaving Omaha at 4:30 p. m. daily. Ticket office, 1502 Sixteenth and Farnam sts., Omaha.

FROM THE STATE CAPITAL.

Charles E. Johnson, Under Sentence Death, Appeals to the Supreme Court.

A MANDAMUS SERVED ON THE GOVERNOR.

The Lavender Case Revived in the District Court-Supreme Court Proceedings-Indian War Notes-Lincoln News.

LINCOLN, Neb., Jan. 5 .- [Special to THE BEE.]-Charles E. Johnson of Nemaha county, who is under sentence of death for murdering James Whiteman June 16, appealed his case today to the supreme court. This is equivalent to a stay of execution and the time of hanging will be indefinitely postponed until the court passes on the matter. THE GOVERNOR MANDAMUSED.

Charles S. Lebinger, bailiff of the suprem court, served a peremptory writ of mandamus this afternoon on Governor Thayer, Secretary of State Cowdery, Auditor Benton and State Treasurer Hill and the board of state canvassers, commanding them to assemble at once and count the votes cast in election for judge of the Sixth judicial dis-

INDIAN WAR NOTES. Max E. Vertel of Crowleston, Cherry county, writes to Representative Free that the pec ple in that section are nearly scared to death, and are leaving in large numbers. He urges Mr. Free to see the governor, and if possible

ecure arms for the citizens. Governor Thayer says that he has received so many offers of military assistance that he finds himself unable to acknowledge each offer individually, and asks that the press thank the gentlemen for their kindness. governor says that be cannot use all help offered, as he has not the military equip-

ments necessary.

Dispatches received today from Rev.
George W. Martin, who is at Rushville,
show that the condition of the terror-stricken
settlers who have fied into the towns for protection from the Indians is as precarious

s ever. Adjutant General Cole has received a telegram from the adjutant general of Iowa say-ing that in response to the appeal of F. J. Rosengranz, sheriff of Sheridan county, to Governor Boles of Iowa, that he lean the citizens of Rushville what rilles they had to spare, that the request had been granted. All formalities were waived on account of the urgency of the case, and thirty-eight stands of arms had been sent to Resencrans. Governor Botes says that he has more to spare if

The citizens of Gandy, in Logan county, have been authorized by Governor Thayer to organize an independent military company for the purpose of bearing arms for drilling OVERNOR THAYER'S REPLY TO THE CADETS In reply to the offer of Lieutenant T. W Friffith and the battalion of the university cadets to go to the front for the protection of

the settlers, Governor Thayer says:
"I fully appreciate the patriotic spirit which prompts yourself and the members of the battalion of the university cadets to tender your services to the state for service on the frontier against the hostile Indians and I thank you for it. I do not at present find it necessary to accept the offer made, but if coming events require the aid of volun-teers, your battalion may be called in the

SUPREME COURT. Court met pursuant to adjournment, Tuesday, January 6. The following gentlemen were admitted to practice: E. J. Moore, esq., of Johnson county; J. A. Van Orsdel, esq., of Gage county; Heman R. Carter of Loun county. Loup county. empson vs Richardson drug company.

Leave given plaintiff to file additional tran script. Aultman vs Schule, continued. Colby vs Parker dismissed. Motions were argued and submitted in following causes: Straube vs Chency, Howard vs Stewart.

The following causes were argued and submitted: Ackerman vs Bryan, Staker vs Be-gole, Bull vs Wagner, State vs Chichester, Rice vs Gorum. Two cases. Court ad-journed to Wednesday, January 7, 1891, at 5.29 celegies. :30 o'clock a, m. State of Nebruska, ex rel, Brown vs Mc-eak. Mandamus. Writ allowed. Opinion

by Justice Maxwell. Halger vs State. Error from Saline county. Affirmed. Opinion by Justice Norval.

THE LAVENDER CASE REVIVED. Luke Lavender brought suit in the district court today against C. B. Skrinner, claiming that the latter had defrauded him out of \$1,200. Lavender was formerly a large land owner in Lincoln, but was sold out under foreclosure. He managed to secure enough to redeem part of the land, but Henry Atkins, D. G. Courtney, J. H. McMartry and others who were the purchasers delegated Skinner to buy Lavender's claims. Lavender now claims that Skinner dian't pay him all that was sent, hence this suit. WISE SUED.

