PACIFIC ENGINEERS

Mr. McConnell Replies to Certain Statements

Made by Mr. Vroman.

REFERENCE TO-SOUTHERN PACIFIC WAGES

Difference Between the Two Roads-Less Labor to Keep Modern Engines in

Order-Decreased Business Affects

Freight Men Only,

In testifying in the wage hearing Monday

afternoon Mr. McConnell replied to the statement of Mr. Vroman to the effect that Union

Pacific engineers running from Ogden to San

Francisco and from San Francisco to Port-

land did not receive more pay than engineers

Mr. McConnell said that the pay of the

Southern Pacific, to a large extent, is on

the trip basis and not on a mlleage basis,

Whenever a regular run can be scheduled

and paid for by the trip it is paid in that

way and not by the mile. As a basis for any

runs that may be added and regular runs

that cannot be paid for by the schedule they

have established a pay for such runs of 4.70

per mile. The grades and curvatures as a general thing on the Southern Pacific lines are kreater than on the Union Pacific. Be-tween Portland and San Francisco the dis-tance is 772 miles, and the time taken for this run is thirty-nine hours, or about three more house than the time consumed between Omaha and Ogden, a distance of 1.622 miles.

on the Southern Pacific

UNION

HIS HONOR WAS NOT READY Contempt Case Against The Bee Editor

Continued for a Week.		
SHOWING	DECLARED	INSUFFICIENT

Answer Filed by the Defendant in Connection with the Publication of the Jardine Case Another Chapter in a Sensational Divorce Proceeding.

Judge Cunningham R. Scott, who presides over the criminal section of the district court, had a full house again yesterday morning, but the general opinion prevailed that he did not give the people a show that was worth the price of admission.

morning Judge Scott an Monday bench and in the from nounced open court that yesterday he would proceed with the trial of the case wherein Mr. Edward Rosewater, editor of The Bee is alleged to be guilty of contempt on account of the facts connected with the now famous T. F. Jardine larceny case, and the subsequent disposition of the action having been published in The Bee of March 9.

The result of this announcement was the cause of the crowded condition of court room No. 1, where Judge Scott sits to hear and determine matters that come before his branch of the district court. Lawyers were

branch of the district court. Lawyers were there by the hundreds, while mixed in among them were scores of the merchants and business men of the city. The journal of the proceedings of the pre-vious session of court was read and the judge passed upon the answer that Mr. Rose-water filed at Monday's session of the court. court.

The following shows a verbatim report of

the proceedings: The Court-In the case of the state of The Court—In the case of the state of Nebraska against Edward Rosewater I have examined the bill and answer filed by the defendant and I find the bill and answer are insufficient to constitute the purging of the contempt charge, and it is therefore or-dered by the court that attachment be issued for the defendant to be returnable Monday morning at 9:30 o'clock, at which all mat-ters pertaining to the case will be heard. Mr. Simeral—Will your honor note an ex-cention?

ception? The Court—I have noted an exception. Mr. Simeral—I would like to ask your honor if it is not possible that it be made returnable at a later date? The Court—No, I have made my arrange-ments for that morning. Mr. Simeral—If it can be made the next the manufacture make from next Mon-

Monday morning-a week from next Mon-The Court-I have set the time

Judge Duffle-If your honor please, will you proceed with the trial in the absence of the defendant-if he be absent from the

the Court-No, sir. The Court-No, sir. Judge Duffle-This is not felony, certainly, and 1 think that our statute provides that in all cases of misdemeanor the trial may proceed in the absence-

proceed in the absence— The Court—I cannot say what will be done until the attachment is returned. This attachment is to be returned by next Mon-day morning and I can't tell anything about it until it is returned.

MR. ROSEWATER'S ANSWER. Following is the answer filed by Mr. Rose-water in the contempt case instituted against him by Judge Scott:

him by Judge Scott: In the district court of Douglas county, Nebraska. The State of Nebraska against Edward Rosewater. Plea and answer and showing of cause why the defendant should not be held for contempt. Comes now the said defendant, Edward

