THE OMAHA DAILY BEE: TUESDAY, APRIL 10, 1894.

GIVES

killed and the men who were not killed be gan immediately after the roof fell. William Crowley remained in the ruins alive for sev-eral hours and his comrades put forth fra-mendous efforts to save him. There was fire all around him and the spot where he was pinned down was kept flooded. The firemen got near enough to him to each the was pinned down was kept housed. The firemen got near snough to him to speak and were a great deal surprised to find him con-scious and able to talk. He asked his res-cuers to be careful and not drown him with the streams. He said there was a dead man near him, but he did not know who it was. After that Crowley's voice could not be heard for some little time and it was feared that he had died, but he was subsequently able to make himself beard again. He said He said make nimeet beer agent him was that the body near him was that of a man who had been drowned. Some iron rods were pinioning Crowley down and the firemen could not stop throwing water on the burning ruins him for fear that the unfortunat man would be burned to death. An engine was put to work drawing water from was put to work drawing what how a point directly under Crowley in the hope that he would be kept alive. At noon the awful alternative was considered of cutting off Crowley's legs to release him, and it is said the poor fellow requested this to be done. There was ten feet of hurning debris about him. At 12:05 Fireman Crowley was released from the ruins and taken to the Emergency hospital. He is badly hurt and may die. He had been imprisoned for

PANIC IN A CHURCH SCHOOL.

One Boy Killed and a Score of Children Injured This Morinng.

CHICAGO, April 9 .- A panic occurred in the Humboldt public school this morning and in the mad rush of the children to escape one boy was killed and over a score were crushed and trampled. Fourteet children lie in the St. Elizabeth hospital under the care of physicians, while many others were carried to their homes by the police.

The children were preparing to leave for recess when a loud explosion startled every teacher and pupil in the school. A steam pipe had burst in one of the rooms and a ment later the children were rushin pell mell through the halls and down the

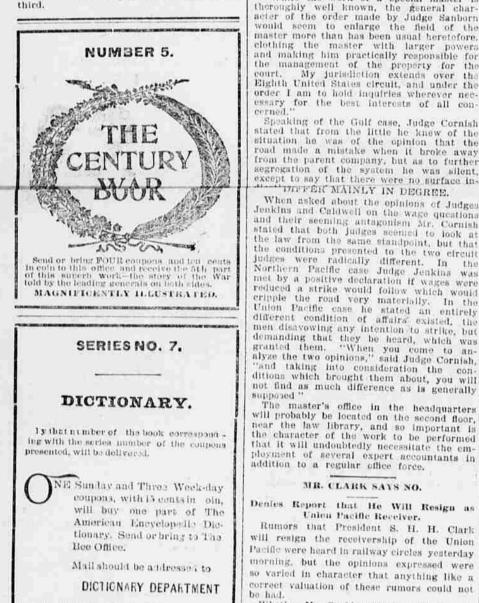
stairs, shricking with fear. They went down by dozens and were trampled beneath hurrying feet until the stairs were covered with unconscious bodies. When the shrieking children fled out into the street some one turned in an alarm o fire, and in a few minutes the fire and pe Th lice departments were on the scene. fremen soon removed fifteen children, who were hurried to St. Elizabeth's hospital On the way one boy died. He was Davis Gunstein, 702 Dana avenue.

The list of killed and injured is: Daniel Gunstein, 10 years, killed. Fatally injured Andrew Anderson, 6/ years; Benjamin Harris, 7 years; Theodore Eilson, 10 years seriously hurt, Clara Peterson, Della Schuthat company from October 13 to December 15, when the road passed into the hands of Receiver Trumbull, the whole question will bert, Martha Gibson, William Bartholdir Joseph Signal, Martha Ellison, Holmer Strumberg, Samuel Graham, Clara Warner come up before me in chambers just as soon as I can get the office in running order and after going over the books of the com-Fred Rosenbaum, Mamie Lyadella, Ida Wilson, Albert Berry, Mrs. Josephine Corbett teacher.

In addition to these, others were slightly injured. None of these in the list of seri ously hurt will die.

The Spring Handicap.

interests of all concerned. I come to Omala entirely unprejudiced as to any of the interests and will endeavor to maintain a friendly neutrality as to all questions which may arise presented as to all questions LONDON, April 9.-The Nottingham spring handleap stakes of f1,000 for 3-yearolds and upwards, straight mile, was wor by Daniel Cooper's Juvenile, 5 years; A. D. Cochran's Egerton, 4 years, second, and sir J. Blundell May's Macready, 5 years,



Pacific official said: "The Union Pa-cific will not recede from the posi-tion taken by Superintendent Bancroft unless the army can pay its fare on our line. We don't believe in moving large bodies of men across the country in the face of oppesition from localities having enough unemployed of their own to take care of. Many communities between

care of, alany communities between Ocden and Omaha are already burdened with hundreds of idle men, which they feel in duty bound to protect. To move this large body from Ogden to the river would mean additional hardship on Omaha citizens pend-POWERS OF MASTER IN CHANCERY CORNISH

ng their further disposition east of the "The telegram in The Bee yesterday errs in the name of the judge granting the injunction restraining the Southern Pacific from unloading the unemployed in the ter-ritory of Utah. The restraining order was ritory of Utah. The restraining order was issued from the territorial court presided over by Judges Miner and Merritt, Judge Riner of the district court of Wyoming not having anything to do with the injunc-tion. The misfortune of it all is that the restraining order came too late to be of any purpose, as the Southern Pacific trate having the army on board had heached Ogder some little time before."

