ESTABLISHED JUNE 19, 1871.

OMAHA, TUESDAY MORNING, NOVEMBER 30, 1897-TWELVE PAGES.

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# BOOKS FOR THE YOUNG FOLKS of "The Merry Five" and other stories for children. This is, in fact, the third volume of the "Silver Gate" series, in which one

Many New and Excellent Volumes of Juve-nile Literature.

They are given a charge to see more of the world, and the descriptions of their trip from the Pacific shores to New York and

SYSTEMATIC HOME READING SERIES

All About Sea Shells.A Volume on National Affairs\_A Historical Novel ... One of Oliver Optic's Books ... Calendars\_Christmas Cards.

by the children, but often by those who Golden Rule without becoming uninteresting bave learned from experience that in these juvenile books they can get information and Shepard, Boston, 75 cents. pleasure as readily as in the books for older persons. Modern books for young folks are to be found on the shelves at the holiday Lauriat, Boston, \$1.25.

what they have called the Home Reading series, which is edited by W. T. Herris, the well known educator. This region is provided in the small children, for in those committee. The Appletons have a number of books in must be sufficiently interesting to hold the attention of the reader for themselves and for what they teach. This series is olunned to supply the demand for books for this sys-

tematic home reading.
One of the books of the series is "The Hall of Shells," by Mrs. A. S. Hardy. It is a volume devoted to marine shells; and into a bright story of adventure is woven de scriptions of the sea shells and mollusks and all manner of curlosities of the ocean—the star-lishes, the medusa, pearls, the nautilus, argumants and all the tribe of queer things found beneath the waves or along the shores of the ocean. The book is handsomely illus trated the frontispiece being in colors. Aside from the scientific information afforded by a study of this book there is a great deal of the poetry of shells and liberal quotations from the authors. D. Appleton & Co., New York. 60 cents.

Another volume in the same series bears the title of "Uncle Sam's Secrets" and is the pen of O. P. Austin, the gentleman in charge of the literary work of the repub lican national committee in Washington But this is not a handbook of politics nor a compendium of republican arguments on cur-rent issues, though there is much in it that ome who regard themselves as well in formed politicians would be surprised to learn. The book is a story into which is woven a vast amount of information about national affairs. An incident affords opportunity for 4 conversation about the various kinds of money in use in the United States and an accident brings up the occasion for a visit to Washington to exchange bills that visit to Washington to exchange ones that the bear injured by ink for new bills and this brings the story into contact with the mint. Occasions are made for learning the mint. Occasions are made for learning the federal courts, the various departments of governthe realm of science which gives the reader some insight into the geologic history of the North American continent. The story into which these facts are woven has sufficient action to sustain the interest. D Appleton & Co., New York, 60 cents.

"An Oregon Boyhood" is simply that and nothing more yet there is so much about a boyhood in Oregon that is or was rove and interesting that the story never become dull. It is by Rev. Louis Albert Banks, wh has lived in Oregon all his life. The yout of the present day who knows that the jour ney to Oregon is only a six days' ride in a palace car can hardly realize that the author's father crossed the country in 1852 in a "prairie schooner" drawn by exen, and consumed six months in the jourcey from he settled. The descriptions of the occupations of a growing boy in a ne country are fresh and vivid. Commencing with early life in a log cabin, the author "grows up with the country" The hunting and fishing instinct is early developed, and many exciting adventures which could take place only in such a country are recorded School life, mountain climbing, winter sport and occupations life in the mining camps mon fishing are among the subjects ecribed, which make this an intensely eating book for young and old. Lee & Shep ard, Boston; \$1.25.

No incident in American history is better calculated to inspire young Americana with patriotism and admiration for the grand men of 1776 who suffered that their count might have life, than the heroic defense of Fort Schuyler by a small band of colonists when attacked by rei army of British soldiers and Indian allies. Fort Schuyler was one of the points that were most important to the colorists and it was but poorly de signed to afford resistance to the march of the invaders, yet the men all were herces and their heroism counted for much in the long war. James Otis has pictured the scene in Fort Schuyler at the time of the strack and subsequent thereto in a story under the a thrilling story, yet care has been taken that history shall not be misrepresented in the work. It is a capital book for boys—a book of courage and good humor, a book of soldiers and camp life and of Indians and treachery. One will remember the Mohawk valley campaign of 1777 after reading this book Estes & Lauriet, Boston; \$1.25.