Comes now the said derendant, Edward Rosewater, and for plea and answer and the showing of cause to the information filed herein by the county attorney and protest-ing against the jurisdiction of this court over his person and over the proceedings now being taken herein and insisting that they are irregular and without warrant of law, and further insisting, protesting and relaw, and further insiding, processing and the monstrating against the power of the court to compel him to show any cause therein and insisting upon his legal and constitu-tional rights to freely speak, write and pub-

tion, and a verdict of guilty was returned by the jury empaneied to try said cause. That thereafter and during said May, 1893, term of court said George H. Smith was by this court sentenced to imprisonment in the pen-itentiary of the state of Nebraska for the term of five years, and the trial of the case as against the said defendant, T. F. Jardine, vas continued. That some time prior to the 8th day of March, 1894, the said T. F. Jardine, with his father, mother and other relatives, had a conference with Hon. Cun-ningham R. Scott, judge of this court, and J. L. Kaley, the county attornoy, as this de-fendant was informed and believes, and that at said conference on the 8th day of March, 1894, the said T. F. Jardine withdrew his plea of not guilty and entered a plea of guilty of grand larceny as charged in the guilty of grand larceny as charged in the information filed against him and the said George H. Smith, And thereupon this court made an order deferring sentence on said plea of guilty until the September, 1894, term of this court, and further ordered that the said Jardine be released upon executing a bond in the sum of five hundred dollars (\$500), which bond was thereupon executed and the said Jardine released from

executed and the said Jardine released from custody and he is now at large, and this court, as the defendant is advised and be-lleves, is without further juriadiction in the case, either to forfeit said bond or to pro-nounce sentence against the said Jardine, and the case is fully disposed of so far as this court is concerned, and was at the time of the nullication of suid setting.

of the publication of said article. And further answering alleges that at said date and at all times since it was well known to the said court and to the said Cunningham R. Scott that the said George H. Smith was not the principal offender, but that he was led and induced by the defendant, T. F. Jardine, to commit the crime of which he was convicted, and the said Jar-dine was the principal offender therein. A copy of the sentence of the said George H. Smith as pronounced by this court is hereto

attached, marked exhibit "B" and made a part thereof. Further answering this defendant says that he is informed and alleges it so to be that the law relating to contempts does not extend to any comments or publications made relating to a case or cases already tried and disposed of when such publication

three more house than the time consumed between Omaha and Ogden, a distance of 1.022 miles. Mr. Vroman makes comparison of the cost per mile of engineers and firemen, and in doing this admits he has no data whereby he can base his conclusions. "For your information," he said, "I will cite you three instances, which will give you an idea how this is computed. There is a run between Omaha and Columbus, in which we have three crews; the pay of the enginegr is \$112 and the fireman \$70 per month, making a total of \$546 per month for the crews on that run. The mileage made by these engines amount to 5,460 miles per month, and the wages of the engineers and firemen would be 10 cents per mile, not allowing anything for cleaning and handling the engines. Which, added to the engineer and fireman's wages, would make 11 cents per mile on that run. From Cheyenne to Laramie, distance fifty-six miles, no other trip on the same day pays 100 miles. The wages are \$55.50 on a passenger engine for the fifty-six miles. The wages on this run would be 1180 cents per mile, it is run would be 12.80 cents per mile, it is can added for watching and cleaning engines, would make \$55 on the trip of 114 miles, making the cost \$75 for engineer and fireman, 1 cent added for watching and cleaning would make \$50 on this run. An engineer going over this division thirty times a month, 3.420 miles, would receive forty-five days pay. 1,980 excess of actual miles run. LESS LABOR ON MODERN ENGINES. "With the modern appliances now on tried and disposed of when such publication is made, nor to cases over which the court has lost jurisdiction to proceed further therein, and further in this regard he al-leges that section 452 of the criminal code of the state of Nebraska provides as fol-lows: "If the accused plead guilty, the plea shall be entered upon the indictment and the second chall be placed in the second the accused shall be placed in the custody of the sheriff until sentenced." And also that section 378 of said criminal code is as follows: "The cost of keeping and maintaining any prisoner after his conviction of any offense punishable by imprisonment in the peniten-tiary, wherever he may be kept or con-fined, shall be paid by the state, according to the rate which may be established by law at the time when such services may be rendered or expenses incurred. Provided, the rate so established shall not be construed to apply to any contract which the governor may make for the confinement of convicts