The Rain of Sunday. The rain of Sunday was pretty general throughout the state, the officials of the dif ferent railroads being in a particularly happy mood yesterday over the benefit it would do the country. On the Missouri Pacific the fall extended as far south as Clifton, Kan. Superintendent Calvert of the Burlington telegraphed General Manager Holdrege that a good, generous rain had fallen on the northern division in a number of places, while it was heavy on the southern division. Rain was generally heavy east of Strang and Chester, while west of these points it was generally light. It was pretty general on the western division cast of Oxford and Holdrege, and heaviest in the vicinity of Red Cloud, Blue Hill and across the country touching the main line. Light rains fell west of Oxford and Holdrege, the Wyoming division being treated to light rains east of Alliance. West of this point snow fell. The Union Pacific also reported gen-

Sanborn was thoroughly explicit and of a general character, making him responsible for the entire direction of the trust estate. eral rains along the river and extending as far west as Lexington and Grand Island. To Reorganize the Northern Pacific.

"All matters," said the master, "relative to NEW YORK, April 9.-President Ives of the management of the trust will pass through my hands and will require critical the Northern Pacific invites the holders of all issues of bonds of that company, in all issues of bonds of that company, in-cluding holders of branch line bonds, to send their names and addresses and to state the amount of their holdings of the securities to the officers of the Northern Pacific Railroad company in this city. Mr. Ives states that by complying with this request the security holders will not com-mit themselves to any line of action, but will enable the officers and directors of the company to furnish to them information as to the company's affairs and to prepate to confer at the proposed meeting on a plan for the proposed reorganization. examination on the part of the accountants connected with the new office created by Judges Caldwell and Sanborn. So vast is the property and so varied are the interests that both Judges Caldwell and Sanborn desired some one who would boil down the details that they might the better understand the whole situation. It will be the business of the master to examine into all the details of the system, inspect the monthly reports of the receivers, and, after critical examination, file the same with

Atchison Accused of Cutting Rates.

CHICAGO, April 9 .- The Alton has raised oud objections to the Atchison making one fare rate from Chicago to Dallas, Tex. one fare rate from Chicago to Dallas, Tex., for the meeting of the Southern Baptist convention next month. The Alton claims that the Atchison is meeting rates outside association territory by cutting rates with-in it, and this, it declares, it will not en-dure. The proper way for the Atchison to cut the rate is, according to Alton, to cut it between St. Louis and Dallas and not between Chicago and Dallas. The Atchison has agred to submit the matter to a con-ference and abile by the decision. It dis-claims any intention or demoralizing rates in the association territor. demoralizing rates

claims any intention or dem in the association territory. Must Pay Their Taxes.

TOPEKA, April 9. - Late today Judge iner of the United States district court made a very important decision, dissolving made a very important decision, dissolving the injunction sought by the Chicago, Bur-lington & Quincy to restrain the sheriff of Norton county from levying on the roli-ing stock to secure unpaid taxes. The prin-cipal railroads of the state are fighting their taxes on account of the advance in the assessment. This will, give counties a chance to force collections.

WENT TO AN OUTSIDER.

Tennessee Derby Run in the Mud and Won by a Horse in the Field

MEMPHIS, April 9. - The Tennesse was run today on a heavy track. A light rain fell all morning. This brought a change in opinion as to the result. VasLAWYERS HAVE AN INNING 70-1 10-77-01

Attorney Carlisle Regins His Argument for Fair Madeline. 11 -----

MR. BRECKINRIDGE A ROAST Judge Bradley Gives an Equal Number of

Instructions Asked by Each Party-Flow of Legal Eloquence to Last Several Days.

WASHINGTON, April 9 .- Attorney Calderon Carlisle, who is more deeply versed in international law than in breach of promise litigations, consumed today in criminal court in a review of the testimony before the jury in the Pollard-Breckinridge case. His statement was a detailed dissection of the evi-

dence, delivered in a clear, dispassionate manner, although at times the lawyer referred to Colonel Breckinridge in very scathng but carefully worded terms. The silverhaired congressman conducted himself very nonchalantly, Joking with his lawyers during the day, while Madeline Pollard, sitting directly in front of him, kept her face shaded by a black-gloved hand most of the time.