A story that will delight young readers is "Ole Mammy's Tormont," as might be in-ferred from the title, a tale of southern plantation life, and of plantation child life. Annie Fellows Johnston has an already fine reputation made in the writing of books of this character and this tale is like its pred-eccasors in interest. Child life among the negroes of the south has been too much neglected by the writers of stories for child-ren. Their free and easy lives are often filled with incidents that illustrate phases of human character as well as the incidents that arise in the drawing rooms of the cultured people of the cities. Miss Johnston has seized upon this fact to give the children a delightful and instructive little story. The illustrations are numerous and appropriate. L. C. Page & Co., Boston.

A pleasing series of books for boys is that called the All-Over-the-World-Library, of which Oliver Optic's "Pacific Shores" is the twelfth and last volume issued by the pubtwelfth and last volume issued by the pub-lishers. As indicated in the preceding vol-umes of the series the purpose of the voy-age is the education of the hero. Louis Belgrave, who has come into possession of his grandfather's property. The present vol-ume covers an extended stay in Japan, where all the principal points of interest are vis-ted. From the land of the Mikeds the parky From the land of the Mikado the proceeds to Australia and New Zealand and thence to America, stopping for a few weeks' stay at the Fiji Islands. The young trav-elers have had their full share of exciting adventure, while the author never loses sight of his purpose in writing the series; that is, the conveyance of useful information much of it obtained during the author's trip around the world before his death. Lee &

Shepard, Boston, \$1.25. A pleasing little story book for children is "The Happy Six," by Penn Shirley, author

more is added to the number of children in the party whose journeys are described then across the ocean to France, and their travels therein, with its many funny incidents, make a delightful book for the little ones. Penn Shirley interprets child life

the child reader. Lee & Shepard, Boston "Queer Janet" is another children's book.
It is by Grace Le Baron, author of "The
Resebud Club" and other stories. An ideal
character in pictures is the heroine of the This is the meason when books for the sound following follows are eagerly sought, not alone lesson of a little child who lives up to the

gracefully and makes every page interesting

Another book from the pen of Laura E Instructive as well as entertaining. Among Richards, the gifted author of "Captain Janthe fairy tales and the stories of goody-good children are sure of a treat in parusing its children who lived happily surrounded by pages. "Three Margarets" is the book she poverty and misery, there are always many has just put forth. It is a story of three volumes containing reliable information on historical matters or on science or public attains. These are among the very best books in a fine country home. The volume is line rated by Ethelred B. Barry. Estes &

The visitors to the bookstore at this seaseries, which is edited by W. T. Herris, the well known educator. This series is prepared for a good purpose, and the volumes thus far cublished appear to be well adapted to the end in view. The editor points out how the new education takes two important directions, one toward original observation, requiring the oupli to test and verify what is taught the oupli to test and verify what is taught of the utimost importance. The books must of the designer. Books for children are worke of art in many cases, and no firm in this work than the old established Raphael this work than the the superior Christmas cards issued card the superior Christmas cards issued card the decision affirmed the superior Christmas cards issued card the superior card the superio productions of line paintings and are so well finished that it is difficult to tell them from hand painted works. Calendars are also produced by the Tucks in large numbers, and of all sizes and shapes. Among the calendars published this year by the Tucks in large numbers and endars published this year by the Tucks in large numbers, and endars published this year by the Tucks in large numbers, and endars published that it is difficult to tell them from wontion at Milwaukee, but it offered induces that the points of the plaintiff in error were sound," said Justice White, "no criminal could ever be punished, as his immunity would be pend upon his fecundity in raising pleas of inendars published this year by the Tucks is a beautiful one on "Where the Roses Grow," several with selections from posts, a beautiful one with quotations of a redgious nature from Charlotte Murray, a "Garland of Biessings." with quotations from the Bible. Among the smaller art books of note brought out by the firm this year is "The Village Blacksmith," beautifully illustrated, and "Excelsior," similarly illustrated. In Father Tuck's "Golden Gift" series there are beau-tiful illuminated books like "Just One More." in which the color plates of children and flowers are gems of beauty. In "Make Believe Men and Women" the artist and printer have combined to produce the finest

an even dozen pictures in colors illustrating scenes in that romantic poem will be appre-ciated by all admirers of Owen Meredith. The Lucile shown in the illustrations is the ideal Lucile, fair, with drooping eyes and dark hair plainly drawn down. The calendar showing "A Bevy of Fair Women" is not less to be admired, for it shows a

