# MOSHER'S FRIENDS FAVORED

Interesting Developments in the Capital National Affairs at Lincoln.

MACFARLAND'S AGREEMENT WITH OUTCALT

Indications that the Ex-Receiver of the Shattered Bank Was Working Under a Secret Arrangement with the Wrecker's Partner.

LINCOLN, April 7 .- (Special to The Bee.) -The daily developments in the Capital National bank case came today as usual. The latest phase of the case is the filing of a number of deeds transferring the Outcalt property first to J. D. Macfarland and then to E. M. Hall. Macfarland received his deed from the sheriff two days ago, as per the orders of the court. It will be remembered that the attorneys on the other side have maintained all along that Macfarland was working under the terms of a secret agreement between himself and Outcalt. This fact was confirmed today. Macfarland filed a deed from Mrs. Outcalt dated January 13, 1894. Thirteen days after that date Outcalt withdrew the answer he had filed in th suit brought by Macfarland, ostensibly in the interest of Mounkers Bros., thus practically allowing the case to go by default. The second deed from Macfarland to F. M. Hall was dated Junuary 31, two days after the Ontcalt answer was withdrawn from the

Receiver Hayden will soon commence legal contest to secure possession of the magnificent Mosher residence property at Fifteenth and K streets. The property is worth at a low estimate \$20,000. The receiver believes that he will soon have enough evidence to prove to the court that the residence was built with money taken from the bank illegally. The residence is at present occupied by Mrs. Mosher. GOOD NEWS FOR BALL CRANKS.

Manager Ebright of the Lincoln base ball club telegraphed the local base ball magnates today that he would leave with the Lincoln team this evening at 6 o'clock and would come right through, arriving here Tuesday Games had been arranged a concluded to cancel them and get his mer at work on the home ground as early as possible. They will remain in Lincoln unti the Saturday following their arrival, when they will go to St. Joseph, where they play on the 14th and 15th. On the 15th and 17th they will play the Kansas City team on the grounds in this city. The local enthusiasts are planning a reception for the members of the team upon their arrival in Lincoln day afternoon. The old time base ball en thusiasm is perceptibly rising in Lincoln and the prospects are favorable for a lively

LABOR MEN FEEL SORE. The laboring men are feeling somewhat irritated over the recent arrest of John Tierney, one of the well known local advocates Tierney was addressing a crowd on the corner of Eleventh and O streets, which is he recognized political storm center of the city, when Officer Bentley placed him under arrest. He was taken to the station and The next morning he was discharged by Judge Waters. At a meeting of the Labe club the following resolution was adopted: Resolved. That we emphatically disapprove of and condemn the course of the mayor in keeping upon the police force men who arrest peaceable chizens without cause. The fact that Brother Tierney was discharged without prosecution shows conclusively that the arrest was made by an officer who is not fit to wear a star.

The club also passed resolutions extending its best wishes to Coxey's army and bidding it God speed on its road to Washington committee, consisting of Messrs, Eldrege Le Fever and Hunter, was appointed to wait upon Mayor Weir and demand the discharge of Officer Benton from the force. LINCOLN IN BRIEF.

The two colored boys arrested for snatch ing a purse from the hand of Miss Kate Walker while she was walking along the street were discharged. Miss Walker could not positively identify the boys. At the trial of Mrs. Blado, charged with

pointing a revolver at a neighbor with threats to shoot, it was developed that at the time the neighbor in question was en gaged in the pleasant pastime of tearing down Mrs. Blado's fence. She was dis-The Union Pacific water tank, near the

Buckstaff brick works, was partially de-stroyed by fire last night. It is reported to the police that an attempt was made by an unknown man to criminally assault an estimable lady living near the corner of Thirteenth and C streets.

The man cannot be found. Isaac Dean, a pressman employed by the Lincoln Newspaper union, was seriously but not fatally injured by being caught in the

Fred Hiskey, a farmer living near Woodwas today arrested and held to district court for mortgaging a herd of cattle that existed only in his heetic imagination The police received notice today that sev eral stores in Pleasant Dale, a small village this county, were robbed last night parties who were tracked in the direction of The plunder consisted of two doze razors and a lot of cutlery.

## MURDER IN THE SECOND DEGREE.

Cuyler Schultz Convicted by a Jury and Sent Up for Twenty Years

ST. PAUL, Neb., April 7.—(Special Tele gram to The Bee.)-The jury in the Schultz murder case came into court this morning with a verdict of guilty of murder in the second degree.

Immediately after the verdict had been rendered Judge Kendall sentenced Schultz to the penitentiary for twenty years.

Affairs at Fremont

FREMONT, April 7 .- (Special to The Bee.) -The proposed canal project would give the city 2,300-horse power, instead of 800, as reported yesterday. The city now is employing about 800-horse power.

A boy named Mills, living with his parents on Maple creek, was kicked to death by a

orse yesterday.

The case of the state against Ed Martley for criminal assault on the person of Rose Copley, a 14-year-old girl, has been complicated by the arrest of young Parker, son of the people with whom Rosa had been living, for the same offense. The hearing is set for Monday, for which quite a number of wit-

nesses have been summoned.

A centest has been commenced by C Christensen, the democratic nominee for H. Harris, the republican nominee, who has been declared elected by a majority of three votes. It is claimed that five votes for ouncilman found in the box used for the hool election were not counted and that they may change the results.

## Ord Personals.

ORD, Neb., April 7 .- (Special to The Bee.)-Mr. W. H. Coleman of Fort Omaha is visiting at the home of his sister, Mrs. H. C. Simpson.
Mr. Charles B. Coffin has been appointed

local consul of the League of American Mr. W. B. Keown returned from his visit to the Pacific coast Monday evening in time to cast a ballot at the city election.

Hon. E. M. Coffin of Lincoln, who sper several days here on business, returned to his home Tuesday. Mrs. J. E. Boquet and son, Bert, and Miss Maud Mahan of Grand Island were visiting

their acquaintances here this week.

