

FOOD BAN OF THE COUNCIL.

His Services Cost the City a Neat Sum Each Month.

DRAWING SALARY FOR FOUR OFFICES.

Mr. Lowry's Plea for Retrenchment Not Supported by His Official Record—A Grand Jury for Boodle Cases.

OMAHA, Dec. 7.—To the Editor of THE BEE:—Please refer to my column in the issue of the 1st inst. on the subject of the salary of the Mayor of Omaha.

The above note from "Taxpayer" was occasioned by the publication in THE BEE of an item showing that Mr. O'Heare drew pay as a juror and as an election official for a share of the time for which he has a claim against the city for alleged services as an inspector under the employ and direction of Major Birkenauer, chairman of the Board of Public Works.

Mr. T. J. Lowry, mentioned in "Taxpayer's" communication, is president of the city council. He is the leader of the democratic forces in that body, and is one of the most enthusiastic advocates of reform and retrenchment, according to his own declarations.

Yet, with the aid of the records of the city comptroller's office, it is not difficult to throw a different light on the career of the man for purity in the press and municipal affairs. When he made the statement that there had been too much talk in the press of municipal extravagance, the fingers of his right hand fondled a roll of \$50.37 which Acting Mayor Lowry had drawn for thirteen days in the chief executive chair in November. When he eloquently pleaded for protection of taxpayers against the leeches of the press his hand went to the right pocket of his pants and toyed with the coin, \$18.53, which had been received by T. J. Lowry as acting chairman of the Board of Fire and Police Commissioners. The press, he said, had accused members of the council of being in office for the money there was in it, and his left hand jingled the \$12.23 drawn by Thomas J. Lowry as chairman of the license board for thirteen days in November. When he deplored the fact that a penniless reporter could with apparent impunity assault and run down the character of an honest man, he slapped his manly breast, mentally observing at the time that the \$66.67 which represented Councilman Lowry's salary for November, was safe in his inside pocket.

"Taxpayer" was right. The city of Omaha paid for Mr. T. J. Lowry's official services in November to the extent of \$185.69. Salary as councilman \$66.67 Acting mayor, thirteen days \$50.37 Acting chairman police board \$18.53 Acting chairman license board \$12.23 Total \$187.87 For November Mayor Cushing drew full pay as mayor, chairman of the police board and chairman of the license board.

Talk of a Grand Jury.

There is now a strong probability that a grand jury will be called in the next term of the district court which convenes on February 9. Should the body be called, there are several matters of a public nature that will be brought up for investigation.

In speaking of the matter County Attorney Mahoney stated that in his opinion a grand jury would be called, though he would not say what he would present for consideration. He would talk the matter over with the judges as soon as the new term is organized. Judge Irvine said he could not express his ideas upon the subject, but was sure the subject would be called to the attention of the judges when the meeting of the bench was held.

Judge Davis said a grand jury would be called if it was desired by the judges. Judge Mahoney was positive that the matter would be considered by the judges when they met to reorganize the bench.

She was and he was 7. He wanted her to promise to marry him. He offered candy, ice cream and nuts, but she was obdurate. Finally he said he would give her a ride in Haller's Sure Cure Cough Syrup. She smiled, laid her hand in his and said, yours till death.

WINTER TOURS.

To Summer Lands via the Wabash

The Wabash are now selling round trip tickets good returning June 1, 1892, to all the winter resorts in Tennessee, Mississippi, Alabama, Georgia, Florida, North and South Carolina, Louisiana, Arkansas and Texas.

The quickest and best route to the Hot Springs of Arkansas. For tickets and full information in regard to routes east or south call at Wabash office, 1502 Farnam street, or write G. N. Clayton, N. W. Pass, Agt.

DENIED THE DECREE.

Judge Doane's Decision in a Somewhat Sensational Divorce Suit.