Redhead & Co, of Des Moines brought suit Redhead & Co, of Des Moines brought suit in the district court today against David Wise and M. M. Lyon. They claim that Wise and Lyon, owners of a book store in this city, have conspired to defraud them out of a claim they have against the estate of 1. C. Wise, who, they say, was a member of the firm when he died, a statement which is denied by the present owners. They ask for an order of the court compelling the sale of the store and the payment of their claim and a temporary injunction restraining Wise from selling the same. Their claim is for \$427.23. ADDS HIS PROTEST.

Rev. Ludden of the state relief committee adds his protest to others against the insinuations in the World-Herald that Governor Thayerwas manifesting an interest in the suffering farmers merely for selfish political purposes. "I have seen the tears coursing down the governor's checks." says he, "as he read the touching appeals for help. His interest in the matter has been a fatherly one. He has turned over all the letters received by him on the condition of the farmers is read to the farmers in the second of the se him on the condition of the farmers in vari sections and has not in any way, as far as I know, stooped to political buncombe.'

A GAME OF PREEZE OUT. George C. Shroyer complains to the district court that Clarkson, his partner in the Clarkson laundry company, is endeavoring to freeze him out by taking large amounts of the firm's cash and applying it to his own use, has manipulated the books and circulated re-ports derogatory to the firm's credit. He wants a receiver appointed, and Clarkson be compelled to pay him \$1,200.

BEAT THE BANKERS. This morning the cashier of the Bank of Bennet caused the issuance of a warrant for the arrest of Charles B. Pierce on the charge of getting money under false pretenses. It is alloged that Pierce secured a loan of \$75 by representing that he awned certain chattels to which he had no claim whatever,

A MINISTER SUED. Rev. Hewitt, pastor of the Holy Trinity church, is the victim of a law suit in Justice Brown's court today. The person bringing the action is Photographer Guywitz of Omaha, and the fuss is over a matter of \$10. It appears that Guywitz prepared a dozen photographs of the interior of Holy Trinity church, but the work on the pictures was not up to the standard that Rev. Hewitt expected, and he declined either to receive the pictures or pay the \$10 charges. Hence the STATE HOUSE NOTES.

Articles of incorporation of the following Articles of incorporation of the following Nebraska enterprises were received today by the secretary of state! The Dawes business block company of Lincoln, capital stock \$23,000. The Pride of Georgia gold mine company of Weeping Water, capital stock \$1,250,000, the place to be worked for the precious metal being in Lumpkin county, Ga. Barren of Valhalia, Ponca lodge, a secret and beneficial society at Ponca.

Today Governor Thayer issued the follow-

Today Governor Thayer issued the following notarial appointments: Forrest P. Kreitz, Lexington; G. E. Moore, Filley; Charles Blakeley, Beatrice; Michael Lyons, Emmett; Sandy C. Clark, Lincoln; E. L. Stout, Lincoln; John Tongue, Stromsburg; W. A. Matteson, Osmond; C. L. Richards, Hebron, Patents to Western Inventors

Washington, Jan. 6 .- Special Telegram THE BEE.]-Patents were issued to the following inventors today: Nebraska-David Plankit on Parnell. E Summer, Franklin, cleaning composition. Iowa—Christopher C. F. Brandt, Musca-tine. enameiling photographs and other DUBLIN, Jan. 6.—[Special Cablegram to The Bee.]—Archbishop Plunkit, in address-

prints; Benjamin G. Buttom, Waterloo, envelope; Andrew Chezem, assignor of one-half to A. J. Huntley, Sergeants Bluffs, bridle attachment; John J. Cook, Columbus Junction, end gate fastening; George E. Dixon, Beacon, wire reel; Daniel A. Keen, Eagle Grove, baling press; Levi B. Lancaster, Massillion, planter; Horatio B. Morrison, Britt, rock reamer; Rice Render and C. W. Weinland, Primghar, running gear for vehicles; John Primghar, running gear for vehicles; Joh I. Whitnker, Davenport, horse training harness; John H. Whitaker, Davenport, road cart; Matthew Wilson, Morrison, ditching South Dakota—Charles A. Ostrom, H. H. Phullson and S. C. Wampier, Custer City,