Mrs. J. M. Stone, who has been visiting her son, Hon, V. H. Stone of Lincoln, re turned home Wednesday afternoon. Mrs. Frank Mallory gave a party Wednes-day evening to a number of young people, in honor of Miss Fannie McCord of Newton.

Ia., who is visiting old acquaintances in the

Sons of Veterans Entertain. LYONS, Neb., April 7 .- (Special to The

Bee.) -The Sons of Veterans gave a play, A Military Execution," at the rink last night to a large house. Moses Warner, editor of the Mirror of Lyons, wrote the play. The whole play surpassed the most sanguine hopes of those who were the most deeply in-

terested. His history of Dakota county and "A Military Execution" have been well re-ceived in northeastern Nebrasks.

Tecumseh Brevitles.

TECUMSEH, April 7 .- (Special to The Bee.)-Herman Wusk, a German farmer residing near this city, in a runaway today, was hadly bruised about the head and shoulders, but no bones were broken. Ella M., wife of H. J. Oldfield, died at her home in this city last Monday, aged years. The funeral was held Tuesday

Bush. John M. Thayer camp, Sons of Veterans gave a ball and binquet at the Seaver opera house in this city Friday evening, which was a very enjoyable affair. Miss Edith Bechtel of Burlington, Ia., spent part of the week visiting relatives

the Christian church, conducted by Rev.

Mrs. F. T. Bradley and two daughters have gone to California, where they will re side in the future.

J. D. Calhoun, wife and daughter, formerly of Lincoln, were in the city last week, the guests of W. A. Apperson. They were on

their road to Florida, their future home, Ella McCrosky and George Warren attended the funeral of a sister in Ida Grove. la., last Thursday. Gospel meetings have been in progress

for the past two weeks at the Christian church, conducted by Rev. A. D. States of Greenfield, Mo., a noted evangelist, Good work is being done, and the meetings are becoming very popular. The capacity of the church is tested nightly.

Let the Mortgage Stand.

HASTINGS, April 7 .- (Special Telegram to The Bec.)-Judge Beall today decided the case of the Standard American Electrical company against the Hastings Electric Light and Power company by finding for the de fendants and against the plaintiff and cross petitioner. Bull Electric company. These two companies sought to set aside a mort-gage for \$11,000 given by the Hastings company to Adam Cook, sr., of New York, pres lent of the company, on the ground of fraud The court held in every particular that th nortgage was bona fide, and refused to nul lify it. The contention of the defendant heirs of Cook was that the mortgage was given to secure Cook for \$11,000 advanced by him to pay off a prior mortgage, and not prefer stock as claimed.

insanity commission today sent Mrs. Amelia Peters of this city to the Lin coin asylum. Her insanity was clearly ap-parent, and was caused by sickness. County Attorney McCreary today notle procequied the cases of the state against Everett Meebeer, alias Edward Johnson, and against John Stick, alias Frank Jones. These two men were charged with burglary in entering Burlington freight cars and stealing The evidence against them was very unsatisfactory, and one is believed to be

West Point Notes and Personals. WEST POINT, Neb., April 7 .- (Special to The Beed-The new fire bell has arrived It is a fine one and weighs 1,500 pounds Mrs. A. P. Calland and children left Thursday for a visit to the Midwinter fair, where hey will remain several weeks. Henry Schinstock will ship Monday

hicago, a train load of cattle. Deputy United States Marshal Allan came up from Omaha Thursday to levy on the property of the West Point Water Power and Land Improvement company, sale will follow to satisfy judgments against C. L. Baker of this city has started the

publication of a dally report of the filings at the court house. The new club rooms of the Young Men's club will be dedicated Tuesday evening, to which the public is invited. Music, refreshments, etc., will form a part of the

program. Reward for a Bank President.

O'NEILL, Neb., April 7 .- (Special Telegram to The Bee.)-At a meeting of the depositors in the defunct Holt County bank neld this afternoon it was decided to spend \$500 as a reward for the arrest and delivery to the agent of the state David Adams, de-faulting and absconding prosident of the bank. The matter was placed in the hands of County Attorney Murphy and the proba bilities are that he will successfully accomplish the desire of the depositors. Adams skipped from O'Neill last August about the time that Barrett Scott dld and left depositors to the tune of about \$118,000. He is a man about 38 years old, light co weight about 150 pounds and is about five feet ten inches in height.

Barrett Scott's case will be transferred to Antelope county Monday, where he will stand trial before Judge Robinson for em-

bezzling \$70,000 of Holt county money. Amberry Bates' Murderer Convicted. DAKOTA CITY, Neb., April 7 .- (Special Telegram to The Bee.)-The trial of James Willis for the murder of Am berry Bates was completed this morning the jury returning a verdict of man-slaughter. On January 2, 1894, Bates came to this place from his home, ten miles south, and spent about two hours in Willis' saloon. Willis had gone out of the room and upon his return accused Bates of interfering with his business. Bates de-nied the charge and a quarrel ensued, Willis erfering with his business. shooting Bates in the breast, killing him He was placed under \$10,000

instantly. He was placed unbonds, which he could not give. lasted four days and was hard fought. Wiil Have a New School Building. HARVARD, Neb., April 7 .- (Special to The Bee.)-The Board of Education of Harvard held a meeting last night to let the contract for an eight-room two story school building. Fourteen contractors were present and competition was sharp. Omaha, Beatrice, Norfolk and several other towns

were represented. The contract was let to N. H. Pontius of Harvard. The building will be of brick with Colorado red sandstone trimmings and basement and will cost \$16,000. The Smead system of heat ing and ventilation will be used.

Burglars Turn a Trick at Crawford. CHADRON, Neb., April 7 .- (Special Tele gram to The Bee.)-The depots of the Burlington and Elkhorn roads at Crawford were robbed while the agents were at din They secured in all about \$50 ner today. Deputy Sheriff Handy of Chadron being at !rawford today began search at once. arrested two suspicious toughs and lodged them in Jall. It is feared by the railroad officials that Crawford is no safe place to keep them, and they will be brought her tonight and lodged in jail for safe keeping.