Wherefore, this defendant alleges that upon the conviction of a defendant in a criminal case, either upon a plea of guilty by the defendant, or upon a verdict of guilty LESS LABOR ON MODERN ENGINES. LESS LABOR ON MODERN ENGINES. "With the modern appliances now on locomotives, the labor of running a loco-motive on the Union Pacific system is much less than it was fifteen or twenty years ago. The conditions of the engines have improved and they are kept in much better shape than they used to be, consequently there is less work for an engineer to do. The increased tomage does not require any more vigilance on the part of the engineer, does not add any more responsibilities to his dutles, in fact it is lesseneed, for the reason that our engines and cars are all equipped with the automatic air brake, and place it within the power of the engineer to regulate his own speed down stations." returned by a jury empaneled to try the case, such defendant becomes a prisoner of the state of Nebraska, over which the district court has no jurisdiction except as provided by law to award a new trial or to pronounce sentence as soon as may be con-veniently done, and has no power to admit to bail or otherwise discharge the said defendant from confinement or release him from the custody of the law. That such being the case the said Judge Cunningham R. Scott, as defendant is advised and be-lieves, violated the law in releasing said Jardine upon bond and the said court has no jurisdiction to proceed further in this case jurisdiction to proceed further in this case or to adjudge the defendant guilty of contempt in this court for an article that was written after the case was wholly disposed of so far as this court was concerned, nor for commenting upon the acts of the judge of this court in his administration of the laws of this state, even if the defendant had written or caused to be written or published stations." It is claimed by the receivers that the new rules which they sought to introduce, which would apply equally to trainmen and enginemen, and being a wise plan to adopt, does not appear to be contradicted by Mr Vroman

and enginemen, and being a wave pair adopt, does not appear to be contradicted by Mr. Vroman. Mention is made by Mr. Vroman of a conference with Mr. Clark in 1880. He did not remember that the witness stated the result of that conference: believed he as-serted it was to make a slight change in the rules. The slight change referred to wave an increase in the phy-on-some of the of this state, even if the defendant had written or caused to be written or published the article complained of. Further answering this defendant denies that the interpretation placed upon said article by the innuendoes in said complaint contained are true and just, or that said article is susceptible of the inference set forth in said complaint, but this defendant In the rules, the sight change (cliffe) it was an increase in the physical some of the divisions and altogether the slight change requested by the engineers would cost the Union Pacific \$140,000 a year more to engineers' wages. After a conference o about three weeks in the general manager office a compromise was effected by the engineers according \$12,280 per year, to b alleges that he has now and always has had the utmost respect for this court in the exercise of its legal and constitutional in the exer cise of their legal and constitutional powers appli and rights. Wherefore, This defendant prays that he may be purged of any contempt of this court or of said Judge Cunningham R. Scott, and may be hence dismissed with his ENGINE MILEAGE. The engine mileage made on the system was in 1890, 34,846,343 miles; 1891, 32,611,464; 1892, 31,410,360; 1833, 23,669,472. In 1890 the average carnings of the engineers and lire-men was \$91.67; in 1891, \$82,13 each; 1892, \$87 average earnings of the engineers and fremen was \$91.67; in 1891, \$82.13 each; 1892, \$87
each; 1893, \$82 each.
With a decrease of 4,000,000 miles in 1883, from 1891, with a coresponding decrease in the company's business, the earnings of the engineers and firemen were practically it is same.
The rule has always been insisted upon by the engineers that the "company should not assign any more engines or engineers than was necessary to move the traffic with promptness and certainty." has led to a decrease in the number of engineers and firemen per month is as follows: For 1890, 2,475; 1891, 2,498; 1892, 2,222; 1833, 2,653.
Manuary 1, 1891, there were 2,708 engineers and firemen per month is as follows: For 1890, 2,475; 1891, 2,498; 1892, 2,222; 1833, 2,653.
Manuary 1, 1891, there were 2,708 engineers and firemen on the pay roll. October 13, 1893, there were 1,855, showing a decrease of 773 engineers and firemen from January, 1891, to October, 182, or 5 per cent.
"The statement." said Mr. McConnell, "that the engineers' pay decreases as the earnings of the road decrease, is not borne out by the facts. We have in service on an average, 157 passenger man. As the business to one passenger man. As the business of the road decrease, is not borne engineers in our trains or not, it is necessary to run the passenger trains whether they pay or not. insta COSTS. EDWARD W. SIMERAL, E. R. DUFFIE, Attorneys for the Defendant. State of Nebraska, County of Douglas, ss: Edward Rosewater, being first duly sworn, says that he is the defendant herein, that he has read the foregoing answer and the showing of cause, and that the facts therein stated are true. EDWARD ROSEWATER. Subscribed in my presence and sworn to before me this 2d day of April, A. D., 1894. WILLIAM SIMERAL, Notary Public.

stations.

Compelled to Quit.

