OMAHA'S DEPOT QUESTION

Hearing Before State Board of Transportation is Finished.

DECISION MAY BE GIVEN IN TEN DAYS

Union Pacific to Be Heard from by Brief-Arguments of Petitioners and Respondents as Made Yesterday.

The meeting of the State Board of Transportation at 10 o'clock yesterday in the rooms of the Commercial club was attended by a number of interested citizens. In addition to the regular legal talent that has appeared in the case heretofore, there were present M. A. Lowe, general solicitor and attorney for the Rock Island road, and George R. Peck of Chicago, general attorney for the

Milwaukee road. The morning's session was opened by Winfield S. Strawn, who is supposed to represent the Rock Island and Milwaukee roads, and other parties objecting to any action on the part of the board which shall compel certain roads to enter the proposed union depot. John L. Webster stated that he had been endeavoring to discover in whose interests Mr. Strawn did appear.

"You haven't succeeded yet, have you?" queried the latter.

Mr. Webster replied that he had not. Mr. Strawn dwelt at some length on the facilities that would be furnished by the construction of the depot at Tenth and Mason streets. He said that Thomas L. Kimball knew more about the railroad situation than any one else present, and he had testified that the proposed depot, now partially constructed, would be ample for all the needs of the city for many years to come. Omaha was not the flourishing city that many had expected it to be

"The fact is," said Mr. Strawn, "It has passed through a season of severe financial depression, and the Tenth and Mason street depct would prove more commensurate with the condition of the city than would the proposed union depot at Ninth and Farnam

He argued that the contract by which the Union Pacific is obliged to build and construct the depot on the present site for the use and accommodation of all railroads entering the city should not be impaired. One story of the new depot had already been constructed, and no obstacle should be thrown in the way of the companies desiring a speedy completion of it. The denot facilia speedy completion of it. The depot facili-ties would be all that could be desired, the appointments would be ample and complete and there would be end approaches to all trains just as in the other depot now pro-The platform accommodations would also be ample for the convenience of the traveling public.

Mr. Strawn closed with an appeal to the members of the board against the imapirment of the contracts, and said that there was no justification for the breaking of the con act which called for a depot at Tenth and

MR. WEBSTER'S ARGUMENT. John L. Webster followed and spoke sub-

John L. Webster follows:

I mean to contend that sufficient power is vested in the State Board of Transportation to compel each and singular of the railway companies operating railways in the city of Omaha, for the carrying of passengers, to build and maintain such depots as public necessity and convenience reasonably require. If, under the circumstances in which each of the respective railway companies find themselves, it is impracticable for all of them to build and maintain such depots upon their respective properties, then such railway companies may be required by the order of the board to run and operate their railway trains into such depot as may be constructed by any other company, and each of the railway trains shall be so operated as to take on and let off their passengers in a depot suitable to the public convenience, and reasonably required as a public necessity.

It is a conceded fact that there are no

necessity.

It is a conceded fact that there are no suitable depot facilities at Tenth and Mason streets and that the structures there existing are wholly inadequate for the accommodation of the railway lines at that point, and are not such as public convenience and necessity reasonably require. There is much proof before the board that the Webster street depot is likewise inadequate, and that it furnishes no protection to passengers in going to or coming from trains, and under the proofs I believe the board must come to the conclusion that that depot is not such as public convenience and necessity reasonably require at the hands of the railway companies.

companies.

The situation is that all of the railway companies are using depots which are inadequate and not sufficient to answer the public necessities, and this condition has so long continued as to require some radical action at the hards of the State Board of Transportation. To this end the board is granted ample power. Article 17 of the act defining the duties of the State Board of Transportation, provides, among other things:

Transportation, provides, among other thirgs:

"It sha'l carefully investigate, upon preper complaint, any lack of the facilities and accommodations * * for the comfort, convenience and accommodation of individuals and the public * * and whenever, in the judgment of said board, any repairs are necessary * * upon any such depots and station houses * * or additions to or any changes in * * depots and station houses * are necessary, in order to secure the comforts, accommodation and convenience of the public * * it shall make findings of facts and an order requiring such railway corporations to make such repairs, improvements or additions to such stations, depots, etc."

Such order of the board the courts will enforce, even to the building of new depots. State against C., S. P., M. & O. R., 19 Neb., 476.

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State against C., S. P., M. & O. R., 19 Neb., 476.

The language of this section goes to the point that the board is empowered to say that a depot shall be such as shall be suitable to the "convenience and accommodation" of the public, and the board is empowered to say that such depots shall be so built and constructed as to secure four things, to-wit: Safety, comfort, accommodation and convenience of the public, We draw attention to the point, that the convenience comfort and accommodation spoken of in the law is not such convenience, comfort and accommodation as shall please the railway companies, but it is the convenience and accommodation of the public that is spoken of in the section.

It is the common contention of the railway companies that they are vested with discretion under the common law, or under their chartered rights, that if they have a depot which they think is adequate for their uses, the public has no right to complain. I do not stop in this discussion to state what the common law may be, because the law of Nebraska is distinct upon that point, and fixed by statute, and it is the convenience and accommodation of the public that are to be consulted and looked to by the State Board of Transportation.