Alleged Embezzler at Liberty. NORTH PLATTE, Neb., April 7.—(Special Telegram to The Bec.)-Sidney Sapp, who was arrested at Perry, Okl., and brought to this place on the charge of embezzlement, is once more a free man. In his prelim nary examination it appears that the amount embezzied was smaller than claimed, and he was released on the original charge brought against him. The plaintiff declined to prosecute for any lighter offense, and Sapp was released from custody.

Three Burglars Arrested.

CENTRAL CITY, Neb., April 7 .- (Special Telegram to The Bee.)-Three of the thieves who robbed Castle's hardware store at Clarks last night were arrested by Sheriff Porter this evening. They were identified by a button found in the store, which had been torn off while crawling in at the window The buttons on one of the thieves' coat matched the one found, one of which is missing from the coat. A portion of the goods have been found.

Wauneta's New Mill.

WAUNETA, Neb., April 7 .- (Special to The Bee. - Arrangements are rapidly being completed for the erection of a new seventyfive barrel roller mill at this point. Teams are now at work cutting the race and grad-ing the grounds. It is not expected that the ew enterprise will in any way affect the Fisher & Knox mill, located at the fails.

Burglars at Tecumseh. TECUMSEH, Neb., April 7 .- (Special Telegram to The Bee.)-Some time during last night thieves broke into the grocery store of Arnup & Nedrick of this city. Entrance was effected through the cellar. The cash drawer was broken into and about \$10 se-cured. Cigars and confectionery were also taken.

Some Fruit Killed.

TECUMSEH, April 7 .- (Special to The Ree.)-As to what effect the recent cold snap had upon the fruit trees in this county.

nurserymen announce that the peaches, pears and apricots are nearly all killed, but that apples, cherries and plums are all right.

Two Nebraska Burglaries. HUBBELL, Neb., April 7 .- (Special to The Rec. 1-For the fourth time in seven years Jimmy Mattison's general merchandise store at this place has been broken into and burgtarized. During last night thieves en-tered the store by taking out a pane of glass. The loss is not expected to be over

CLARKS, Neb., April 7 .- (Special Telegram to The Bee.)-The hardware store Castle at this place was burgiarized last night. About \$100 worth of knives, revolvers feeted by prying up a window with a railroad spike. A liberal reward has been offered for the recovery of the property and conviction of the thieves.

Jefferson County Mortgage Record. FAIRBURY, Neb., April 7 .- (Special to The Bee.) Jefferson county mortgage report for March is as follows: Fifty-eight farm mortgages filed, \$62,444.75; sixty-eight released, \$59,020.50; sixteen city mortgages

three released, \$19,139.70. county commissioners have granted a petition for the incorporation of the village of Plymouth, and appointed P. T. Orth, F. Brandon, C. W. Harvey, J. Grebe and J. J. Shannon trustees. The new town starts

with 209 population. Indians Feasted at Cody's Expense. RUSHVILLE, Neb., April 7 .- (Special Telegram to The Bee.)-Today was a gala day at Pine Ridge, occasioned by the visit of Colonel Cody (Buffalo Bill) for the purpose of securing 125 Indians for the Wild West show Nearly all the Indians on Pine Ridge reserva tion gathered to meet Cody and to feast at his expense. A choice lot of braves wer-selected and will go east to become show men about May 1. Colonel Cody went west from here to arrange for establishing his stage route from Sheridan, Wyo., to the Na-

tional park. Sixty Years of Matrimony. BEAVER CITY, Neb., April 7 .- (Special o The Ree .- Mr. and Mrs. Parkhurst, an esteemed old couple, were given a reception at the court house tonight by the citizens, and were presented with \$65 in gold. They

have been married just sixty years. Postoffice Inspector Stein was here today taking evidence in the postoffice matter. An attempt has been made to remove the office to a new location without the consen of Postmaster Ager, No decision has ye

University Glee Club in Clover. KEARNEY, Neb., April 7 .- (Special Tele gram to The Bee.)-The State University Glee club sang here tonight, and after the concert were tendered a reception and banquet at the city hall. This afternoon they were taken on a drive around the city and given a reception by the Shakespeare club at the home of Mrs. Dr. Basten.

Died from His Injuries. COLUMBUS, Neb., April 7,-(Special Tele gram to The Bee.)-George McKelvey, who was assaulted here some weeks ago by a tree agent, and who has been lying danger-ously ill ever since, died this forenoon.

BYSTANDERS SUFFERED.

Two Men Scrapped Over the Collection of a But and Others Got Hurt. ST. LOUIS, April 7 .- At the Madieson, III., race track trouble over the collection of a bill against a horse owner from San Jose Cal., named Owen resulted in one man being shot and badly wounded and another probably fatally injured by a blow on the head. Patrick O'Neill tried to collect a bill of Owen. Albert Moody, in charge of his horses, could not in Owen's absence satisfy the collector, who attempted to lead off one of the racers. , T. O'Neill, who was standing by, made a threatening move toward Moody, who pulled his revolver and fired two shots, both of which struck bystanders in the legs One of the men injured was William Taylor better known as "English Bill." T. O'Neill seized a pitchfork and struck Moody over the head, causing a probable fracture of the skull. He has been in an insensible condition ever since. Taylor's wounds are not

COUNTERFEITING DISCLOSURES.

Workings of the Gang that is Flooding the Country with Bogus Dollars. DENVER, April 7 .- The discovery of gang of counterfeiters and thieves of gold and silver bullion from the smelters promises to develop startling disclosures. Investigation indicates that a wholesale system of counterfeiting has been carried on. The gang not only turned out several thousand dollars in coin, but was manufacturing jew elry, which was sold to second hand jewelers.

KNOWN ONLY BY NUMBERS.