#### HIGH DUTY ON AMERICAN GOODS. Bill Pending in France Which Will

Shut Them Out. osed market so far as the United States incerned. Ambassador Porter undoubted! ill be directed to make an earnest protest gainst the measure.

reply to its proposition that in exchange for a term of two years from January 1 to furnish gasoline lights for street lighting a lower tariff on French wines the French of the city attorney. It is furnished by the government shall remove the prohibition against the importation of American cattle. Unless this concession be granted and the bill referred to shall be defeated the real property values Too Lower The Research of the city attorney. The Property Values Too Lower The Research of the real property values Too Lower The Research of the real property values Too Lower The Research of the real property values Too Lower The Research of the real property values Too Lower The Research of the real property values Too Lower The Research of the property values Too Lower The Property Values Too Low This bill may cause the authorities here bill referred to shall be defeated the reci-procity negotiations may come to naught. Should this happen the French government may retaliate by imposing the maximum arist under its laws upon American products which now enter under the minimum tariff.

As these products are few, however, the athorities are not kreatly disturbed over the

Dr. von Holleben, the new German an presented to the United States, will be for nally presented to the president tomorrow He is expected to immediately make repre-sentations to the State department in regar-to tariff matters. The decortment is in ormed that Dr. von Holleben's instruction ontemplate the submission of several prope itions designed to lead to a reciprocity or angement. It is believed the United State will require in return for any concession lio removal, or abatement at least, of restrictions now imposed upon the importation nto Germany of American cattle and beef,

Searching for Other Crimes. CHICAGO, Nov. 29.—Acting on an anony accused of having murdered his wife, whose accused of having murdered his wife, whose body was yesterday found in a ditch near Western avenue and Eighty-seventh street, the police today began a thorough examination of Merry's barn, where they expected to find eyidence of other crimes. The writer of the letter on which the police are acting says that a week ago Wednesday he heard shots fired in Merry's house. It was his belief that the shot took some one's life and that it might be the crime which Mrs Merry threatened to inform the police about and to prevent which Merry is supposed to have murdered her. The communication is poorly spelled and written, but the police have given chough credence to it to give the barn an overnauling.

New Steamer Line to Orient. SAN FRANCISCO, Nov. 29.-A private ablegram received in this city from Tokic nnounced that an agreement had beer

announced that an agreement had been signed by President Asano of the Toyo Kissen Kaisha Japanese Steamship company and R. P. Schwerin, representing the Pacific Mail and the Occidental & Oriental companies. The meaning of this is that an arrangement has been entered into between the steamers of the Toyo Kissen Kaisha line will be put on between Yokohama and San Francisco early in 1838.

President Asano was in this clip not long ago in the interest of his company. When he returned to Japan there was considerable doubt as to whether he would have his steamships touch this port. The cablegram mentioned sets that matter at rest and insures for this clip a more frequent service between San Francisco and the Orient.

PORTLAND, Ore., Nov. 29 - Charles Dab-ney, representing a party of about fifty ney, representing a party of about fifty Michigan people, who propose to go to the Klondike region early in the spring before navigation opens, has been in the city for several days. He will leave on the next Oriental steamer for Japan on his way to Vladivostock. Siberia, to seru e dogs, came's or reindeer teams for his party. Mr. Dabney says he will procure a supply of either of these animals and will select whichever he concludes will answer his purpose. He expects to return in February and will ship his animals from Vladivostock, or if that port is frozen, from some more southerly point to Japan and bring them to the Pacific coast for shipment north.

Location of the Next Teachers' Convention Was Foreordained.

RAILROADS HELP WASHINGTON WIN law had been denied her. The result of the

Executive Committee of the National Educational Association Meets Officials of the Eastern

Lines Interested.