Judge Doane handed down an opinion Saturday in the divorce suit of Louise A. Hopkins against Albert M. Hopkins. The decree was denied and the suit dismissed at the cost of the plaintiff. In passing upon the case the judge said: "In the case of Mrs. Hopkins against Hopkins there are two controlling considerations which prevent granting the relief prayed: First—The universal rule is that even in an ex parte matter where there is no defense whatever no divorce will be granted on the unsupported testimony of the plaintiff. There must be some other witness to support the case making the application. In this case there is absolutely no corroboration whatever of the testimony of the plaintiff, none whatever, not a single circumstance. On the contrary the defendant denies every single allegation of the petition. Not only that, but whatever circumstances there are available from her own oath in the way of testimony, are entirely inconsistent with her statements. The ground for divorce is extreme cruelty, consisting of words, not acts. After first denying it, she says finally that defendant did strike her once; but I am satisfied from defendant's statement and from the qualified way in which she speaks of it herself, that it was done simply in playfulness. She had even forgotten about it when first asked. From the second day after the marriage down to the separation she attributes many things to him which, to say the least, are highly improbable. In her first statement she says she cried continually, but afterwards modified it very greatly and said she did not cry in the presence of defendant or others, but only when she was alone. While this is very true, it is not true, as she says, and while she claimed to be so very miserable and felt like committing suicide, in her husband's absence at different times, she writes to him letters in which she tells him how well she is enjoying herself and wishing for his return, and especially on her visit to Red Oak, what a good time she is having, how

perfectly happy she is and expressing a longing to see him, letters written at the very time and upon the heels as she says of the time he was driving her to distraction. Now, that is highly improbable, to say the least. If he was treating her so cruelly as she states, when she was writing to him to condole there would have been something in her manner or form of writing to indicate it; but there is absolutely nothing of the kind, simply the expression of the warmest affection. So, I say, that is entirely inconsistent with her statements. There are half a dozen of these letters written under different circumstances and at different periods of their married life. There is not a single witness, not one, of a single act, which she testifies to cruelly and the expression of harsh language, and that is an insuperable obstacle in the way of granting the relief sought. The second reason why a divorce should not be granted, is that under the law a divorce for cruelty will not be granted when it simply produces mental distress. It must produce a physical effect. There must be something by which it can be proved by others, something others could see she was affected by. She says it affected her so she could hardly attend to her duties, and hardly knew what she was doing, and frequently went to that condition to her father's house. Her parents testify they never saw any signs of that kind any more, and while they were witnesses for her and would be supposed to give her all possible assistance, still they say they never saw any signs of anything of the kind. Another circumstance which is very significant is the fact that she says she went to visit her mother frequently during the alleged cruel treatment, but never differed or word of complaint to her. It would have been the most natural thing in the world for her to make complaint to her mother, but she did not say a word about it until she had left him. She says before she left he dictated a letter which she should write to him saying she would not return, etc., but that letter is in her own handwriting and her testimony that it is entirely unsupported, and the letters written to her testify to the contrary. In fact, her husband could write, so that after all her testimony is without any support whatever. I shall refuse the divorce and the plaintiff must pay the costs of the suit."

AMONG THE RAILROADS.

The Union Pacific's Trouble with Its Switchmen—Rail Notes.

Superintendent Sutherland of the Nebraska division of the Union Pacific has returned from a trip over his line and reports everything in good working trim. There is a demand for more cars than can be furnished, but thus far there have been no serious results from the inadequate supply. In fact the Union Pacific is in much better shape than its competitors to meet the emergency.

A Grand Island Mr. Sutherland gave a hearing to Yardmaster Cleary, who had been discharged for general incompetency. It was shown, among other things, that he had allowed 167 empty cars to accumulate in the Grand Island yard when they were in great demand for service. Assistant Grand Chief Downey of the switchmen's organization was present and had to admit that he could urge nothing in defense of the yardmaster, but recommended him to the superintendent's sympathy.

Mr. Sutherland has made an appointment for today to meet a committee of Omaha switchmen, who have a grievance to present in behalf of one of their number named Clancy. He was laid off for several days under the operation of a new rule, and he charges that the yardmaster was unfair in the matter. The superintendent, in speaking of the matter, said: "We had some trouble for a long time from an abuse of the practice of 'calling up.' The switchmen, when they wanted to lay off, got into the habit of waiting until a few minutes before they were due to report for duty, when they would call up the yardmaster and notify him that they would not come down to work. The result was that the switchmen's engine ran short-handed. We had a number of small accidents, and in making an investigation we found that the yardmaster was instructed to suspend him a few days for the first offense and to discharge him if it were repeated."