Three Nameless Laborers Killed by a Premature Explosion.

PITTSBURG, April 7.-The premature ex plosion of a blast at the new Westinghouse electrical works at Brinton, Pa., today in stantly killed three laborers and seriously injured four more.
Their names could not be learned, as they were oaly known by numbers.

odies of the killed were terribly

mangled. Bishop Chatard Sailed for Rome. NEW YORK, April 7 .- Bishop Chatard o Vincennes, Ind., sailed on the Lucania today enroute to Rome. Before his departure he assured a press representative that his visit to Rome was simply the regular ad limina visit. It is seven years since he has been in Rome, and although bishops are required to come once in ten years, the pope inti-mated some time ago that they were to come oftener if convenient. Bishop Chat he case of Bishop Bonacum of Lincoln Neb. The bishop expected to be in this city again June 23, sailing from Liverpool on

the Lucania on June 16. Killed a Respected Citizen. COMO, Cole., April 7 .- City Marshal A. E. Cook was shot in the head and instantly killed here about midnight by an eccentric shoemaker named Levy J. Streeter, orig-Streeter says Cook entered the shop and ordered him to throw up his hands and give up his money. This is not believed, as Cook has always been an honorable and upright citizen for the past ten years. He was foreman of the car shop for the Union Pacific here for eight years and prominent among ratiroad men as well as throughout the country. He leaves a wife

Lively Will Contest in Sight. NEW YORK, April 7.- There is a prospec of a bitter contest over the will of Mrs. Cor-

and three young girls.

nelia Frances Coster, who died at the Hotel Savoy last Sunday. Mrs. Coster was the daughter of the late William G. Breese of Coster, a well known clubman who died in 1888, leaving a large estate. His wealth, 1888, leaving a large estate. His wealth, which is estimated at \$1,000,000 is by her will to be devoted exclusively to the con-struction of a mausoleum in Woodlawn cemetery. She has a number of relatives in this city and elsewhere, and it is said they will contest the will.

Ethel Blander Seeking Divorce. SAN FRANCISCO, April 7 .- The Call says that Ethel Bander, the well known agtress, is to institute suit for divorce from her hus-

band, L. R. Stockwell, equally well known as a comedian. Stockwell is playing in the east and his wife is a member of a company in the northwest. Stockwell's daughter Pol-lie, recently married the son of Frederick Warde. Failure to provide is the cause of Mrs. Stockwell's action. Most He Bluebeard Again. DENVER, April 7.-Detective Dietrick left today for Grand Rapids, Mich., with

Alexander Watson, arrested at Florence Colo., on the charge of polygamy. He is Said to have deserted wives in Auburn, N. Y., Detroit and Grand Rapids, Mich. Hammond, Ind., and Chicago, Watson is 41 mond, Ind., and Chicago. Watson is 41 years old and good looking, and is a fine tener singer,

ON THE COURT'S OWN MOTION

Judge Scott Declares Percival Had a Fair Trial for Contempt.

BUT HE WILL GIVE HIM ANOTHER ONE

This is in Deference Only to the Public. Which the Judge Ways Has the Impression that the Proceedings Were Not Impartial.

The case of the state against W. D. Percival, the reporter for The Rec. who was ar rested for contempt of court, was called by Judge Scott yesterday morning. The following motion for a new trial was

filed by Mr. Percival's attorneys on March Comes now the defendant herein and moves the court to set aside the finding

filed, \$7,092.75; twelve released, \$6,665.80; chattel mortgages, 124 filed, \$25,560.47; fortyof guilty of contempt of court entered against him on the 24th day of March, 1894 and shows the court the following reasons therefor: First-By order of the court served upon this defendant on the - day of March,

1894, he was ordered to appear in court room No. one (1), in the court house, on Monday, March 19, 1894, at 10 o'clock a. m. to show cause, if any he have, why he should not be punished for contempt of this court; that on the 19th day of March, 1894, the case was by order of the court continued until the 24th day of March, 1894; that on said 24th day of March, 1894, the defendant was pres ent with his counsel, prepared to show caus-why he should not be punished for contemp punished for contempt of court, or adjudged to be guilty of any con-tempt of this court, and that said showing was reduced to writing, sworn to by the defendant, and was a proper and complete showing, as this defendant is advised by his counsel, why he should not be held or ad-judged guilty of any contempt, and which said showing was filed with the clerk of this court on the 24th day of March, 1894, a copy f which said answer is hereto attached and marked exhibit "A."

Second-On the 24th day of March, 1894. this defendant appeared in open court to an-swer to said charge of contempt, but the court failed and refused, although requested so to do, to allow this defendant to read, or have read his said showing filed in this case, on said date, and ordered said showing stricken from the files without hearing the ame read, and without any examining of

Third-The court refused to the defendant the right to appear by counsel, or allow counsel to be heard on matter of material importance in said proceedings as will appear by a complete record of the entire proceedings had upon the examination, a copy of which is hereto attached and marked hibit 'B' and made a part thereof, and by affidavits filed herein.

4. No evidence whitever was produced upon the trial showing or tending to show that this defendant wrote the article or any part thereof as set forth in the complaint filed herein. 5. The court acted in said proceeding as the prosecuting offices, notwithstanding that said complaint was signed and filed by J.

L. Kaley, the county attorney of Douglas 6. The Honorable Cunningham R. Scott, the judge before whom said case was tried, gave material and important evidence herein without being sworn as a witness in the

7. The court erred in attempting to intimidate the attorneys for the defendant by refusing to hear them and ordering the sheriff of the county to take them charge and fremove them should further attempt to vise this defendant, or to speak in his de-fense, all of which appears by the exhibit together with the affidavits aforesaid heretofore referred toll:

8. The fighing of the court is not sustained by sufficient evidence, or by any evidence.

9. The finding of the court is contrary to 10. Errors of law occurring at the trial and

10. Errors of law occur.

10. Errors of law occur.

duly excepted to at the time.