Superintendent Pearse has teturned from Chicago, where he attended the meeting of the executive committee of the National Educational association and saw Washington walk away with the prize for which Omaha had made such a gallant struggle. In commenting on the failure to bring the next conventing on the failure to bring the next conventing on the failure to bring the next conventions. ing on the failure to bring the next conven- Justice Peckham. tion of the association to Omaha, Superintendent Pearse says that in his opinion everything was done which was possible to insure success, but evidently the pegs were not set up that way. In fact, one of the fullroad officials who was present in the in-terests of Washington made no secret of Justice Peckham said that the extent of terests of Washington made no secret of the fact that the matter had been "fixed" as the riparian rights of the company was a matter of local law and that the sixte's long ago as last April, and although Omaha long ago as last April, and although Omabi jurisdiction is exclusive. It was also alleged had all the better of the controversy on the in behalf of the St. Anthony company that its. committee.
According to all precedents and exterior

Nebraska and lowe teachers and superin-tendents who obligated themselves to be-come members of the association if the next meeting should be held in Omitha. He also offered evidence to show that this number could essily be increased to 3,000 by January 1, if it was decided to come to Omaha. When it is considered that the total enroll ment at the Milwaukee convention was only 6,000, and it is apparent that the prospect of 2,000 new members was a tremendous in-ducement. But the committee decided to overlook not only the claims of Omaha but the expressed wish of a majority of the members of the association.

The committee met Saturday forenoon and Two beautiful large calenders have been published this year by Frederick A. Stoker company. New York, and the art work has not been excelled in anything made in the United States. The "Lucite" calendar with an even dozen pictures in colors illustrating scenes in that romantic poem will be apprathe Big Four and other big railroad lines were present to urge the selection of Washington, while the officials of the roads which would profit by the selection of Omaha were conspicuously absent.

### NEW MILK INSPECTOR CHOSEN.

L. K. Hutton of the Eighth Ward Named to Succeed S. L. Boyd. L. K. Hutton of the Eighth ward was ap pointed milk inspector to fill the vacancy caused by the death of S. L. Boyd, at NEW YORK, Nov. 29 .- The authorities in special meeting of the Advisory Board, held Washington, according to the corre-condent yesterday afternoon. Health Commissione of the World, have been informed that Fran e, Spalding stated that as the first of the month while estensibly engaged in negotiations with this government for a reciprocity treaty, as taking steps to place a prehibitory taciff gested the name of Mr. Hutton, The recomsome American products. The State department has been notified that a bill is two, Comptroller Westberg and Chief counting in the legislative assembly of France Police Gallagher voting for Louis Littlefiel penning in the legislative assembly of France Police Gallagher voting for Louis Littlefield in country and the Sixth ward. Mr. Hutton is an old sollosed market so far as the United State and was a candidate for a solution of the Sixth ward. administration.

The only other business transacted by board was the approval of the contract of the Globe Light and Heat company of Chicago

# the review of the assessments of city lots

sent out a lot of notices to property owners whose assessments are considered too low by the board. Some of these cases occur in the business district, but the most notable instance is in the property immediately south streets. The general valuations in this vicinin comparison than the valuations of the property nearer the center of the city. These property owners will be given an opportunity to come before the board and show cluse why their valuations should not be

increased. Paving Operations Are Suspended. Paving operations on Farnam street ar still suspended on account of the low temperature. There are only four blocks o binder and eight blocks of asphalt to be isid to complete the contract, and this can be done in a few days if there is a break in the present frigidity. The contractors are hauling the remainder of the sing while the cold weather lasts and getting ready to com plete the street in short order as soon as the opportunity offers.

# For Cutting Weeds.

The Board of Public Works held a shor meeting yesterday afternoon and approved the plan of assessment of the cost of cutting weeds during the summer. The assessment is a bulky document, as most of the items are in sums ranging from 5 to 50 cents. The aggregate assessment is about \$2,500.

## Bud Scott's Brother Comes. Yesterday Coroner Burket received a tele phone message from F. W. Scott at Atlantic

phone message from F. W. Scott at Atlantic, Ia., a brother of Bud Scott found dead at the foot of Capitol avenue Friday morning, saying that he would be in the city today in order to take charge of the remains of his brother. The police are still as much at sea as ever as to getting trace of the men who killed Scott. The lower districts of the city are being watched and tearched for cleas which will throw light upon the mysterious affair, but nothing as yet has been unearthed. The remains of Scott are still at the morgue.