Only once was there any interruption of the argument, and that was when Colonel Breckinridge set the speaker right on the point of the family title, about which he seemed to be rather particular. All day the closest attention was given to the speech by the jury and spectators, so that there was deep silence in the court room. Mr. Carlisle will continue tomorrow and it is not impossible that the speaking will last until Friday. There was a counterattraction today in the arraignment of a bigamist of local celebrity and the groups of curious women hanging about the court house were largely rein-

orced. Misa Pollard were her most becoming bonnet when she entered thecourt room this morning. She was accompanied by Sister Ellis and her counsel and took useat in her usual chair before the judge, her profile to the jury. The audience was composed mostly of members of the bar, and was smaller than ustomary

INSTRUCTIONS FOR PLAINTIFF. Judge Bradley first announced his decision of the prayers for instructions. Nine prayers of the plaintiff were granted in modified form, and five of them refused. Six prayers of the defendant were granted in modified form, or substitutes granted, and

live were refused. Incidentally the judge said that while the burden of proof rested on the plaintiff to show that a contract to marry was entered into, if the defendant set up the defense that the contract was not in good faith, the burden of proof would rest upon him to show that there was an understanding that the contract was not to be carried out, and that the statements in the presence of other parties were made with this understanding on the part of the plaintiff and defendant. The instructions granted in condensed form

are as follows. For the plaintiff:

The instructions granted in condensed form are as follows. For the plaintiff: 1. If the jury find from the evidence that there were mutual promises of marriage, as claimed in the declaration, that would constitute a binding contract, and if the defendant married another person, that would be a breach of the contract, upon which the plaintiff would be entitled to sue. Illicit relations with him, or with others, before the contract was made, if known to him, would be no defense. 2. The burden of proof is upon the de-fendant to show, by a preponderance of evidence, that if there was an agreement that merely the semblance of a con-tract not to be cartied out was agreed upon between them. 3. If promises were made by the defendant in bad faith, but accepted by the plain-tiff in good faith, this bad faith on his part would not constitute a defense. 4. The conduct of the plaintiff and defend-ant at, about and after the making of the contract, are to be considered in judging its good or bad faith. 5. If the jury find that the defendant promised the plaintiff in good faith to profix a defense that he had illicit rela-tions with others. 6. If, before the contract, there was inter-yourse between the two and the defendant promised by the plaintiff in good faith to profix a defense that he had illicit rela-tions with others.

6. If, before the contract, there was inter-course between the two and the defendant knew that she was previously unchaste, it constitutes no defense.
7. If she informed him that she had been impure with Rhodes, that constitutes no defense.

of the defense to impeach the character of the plaintiff had failed, alluding briefly to the engagement of the plaintiff to William Wood. He next invited the attention of the jury to a tintype photograph of Miss Pollard at the

period when she met Colonel Breckinridge, and said: "Look at that girl and look at the defendant, remembering how filtle the testi-mony for the defense says she has changed since then." The white-haired Kentucky ingressman sat facing the jury, so no trouble in seeing him as they lifted their faces, as pulled by one string. Taking up that meeting on the train, where

Taking up that meeting on the train, where the lives of the two came together, and their testimony began to differ, the lawyer re-marked. "He has told you that there was nothing improper in her conduct then, noth-ing to alarm him. Before we come to this meeting let us consider who this defendant way the way of one of the best formlies of was. He was of one of the best families of Kentucky. His father was a promi-Presbyterian divine, and he was blessed with all the advantages which training and edu-cation could give. He had great personal talents. He graduated from college at the early age of 15, in 1857, and he was admitted to the bar. In 1859 he was married to a lady of one of the best families in Kentucky, who died early. In 1861 he was a second time married to a lady so estimable that here on this witness stand, in the midst of this case, he could not forbear a tribute to that woman, who had been the mother of his seven children. As he tells you, he had a happy home; was beloved by his wife and children; he confesses that no man over had loss excuse for what he did; that no man has had greater advantages; that no words could paint the depth to which he fell. This was the gentleman who met the school girl on the trait

From this point Mr. Carlisle turned back o James Rhodes, who was dead, he said, and sould not be called. The letters from Madeline Pollard to him had been read and dis-closed no hint of the relations which Brecknridge had attempted to charge existed be-ween them. Moreover, the description given ween them. Moreover, the description given y Mrs. Brown of his character and of his eference toward the young girl had been heard. It was not extraordinary that she should feel alarmed if Rhodes attempted to compel her to carry out the one alternative of her contract and marry him. She knew Colonel Breckinridge as the most distinguished lawyer of that section, and having met him, having been told by him that he knew her father, she wrote to him for advice. There began the second stage of the controversy between them. Colonel Breckin-ridge had produced a letter which he said he had written him and which she pro-

ounced a forgery. While Mr. Carlisle was reading the testi mony of Colonel Breckinridge regarding his visit to Miss Pollard the colonel spoke up in correction of one of the statements concerning the Breckinridge family, saying: "Tha "That uld be Judge Breckinridge and not General Breckinridge.