E. W. SIMERAL.

E. R. DUFFIE,

for Defeudan The motion bore the certificate of District Clerk Moores as having been filed in his office on March 29. But Judge Scott ignored the motion. When the case was called the ollowing proceedings were had:

Judge Duffle-In this case, if your honor dease, I do not care about being heard upon the motion for a new trial, because I am no able to do so, as a matter of fact, but think the journal entry should be amended so far at least as to show the striking of the answer or showing of the defendant from the files by the court

Court-I made no such ruling. Judge Duffle-I shall have to ask time then The Court-I can settle this in a minute. I have reduced to writing what I desire to say in the case, so that what is said by court is written, and it will be placed on file in the case so that there will be no mis understanding of what the court says (read-"The defendant has been convicted for a contempt of court in publish-ing a most libelous and scandalous article of and concerning the court. The defendant has moved for a new trial. The people, who alone are the sovereigns of this sovereign power, have a right to demand

ountry, and who created the court by their and they do demand, that when they elect a judge to preside over the court that the judge shall protect and defend the dignity and honor of the court. They also have a right to demand, and do demand, that the judge shall preside over the court fairly and uprightly, and that all his actions shall be in decency and in order. There has been so much said relative to the manner in which this case was tried that is absoutely false, malicious and untrue, and for he purpose of prejudicing the people against the court, which statements and reports are doubtless believed, and they are now believed by many good people whose good pinions are worthy of the highest consideraion, and for the purpose of counteracting any false impression that may have found lodging that the defendant did not have a fair and impartial trial and for the purpose of removing any doubt upon that question, while there is no error in the record, and while the defendant was heard by counsel in the trial of the case at such time and upon such matters as the law authorized aim to appear by counsel, yet for the purpose of emphasizing the fact that the court vas not at the time of the trial and is not now prejudiced or biased against the de-fendant, but only actuated by a desire to protect and defend the honor and purity of court against vicious, slanderous and libelous attacks, the court on its own motion grants the defendant another chance to be heard in the said cause by granting him a

Judge Duffie-Then I suppose your hono will overrule the defendant's motion made

The Court-Is the defendant now ready Judge Duffle-No, stif; I cannot proceed trial today. I am wholly unable to be

The Court-When will you be ready? Judge Duffie-I will notify your honor at the shortest time—
The Court—I have got to fix the time this norning for the trial of this case. It has now been running three or four weeks, and must fix a date at some time to try this ase after this date. of

day morning.

Court Notes. The case was set for bearing next Thurs-

In the case of the Omaha Loan and Trust ompany vs Bertrand, Judge Ferguson overuled the motion to have the sale set aside. This was asked on the ground that the property was sold by a master in chancery, and the claim was made that the master did not have the authority to awear the appraisers. and for the further reason that the appraisement was too law. The motion was overruled and the sale confirmed, the court holding the right of the master to make the sale carried with it the right to do all acts ecessary to hold and complete the sale and, further, that the appraisement was just In the case of Tulleys vs Keller et Judge Ferguson yesterday refused grant the injunction prayed for. The ac-tion was brought to restrain the defendant, receiver of the Anglo-American Mortgage company, the successor of Burnham, Tulleys & Co., from using the name of L. W. Tul-

leys, trustee, in the transaction of the business of the defunct company. The court held that the right to use such name was one which the old firm of Burnham, Tulleys & Co. possessed, and when the mortgage com-pany succeeded to their business it succeeded o the right o use the name as aforesaid. permanent injunction is therefore re-

In the case of the Bank of Commerce against J. F. Hart, the jury yesterday found for the plaintiff and assessed the dam-

TRAINING AND BROOD FARM. Clinton Briggs Purchases a Site for One West of the City.

A deal was closed by the Ames Real

Estate agency yesterday by which Clinton

Briggs purchased 200 acres of land situated

six miles west of this city for \$21,000 cash. The property is known as the McArdle arm and part of the Henry Eicke tract nd is a valuable piece of realty. The negotiations for this property have een under way for some time, and it is onsidered a bargain at the purchase rice. For some time Mr. Briggs has been

considered a bargain at the purchase price. For some time Mr. Briggs has been trying to secure a suitable tract of land convenient to the city for the purpose of establishing a fine horse training and breeding farm, and he will at once begin building one of the finest regulation mile tracks in the west for the purpose of developing the speed of his valinable collection of fast trotters.

He now has a string of fast steppers which are worth about \$90,000, and he contemplates spending \$25,000 on improvements on the farm. A large force of men will be put at work as soon as possible on the barns and tracks, and before snow flees again this year he will have established a splendid horse farm. The farm will be modeled after some of the famous Kentucky horse establishments.

All doubts of the sale of the Lowe pronerty at Sixteenth and Harney streets were removed yesterday when the deed was filed for transfer of the property to J. L. Weish & Co. of Philadelphia for the sum of \$130,000.

REN KING FOUND DEAD.

Michigan Poet and Humorist Passes Away in His Sleep from Heart Fallure. BOWLING GREEN, Ky., April 7.-Ben King, the Michigan poet and humorist, who appeared at the opera house here last night with Opie P. Read, was found dead in bed at his room at the Morehead house this morning. When the clerk went to his room to wake him to go to Owensboro on the 4 clock train he could not be aroused. Repeated knocks at the door brought no re-sponse, and an entrance to the room was effected through the transom. Mr. King was lying in the bed dead. He had evilently died of heart disease. His body will be sent to his home in St. Joseph, Mich. where he has a wife and two children. SARATOFF, Russia, April 7.—M. Jabloch-off, the electrician, famous in Russia as the inventor of the electric candle, is dead.