Pincree Going Into Paying Business DETROIT, Nov. 29.—Governor Pingree' object in getting possession of a Venezuelea: object in getting possession of a Venezuelean asphalt lake is now asserted to be for the purpose of breaking the asphalt combine so that municipal ownership of asphalt paveling plants may be assured and to permit laying asphalt pavements by local contractors instead of following the combine to monopolize he business. The governor does not yet admit his connection wit; the asphalt business, but in an interview today he declared that within seven years nothing but asphit will be used for paving in the but asphit will be used for paving in th United Staes,

NEW YORK, Nov 29—William C. Woodard, ailas "Big Hawley," who last week was convicted of attempted blackmail on Samuel W. Bridgeham, was sentenced today to five years imprisonment, "Big Hawley" was known principally under the ailas of Hon. Lionei Musgrave. He has been unfavorably known in aimost every country of the earth and probably is the most acute card sharper living.

OMAHA HAD LITTLE CHANCE OPINIONS BY THE SUPREME COURT. FIXING UP THE LOOSE ENDS

St. Paul Permitted to Use Water from the Mississippi River. WASHINGTON, Nov. 29 .- The United States supreme court today affirmed the decision of the Georgia supreme court in the case of Mrs. Noble, convicted of the murder of her husband. She asserted due process of

court can now be executed.

The supreme court loday affirmed the decislon of the Kentucky court of appeals in the case of J. J. Douglass against the State of Kentucky. The case was brought in behalf of a lottery company, and is decided advacately to the company. Justice Harlan rendered the decision

decision is that the sentence imposed by the

The action was instituted by the water power company to test the validity of an act of the Minnesota legislature authorizing the city to divert a portion of the water for its purposes, in face of the company's charter, which gave it all privileges appertaining to

#### EARNINGS OF KANSAS PACIFIC. Receivers and Government Directors File Their Reports.

WASHINGTON, Nov. 29.-The government lirectors and receivers of the Kansas Pacific railroad, which is to be sold December 15; have submitted to the attorney general the figures from which the estimate of the property is to be made. Their figures as to earnings and income, while differing slightly agree for all practical purposes. The figures in round numbers show, the following gross and net earnings for the years from 1889 to 1896, inclusive: 1889, gross earnings, \$3.655-000; net earnings, \$1,959,000; 1890, gross, \$3,040,000; net, \$774,473; 1891, gross, \$2,939. 00; nct. \$1 223,000; 1892, gross, \$3,418,000; ret, \$1,501,000; 1893, gress, \$2,419,000; net, \$802,000; 1894, gross, \$2,993,000; net, \$609,289; 1895, gross, \$2,018,000; net, \$609,000, and 1896,

ross, \$2 248,000; net, \$795,000.
There has been little inquiry from positible or prospective bidders, but it is believed the road will go to the reorganization committee of the Union Pacific railway. There is a legal question as to whether the purchasers of the road will not have certain privileges over the Denver & Cheyenne extensions, which will virtually amount to a franchise, and to the measure of these privileges, increase the value of the the purchasers.

# TO INSTITUTE REFORMS AT ONCE.

Cuba WASHINGTON, Nov. 29 .- Senor Depuy de come, the Spanish minister, in an interview with Assistant Secretary Day today stated i is the plan of Captain General Blanco to tak steps for the immediate execution of the reform schemes of the Madrid government and s do this legally a provisional arrangemen will be made. The captain general will ap point directly a full acting cabinet and with hem will have at hand the means for a fully equipped executive government, which will last only till the elections shall have resuited in the choice of a new government. These elections are delayed, it is said, only by reason of the lack of an accurate census of the population of Cuba, which is essential n order to apportion the representation in the legislature.

#### Oxnard Will Be Heard Friday. WASHINGTON, Nov. 29.—Henry T. Oxnard, president of the Oxnard Beet Sugar company of Nebraska, was at the Treasury

department today and had an interview with Assistant Secretary Howell in regard to the countervalling duty on beet sugar importer from the Netherlands. Mr. Oxnard went to New York this afternoon, but expects to re-turn to Washington on Friday, when he will submit an argument either orally or in writing in favor of imposing the higher duty It is said to be not improbable that a de cision may be reached by the departmen

#### State Can Fix the Levee. WASHINGTON, Nov. 29.—The national

overnment will not interfere with the stat authorities of Louisiana in their treatmen I the levees threatened at Algiers, opposit New Orleans. Captain Derby, the enginee officer in charge of the river and harboworks in that locality, today telegrapher General Wilson, chief of engineers, that the tote Levee board of Louisiana had taken the natter under its charge.