MAY ORDER NEW DEFOTS. MAY ORDER NEW DEFOTS.

lic. This power of the board is not limited to compelling a railway company to build and maintain a depot upon its own property. The law coes not say that. To give the law such a narrow construction would destroy its efficacy and utility.

Railroads are required to have depots. If they have not ground of their own upon which to build they must acquire the ground, or they must run into and utilize a depot furnished by some other company. This argument may not only be enforced, but demonstrated by existing facts:

The Rock Island case. The Rock Island Railroad company appears before the board and says that it is not subject to the jurisdiction of the board because it does not own a railroad in the city of Omaha, neither does it own any property upon which to construct a depot. It is even bold enough to say that it does not operate a railway within the city of Omaha. It is an admitted fact, however, that the Rock Island company runs its trains into and within the city of Omaha with regularity. It takes on and discharges passengers in the city of Omaha. It is as such a railway company and exercises the payers of a

an admitted fact, however, that the Rock Island company runs its trains into and within the city of Omaha with regularity. It takes on and discharges passengers in the city of Omaha. It is as such a rai way company and exercises the powers of a c. mmon carrier within the city of Omaha, as does the Union Pacific company or the Burlington company.

If the Rock Island company desires to escape its chiigation to the public in the city of Omaha, let it take off its trains, close its texte office and depart from our midst, or otherwise let it willingly acknowledge its obligation to the public by seeing to it that its trains run into and depart from a depot suitable to the accommodation of the public. The same is true of the Milwaukee Railway company.

It is no answer for these railway companies to say that they have no right of way nor depot grounds, and that therefore they should not be required to maintain a depot. The mere statement refutes itself. If such a position can be true, then every railread company that runs into a town upon the tracks of another company could discharge its passengers at any point it pleased with impunity, defying the rights of the public to have it perform its duties as a public carrier.

The Webster street depot furnishes another illustration. This depot and the ground upon which it stands is owned by one company. The two other companies whose trains run into the depot, do not own the depot, and do not own ground upon which to build one. But that is no answer to their obligation to build and maintain a depot such as this board shall decide to be necessary to serve the safety, convenience and accommodation of the public.

What we have said leads irresistibly to the conclusion that if any railway company has not the property upon which to build a depot, and to acquire preperty and build a depot, or if the exigencies of the case require it, to run into the depot of some other company that offers proper facilities.

SITUATION AS IT IS.

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Having hild down this general proposi-tion, let us deal with the existing situation. The Tenth street depot cannot be made to answer the convenience and accomme-dation of the public for the following rea-This depot, if constructed, would be sur-ounded on all sides by railway tracks, so

dation of the public for the following reasons:

This depot, if constructed, would be surrounded on all sides by railway tracks, so that every approach to it would be cut off or seriously interferred with, except the approach by way of the viaduct.

The elevation from the tracks to the level of the viaduct is twenty-six feet, an elevation equal to the roof of a two-story building. Any location that would require the public to travel up and down stairways to such an elevation is not one that answers the convenience or accommodation of the public. This ends this case, without discussion. Men, women and children cannot climb stairways, laden with hand baggage and traveling pharaphernalia without suffering the greatest inconvenience.

It is said that this depot is to have elevators. Admit that fact and the character of the traveling public is such that a score of policemen would not be sufficient to force a crowd of people into these elevators. Eletors are repulsive to the masses of people who are not familiar with them.

In any event, elevators are subject to accident. The crowds of people arriving on any public occasion overcrowding of elevators would almost certainly cause a panic and loss of life in case of accident. Elevators under such circumstances would be practically useless.

A depot at that point places not only the railway companies but the traveling public at the mercy of possible accidents on the viaduct produced by blockade of street car lines, passing processions, and other like inconveniences.

In case of a strike of railway employes, which might result in riot, taking possession of the viaduct would absolutely cut off the facilities for railway travel. Many other illustrations crowd the mind, and show that a depot located where the traveling public would be subjected to so many possible inconveniences and uncertainties is absolutely hazardous.

The depot company has not a legal title to any of the ground covered by the building and has no prospect of getting a title to the property out of existenc

Union Pacific lines would wipe any title to the property out of existence.

In any event, this depot would not be built by any of the railway companies. It is not contended by any one that this board can order the depot company to build a depot, but the order which the board shall make shall be directed against the railway companies. To order the railway companies. To order the railway companies to build a depot at Tenth and Mason streets does not, therefore, mean the construction of a depot by the Union Depot company, and no such order can be made. If the Union Depot company should, of its own accord, build a depot at Tenth and Mason streets, then it may be that the Railway Depot company would be glad to have the board make such an order, and insist that the board has power to do so.

It logically follows that if the board can order the Union Pacific company and the B. & M. company to use the depot at Tenth and Farnam streets, it can likewise order these companies to use any other depois which furnish like or equal facilities, and equal, if not greater accommodations to the public.

The depot company which proposes to

which furnish like or equal facilities, and equal, if not greater accommodations to the public.

The depot company which proposes to build the Farmam street depot appears before the board in the position of being ready to construct a depot, to furnish trackage and other facilities for each and all of the railroads entering the city of Omaha, and offers these facilities to the respective railway, companies. This is a plan that insures the convenience of the public, and is the only plan that does so insure it.