Nebraska and lowa Pensions. Washington, Jan. 6 .- [Special Telegram to THE BEE. |- Pensions were granted today to the following Nebraskans: Original -Abram Wampois, Ord; Thomas Copeland, Diller; Joseph B. Ballarman, Nebraska City; Jacob Bennett, Lincoln; William Backham, Okay. Additional-Thomas Fisher, Kearney: Lane Rice, Lexington; Charles M. Phillips, Wakefield; John F. M. Tood, Kearney: James Baker, Carroll. Reissue and in crease—George W. Littell, Pierce; David H Original-Nathaniel Allard, Perry;

clothes pin.

Martin L. Williams, Council Bluffs; Moses L. Bemis, Sioux City; Henry Cable, Gris-wold; John J. Buffington, Salem; Joseph F. Bodnar, Cedar Rapids; Edward Balley, lowa Falls; Hiram Carter, Sergeant Binffs; Thomas P. Brown, Delta; Washington Boo-Thomas P. Brown, Delta; Washington Bos-ton, Hamburg. Additional—Joseph M. Ba-con, Amos. Increase—Calvin F. Jones, Nashua; George W. McCall, Runnells; Olc A. Anderson, Decorah; James E. Robb, New-ton; William Britton, Bridgewater; James McMorrow, Whatcheer; William T. Burge McMorrow, Whateheer: William T. Burge, Mount Pleasant; Joseph Kirk, Prescott. Reissue-John Clark, Tabor; William J. Barringer, Columbus City; Parley Inman, Grin-nell. Reissue and increase - William Hydinger, Riverton, Original widow-Lettie A., widow of William'A. Hays, Searsborough.

WHAT CUBA DEMANDS.

A Number of Changes in Spain's Tariff Desirable.

Madrid, Jan. 6 .- | Special Cablegram to THE BEE. |- The statement is made that in the report presented to the government by the Cuban delegates a request is made for the suppression of Cuban export duties, a reduction of navigation dues and a modification of various other duties. It is also stated that the delegates desire that when the question of a reciprocity treaty between Spain and America relative to Cuba is discussed, the outy on sugar imported from Cuba may not be raised, and that in return for this the duties on petroleum and other American products be reduced. They also seek a free sale for Cuban tobacco in Spain. The government is closely examining the whole sub-ject prior to entering into negotiations for a treaty of commerce with America. Delegates from Catalonia, the principal manufacturing province of Spain, have arrived here to urge the right of that province to be heard before the government begins negotiations with the United States.

Cable Flashes.

Germany has officially recognized the Bra ilian republic. Deaths by the Worley, England, schoo lisaster now number nine Timothy Healy has left Dublin to confer

with Mr. O'Brien in Paris. Messrs O'Brien and Gill have started from Paris for Boulegne sur Mer. The liabilities of F. E. Dubat & Son, the railed Dublin bankers, are \$000,000. Emperor William has sent to the sultan of

Purkey a present of a jeweled sword. Russia has forbidden the enrollment of Hebrews as barristers and the expulsion of those already enrolled. The body of the late Alphonso Peyran was resterday incinerated in the crematory at the emetery of Pere la Chaise, Paris.

Plantilla Massai, an Italian author, has been arrested at Trieste for writing irre-dentist articles for a Fiorence journal. The Diara official at Lisbon has issued a lecree announcing an extra credit of 100 conos of reis for the Mozambique expedition. One hundred delegates, representing 1,000 societies of socialists, held a conference under the auspices of Cipriana yesterday at

Cape Lago, Switzerland. The warehouses at the Ouai San Lazzare at Genoa were destroyed by fire yesterday. Two thousand bales of cotton were burned. The total loss will be very heavy.