HIS LIMITED AUDIENCE.

The lawyer laid stress upon the selection of a closed carriage for the ride from the seminary, and compared the story of the colonel, that without any preliminary en couragement he became intimate with her, with her story of having repulsed his ad-vances; and said: "The tongue which had been accustomed to sway large audiences was confined to an audience of one girl in a Cincinnati hack.

The mere fact of Colonel Breckinridge, the congressman, coming to take Madeline Pol-lard, the daughter of a Kentucky saddler, to ride was a compliment and flattery to her The statement of the colonel to Major Moore that on the first night he had taken liberties with her person and the second night he had slept with her, concurred with her testimony, and not with his.

To show that the testimony of Colonel Breckinridge was not worthy of credence, the attorney referred to his statement that his relations to Miss Pollard continued through ine years, and had been entirely without love or fascination, "a relation so low that I would have thought he would have been afraid to admit it on the stand." Taking his own statements that the woman was merely the plaything of his passions, it does not add to his credit that he should have taken such a woman as he claims the plaintiff to be to Mrs. Blackburn, a woman of such standing and such surroundings. Considering the and such surroundings. Considering the colonel's own statement of how he had de ceived Mrs. Blackburn, "a woman of the highest standing, from his own statement," he attorney appealed to the jury to think andes charg could trust him under circum-

for him to misstate the facts.

while Miss Pollard was at Savers institute

Before Mr. Carlisle had finished speaking

PERSONAL PARAGRAPHS.

T. C. Carson of Denver is in the city.

SILVER AND TARIFF (Continued from First Page.)

treme demands, to imperil the success of our party again and thereby tend to retard the progress, diminish the glory and endanger the best and highest interests of our common

At 4:25 p. m. Senator Hill concluded his peech, which was greeted with a burst of applause

WOUND UP IN A SNARL. Mr. Harris then demanded the full readng of the bill. Heretofore, he said, debate ing of the bill. Heretofore, he said, debate has proceeded by unanimous consent with-out a full reading, and as the bill will have to be read in full at some time, he was anxious to have it done now. The question was debated at some length and was be-coming somewhat thresome when Senator Manderson, remarking that the discussion was being drawn out to an interminable length, moved that the senate adjourn.

The yeas and nays were demanded, and the senate refused to adjourn. The republicans continued to occupy the clerk with the readings of citations for an

hour and ten minutes, when Mr. Hale moved to go into executive session, and on a yes and nay vote, the republicans, with two ceptions, refrained from voting, and morum being present the roll was called, when fifty senators answered to their names. A quorum being shown to be present, the stion recurred on the motion of Senate Hate to go into executive sussion. Pendina this an acrimonious colloquy took place be-tween Mr. Harris and Mr. Allrich, in which ach sharply called the other to order. The yeas and mays were again called o

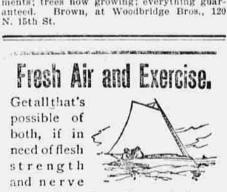
Hales' motion and the absence of voting quorum being again shown, a call o the senate was ordered. Fifty senators has ing answered to the roll call, the question again recurred on Mr. Hales' motion. The yeas disclosed no quorum voting, wheroupot Mr. Quay moved an adjournment. The year and nays on this question were called fo by the republicans, and the senate refusing to adjourn, Mr. Harris said that under the rules it was not in order to instruct the sergeant at-arms to request the presence of absen enators while the roll call showed the prence of a quorum, and he moved, at 6:10, tha the senate adjourn. The motion was agreed o, and the senate adjourned until 12 o'clock

House Listened to Hill.

WASHINGTON, April 9 .- The house was epopulated today. Three-fourths of the combers were at the senate listening to enator Hill's speech on the tariff. Those who remained were occupied with District of Columbia affairs, but little actual busi-ness was transacted. At 5:10 the house ad-journed.

tomorrow.

Look up Dundee, Oregon, prune orchards; free ride to the property; sold on easy payments; trees now growing; everything guar

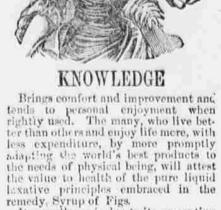


force. There's need, too, of plenty of fat-food.

Scott's Emulsion of Cod Liver Oil builds up flesh

and strength quicker than any other preparation known to sciince.

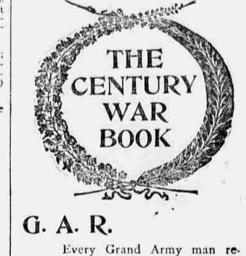
> Scott's Emulsion is constantly offecting Cure of Consumption, Bronchitis and kindred diseases Prepared by Scott & Bowns, N. Y. All druggists.