If the board shall find as a matter of fact that the Farmam street depot plan is the only one which is comprehensive enough to answer the consenience and accommodation of the public within the meaning of the law, then the board necessarily has sufficient power to compel the railway companies to avail themselves of the facilities so offered to them.

This does not mean that the board can order the respective railway companies to accept such a form of contract as may be tendered to them by the depot company, for the depot company by the nature of its organization is a public corporation, subject to state control, and when it shall have furnished trackage and other facilities for the respective railway companies, it can be compelled to allow such railway companies to use such facilities for a reasonable compensation, and like any public carrier, it can be compelled to allow the railway companies to use its tracks and its depots, and what shall be considered a reasonable compensation therefor is a matter which the courts have power to decide where the parties shall fail to agree upon terms.

ROCK ISLAND BEGS OFF. ROCK ISLAND BEGS OFF.

At the opening of the afternoon session Mr. Wobster said that as representatives of the Rock Island and Milwaukee roads of the Rock Island and Milwaukee roads wished to be heard and were compelled to leave the city very shortly he would give way to them. He reserved the right to finish his argument later.

General Attorney Lowe appeared for the Rock Island road. He said that his road had no line in Omaha; that they were cityleter.

public that are to be consulted and looked to the the tate Board of Transportation.

MAY ORDER NEW DEFOTS.

It may be said by the railway companies that the law quoted relates only to additions and changes in existing depots, and that therefore the board is powerless to order the construction of a new depot. The answer to that is two-fold:

All of the railway companies say that they have depot accommodations either in their own rights or under leasehold containing the south side of the city at Tenth and Mason streets have a structure, and the railroads entering the north part of the tity have the Webster street structure. This samission lays the foundation for the power of the board to order these respective depots to be so enlarged by additions and accommodation of the public.

The newer of the board, however, is not sailway company has some of the was the policy of this state announced in the case of State against R. V. & R. Co. If Neb. 8f. decided in 1885. Under these decisions railway companies can be compelled to build and maintain depots at came the state Board of Transportation, giving supervisory control over such depots, with power to make appropriate orders. It is idle to say that the act is not road of the construct and maintain depots at came the supervisory powers are limited to structure appeared to construct and power of the board of power to compel the construction of depots, or that these supervisory powers are limited to structure. The public at said point. These came the sufficient power of the board of power to compel the construction of depots, or that these supervisory powers are limited to structure and maintain depots in the flag in the power of the board of the public at said point. These came the sufficient power of the board to compel his road to enter the proposed union depot. He read the state statute regarding the power to make appropriate orders.

It is idle to say that the act is not road of the public at said point. These came the construction of depots, or that these supervisor

deserved, but the Milwaukee road could not AGAINST FARNAM STREET SCHEME. Mr. Greene of the B. & M., for the com-peny, also questioned the right of the board to issue an order in favor of the proposed

depot at Ninth and Farnam streets. He said the whole controversy was between per-sons desiring better depot facilities, but who sons desiring better depot facilities, but who differed in their ideas for securing these. The controversy, in his opinion, was not between those who did and those who did not desire a new union depot. The Faraam street scheme was brought forward by stockholders in a company that would be greatly enriched by the completion of a union depot enriched by the completion of a union depot at that point. Mr. Webster had proceeded upon the assumption that this company had already constructed the depot, had laid the necessary tracks and provided all the ap-proaches. This was not the case. The com-pany had not a rail south of Dodge street and the lot at Ninth and Farnam streets was as here as it was tentrelic years and was as bare as it was twenty-five years ago. It was not within the contract obligations this company has assumed with the state to compal that company to move its depot a mile or a half mile simply for the convenience of the public. He admitted that if facilities offered were grossly inadequate it might be well to make necessary changes. The best way for Omaha to secure a union denter the best way for Omaha to secure a union denter to the Examen extent leastion would depot on the Farnam street location would be for the company favoring the scheme to proceed with its erection and then endeavor to secure the entrance of the various rail-

roads in the city.

Mr. Greene went on to argue that the only orders that the board could issue was one to compel the old Union Depot company to complete its depot or one to compel each of the roads entering the city to build a sta-tion of its own. He held, however, that the board was absolutely without authority to order a depot to be built at the foot of Farnam street or anywhere else where the old Union Depot company or the roads did not

Attorney General Churchill asked what the scard could do in case the Union Depot company claimed that it was not financially able

o erect a depot building. Mr. Greene poohooed the idea. He said that the company was backed by two of the greatest corporations on the face of the earth, and that the board could issue the order upon them as stockholders. He stated that they certainly could not refuse to obey the order because of lack of financial ability. If they pleaded such an excuse it was time for their charter to be forfeited. DEPOT WANTED ANYHOW.