E are going out of the clothing business, and for that reason we are compelled to force into cash all our goods now on hand, and that quickly, too, for our time is limited. Into every every department in the store we have shoved the knife clear up to the hilt. A pair of pants for 60c. The 'ncentive to do business in Omaha is not very great just now, for the expenditures far exceed the profits. But with us profit does not enter into the question, for we are quitting, no matter how great the loss may be. Boys' \$3 suits for \$1.25. The stock must be forced out regardless of cost as to former value, and that we are doing it to the best of our ability is evident from the pleased expressions of the crowds in daily attendance. 3 extra good turkey red handkerchiefs for 5c. More than ten thousand handkerchiefs of every description, silk, initial and plain white linen, plain hemstitched. 3 big white linen handkerchiefs for 10c. Also in suspenders we have hundreds of designs in every variety of color. Those with wire buckles and the Wilson Bros'. make being the leaders. Wilson Bros and wire buckle suspenders 10c. It is easy to be convinced when once inside the store that we are selling clothing for less money than ever heard of before. Men's \$6 50 gray suits for \$3. To our out-of-town customers we wish to state, while we fill all mail orders as long as the goods last, checks on Omaha banks or postoffice orders are requested, but we cannot use checks on your home or private banks. Men's \$10 elegant sack suits for \$5. We will gladly send goods C. O. D. by ezpress, subject to examination, requiring only enough cash down to pay expense of shipping. Our \$25 suits, sacks and cutaways, none better made, go for \$11. All over the store everything is cut to the core. If you can't come, send or write; we are sure to please you with something.

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lish just and true comments upon any of-ficer of this court or otherwise in any official action.

And further protesting and insisting that And further protesting and insisting that he ought not to be asked and can not legally be compelled to answer any questions herein, and further insisting that said article set forth in said complaint and information is not and does not pretend to give the entire article as published in said newspaper, and said article should be taken as a whole.

Further answering, this defendant denies that the case of the state of Nebraska against Jardine (Doc. 36, No. 44.) is now pending in this court, but alleges the truth and the fact to be that said case, so far as the said Jardine is concerned, is in law wholly and entirely disposed of, and that this court is without further jurisdiction over the person of the said Jardine or the action entitled the State of Nebraska against T. F. Jardine and George H. Smith, who were charged with grand larceny, and concorning which the information charges said article to have been written, as will more fully appear by reference to the orders of this court made in said case, a copy of which is hereto attached, marked exhibit "A" and made a part thereof. And this defendant, further answering, de-

And this defendant, further answering, de-nies that he is the proprietor of the news-paper known as The Omaha Bee, or any of the editions thereof, namely, The Omaha Daily Bee and The Omaha Evening Bee, but alloges the truth and the fact to be that said newspaper is owned by The Bee Pub-lishing company, a corporation duly existing and organized under and by virtue of the laws of the state of Nebraska; but this de-fendant not being desirous of evading any of the responsibility which may attach to him in his connection with said newspaper. him in his connection with said newspaper, hereby admits that he is the editor-in-chief of all the various newspapers pub-lished by said Bee Publishing company, including The Omaha Daily Hee and The Omaha Evening Hee.

Omaha Evening Bee. But this defendant denies that he is at all times responsible for all things and mat-ters published in said newspapers and he denies that he published or caused to be published or knew that the same was to be published, or that he ever read the article referred to in said complaint, and the only knowledge he now has of the same is derived from reading the letter of J. L. Kaley, the county attorney of Douglas county, which was published in the newspaper known as the World-Herald, published in this city.

this city. And this defendant denies that he did will-And this defendant denies that he did will-fully, wrongfully, unlawfully and contempt-uously and with the intention of bringing the district court of Douglas county, which is presided over by Judge C. R. Scott, into public contempt, disrepute or ridicule, or to destroy the influence, honor, purity and integrity of the said court and said Cun-ningham R. Scott, as the judge thereof, or to have it believed that the said court or the said Cunningham R. Scott as judge thereof. or to have it believed that the said court or the said Cunningham R. Scott as judge thereof. was corrupt and influenced by corrupt mo-tives, or for the purpose of destroying the efficacy of the court in the administration of public justice or for the purpose of villi-fying or traducing the said court or the judge thereof in the due administration of justice or with the intent willfully to ob-struct the proceedings, or hinder the due administration of justice in any suit then and there pending, publish the article set forth in the information. And this defendant further denies that he of himself published or caused to be pub-

And this derendant further denies that he of himself published or caused to be pub-lished, or permitted to be published, in the evening edition of said newspaper on the said 9th day of March, 1894, the article, or any portion thereof, as set forth in said information

formation. And this defendant further answering that as editor-in-chief of said newspapers he only has direct charge of the editorial management thereof, and that all general news or city news, including court reports, are under the supervision of several differ-ent heads, each of whom has his own par-ticular duties to perform relating thereto. LARDINE CASE RECITED. JARDINE CASE RECITED.