Its excellence is due to its presenting in the form most acceptable and pleasant to the taste, the refreshing and truly beneficial properties of a perfect laxative; effectually cleansing the system, dispelling colds, headaches and fevers and permanently curing constipation. It has given satisfaction to millions and met with the approval of the medical profession, because it acts on the Kidneys, Liver and Bowels without weakening them and it is perfectly free from every objectionable substance.

Syrup of Figs is for sale by all druggists in 50c and \$1 bottles, but it is manafactured by the California Fig Syrap Co. only, whose name is printed on every package, also the name, Syrup of Figs, and being well informed, you will not accept any substitute if offered.

"There is, in fact, no publication which enters into serious rivalry with it."-New York Tribune.



members very well exactly what position he took in the battles of the civil war; possibly even the position of his company, at most his regiment.

G. A. R.

G. A. R.

G. A. R.

Reminiscences of the war form the chief enjoyment of a post meeting. Any relic, picture, or account is welcome. Though over and over told, all anecdotes are ever new.

The book for every G. A. R.

Post's library, for every G. A.

R. man's library, is the "Cen-

tury War Book." It is made

up of the famous war articles

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great work in its present

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bound edition is \$22 to \$28)

at the smallest price ever asked

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The terms are as follows:

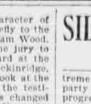
FOR CITY READERS-Bring 4 "Century War Book" Coupons of different dates, togeth er with 10 cents in coin, for each part as m-sued, to The Bee office.

FOR OUT OF TOWN READERS-Mail (

Our readers may have this

Magazine a few years ago.

G. A. R.





9

HAS VERY LARGE AUTHORITY Facts About the New Office Connected with

Union Pacific Affairs.

All the Business in Connection with the

Management of the Union Pacific Sys-

tem Will Pass Through His

Hands for Inspection.

Judge William D. Cornish of St. Paul, the

newly appointed master in chancery for the

Union Pacific system, arrived in Omaha

yesterday and was one of the early

callers at Union Pacific headquarters. Judge

Cornish, who occupied the beach of the

second judicial district of Minnesota for two

years, but who was caught in the political

landslide of November, 1892, is a handsome

man of 50 or 55, with flowing sideburns,

rapidly changing to gray. He does not look

unlike the late President Arthur, particularly

in the manner of wearing his whiskers,

which show great care and attention on the

He will establish the master's court in

the federal building, the circuit judge's

room having been assigned to him for this

purpose. The judge will also have quarters

in the Union Pacific building, where his

corps of accountants will be located, in ad-

dition to having a private office of his own in

There has been some doubt as to just how

far the master's jurisdiction would extend,

but to a representative of The Bee Judge Cornish stated that the order made by Judge

VAST AND VARIED.

the clerk of the circuit court. In the case of the Gulf company as to the interest due

panies I will recommend my findings to the

"It is the desire of the court to know ex-

actly as to the management of the trust estate that it may be operated for the best

which may arise requiring the master's

THEFER MAINLY IN DEGREE.

MR. CLARK SAYS NO.

Union Pacific Receiver.

While the work of a special master is

the master with larger powers

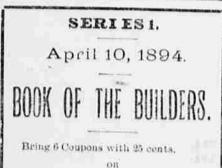
My jurisdiction extends over the

him practically responsible for ment of the property for the

the building.

part of their owner. He is easily approach-

able and has a voice of singular charm.



If sent by mail with 30 cents in coin (no stamps accepted.) Be sure to state the number of the work desired. Send only once in 2 weeks, as books are published only that often.

> Momorial Department. Omaha Bee.

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permits.

tion to Commonwealers.

No

Fill in all the numbers you desire and bring or mail to Art Portfolio Department Omaha Bee, enclosing six of these Coupons with 10 cents for each part desired.

a change in opinion as to the result. Vas-sal, who was an even money favorite against the field Satuxday, away to buinds less, and Fellowday, who caught three pounds less than Vassal, and Euck Rene were thought to have a good chance, the bulk of favor going to the former on his reputation of being good in the mud. Vas-sal and Rhett Good sold even favorites at 8 to 5; Buck Rene, 3 to 1; others, 3 to 1, Jamboree won, Buck Rene second, Vassal third, Results; When asked about the opinions of Judges Jenkins and Caldwell on the wage questions and their seeming antagonism Mr. Cornish stated that both judges seemed to look at the law from the same standpoint, but that conditions presented to the two circuit First race, six furlongs: Carlsbad won, Hawthorne second, Maid Marian third. judges were radically different. In the Northern Pacific case Judge Jenkins was met by a positive declaration if wages were reduced a strike were for the second strike and the second strike were been as the second strike and the second strike second stri reduced a strike would follow which would

Second race, half a mile: Caprivi won, Laureate second, Modiercro third. Time: cripple the road very materially. In the Union Pacific case he stated an entirely different condition of affairs' existed, the men discovering any interface.