I. S. Andrews, who appeared for the petitioners, remarked that the people of the city did not care where the depot was located so much as they cared for a depot some-where. They did not believe, however, that the Union Depot company would do much in the way of erecting a structure, judging from the conduct of the past. He then went on to discuss the positions that the railroads had taken in the matter. The Rock Island, he asserted, made the claim that no order could be issued upon it, because it held that it came into the city over no track that belonged to it. The fact that it enjoyed all the benefits of any railroad incorporated under the laws of the state did not appear to figure largely in its calculations. Its con tract was with the Union Pacific, it argued, and therefore the people must look to the latter. It held that it could not be held re sponsible; that its contract was with an insolvent corporation, and therefore was no esponsible for its lack of judgment in mak-

ng such a contract. Mr. Andrews also denied the claim of the receivers of the Union Pacific that they were responsible only to the United States court and to no other court, and that consequently any order issued from another court would be invalid. They argued, he said, that out of the receipts they were compelled to pay the expenses of running the road, and to turn over the rest to the bondholders for the payment of mortgages. Mr. Andrews argued, however, that in his opinion the receivers were the agents of the bondholders, and as such were as liable to an order from the board as the bondholders themselves. He eserted that on their claim the receivers could refuse an order for the reconstruction of a dangerous bridge unless they were or-dered to do so by the United States court. As an example of the position in which the receivers placed themselves, Mr. Andrews cited the case of S. H. H. Clark. While

Clark was manager of the road he did not deny that the board had power to compel him to obey such provisions as were em-bodied in the charter, but immediately after he became receiver he held that the board had no more control over him. Mr. Andrews also attacked the stand of the Rock Island and the Milwaukee roads, which claimed that no order compelling the building of the depot at the foot of Farnam street could be made, inasmuch as they were

both interested in the old Union Depot com-pany. Mr. Andrews said that the position carried but little weight, as the two roads were party plaintiffs in the injunction suit which brought the work on the depot to a They simply did not want to go to the expense of erecting any new structure, as they obtained as much business at less cost at the shed on Mason street. John L. Webster made a few more remarks n line with those he had made previously.

In the course of his argument he attacke the position of the Rock Island, but Attorney General Churchill interrupted him to state that the board had decided that the Rock tsland came under the provisions of the statutes, which compelled roads to construct adequate railroad facilities.

READY FOR THE ORDER Attorney General Churchill asked Mr. Webster whether the board had the power to order the Omaha Bridge and Terminal company to build a depot. In answer Mr Webster raid that it had, and proceeded to explain. He stated that the charter of the company set out that it was organized to build railroads and depots, not for itself alone, but for other roads. Mr. Webster stated that moreover the company was asking for the order and that it could certainly not refuse to obey it under the citemstances. o obey it under the circumstances.
"Suppose the M son e r et depo. is ordered,"

continued Mr. Webster. "The Union Pacific and the Burlington and the temes uth part of the city would be accommodated. If, the city would be accommodated. If, on the other hand, the Farnam street depot to ordered, all the roads can go in, and the north part of the city would receive some benefit. In the one case about one-half would be accommedated, in the other everybody, Sterling of the Northwestern and the Elk-horn roads made but a few remarks. He held that no order should be served on the Northwestern, because it did not come into the city at all. Its eastern terminus was Council Bluffs, only one train running into the union depot over the tracks of the Union Pacific. There was not even a lease in ex-istence, he raid, between the roads for the use of the tracks. Therefore he stated that the only effect an order would have on the Mr. Sterling also held that the board had no power to issue the order on the Elkhorn, be-cause that road already had adequate facilities at the Webster street depot. "They are not luxuriant," he added, "but they are adequate for the needs of the city and the road." He invited the board to examine the

depot.

Attorney G. R. Webster of the Terminal company requested permission to refute the charge that ten or fifteen minutes would be added to the time of all trains if the depot was removed to Farnam street. He showed that the distance from the end of the bridge to the present depot site is 2,300 feet and that the distance from the end of the bridge to the proposed depot site is 3,500 feet, 1,200 feet more, a distance which he showed could be covered in twenty-eight seconds.

covered in twenty-eight seconds. Mr. Webster also presented to the board a petition signed by over 1,000 bankers, business and professional men of the city, who urged that the depot at the foot of Farnam street would be a great benefit to the city. This concluded the hearing. Attorney General Churchill announced that Judge Kelley. solicitor of the Union Pacific, would be given until Saturday to file a brief, as he was un-able to attend the hearing, and that decision of the board might be expected within a week or ten days thereafter. With that the board adjournmed.

Notice. Special meeting of Nebraska lodge No. 1, A. F. and A. M., Monday, January 13, at 1 o'clock p. m. (sharp), Masonic hall, to at-tend the funeral of Brother William Smith, 466 So. 24th avenue. All Master Mason invited. B. F. THOMAS, W. M. All Master Masons DIED.

POPPLETON—A. J., ir., aged 6 years. Friday evening at 6:45 o'clock. Funeral from residence, 1056 Georgia avenue, today at 2 p. m. Interment, Prospect Hill cemetery.

SPETHMAN—John G., of Sarpy county, died Saturday at 2 o'clock a. m. Funeral from the residence of his sister, 610 South Sixth street, Council Bluffs, Ia., at 11 a. m. Monday.