The superintendent intimated that the order may not have been carried out properly in the case of Clancy, in which case it would be necessary to revoke the yardmaster's action, but he had no knowledge of the circumstances of the case. He evidently is disposed to be fair and articulates no trouble.

Won the Suit.

Judge J. B. Cessna of Hastings returned yesterday from Galesburg, Ill., where he appeared as counsel in an important railroad case. In 1887 Mr. C. L. James of Hastings sued the Chicago, Burlington & Quincy Railroad company for overcharging on live stock shipments. The case passed through the United States circuit court and finally was sent back to the district court at Galesburg. One of the main questions at issue was the legality and reasonableness of the schedule rates of the railroad commission of 1873. The plaintiff came very near losing the case by reason of the fact that he had given the railroad company a release and discharge from all claim and liability in 1882. Judge Cessna held, however, in presenting the side of the plaintiff, that to release a debt for a payment of only a part of it was not a full discharge or release, and that the company committed an illegal act in paying back rates. These rates were not paid until the case was decided last fall, and attracted a good deal of attention in railroad circles. He secured a verdict against the company of \$5,000 and attorney's fees.

Railroad Notes.

The funeral of the late P. B. Whitney of the Union Pacific, was held at St. Paul yesterday afternoon, and all the general freight offices of that road were closed after 2 o'clock. This included the offices at Omaha, Kansas City, Denver, Salt Lake, Portland, St. Joseph and Butte. The general freight office of Omaha was represented at the funeral by Messrs. J. Moore, A. H. Wood, James Warrack, Jr., F. B. Choate, J. B. Hayden and P. M. Fry. General Superintendent Nichols represented the operating department and C. McKenzie the passenger.

The railroad officials are being hunted for cars for interior shippers, but the probability is that the shortage will increase until the eastern railroads are prepared to accept the flood of grain pouring out of the west.

George T. West, city passenger agent of the Northwestern, is in Chicago.

General Passenger Agent Buchanan of the Elkhorn will go to Kansas City tonight to attend the meeting of the Trans-Mississippi passenger association tomorrow. Excursion rates for the holidays will be the chief subject of discussion.

J. H. Gable of Des Moines, traveling passenger agent of the Elkhorn, is in the city.

Solid Trains From Omaha.

Vestibled, electric lighted and steam heated, with the finest dining, sleeping and reclining chair car service in the world, via the Chicago & Omaha Short Line of the Chicago, Milwaukee & St. Paul Railway. Double daily train service, leaving Omaha at 12:15 p. m. and 6:30 p. m., with no transfer at Council Bluffs as heretofore. Apply 1501 Farnam street for tickets and further information or address F. A. Nash, J. E. Hays, Gen. Agt. City Pass. Agt.

United States Court Notes.

The case of the Union Pacific Railway company against P. Brackett, on a writ of ejectment, is still in progress before the United States court. Brackett, who resides in Illinois, holds the title to a half section of land in Merrick county, which is also claimed by the Union Pacific company, hence the suit.

The case against E. E. Dixon, murder in the first degree, is down for today.

John Jackson, indicted for manslaughter, for killing a prisoner in his hands at Fort Robinson, and who forfeited his \$2,500 bond, was rearrested Sunday by Deputy Jackson and brought to this city. He will be arraigned this morning.

Four hundred and fifty dollar piano. Warranted seven years for \$187.50. New scale. Hayden Bros.

WHOLESALE DRY GOODS TRADE.

The Foundation of the Business Laid by Milton Tootle.

ROOM FOR SOME MORE HOUSES IN OMAHA.

What the Dry Goods Jobbers are Doing for the City in the Way of Employing Labor and Circulating Money.

Milton Tootle may be said to have laid the foundation for the wholesale dry goods business of the Missouri river country by opening houses at Kansas City, St. Joseph, Omaha and Sioux City. The business prospered from the very outset and as St. Joseph was Mr. Tootle's home all the profits poured into that city.

At the time of Mr. Tootle's death a few years ago, his fortune was estimated at about \$100,000. It had always been his policy to build up his own city and to that fact St. Joseph owes much to her success as a wholesale point.