52%. Third race, Tennessee Derby, swcepstakes for 3-year-olds, value to winner \$5,240, mile and an eighth. Jambore won, Buck Rene second, Vassal third. Time: 2:04%. Fourth race, seven furlongs: Simrock won, Little Dorritt second, Marcel third. Time: 1:35. Fifth race, one mile:Tonton won, Tenny, jr., second, Content third, Time: 1:19.

Shotgan Experts at Work.

DEXTER PARK, L. I., April 9 .- One of the most interesting team trap shooting matches which has taken place in this vimatches which has taken place in this vi-cinity for the past three years took place today. The conditions were 100 birds each, revised Hurlingham rules, twenty-eight yards rise, fifty yards boundary and thirty-three yards dead line, purse \$2,000 or \$500 a corner. The principal event of the day was a team trap shooting match, resulting as follows: N. Apgar, killed 88, missed 12; W. H. Wolstencroft, killed 90, missed 10; R. Helkes, killed 81, missed 19; total, 179. T. Fencock, killed 90, missed 10; R. Helkes, killed 81, missed 19; total, trap, T. Fencock, killed 90, missed 10; R. Helkes, killed 81, missed 19; total, trap, T. Fencock, killed 90, missed 10; R. Helkes, killed 81, missed 19; total, trap, T. Fencock, killed 90, missed 10; R. Helkes, killed 81, missed 19; total, trap, T. Fencock, killed 90, missed 10; R. Helkes, killed 81, missed 19; total, trap, T. Fencock, killed 90, missed 10; R. Helkes, the match was brought to a close another for 25 each, fifteen birds, twenty yards rise, fifty yards boundary, was shot by R. Helkes of Dayton, O., and Arthur Schleman of Tampa, Fia. The former won with fifteen straight killed, while the Tampa expert lost his fourth bird, which feil dead just outside the boundary. Started a Six-Uay Tramp

Started a Six-Day Tramp.

Whether Mr. Gould would be willing to al A six-day walking match between fe-males, under the management of M. L. low Mr. Clark to resign is also a subject of much controversy, for the reason that he could not unload his stock in the company except at great loss at this time, and this he Mordis, opened at the Collseum last night in the prosence of a large crowd of spec-tators. There were nine entries, prin-cipally young girls ranging from 12 to 16 years of age, and Ray Eaton officiated as referee. The start was made at 8 o'clock to the inspiriting strains of Prof. Mueller's band, and at 19 o'clock the first night's chase came to an end, with the contestants standing as follows: No. 1, Pearl Sea, 8 miles, 6 laps; No. 2, Alan Kennedy, 11 miles, 6 laps; No. 3, Kate Bentz, 13 miles, 9 laps; No. 6, Miss Foyd, 9 miles, 7 laps; No. 6, Mollie Williams, 11 miles, 7 laps; No. 7, May Brown, 12 miles, 1 lap; No. 9, Neille Burgess, 12 miles, 4 laps; No. 9, Mamie Martin, 12 miles, 4 laps; Mordis, opened at the Collseum last night would not likely do, although it is known he would not likely do, although it is known he would like Mr. Clark to assume the preal-dency of the Missauri Pacific, but not in the present chaotic condition of affairs on the Union Facilic. Mr. Clark will leave St. Louis this week for Cambridgeboro, Pa., where he expects to regain lost health. Some of his near friends in Omaha think that Mr. Clark will not resign until after the expiration of his vacation, while others believe he will word word the others the expiration of his vacation, while others believe he will send his resignation to the directors when they meet in annual ses-sion, the last Wednesday in this month. Nothing definite is known as to Mr. Clark's

Jack Havlin Knocked Out.

Notifing definite is known as to air. Clarks movements beyond the fact that he would like to be relieved of the care and worry incident to the position of president and re-ceiver of nearly 10,000 miles of railway sys-BOSTON, April 9.-Jack Havlin, ex-champlon featherweight pugilist of the world, was defeated at the Lafayette club towas defeated at the Larayette club to-night in eight rounds by Young Herman of Woonsocket, R. I. Havin was forced to quit at the end of the eighth round. Pre-vious to this bout Billy Doyle and Billy Duffy, at 140 pounds, fought a ten-round draw. Gus Shea and Jim Keefe also had a ratiling bout for ten rounds, which was de-clared a draw. str. LOUIS, April 9.—President and Re-str. LOUIS, April 9.—President and Re-csiver S. H. H. Chark of the Union Pacific ratiway, who is in the city, was today shown a dispatch from Omaha stating that he would oor resign all connection with the road and eturn to the Missouri Pacific system, prin-sipally because of disagreement with the

Trap Shooters at Work.

other receivers on wages and other questions. After reading it he denied positively that there exists any disagreement or that he is about to resign. He leaves for the east in a few days and will return when his health permits. DEXTER PARK, L. L. April 9.-In the ublic trap shoot match for \$1,000 a side the score at the end of the first quarter what Peacock, 23; Wolstencroft, 23; Apgar, 21; Helkes, 18. Totals: Peacock and Heikes, 41; Wolstencroft and Apgar, 44. WILL HAVE TO WALK.