HAYDEN BROS. Big Bargain Events Briefly Men

NEW SILKS. Our silk buyer is in the east and is cend-ing us daily some of the best silk bargains the market affords. We put some splendid values in new silks on sale every hour. There is at present over \$50,000.00 worth of spring '96 silks in this department. Over 5,000 pieces of fancy and figured silks, even-ing silks, black brocaded satins, colored dress sliks and Japanese wash sliks. Many ex-clusive designs. Some patterns bought in only one dress or waist length. The unapproachable variety of excellent qualities and splendid styles will meet every demand. Prices the lowest. Everybody invited to see this magnificent line

HATS AND CAPS Annual clearing hat and cap sale, \$1.50 and \$2.00 men's fine for derbys and fedoras, 55c. 59c and 75c men's heavy storm caps. EMPROIDERIES

Our January sale of embroideries begins Elegant edges at 1c, 2c, 21/2c, 3c, 4c

Beautiful embroideries and insertings, 5c All the new Nainsock, mousseline de soie inen, etc., novelties at 25c, 35c and 50c per

yard. Big job in fancy laces at 8c, 12c and 18c Ack for the new Butterick fashion sheet. Calendars for '96 free at Notion counter. Remnants of ribbons, 2½c, 3c, 5c, 7c and

Clearing up button stock. Buttons at Ic 3c and 5c dozen, worth 5c, 8c, 10c and CORALINE DRESS STAYS, 10C PER SET

SPECIALS IN BLANKETS.
Silver gray and white blankets, 55c pair 500 wool mixed gray blankets, \$1.25 pair. Heavy white all wool blankets at \$2.00 pair; a real bargain.

Special clearance sale of all our home nade comforters at \$1.95. These goods are size and sateen both sides, really

SPECIALS IN FLANNELS. 500 pieces of white, all wool flannels at half regular prices-ranging in price from 10c yard to 35c yard. Special line of outing flannels at 81/4c; argain.

worth \$3.00.

Sanitary flannels at 5c yard. LINEN SPECIALS FOR MONDAY. 60-inch unbleached damask, 35c. 60-inch silver blench, extra good quality

72-inch upblenched damask, 49c 5-8 napkins, good quality, 89c, \$1.15, \$1.35 ind \$1.50. 500 Marseilles bed spreads, \$2.00 each; verth double.

A fine assertment of towels, 7%c each, AT THE GROCERY DEPARTMENT. 10 bars laundry seap for 25c. Condensed milk, per can, 7c. Good raisins, 21/2c pound. New California peaches, 5c pound. New corn meal, le pound.

Frish catmeal (kiln dried), 1%c pound, or the for 2-pound package. Pure corn starch, per package, only 5c. Everything fresh and new or money re-inded. HAYDEN BROS., 16th and Douglas Streets.

King Solomon's Notion That "There is nothing new under the sun" dies not always convey the truth. Especially in this true as regards the new composite cars now operated daily via the Chicago, Union

Pacific and Northwestern Line between Salt Lake City and Chicago.
These handsome Buffet Smoking and Li rary Cars are entirely new throughout, of latest design, contain all modern improve ments, and are well supplied with writing material, the leading daily papers, illustrated

eriodicils, magazines, etc. The fact that these cars run daily via "The Overland Limited" and that the Union Pacific was the line west of Chicago to inaugurate his service should commend itself to all. See that your tickets read via "The Overand Route.'

OMAHA, Dec. 27, 1895 .- We desire to take this opportunity to express our thanks to the World Mutual Benefit association, the insurance department of the Order of the World, for the prompt payment of 'he death Koeller, who died on December 14, 1895. The face of the policy, \$500.00, was paid to up this 27th day of December, 1895, in just 13 days from date of death. We can cheermmend this organization to an wishing to get good, safe insurance. CECILE VON KOELLER,

BLANCHE B. VON KOELLER. "The Paradise of the Pacific." 3 GRAND TOURS TO HONOLULU, Hawaiian islands, "The Paradise of the Pacific," via Union Pacific system and Oceanic S. S. Co., leaving Omaha the morning of January Only nine days from Omaha to Hono lulu. \$205.00 for the round trip, including stateroom and meals on steamers. Tickets good for nine months, with stop-over privi-leges. For information and tickets apply to A. C. Dunn, City Passenger and Ticket Agent, 1302 Farnam street.

Union Pacific is the direct route to Crip-le Creek, Colo., and MERCUR GOLD FIELDS, Utah; also the short line to the important mining camps throughout the west. For full particulars call.

A. C. DUNN, City Passenger and Ticket Agent, 1302 Farnam Street, Omaha, Neb Hamilton Warren, M. D., eclectic and magnetic physician; special attention to diseases of women and children and all obscure and

ong standing diseases. 119 N. 16th street Annual meeting Prospect Hill Cemetery association will be held in room No. 304, New York Life building, Monday evening at 8 o'clock. Charles F. Catlin, secretary

Natatorium, Turkish Bath , lad es and gents.

PERSONAL PARAGRAPHS.

Major Wolcott of Cheyenne is in town. State Oil Inspector Edmiston is in the city.

Mr. and Mrs. C. J. Schubert of Chicago are at the Paxton. Mr. and Mrs. J. G. Smith of Fremont are t the Murray.

Mr. and Mrs. William Spence of Kearney are at the Paxton. Matthew Gering of Plattsmouth will spend Sunday in the city.

Norman T. Mason, attorney of Deadwood, and Mrs. Mason are at the Paxton Mr. and Mrs. W. A. Dilworth and daughter of Lincoln are guests at the Arcade. James J. Atkins and Mrs. Atkins of Pittsield, Mass., are guests at the Paxton.