M. Morye, a republican, has been elected to the French chamber of deputies from Saint Four in place of M. Mary Raymond. the absconding banker, who was unscated A Paris paper learns that the Germans and ortuguese in East Africa are in dispute about the ownership of coal mines in the Rovuma district, which divides the respec-

ive powers. O'Brien Says it Was a Fake. (Copurisht 180) by James Gordon Bennett 1 Paris, Jan. 6 .- | New York Herald Cable-Special to THE BEE. |-William O'Brien has

ssued the following statement: It really seems useless to take any further notice of the inventions of a section (I hope a very small section) of modern journalists, but find it necessary to say for just this once more that the statements attributed to me in an alleged interview in the New York World are pure fiction. The correspondent of the World attempted to entrap me into an interview by telling me that he had just receive a telegram stating that in an interview with a correspondent of the New York World that morning Parnell had stated that he was will ing to retire from the leadership of the Irish party if I were elected in his stead. I stated that I had no observation whatever to offer on the subject. I suspected that the statement made to me by the correspondent was false, and having ascertained that it was so I

declined to make any further statemen whatever. William O'Brien,

A \$72,000,000 Estate. CHICAGO, Jan. 6 .- [Special Telegram to THE BEE. |-Judge Kohlsaat this morning admitted to probate the will of the late Henry Field, which distributes an estate estimated at \$72,000,000. Letters testamentary were issued to the widow, Mrs. ! Florence Lathrop Field, Marshall Field, a brother of testator, and Byron Lathrop, brother-in-law. The estate consists chiefly or realty, and the personal property includes bonds, stocks, paintings, furniture, and horses and carriages. The testator bequeaths \$25,000 to each of his two sisters, Mrs. Laura Field Dibblee and Mrs. Helen Field James. Then is bequeathed to the widow the household furniture, ornaments, works of art, horses carriages, etc. The residue of the estate devised to the widow, Mrs. Field, and Mr. Lathrop in trust for the children, Minna and Florence Field.

Accident on a Naval Vessel. GENOA, Jan. 6. - Special Cablegram to THE BEE. 1-An accident which may be attended with fatal results has occurred on board the new steel torpedo ram Vesuvius. From the reports which the naval officers have given the public it appears that a steam-pipe suddenly exploded, severely injuring two en-gineers and five stokers. Further information is refused, as the accident is to be made the subject of an official investigation on the part of the naval authorities. The Vesuvius is of 3,530 tons displacement, carries two twenty-five-ton guns and has 7,700 horse power. She was launched in 1886.

A Colored Woman's Victory.

RICHMOND, Va., Jan. 6 .- [Special Telegram o THE BEE. |-Judge Blake, in the chancery court, has handed down a lengthy decision in the celebrated case of Bettie Thomas Lewis colored, who claimed the estate of her wants father, W. A. Thomas, deceased, valued at \$240,000. The court held that she was entitled to the property. The case will be taken to the supreme court.

Left the National Club. Dublin, Jan. 6 .- Special Cablegram t THE BEE. !- Michael Davitt has tendered his

resignation as a member of the National club. In connection with this it is announced that Messrs. Parnell and Harrington are seeking an election to the club.

ing the Protestant alliance in reference to the Parnell crisis, said that God in his mysterious dealings was vindicating the majesty of the law of the land in bringing just retribu-tion upon an unboly alliance. The church of Rome had itself to blame for raising the sceptre of anarchy, which is now found hard to lay. Still Protestants were unable to rejoice at the weakening of a priesthood called upon to quell the inroads of immorality and

Dismissed for Want of Jurisdiction. Concom, N. H., Jan. 6.-The closing arguments in the case of House Clerk Jewett were made today and the court dismissed the case against him on the ground of want of jurisdiction. This decision leaves the entire matter of making up the roll of the members of the house in Jewett's hands, and the admission of "if entitled" members will result in

the election of Tuttle (republican) for gov-eraor and a republican United States senator.

The Forsythe Murder Trial Ended. Macox, Ga., Jan. 6 .- The jury in the Forsythe murder trial rendered a verdict finding Luther A. Hall, Charles Clements and Wright Lancaster guilty of conspiracy and murder and Louis Knight and John K. Clark guilty of conspiracy. James Moore was found not guilty. The jury recommended that the first three defendants be imprisoned for life.