#### MADE HIS PROTESTS COUNT.

Italian Musician Arrested as a Pickpocket

Gets Free by Loud Talking. CHICAGO, April 7.-Signor Mancenili, diector of the choir of the Abbey Grand Opera company, has been arrested on a charge of picking pockets. The arrest occurred in a dime museum on Clark street. Signor Mancenili denies his guilt and declares the whole affair a stupid blunder, but the museum people declare he is a pickpocket, and that he and two other Frenchmen have been operating among the crowds that visit the museum for more than three weeks. The manager of the museum says he saw Manenili trying to steal a watch. At the cen tral police station he made such a strong protestation of his innocence that the museum people said they would not prosecute him if he would keep away from the To this Signor Mancentill agreed

Eight Got Out and Four Are Still Free. GREENSBURG, Pa., April 7.-Eight crimnals escaped from fail here last night. Jailer McCready and his assistant, William Mc-Sheary, were struck in the head with a piece of lead pipe by Peter Madden, and while these men were insensible the companions of Madden who were in the plot jumped on them and beat them brutally. searched the pockets of McCready, securing the necessary keys and rushed out of the jail. Within an hour four of the escaped convicts were captured. The others are still

Does Not Expect a Vote for Six Months ST. JOSEPH, April 7.-Senator Edward Murphy of New York passed through this city this morning on his way from Washington to Glenwood Springs, Colo., where he will take the hot baths for rheumatism An Associated press reporter interviewed him while here and the senator said there was no danger of a vote-being taken on the tariff bill before he returned, as he thought it hardly likely a vote would be reached until next November. He did not know how long he would remain in the west.

Killed His Sweetheart First. CHICAGO, April 7.-Arthur Laverle, 28 ears' old, son of a wealthy liquor dealer, shot and killed his flance, Miss Emma Allen last night. The young man had been drinking heavily of late and some time ago the father of the young woman ordered him from house. This was the only known of the trouble. Laverle, after talking pleas-

antly with her, shot the woman through the heart, killing her instantly, and then turning the weapon on himself, inflicted a wound that may prove fatal. Suicide of the Itata's Captain. SAN DIEGO, Cal., April 6 .- The Deutsche Nachrichten of Valparaiso, Chili, of the date of February S, contains an account of the ulcide of Captain Alfred Mannzen, who was captain of the steamer Itata when that famous vessel was in San Diego harbor. Captain Mannzen experienced business reerses, which are supposed to have led him nit suicide. He leaves a widow and

six children. Gone to Consult with Herbert, PITTSBURG, Pa., April 7 .- One of the inormers, who gave to the government the inormation which led to the fining of the larnegie company for furnishing armor plate not up to the standard, has left Braddock prietly for Washington to have an interview with Secretary Herbert with a view to havng the entire matter investigated in a thorough manner by a congressional committee.

Six Prisoners Escape Through the Roof. GREEN RIVER, Wyo., April 7 .- Six desperate prisoners confined in the Sweetwater ounty fail escaped last night. The names the prisoners are Sullivan, Yeager, Buchanan, McNee, Howard and Roger, When Sheriff Whitmore went to feed the prisoners today he found they had made their escape by breaking through the roof of the jail.

Edward Adams' Sentence Confirmed. CITY OF MEXICO, April 7.- The superior ribunal has confirmed the sentence of death f Edward Adams of New Orleans for murder despite the attempt to prove the prisoner insane from the excessive use of absinthe. The lawyers of the defendant are moving for the final hearing before the supreme court.

Not So Bad as Was Reported.

EL RENO, Okl., April 7 .- Excitement over

the Indian outbreak is abating. It is now known that only three whites and five Indians have been killed. Troops from this post are still in the field and as no courier was sent in from there yesterday it is evident the situation is calming. Soldiers Meet on the Old Battlefield. PITTSBURG LANDING, Tenn., April 7 .-The reunion of soldiers at this place was a

grand success. The attendance was large

The various brigades and batteries marked the positions they held during the battle, so that in future many of the disputed points will be made plain. Pension Swindler Punished. WHEELING, W. Va., April 7.-In the Inited States court Mrs. Margaret Moore, the woman recently indicted for obtaining a

and sentenced to one year in the penitentiary Admits a Big Shortage. BAY CITY, Mich., April 7 .- Charles W.

Newkirk, the defaulting bank clerk who was

fraudulent pension of \$2,000, was convicted

recently brought back from California, has DESERTING THE STANDARD admitted to the bank officers that his short-age exceeds \$10,000.

EARNEST WEST SIDERS.

Get It. The West Side Improvement club met at its headquarters at Forty-fifth and Leavenworth streets last evening. The urgent need of public improvements for west enders was discussed. Peter Schwenk was lected chairman and W. A. Webster scere-

an extension of the Leavenworth street car ine to Forty-eighth street. The speaker

company could be induced to make the extension, as the company carried 51.74 passengers daily, and it could well afford to increase this revenue.

J. H. Taylor said that the fault was largely due to the apathy of the councilmen, and that a council of wooden men could do about as well as those now representing the people of this district. If the extension of the road was made he would guarantee a liberal patronage in return for the improved transit facilities.

Mr. Withnell scored City Attorney Connell for his alleged lack of interest in the west end improvements. He alfueled to him as "the man who owned forty acres west and improvements. He alluded thim as "the man who owned forty acre in this end of town." Mr. Withnell saith that petitions were chestnuts and the time had now arrived for quick, united an persistent action for reacf. The north east and south ends of Omaha, he said

mprovements. Peter Schwenk said that the west ender or else had strings that by them. The speaker then reviewed the trials and tribulations of the people in the western district, and bitterly acplored the reconveniences to which his fellow residents had been subjected through the shameful failure of the city council to recognize their oft repeated to man's.

Mr. Taylor suggressed that the city councilmen should at a mexcursion to Forty-fifth and Leavenworth, instead to prove the

dimen should take an excursion to Forty ifth and Leavenworth, instead of going to

the Pacific coast, A committee consisting of J. A. With-nell, Joe Taylor, W. A. Websier, George Segar and P. Schwenk was appointed to Segar and P. Schwenk was appointed to confer with the city council and insist on recognition of the demand of west enders. The building of a culvert at Forty-eighth and Leavenworth was also advocated and the committee instructed to work diligently in behalf of the same.