John C. Watson and John V. Morgan of

Nebraska City were in Omaha yesterday. H. T. Ruger, traveling agent of the Bur-lington, left for Helens, Mont., last evening. Mr. and Mrs. Ed | Hanlon of the Hanlon company are guests at the Millard. A. E. Knickerbocker and Mrs. Knickerocker of Long Pine are at the Merchants. John F. Bible, superintendent of the Capital Wagon works, Ionia, Mich., is at the

J. R. Tamp, traveling passenger agent of the Louisville, Evansville & St. Louis road, is in the city.

Charles How returned to the city last night from a trip including Chicago and other eastern points. Attorney General B. F. Fowler of Wyoming, accompanied by his son, Franklin, spent Friday in this city.

Joe Teahon of the local Wabash ticket

office has returned from an extended trip in the west in the interests of his road. Superintendent Smith of the Omaha Street railway left for Denver last night on a bus-iness trip that will consume three days. Theodore A. Spratlin, formerly employed n the city treasurer's office, left for Denver. ueblo and points in Colorado. Mr. Spratlin will be absent several months, and will be engaged in looking up mining interests of pertain Omaha people.

Nebraskans at the Hotels. At the Arcade-O. B. Ganson, Beatrice.
At the Mercer-Dr. R. A. Blackburn,
Hestings; F. H. Polleck and wife, Platts-At the Paxton-E. E. McDowell, Fairbury; M. T. Jaquith, Columbus; Miss Nelson, Hastings. At the Merchants-W. C. Wingait, George M. Spurlock. Plattsmouth; E. A. Brown, Loup City; G. C. Hazelett, O'Neill. **BOLLN WAIVES EXAMINATION**

Arraigned Before Police Judge Gordon Yesterday Afternoon.

BOND FIXED IN THE SUM OF \$12,000

Prisoner Unable to Secure Bail and Remains in Jail-Refuses to Say Anything About His Arrest.

Henry Bolln was arraigned before Judge Gordon yesterday afternoon and waived examination according to the instructions of his attorney. The bond was fixed by the police jail. Judge at \$12,000.

This is a trifle in excess of twice the This is a trifle in excess of twice the young toughs tossed a brick throug an ount Belln is charged at present with window, narrowly missing his head. embezzling, the first count charging the em-bezzlement of \$2,000 September 20, 1894, and the second \$3,500 March 22, 1893. the second \$3,500 March 22, 1893.

Bolln's attorneys were active all day yesterday up to the time of the preliminary hearing in attempting to secure parties to go on the bond that was contemplated, but were not successful. When he was arraigned therefore and waived examination he was remanded to jail.

A further effort was made to secure bonds-men, an arrangement having been made that he might be released at any time before midnight last night on a satisfactory bond, but it could not be furnished, and Bolln remains in his cell in the county jail.

Neither Bolln nor his attorney will say anything with reference to the charges the arrest.

BODY IS BROUGHT HOME.

False Reports Respecting the Deat of George McCormick. The remains of George E. McCormick, the Omaha contractor who died at Colorado Springs Thursday night, were brought to this city for interment last evening. The

remains were accompanied by his mother nd sister and W. W. Wilson. Mr. Wilson was the only one who was at the ranch where Mr. McCormick died. He cays that there is no foundation for the re-port telegraphed from Colorado Springs to the effect that the dead man had been drinking intemperately, or that he had been taking chloral. On the contrary, the coroner's certificate states that death was due to heart disease. Mr. McCormick had been at Fort Worth for several weeks previous, and had just gone up to Colorado Springe. It is supposed that the sudden change from a low to a high altitude was the immediate cause of

The funeral services will take place some ime Monday from his mother's residence on Thirty-third street and West Douglas.

BEEMER, Neb., Jan. 2, 1896 .- Farrell & co., Omaha, Neb.: Gentlemen: I had a fire in my store building occupied by Decker & smith. It started between the floor and celling and by the use of your fire extin-guishers it was soon put out. If it were not or them the whole town would have been on fire, as there was a stiff northwest wind just in line to take the rest of the town. We are all sounding the praise of the ex-We are all sounds, tinguisher. Yours truly, F. J. FITZGERALD.

The British Succession. MINEOLA, Ia., Jan. 4.-To the Editor of le Bee: State in Sunday's issue: Who is heir to the English throne?

2. Does English law entitle the eldest child to the crown? HENRY MEYER. Ans.-1. Albert Edward, prince of Wales. 2. It does, provided it is a male. Frank Barrett Convicted

In the federal court yesterday afternoon the jury in the trial of the case of the government against Frank Barrett for counferfeiting, brought in a verdict of guilty. Mrs. Barrett, mother of Frank, was con-victed of the same offense a few days ago. New York Marriage Law.

require the taking out of marriage licenses before a couple can marry? couple can marry?
REGULAR SUBSCRIBER. uneral of Andrew Jackson Poppleton The funeral of little Andrew Jackson Popoleton, jr., son of Mr. and Mrs. W. S.

Poppleton, who died Friday evening, will be

South Twenty-ninth street, at 2 o'clock p. m. today (Sunday), January 12. COAL-William C. Goss. 'Phone 1307.