SECRETARY LAMONT'S VISIT. Union Pacific Will Not Furnish Transporta-Coming with His Party to Look Over Forts So far as the Union Pacific is concerned

Crook and Omaha. that company will not furnish transportation Secretary of War Daniel S. Lamont and for the Industrial army, 1,250 strong, now party reached Fort Leavenworth, Kan., yeacorraled on the property of the Southern terday from Fort Riley, Kan. A stop of half Pacific railway at Ogden. Superintendent an hour was made at the Soldiers' home, Bancroft of the Wyoming division has been where Governor Smith and 2,000 veterans

turned out to honor the secretary. A salute of seventeen guns was fired. The secretary advised to protect the interests of the Union Pacific company and not allow the left Leavenwarth last night for Omaha. He will reach here this morning, stopping at Fort Crook, on his way to inspect the work in progress there. The party consists of Secretary and Mrs. Lamont, Dr. and Mrs. army of the Commonweal to come east unless the employed are able to pay their transportation across the country from Sunday night the "commonwealers" were

Suaday night the "commonwealers" were in hoaded from box cars and are now hemmined in by United States troops under command of Lieutenant Lassiter. What disposition will be made of the army of unemployed, who were shipped out of Uniformia, is still an unsettled question. Regarding the disposition of the company toward the Coxey army recruits, a Union

defense. 8. The secret marriage docs not consti-tute a defense. 9. If promises were not made until after the secret marriage, it does not consti-tute a defense.

the secret marriage, it does not consti-tute a defense. 10. If the jury find for the plaintiff they are to consider the prospective advantage to the plaintiff from the marriage, the injury to her feelings, reputation and chance of earning a livelihood by that breach of promise, and may award exem-plary damages as well. 11. If the jury find that the plaintiff was chanste, save with the defendant, and the attempt to impeach her character was made for the purpose of a defense, they may consider the fact in awarding damages.

Mr. Carlisle came down to the birth of the first child, concerning which, he said, there was not a shadow of proof even attempted to carry out the defendant's insinuation that nother man than himself might have been

its father. INSTRUCTIONS FOR THE DEFENSE. the hour of adjournment had arrived. Tons of fruit shipped this year from the orchards at Dundee. Brown, at Woodbridge Bros., 120 N. 15th St.

INSTRUCTIONS FOR THE DEFENSE. 1. Before the plaintiff can recover, the fury must believe from the evidence that a contract was entered into between the plaintiff and defendant to become hus-band and wife. 2. If the jury find that statements were made in the presence of or to third parties that they were engaged to be married, and such statements were made pursuant to an understanding for the purpose of de-ceiving third persons, such statements are not to be taken as constituting or evidenc-ing a contract.

CARLISLE COMMENCES TALKING.

munity. He claimed to have made good the

temperate promises of this opening statement,

"LOOK ON THIS PICTURE."

Mr. Carlisle asserted that all the attempts

not to be taken as constituting or evidenc-ing a contract. 3. The burden of proof to establish the contract is upon the plaintiff. 4. If, before the contract, the plaintiff was guilty of lewd or unchaste conduct with other men, unknown to the detendant, he was not bound by the contract and may avail himself of such defense, whether at the time of his refusal he knew of the conduct or not. S. Eiseman of Salt Lake is in the city. R. E. Sears of Des Moines is at the Paxton. George H. Lyons of Des Moines is at the

Murray. F. A. Seaman of Sioux City was in Omaha yesterday E. C. Goodwohl of St. Louis is registered at

offered him.

the Murray. Mrs. Fred Paffenrath left for Quincy, Ill. unday, to be gone a week.

the time of his refusal he knew of the conduct or not. 5. If the jury believes that the plaintiff was guilty of unchaste conduct with other men, unknown to the defendant, they must find for him, even if knowledge of it did not come to him until after the refusal. 6. The jury may in mitigation of damages consider the plaintiff's character and con-duct, if the same were wed, and if the plaintiff was not seduced by the defendant may consider her want of virtue. The judge was anxious to limit the time James A. Sinlay and L. A. Millen of Pine Ridge agency were at the Paxton yesterday Frank B. Temple, chief clerk to the gen eral passenger agent of the Denver & Gulf road at Denver, is at the Millard.

Rev. James Craigh and wife, who have been The judge was anxious to limit the time engaged in foreign missionary work, are al the Dellone. They are registered from for arguments to five hours on each side, but

after both sides had protested against a time limit, he yielded the point. Dhudri, Assam. O. G. Ballard, who has been on the day clerical force at the Paxton for the past year, Attorney Calderon Carlisle opened the arguresigned his position yesterday, and will go to his home at Weston, Mo., for a brief visit. Mr. Ballard will return in the near ment for the plaintiff. Leaning on the wit-ness box in a careless attitude, he reminded the jury that all were fellow citizens of the future to fill another position which has been district, engaged in a performance of a duty to the parties in the case and to the com-

Nebraskans at the Hotels.