A resolution was passed endorsing the Platte canal project.

BURLED BY A BLAST.

Miners Killed by the Careless Handling of Explosives in Pennsylvania. PITTSBURG, April 7.-Twenty tons of

rock and dirt, hurled into the air by a premature blast of powder at Brinton, Va. oday buried and killed three men, severely njured four others and bruised and cut ten dead are all Austrian laborers. The

MANICK SISHNOVISH, MIKE SPAUL, ANTONIO BOSSAR.

ANTONIO BOSSAR.

The injured: Owen Dugan, foreman for the Brinton company, married, skull fractured, face severely cut and eye injured; David Livingstone, bruised and cut about the face, shoulders and legs; Big Mike, Austrian from Walls, eyes and face bally injured; unknown Austrian from Walls, leg and arm broken and face bruised. nd arm broken and face bruised.
The accident happened in the face of a sill close by the new Westinghouse works t Brinton. The contractors, Winter & Co.

at Brinton. The contractors, winter & Co. of Alleghany, were blasting the carth and rock there for filling in the foundations of new buildings. Owen Dugan, the injured foreman, was in charge of a gang of sixty laborers working on the hillside. He had charge of the blasting. A charge of powder, with a little dynamite, had been put in for blasting when the men began work. The with a fittle dynamics, had been put in for blasting when the men began work. The blasts were always set off by a battery. There was one which did not explode and Dugan began digging into the hole to put in a fresh quantity of powder on top. Whilst he and his three assistants were working at this on the bank the charge went off. Ten feet below the gang was working and the explosion buried their under the rock and earth loosened by the

charge.

The Austrians were panic-stricken and could do nothing. The Americans about the works came hurrying up and directed operations. Digging under Foreman Malone was begun, and in half an hour three dead men had been taken out, crushed, mangled and suffocated beneath the boulders. Most of the injured men were hurt by the force of the explosion in their faces, being above the blast on the bank. furt by the force of the explosion in their faces, being above the blast on the bank. Foreman Malone had all the debris turned over seeking for other dead, but none were found. The dead were taken to Turtle Creek and the injured to the West Pennsylvania hospital in this city. Dugan and Livingstone may die,

SAYS HE CAME FROM IOWA.

How Sam Wickham Got Free Drinks Enough to Make Him Drunk. Yesterday a man who gave his name Sam Wicham came to Omaha and represented himself as going to buy a stock of liquor, as he was about to start in the

saloon business at Des Moines, Ia., and wanted, if possible, to purchase his stock

He went about the city considerably He went about the city considerably stopped frequently at several saloons, but did not attempt to buy anything, but asked for several addresses. He was given them and such other information as was possible. Along about 5 in the evening he went to the wholesale liquor house of Fricks & Herbert, Tenth and Frunam streets, and gave his name. He was treated to all that courtesy could command and really made a very favorable impression on his new acquaintances. He told them he was about to start in the saloon business and made a very favorable impression on his new acquaintances. He told them he was about to start in the saloon business aim desired, if possible to purchase his stock here. He made several inquiries as to different brands of whisky and wines and showed that he was snown samples and which went from barrel to barrel tasting whisky of different brands and asking prices, which were invariably too high, when he would quote some prices of his own.

He went to several barrels and sampled a great deal of whisky, so much in fact that he became utterly helpiess. Things commenced to look rather suspicious, and when he went to sleep in the store it confirmed the suspicions of the clerk, Charles Meyers, who caused his arrest. At the station he said he went there with no intention of buying anything, but simply to get something to drink, and said he made a practice of it in all the towns he visited. He also said he had been to several other places during the day and had done the same thing.

In his pocket were found business cards ame thing. In his pocket were found business cards

of the firms of R. R. Grotte, EdS Capitol avenue: Woolstein & Co., Sixteenth and Capitol avenue, and the Kagle liquor house. He says he came from IoNa. CAUGHT THEM NAMPING. Illinois Republicans Steal a March on the

CHICAGO, April 7.-A sharp trick has been played upon the democrats by the republican committee having the state apportionment matter in charge. The recent lemocratic apportionment was declared to be unconstitutional, and a committee was be unconstitutional, and a committee was appointed by the supreme court, which is republican. Mr. Jameson of the committee explains that the case will not be taken to the court before June, as if the law is declared unconstitutional it would leave the state without representation. This would necessitate a special action of the legislature. "Of course the democrats cannot muster a two-thirds vote, which would be necessary, without making a law would be necessary, without making a law that will be satisfactory to the republi-cans," he said. "The supreme court will undoubtedly rule in our favor and we will secure a satisfactory apportionment.

Denver Lawyers Stand by Waite. DENVER, April 7 -- The Denver Bar asso lation met last night and adopted resolu tions implying censure of the district court for its action in the fire and police board

for its action in the fire and police board matter. An opinion was rendered to the effect that the courts had no right to interfere with Governor Waite in the exercise of his functions.

A decision in the quo warranto proceedings in the fire and police board case, settling the whole affair, is expected from the supreme court on Wednesday morning. The governor's counsel has given it out that he might have made the removals for political reasons and the supreme court could not go beyond the record in his office. In his argument Attorney General Engley referred to his excellency as his yenerable obstinacy. venerable obstinacy.

Troubles of a Pie Company CHICAGO, April 7.-John Sage, a stock

nolder in the Chicago Ple company, a concern with \$100,000 capital, has applied for receiver for the institution. William Thompson, another stockholder, supplied him with whisky until intosicated and thus secured the transfer to himself of \$80.00 of Sage's stock without compensation. Because of Thompson's refusal to return the stock a receiver is asked for.

Coxey's Recruits Do Not Take Kindly to the Know What They Want and Will Try to Army's Discipline.