SET FIRE UNDER THE BRIDGE, Drillers Encountered Obstructions. Boys Try to Burn Eighth Street Vin-

The Burlington section crew having charge surrounded a band of youthful desperadoes

already had one of the heavy timbers in a blaze when the men arrived and extinguished it. There was a rapid hustling for liberty when the boys discovered that they were detected and all but one, Willie De Motte, succeeded in getting away.

The men, however, succeeded in obtaining the names of two of the boys, who are Frank Nelson, living at Thirtieth and Walnut streets, and Emil Swobeda, living a block west of the former. De Motte was taken to the depot and handed over to the station officers, and afterward removed to the city officers, and afterward removed to the city jail. Switch Foreman Scott was riding in the caboose of an outgoing freight train a few days ago when one of the same party or collee intend to put a stop to their pranks to the future.

Raided the Wine Rooms

The police, under the orders of Chief Sig wart, raided a number of wine rooms la wart, raided a number of wine rooms last night. Officers Arnold, Fisk, Hoff and Jorgenson went to the different resorts in citizens' clothing, and where they found a full house placed the occupants under arrest. Arriving at the station, the crowd presented a strange mixture of Mauds. Mamies and Lulus, and the Brown, Jones and Smith families were well represented on the jail blotter. Half an hour later the Charlies, Georges and Oscars began to arrive to ball prisoners out.

LOCAL BREVITIES.

A marriage license was issued yesterday to Russel S. Lucas for connubial union w Sadie Aylesworth, both of South Omaha. Jack, the 6-year-old son of Mr. and Mrs. W. S. Poppleton, died Friday night from the effects of blood poisoning, resulting from the removal of an abcess.

of schools in Worcester, and more recently in Omaha, is a candidate for the position of arsistant superintendent of schools in New The stockholders of the Omaha Street Rail-way company have held their annual election:

Albert P. Marble, formerly superintenden

W. Nash succeds A. D. Williams as a rector. All of the old officers have been director. re-elected. A final decree was entered in the county court yesterday in the matter of the estate of the late Dr. Levi F. McKenna. The estate of the late General John B. Hawley

was also settled. A meeting is called at the Commercial rooms for next Friday at 8 o'clock p m., of the citizens of Omaha to complet

the organization of the interstate and international exposition. Warden Ledigh of the state penitentiary came to the police station yesterday from the penitentiary with two prisoners whom he is taking to Tekamah, where they are to

be given new trials. Richard Marnell, the policeman who recently started for Australia to take posses gion of a legacy, has commenced an attach ment in the county court to recover \$800 due for rent of a farm in this county. Mrs. Mathews has reported to the

that on the night of January 9 in the neigh-borhood of 9 o'clock some burglars entered her residence at 3102 Maple street. They opened a window and stole a quantity o clothing. The funeral of the late Mrs. Theresa

Grossman will be held at the residence of Mr. and Mrs. Edward Maurer. this afternoon at 2 o'clock, with interment at Forest Lawn. Mrs. Grossman was the widow of the late Julius Grossman. A. L. Root of 321 North Sixteenth streets to be arrested for selling raspberries by l'quid instead of by dry measure. A war-rant has also been issued for the arrest of D. Michals of Sixteenth and California streets, who is charged with measuring potatoes in

short weight peck measure. License Inspector Hurst has caused a war rant to be issued for the arrest of a hard-STERLING, Neb., Jan. 7.—To the Editor ware dealer named Itner at Sherman avenue of The Bee: Do the laws of New York and Corby street for selling and kesping in his store gunpowder without a license. It is alleged that Itner has some 100 pounds powder in his place and is thereby

ing the lives of the people of the flat in which the store is located. The fire department was called out twice yesterday to extinguish two small blazes The first occurred at 4 o'clock and was at the residence of Anderson Bell, 1249 Sherman held at the residence of his parents, 1056 avenue. It was caused by a defective flue South Twenty-ninth street, at 2 o'clock p. and the damage was small. The second was at the barn of Ed Baumley, corner of Seventeenth and St. Mary's avenue, and was due to a chimney burning out. No damage.

MRS. J.

BENSON

January Clearing Sale.

\$2.25, now \$1.50; were \$3.00, now \$2.00; \$3.50, now \$2.35; were \$4.50, now, \$2.90; were \$6.50, now \$3.75; \$7.75, now \$4.75; \$10.00, now \$6.50;

FRENCH HAND EMBROIDERED HANDKERCHIEFS that were

FANS-Real lace, pearl stick Fan, was \$20.50, now \$10.50. White

Feather Fan, was \$13.50, now \$6.75; white Feather Fan (soiled), was

Wool Shoulder Shawls, were \$1.25, now 85c; were 75c, now 50c.

Surah Silk Skirt, was \$11.50, now \$4.90. Surah Silk Skirt, was

Ladies' Tights, \$1.00, \$1.50 and \$1.75. \$2.50 Tights now reduced

Muslin Skirts, Drawers and Night Dresses, slightly soiled, one-

Don't forget we are selling Children's Cloaks and Bonnets at

The contractors have reached a depth of 350 feet with the artesian well at Elmwood park. Several difficulties have delayed the work, but it is expected that the well will of the tracks adjacent to the union depot be completed in time for use next year. The drill encountered a cottonwood stump at a yesterday while attempting to burn down the bridge belonging to the Burlington that crosses Eighth street. The boys had built a fire against one of the wooden piers and already had one of the keavy timbers in a blaze when the men arrived and extinguished it. There was a rapid hustling for liberty the contractor.