This defendant, further answering, al-leges that on the — day of _______. 1893, an information was filed in this court charging T. F. Jardine and George H. Smith with the crime of grand larceny, to which information the said defendants, when first called upon to plead, entered a plea of not guilty. That thereafter, and at the May, 1893, term of court, the said George H. Smith was placed on trial on said informa-

Another Divorce Case Chapter.

The famous Wilgocki divorce case, which has been in the courts for some months, and in which A. F. Wilgocki is seeking to secure a divorce from his wife, Nancy, took a new turn yesterday by a son. Oscar, filing an affidavit in support of the petition of his father, the plaintiff. The boy avers that he has seen eighteen summers and has lived at home a good portion of the time. During the summers of 1887 and 1889 he avers that the summers of issi and issi he avers that he was living at home upon the farm, and that during that time the school master of the district, an Oscar Fisher, boarded at the house. The son of the Wilgockies al-leges that for a time he considered the school master very nuch of a gentleman, but that later on he changed his mind. He noticed that the wielder of the birch was very familiar with his mother, so much so that when he started to the school house in Haunt the dreams of the sufferer from in-digestion. What should the nightmare-ridthe morning he would imprint a kiss upon the lips of Mrs. Wilgocki and would do the

digestion. What should the nightmare-rid-den dyspeptic do when waking with a start, the sweat oozing from the pores, sleep for the remainder of the night seems unattainable? Swallow a wineglassful of Hostetter's Stomach Bitters, which, if, taken before going io bed, world have in-sured repose. Use the Bitters for ner-vousness, dyspepsia, rheumatism, malaria. same thing when he returned at night. At another time, the young man swears, he saw the mother sitting upon the lap of the teacher, who seemed to be caressing her in a very affectionate manner. These things, young Wilgocki avers, continued until times, young who was reached, at which isyo, when the climax was reached, at which time he alleges that he saw the teacher of the school coming out of his mother's room wearing hardly enough clothing to make a napkin. A few days later he avers that he The case of charles A. Hoffman against Victor H. Coffman continues to drag its

saw his mother and Fisher go into the corn field, where they tarried for the better part of an hour Yesterday the case came up in the courts the wife asking for temporary alimony during the pendency of the divorce suit. The judge before whom the hearing was had ordered that the woman be given an allow-ance sufficient to provide her with the neces-saries of life until such time as the divorce case proper could be disposed of.

Minor Court Matters. Harry Kane, the colored boy, who, in company with Isaac Kane and John Gibbon, was accused of having burglarized the store of A. Munski and the shop of A. T. Lind-quist, was arraigned in criminal court yes-terday, where he pleaded not guilty to the charges in both of the informations. . The April docket of the county court was called by Judge Baxter yesterday, with 170 cases for trial, a falling off of sixtyeight cases since January, when there were 238 cases on the call.

Notice of five lines or less under this head, lift) cents; each additional line, ten cents. We could not improve the quality if we paid double the price. DeWitt's Witch Hazel Salve is the best salve that experience can produce, or that money can buy.



fendant

Frightful Phantoms

Suit for Damages.

way along through Judge Hopewell's court, where the plaintiff is seeking to recover

damages in the sum of \$5,214 from the de-

fendant. In this case the plaintiff alleges that on June 9, 1892, he was driving along Douglas street, in the vicinity of Fifteenth, and was run into by a hack from the Palace stables,

which at the time he avers were owned by the defendant. The plaintiff denied the statements made in the petition and alleges

that at the time of the occurrence of the ac cident he was not the owner of the hack

Dewitt's Witch Hazei salve cures plles Hayden Bros.

See what we are doing in the way bargain giving. All about it on 5th page.

DIED.

nor was he the owner of the stables.

When Barrie was scratching his name or ne his earliest completed works, his wife exclaimed impatiently: "Oh, put your name larger." Barrie replied with a look of triumph: "In twenty years from now men will look for that name with microscopes.

We do not need to use large type to sell this Library Table. At our price it will not be long before the most powerful microcopes will fail to detect one in our store as our supply is limited, and we can secure no more at this price.

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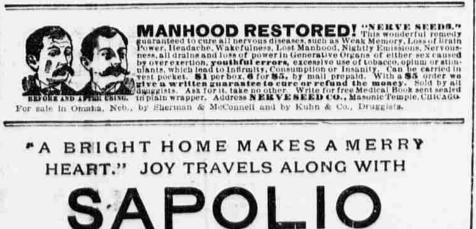
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