TERSONAL PARAGRAPHS.

F. J. Coll of Lyons is at the Casey, A. J. Fish of St. Louis is at the Murray. Robert W. Day of Topeka is at the Pax-

H. O. Watson of Kearney is at the Mil-H. F. Hubbard was at the Paxton last J. W. Kelley of Grand Island is at the

J. W. Kerns of Auburn is in the city, at the John T. Sexon of Springfield is at the Mer-

N. B. Gridley of Elwood was at the Casey last night. K. O. Rice of St. Paul was at the Paxton

C. L. Smith of Chicago was at the Murrny John W. Carey of Chicago is registered at the Millard. A. N. Brown of Beatrice is in the city, at the Paxton.

C. R. Ringbiel of Milwaukee is in the city, at the Murray F. E. Tod of Cleveland, O., is in the city, at the Millard. W. S. New of Kansas City was at the Mil

W. R. Denton of Tobias was at the Merchants last night. E. L. Dodder of Grand Island is registered at the Merchants

R. V. Yates of Yankton, S. D., is registered at the Murray. H. C. Cook of Sloux City was in the city last night, at the Merchants. Fire Chief Galligan is rapidly recovering from his recent illness and is able to sit up for a short time daily. Unless he meets with an unexpected relapse he will soon be able to

be out of doors. F. A. Nash, general agent of the Milwaukee, is confined to his home by sickness. The Union Pacific-Milwaukee difficulty kept him at the transfer much of the time both

day and night for the past week, and the un-due physical strain were him out. Buffalo Bill (Hon. W. F. Cody) returned Monday evening from a flying trip to Lincoln where he went to consult with Governor Thayer with reference to the Indian troubles. and left yesterday at 9 o'clock over the Frement, Ellhorn & Missouri Valley for Rushville. Mrs. Cody is the guest of Mrs. Canfield, 211 North Eighteenth street, but will leave today for her home at North

SWIFT'S SPECIFICS. S. S. CURED ME ENTIRELY OF MERCURIAL RHEUMA-OTISM AFTER I WAS MADE PHYSICAL A WRECK.
JNO. H. LYLES,
SORENTO, ILL.

WHO WILL FIND ON ANALYSIS OF SWIFT'S SPECIFIC S. S. S., ONE PARTICLE OF MER-CURY, IODIDE OF POTASH OR ANY POISON-OUS SUBSTANCE. I WAS CURED 10 0 BYSWIFT'SSPE-S CIFIC S. S. S. OF THE WORST FORM OF BLOOD POISON.

D. H. KAIN,

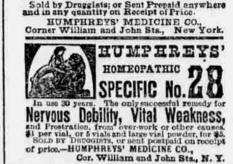
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These Adjustable Ice Creepers fit any shoe. Anyone can put them on or off, they are always in order, and you are ready for any change of weather. Agents Wanted.

137 Send outline of fore and hind shoe. to Only the "Points" wear out; anyone an put in a new set. "Indispensable."

Points, 8 set, \$1, to one address. Points, 1 set, (16) 20c, by ma 1. S. W. Kent, Sole M'I'r., Meridan, Conn.

Full set (4) \$3.

Rub a lame back with Pond's Extract.

FOR A

We are going to keep the ball rolling. Look at the slash in prices:

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In ulsters, good heavy, warm and long coats, will be sold

A Cut of 50 Per Cent. OR IN PLAIN LANGUAGE FOR \$2.50.

The nice genteel chinchilla overcoats that we reduced last week to \$8, have been branded with the ridiculously low price of \$6. We are ABOUT to invoice

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out, every overcoat in the house must be sold. We have still some of the handsomest box cut gentlemen's overcoats, equal to \$60 and \$75 coats, made by the merchant tailors, and the prices on them are cut this

REMEMBER, Sink or Swim, Our Overcoats

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And to quote prices on it would look too ridiculous. in print.

We are selling winter Underwear at 50c on the dollar.

Come in and see them. Never in the history of Omaha could a man dress himself as cheaply and as good for little money as he can today at

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