Besides enlarging the original house and making it one of the strongest and most important on the river, new houses were opened, off-shoots of the parent establishment, until now St. Joseph has five large dry goods jobbing firms, three of them rated at a million dollars or more.

As against this number at St. Joseph Omaha has two houses, the house founded here by Mr. Tootle having passed into other hands, and a new house having grown up in the city. This quantity is a decided factor of the city down the river, is due to no other apparent reason than the tendency given to the dry goods business at the very commencement by its founder. Omaha has fully as good a location, almost three times the population and is farther away from Kansas City and St. Louis, which are strong competitors in much of St. Joseph's territory.

Omaha has many advantages over her rival in the business of dry goods. She is not only two houses, because no Omaha Tootle has risen to give the business the support of his initial stock of a new jobbing business at Omaha. The jobbers now located here would welcome another house, for though it might cut their trade to some extent, it would not make Omaha a more important dry goods market, and in that way be of benefit to the whole of the river.

St. Joseph house moved up here, but as that is not likely to occur they would make no opposition to a new house starting. The boot and shoe jobbers would also like to see more dry goods houses here as retail dealers are quite apt to buy their stocks of boots and shoes in the same city where they buy their dry goods.

The only wonder is that more houses have not been started here, when it is so generally recognized by business men that there is such a splendid opening. The jobbers of boots and shoes could well afford to subscribe to the capital stock of a new dry goods house as a means of helping along their own business.

There are in the city several jobbing houses that already have worked up a large trade in branches of the dry goods business, as for example the houses handling notions. A notion house could be very readily extended to include the whole range of dry goods, and it would appear to be an advantage to such a house to do so. Notions form an important department in every dry goods house and it would seem as if a firm that could afford to keep men on the road to sell goods, belonging to one department of the business, could profitably add a full line of dry goods.

As a matter of fact the question of capital very largely enters the consideration of any such extension of a business, but in a city the size of Omaha there ought to be plenty of men willing to invest money in so promising an enterprise.

It was not the object of this article, however, to point out what might be done, but rather what has already been accomplished.

The fact remains that Omaha has two wholesale dry goods houses, managed by wide-awake citizens, who are rapidly rushing their business into the ranks of the first class eastern competitors. They are Omaha men who make the interests of the city their interest, and who always stand ready to encourage new enterprises that will tend to develop the resources of the west. They are men who help the manufacturers by handling their products instead of trying to crush out the manufacturing spirit by bringing in eastern goods to be sold in competition with those of home production. No manufacturer is too small to receive consideration at their hands.

As noted before, they have during the past three years put on their feet a new and growing industry which is now supporting at least a hundred people. They have contributed largely to the success of the overall manufacturers whose work is shown in a previous article, give employment directly to 327 people.

These two houses, M. E. Smith & Co., and the Kilpatrick-Koch Dry Goods company, furnish work for 172 employes and pay out in wages over \$100,000 annually. The money thus paid out finds its way into general circulation and contributes to the prosperity of every business enterprise in the city.

Could there be any better argument advanced to prove the wisdom of the policy of every citizen to help build up large business houses in the city. But the pay roll is not the only money placed in circulation by dry goods jobbers. If their general expenses and the sums which they pay out to local manufacturers were to be included it would make a showing that would double the amount of the pay roll several times over.

No class of business men can be more interested in the number of people employed in the city, and the amount of money put in circulation in this way, than the retail dealers and it is accordingly to their interest to do all they can to encourage enterprises furnishing such employment. It is to the interest of every retail dealer of dry goods in this city to buy as much of his stock as possible from the local jobbers, in which they can obtain in Omaha as cheaply as elsewhere it is to their advantage to do so. Smaller houses which buy from the jobbers will be inexcusable if they do not give the benefit of their trade to the Omaha houses.

Every Nebraska retail merchant who buys goods from the Omaha jobbers is contributing just so much toward the upbuilding of the wholesale trade of the state, and in so doing is working to his own interest. Every dollar he has given in payment by the growth of the wholesale trade makes just one more man to consume the product of Nebraska farms.

Every western merchant who sends his money to the east helps to postpone the time when the west will become commercially and financially independent of the large and wealthy cities of the east.