HAVE TIRED OF LONG, WEARY MARCHES

Cold Reds and Chilly Food Not Appreciated by the Vast Herd of Unwashed Walkers

-California's Contingent Swarm-

ing to the East. McKEESPORT, Pa., April 7.-There were score of desertions today from Coxey's little band of hope and great expectations. The proposed tramp to Monongahela City, over eighteen miles of rough road, with a short stop at Elizabeth for lunch, was the cause of it all. The march Thursday from Homestead to this city was over one of the worst pieces of road yet tramped, and frequent rests were demanded by the members of the commonweal. Footsore and weary they did not view the prospects at the start today with any degree of satisfaction. The short rations and the seven days continuous

marching in a week over all sorts of roads

and in all kinds of weather is having a

marked effect upon the members of the

army. Their sleep on the bare ground for

one night in Exposition park in Allegheny

City with the rain pouring in through the

rents of the tent has caused rheumatism.

and a feeling of discontent due to severe The jollity had largely disappeared and at night the men sat moodily about the camp fires shivering in their rags. Their denunclation of the fare, the quarters and the al-leged unpleasant domineering of several of the marshals has supplanted the songs, the inecdotes and other pleasantries of the first

ew days out.
With the long march in prospect, it was the expectation to break camp at 8 sharp, but Commander Coxey, Brown and the unknown were late in reachers at Hotel Diamond, and this, with a heavy rain, delayed the move, and it was not until an hour later that the procession

darrad. SAN FRANCISCO, April 7 .- The excitement in Oakland over the eviction of the Industrial army has not yet died out. They have many sympathizers among the lower class, and a mass meeting was held at which speeches were made denouncing the officials of the city for their action. Polled were present at the meeting and kept the speakers in check. Another meeting has een called for tonight.

Charles T. Kelley, who went east at the read of the California industrial army, left a good position as foreman of the typographprinters and bookbinders of this city. also descrited a wife and young children to assume command of the motley crew which left to join Coxey day before yester-About the office where Kelley worked ie is spoken of as a competent man-

Sent for Coxey's Benefit.

WASHINGTON, April 7 .- The first install-

ment for the cache of provisions to be es-

tablished here for the sustenance of the

weary wights of Coxey's walkers during the lays they will be in Washington after their ong tramp is over has arrived. It came by the United States Express company from Arkansas. It was a leaf of bread—a dry crust, and not a sweet morsel for a prodigal 'ied to a strong string was a tag marked: From Arkansas, for Commissary General Coxey's army, Washington, D. C., Deadhead on Account of Charity." Across the top of the tag was boldly written: "Care of Grover

Beveland. The tag, as well as another, which was he express messengers who had handled the loaf on its trip. The express agent ordered it

Colonel Redstone, the District of Columbia representative of the Coxey movement. The colonel would not receipt for it. The messenger did not know whether or not it would be next sent to the president.

RENO, Nev., April 7.-The California contingent of Coxey's Commonweal army, consisting of 1,000 men, passed through Reno this morning. The train bearing the industrials east was composed of twentyfive cars, two of which contained supplies. About thirty recruits, some of whom have left work to join the army, were waiting at the depot to board the train. The cars were drawn through so rapidly that no one could get on or off, and these men were disappointed. At White Plains the train halted and the men breakfasted. It is expected that it will cross the state line tonight. About noon a man claiming to be the major general of the industrials, and a couth, who styles himself Lieutenant General P. F. Williamself Lieutenant General P ral B. F. White, arrived on the passenger rain from Sacramento, expecting to

catch the train carrying the California delegation before it reaches Ogden.

the army here. They assumed command of

the Reno delegation and are soliciting money

from citizens and making arrangements to

Advance Guard at Washington. WASHINGTON, April 7 .- The advance guard of the army of unemployed, though not of the Coxey army, reported here shortly after 7 o'clock this evening. It came in the form of forty-one men in a single box car on the Baltimore & Ohlo railroad, and the visitors were crowded into police wagons remain to await their formal disposition at court Monday morning. They bere no III will against the authorities and rather seemed pleased at being supplied with lodg-

Arrived at Elizabeth. ELIZABETH, Pa., April 7.- The Commonweal reached here at 2 p. m. About forty

recruits joined. Shockley Tells How It Was

Charles Shockley, who was alleged to have been held up and robbed in a barn near Twenty-lifth and Decatur streets several days ago, called at The Bee office last night and asked that some statements which have been printed about him be changed. He says that the reason why he did not turn in the money which he had collected on the day of the robbers was that it was customary for him to collect and solicit all day and then balance up accounts after supper in the evening. He claims to have gone to the barn to feed the horses, and on going to supper left the key to the barn in the door. When he returned he noticed that the key was gore, but thought nothing of it at the limit. He gained an entrance to the barn by a sile door, and when he went up into the hay loft was attacked by two men. The men did not hold him up with a revolve as has been reported, but they threw him to the floor and choked him into insensibility, after which he was robbed. He says that he has lived in Omaha for five years and has been employed by filer Bros. for the past ax months. He thinks the reports which have gone out about him have injured his reputation, and requested that this statement be made public. ear Twenty-fifth and Decatur streets sev-

WEATHER FORECASTS.

Light Winds Will Blow and it Will Be Colder in Nebraska Today.

WASHINGTON, April 7 .- Forecasts for unday: For Nebraska-Local winds, shifting to northwesterly; colder Sunday evening. For Iowa-Light showers; warmer in eastern portion; colder in western part Sunday

For South Dakota-Light showers; inreasing northwesters; colder. Local Record. OFFICE OF THE WEATHER BUREAU, OMAHA April 7 .- Omaha record of temperature and

rainfall compared with corresponding day of past four years:

1894, 1893, 1892, 1891,

Maximum temperature, 739, 739, 629, 529,

Minimum temperature, 419, 619, 429, 319,

Average temperature, 679, 679, 529, 422,

Precipitation ... 00, 00, 00, 00, 00 Statement showing the condition of temperature and precipitation at Omaha for the day and since March 1, 1894;

Normal temperature.....

GEORGE E. HUNT, Local Forecast Official.