ITS WEIGHT IN GOLD.

A NEW DISCOVERY WHICH IS WORTH THAT MUCH.

To Any One Afflicted With Piles.

The Pyramid Pile Cure, the new, painless remedy which has been so remarkably suc-costul in curing every form of piles and rectal diseases, has recently been placed on sale at druggists, and it is safe to say that when its extraordinary merit becomes fully known there will be no such thing as surgical operations for the cure of this obstinate

nd common trouble.

Mrs. M. C. Hinkly of 601 Mississippi street, Indianapolis, Ind., says: I had been a ter-rible sufferer from piles for 15 years and no-remedies benefited me until I saw an advertisement of the Pyramid Pile Cure; I got a package, also a package of Pyramid Pills, and used both according to directions. I was astonished at the immediate relief obtained and now honestly believe the Pyramid to be the only certain cure for piles

That you may realize how bad I was, 1 will say that I was confined to my bed and went before the college physicians here, who said my case was a new one to them and wanted seven or eight hundred dollars to undertake a cure; the great psin had brought, on a rupture, and I knew an operation would be death to me on account of blood poisoning. Nearly every one here knows of my terrible suffering, and I feel that I cannot praise the Pyramid Pile Cure enough, and the Pyramid Pills, also. My husband will join me in highly recommending the Pyramid, my daughter was cured by one box only. For several years I weighed but about 90 pounds, now I

weigh 150 and feel in perfect health.

This seems to be the universal testimony of every sufferer from piles who have ever tried the Pyramid; it is the safest, most painless pile cure yet discovered; contains no opiates, morphine, cocaine or any poisonous ingredients whatever, has a soothing, healing effect from the first application, and the moderate price places it within the reach of every one needing treatment. Th Pyra-mid Pile Cure is sold by druggists at 50 cents and \$1.00 per package, and the Pyramid Pills at 25 cents per box. Send to Pyramid Co., Albien, Mich., for

free book on cause and cure of piles.

It is the

direct line.

The difference between the Burlington and all other lines to Montana and the Pacific North-west is the difference between a direct line and a line that isn't direct.

The Burlington is the It is from 50 to 328 miles shorter than any other line to Helena, Butte, Spokane, Seattle and Tacoma.

A fast train for those and all other northwestern points leaves Omaha at 4:35 p. m. daily. Go west on it if you want to reach your destination quickest and most comfortably.

Time tables and information about rates at CITY TICKET OFFICE, 1324 FARNAM ST. J. B. Reynolds, City Pass. Agent.

Don't Tell the Doctor

We got those prescriptions you paid 40 to 60 per-cent to those high priced druggists. We are happy, but they feel awful blue—and the doctor is roaring like a lion.

COULD YOU BLAME THEM?

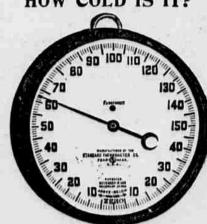
COULD YOU BLAME THEM?

Our prescription trade has increased 25 percent and you got the benefit. Let the doctors howl—we are not interested in them—but the people. We started out to show the people why they were foolish in patronizing high priced druggists, and they are fast catching on. Here are some of our prices:

Egyptian Lotus Cream for chapped hands (our own make), 15c; Hood's Sarsaparilla, 65c; Paine's Celery Compound, 65c; Carter's Little Liver Pills, 15c; Quinline Capsules, 2-grain, 5c per dozen; Quinne Capsules, 3-grain, 7c per dozen; Quinne Capsules, 5-grain, 16c per dozen; Castoria, 25c; Kuhn's Glycerole of Roses, 15c; Sherman & McConnell's La Grippe Cough Syrup, 15c; Sherman & McConnell's Pond Lily Cream, 15c.

SCHAEFER'S CUT PRICE STORE.

16th and Chicago. HOW COLD IS IT?



THERMOMETER. The Aloe & Penfold Co., 1408 Farnam St. THE LION DRUG HOUSE.

BUY A RELIABLE

UP TO DATE! JAPANESE MEDICATED TOOTH PASTE. The most exquisite dentrifice ever origi-ated. Guaranteed not to contain anything of priority to the teeth. For sale by all ruggists. 25 cents per box.

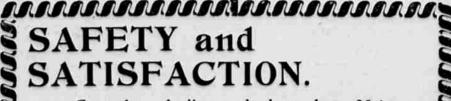


DR. BAILEY, Dentist 16th and Farnam Sts.

3rd Floor Paxton Block Tel. 1085. Lady attendant.



TO CONTROL OF THE STATE OF THE



\$15.00, now \$8.75; \$25.00, now \$12.50.

Black Silk Moire Skirt, was \$14.50, now \$6.75.

\$12.50, now \$3.75.

\$9.50, now \$3.75.

fourth off regular prices.

about half regular price.

to \$1.90.

Come from dealing at the best place. Makes no difference whether you are buying dry goods drugs or toys-there is but one best. Reputation for reliability does not come by accident. It comes through satisfied customers. Over twenty years of business in Omaha has given us a standing we cannot help being proud of. We are clearing out odds and ends in different

departments much below their value. It's a good time to buy. 99-Cent

Farnam Street