There are a few merchants in Nebraska who feel too large to buy of jobbing houses within their own state, but fortunately for the good of the country, the number is yearly becoming smaller.

Many times business men outside of the city do not realize the size and importance of the Omaha houses and for that reason go elsewhere to buy. It is an almost every day occurrence for business men to give their first visit to the city to remark, "Why, I had no idea you had such a large place, that you carried such a complete stock of goods."

To do away with the lack of appreciation of this character the dry goods jobbers have adopted the plan of encouraging their customers to visit to their city. They give each traveling man the credit for the sales made to his customers in the house. Omaha's jobbing houses are so much larger than generally supposed that this plan might work to advantage in all branches of the jobbing trade.

The fact must not be overlooked that the dry goods trade of this city has made wonderful progress during the past year. In spite of short crops and stringent money markets the business has been rapidly broadening out and it is to be interested of every Nebraskan, yes, and of every western business man, to do what they can to keep up this movement in the right direction.

CONTINENTAL CLOTHING HOUSE

The Event of the Season.

Over \$50,000 worth of Men's, Boys' and Children's Overcoats and Ulsters from the wholesale stock of the Continental Clothing House of Boston, shipped to Omaha and offered this week at prices averaging about 60 cents on the dollar of the regular retail prices, affording the public an opportunity of buying an overcoat at less than manufacturer's cost. A sale of this magnitude has never been attempted in Omaha. We mean to unload these goods in the next 15 days. Come early.

Men's Overcoats, Boys' Overcoats, Children's Overcoats, Men's Ulsters, Boys' Ulsters, Children's Ulsters.

The prices at which these goods are marked places us in a position to undersell all competitors. This sale means goods retailed at less than jobbers' prices.

We cannot attempt a description. The extent and variety of this stock is bewildering and when it is borne in mind that we sell only reliable, first-class goods, it makes this sale worthy the attention of every person in Nebraska.

Our limited space will allow us to mention only a few of the most attractive lots.

\$8.00. Lot No. 1. We call attention to 100 pure, all wool, heavy weight diagonal overcoats, made in the best manner, guaranteed color, and sold in any retail store at \$13. Our price \$8.

\$6.50. Lot No. 2. We offer 125 black beaver Overcoats, serge lined, silk velvet collars, fly front, and made up in excellent style at \$6.50 each. Sold in the usual course of trade for \$10.

\$11.00. Lot No. 3. This is one of the choicest lots in the whole stock, made from a handsome Kersey, handsomely lined, silk velvet collar and in every respect a first class garment, usually retailed at \$18. Our price at this sale, \$11 each.

\$13. Lot No. 4. We offer 75 Oxford mixed Kersey Overcoats, satin sleeve linings, a regular tailor made overcoat of the highest grade, the average retail price of which is \$22; we offer until closed at \$13.

\$14.00. Lot No. 5. We offer 125 Kersey Overcoats in three different shades, goods made by us early in the season for our finest trade, elegantly trimmed, and cannot be bought outside of our store for less than \$20. Our price at this sale will be \$14.

ULSTERS. ULSTERS. ULSTERS.

We have sold more ulsters this season than ever before. They have become very popular. At this sale we offer the best values ever shown in this city. Remember, no shoddy at any price. Only reliable goods sold at the Continental.

MEN'S SUIT DEPARTMENT.

The balance of the suit stock bought recently from Miner, Beal & Co., of Boston, will be closed out this week. Many of the best lots are still in good shape. Don't miss this opportunity of buying a first-class business or dress suit at a saving of from \$5 to \$8 on each suit.

BOYS' OVERCOAT DEPARTMENT.

\$3.50. \$3.75. \$4.00. At this sale we offer bargain lots of boys' Cape Overcoats at \$3.50, \$3.75 and \$4.

BOYS' STORM COATS AND ULSTERS.

Special bargain lines at \$5, \$5.50 and \$6. BOYS' SUIT DEPARTMENT. Special bargain line during this sale at \$3, \$3.50, \$4 and \$4.50.

CONTINENTAL CLOTHING HOUSE, Cor. Douglas and 15th Sts. The Largest Wholesale and Retail Clothing House West of the Mississippi