At the Mercer: J. S. Stetson, McCook; G. J. Terwilliger, Wayne; O. H. Swingley,

Beatrice. At the Dellone: J. E. Dunlay, Orleans; George Weldon, McCook; R. Addy, Imogene; J. W. Kerns, Auburn; Theresa Dickerson, Lincoln; P. N. Gaffin, Colon

temperate promises of this opening statement, and more, to have proved them by credit-able witnesses other than his unfortunate client. That there were than his unfortunate client. That there were then his unfortunate worth earlier in the gase. They were plaintiff, defendant and the community. The jury had seen in the court room daily representatives of the press of the whole country. The plaintiff was a resident of Kontucky, of the same congressional district as the defendant, who came to Waphington merely as a tom-porary representative of that state. The plaintiff was a friendless woman of humple At the Millard: L. B. Shepherd, West Point; S. W. Mosher, Lincoln; F. B. Werz-bacher, Norfolk; F. L. Day, Fremont; S. E. Hun, Fullerton; E. M. Freffand, Lexington; George Warren, Tekamah; A. Trimborn, Oak

daintiff was a friendless woman of humble sirth, the defendant a man of national repu-At the Paxton: S. W. Jacobs, Lincoln, Samuel Rinaker, Beatrice; P. W. Plank, Lincoln; J. L. Packard, Creighton; H. S. Mamille, Tilden; L. B. Shephard, West Point; tation. Later it would be the duty of the speaker to say the state community had a right to expect of the defendant and show more than the state of the defendant and show greatly had it been to his interest to find everything he could against the char-M. T. Jaquish, Kearney; John Fitzgerald Lincoln; W. Haloway, Calloway.

At the Merchants: J. W. Barnhart, Au urn; G. F. Rummell, F. S. Clinton, J burn: Meyers, Lincoln; J. W. Bridges, Gothenburg; John Molzelm, Gladstone: A. B. Hunt, North Bend; J. G. Detwiler, Edholm: A. T. Frost, Plainview; W. V. Brooks, Lincoln; C. W. Stevenson, Fremant; John McKebbin, W. D.

has himself been the master of one of the leading Masonic lodges of the city, reminded he jury of the Masonic funeral of Mr. Pol-Colonel Breckinridge had known her father, and according to his version of that first meeting on the train, had inquired for him, apologized when he was told that the ney; C. J. Beckman, O. Samson, Oakland; V. Reed, Fullerton; R. D. Harrington, Cozard; father had died. The lawyer sketched the early life of Miss Pollard as disclosed by the F. G. Philles, Wayne. testimony, a life free from slander or re-proach until she had met the colonel.

Bee April 15. Illustrated

ance of Miss Pollard on the witness stand when, after two hours of direct examination, she had been subjected to a day and a half of cross-examination, without being shaken on a material point. It would be easy for the defense to talk of her extraordinary I WO for acuteness, but only two conditions, a mind trained in the courts, experienced as a wit ness, or an absolute adherence to the truth, could enable a person to do this, and it was One. doubtful if the former qualifications could avail in such an ordeal if one was not telling the truth. Canvassing the testimony of Sarah Guess, and after the meeting of the pair



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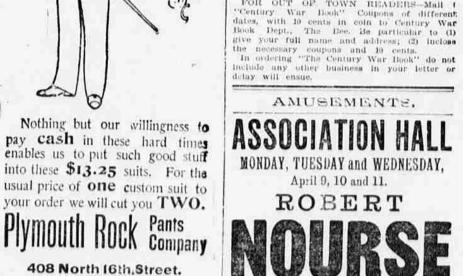
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The first installment of Emile Zola's great story, "Lourdes," will appear in The Sunday

acter of the poor girl. It could be fairly as-sumed that all his influence, wide ac-qualitance and family, connection had been used to rake up whatever he could detri-mental to her character. The result had con seen. Madeline Pollard was the daughbeen seen. Madeline Pollard was the daugh-ter of an humble saddler, a man of good character, of some learning, of a taste for books, which he had endeavored to impart to his daughter until he died. Mr. Carlisle, who King, Douglas; Walter Noel, Beatrice.

At the Arcade: F. H. McLain, Columbus George Reeder, Grand Island; F. W. Mctcher Goodge Actions, West Point; F. R. Clark, J. M. Chapman, Weston; Tom A. Smith, Lincoln; Jos Boyer, Craig; C. A. McCloud, York; H. Myers, Lincoln; E. Walsh, Lincoln; H. Schnuckenburg, Klowa; J. P. Dungan, Kear-