Dividends to Bank Creditors. WASHINGTON, Nov. 29.—The comptroller of the currency has declared dividends in favor of the creditors of insolvent national banks as follows: Second dividend, 15 per cent to the creditors of the First National Bank of Chency, Wash.; fourth dividend, 10 per cent, to creditors of the Columbia National bank of Minneapolis.

Still Working on the Message. WASHINGTON, Nov. 29 .- President Mc K'nley has not yet completed his mecsage and is still engaged upon some important features of the document. Owing to giving much time to the measage he saw few isitors today.

visitora today. Duily Treasury Statement. WASHINGTON, Nov. (29.-Today's statement of the condition of the treasury shows: Available cash balances, \$216,368,645; gold remerve, \$156,988,549.

BELIEVES HE DID THE KILLING. Not in a Condition to Remember Just

What Happened. OCONOMOWOC, Wis., Nov. 29.- The mys tery which has surrounded the murder of the two children of Einest Cornell and the cuting of Cornell's throat some ten days ago has at last been cleared up. Today to the coroner's jury Cornell made a confession faxt to the best of his recollection and helief he killed his two children and tried to kill himself. This announcement came as a sreat surprise to the cilicials, who had preferred charges against Cornell's wife in I John Lewin, the horse sicinner, and had them incarcerated in the county jail at Waukesha on account of the killing. Cornell made a statement that according to what he had read in the newspapers and what he had heard he believed that he himself committed the crime, though his condition at the time was such that he had no recollection of

Attorneys for the City Making Their Web Tight as Possible.

WETTLING FORTIFIES HIS TESTIMONY

Tenth Day of the Bolln Bondsmen Case Given Over Largely to Rounding Out the Expert's Evidence.

the bondsmen of Henry Bolin, ex-city treas-urer, was resumed this morning before Judge would support themselves by odd jobs until Slabaugh and a jury. This is the tenth day of the trial, and to all appearances the end is as far away as it was a week ago.

the discovery of the defalcation. At that tion are provided for these outcasts, time Swobe was placed in charge of the office at the request of the bondsmen. His
cross-examination was in relation to a sho
in the cash drawer bearing the words and figdiscovered among the lodgers, the sick man in the cash drawer bearing the words and uses: "Henry Folin, by cash \$1,000." This was one of the slips designated as worthless. The witness identified it as an asset of the office. It was unsugned and without a date and in the handwriting of Jerome K. Coulter, deputy city treasurer under Bolin.

Expert Accountant Wettling was the section of the country of the city.

Expert Accountant Wettling was the section of the city and the country of the city.

Speaking of the matter, Captain Haze says: "It is only a matter of time when some terrible disease will be brought to the station

eration of that schedule witness had prepared the schedules offered in evidence in he present trial, but had in no way used the former schedule in reaching the amounts as shown by the schedules admitted in evidence during the progress of the trial now on.

After disposing of the old schedule witness testified that during the recess of the court over Sunday he had revised his figures and schedules and that he was able to testify to the best of his knowledge and ability that there were no changes, or at least no material changes, to be made in the schedules They showed that the total defalcation durng Bolin's first term aggregated \$85,337.55 o city funds, after giving all of the credits and making all of the additions.

WETTLING NOT YET THROUGH The redirect examination of Wettling vas concluded yesterday afternoon and he was at once subjected to a re-cross-examina-tion by Attorney Mahoney for the bonds-men. Wettling still insisted that the gross shortage of Bolin aggregated the amount heretofore stated, though there was a possi-bility that the Ed Wittig check given to Bolln and not paid had been charged twice If this was true there was nothing, howver to show the transaction. Concerning the aggregate worthless checks and notes found in Bolln's cash drawer at the time when the office was taken charge of by the bondsmen he contended that a number of the bills were chargeable to the Board of Education and that they being in the treas-

urer's office could in no wise change the fig-ures in the schedules offered in evidence. Before the adjournment of court vidence tending to impeach the testimony when he was a clerk therein. The report office and that the witness could not be im-eached by the showing in a report that was ade under instructions from his superior

The court sustained the objection and the offer was refused. Judge Slabaugh held that it was possible for the defense to seture the original report or the testimony of the comptroller bearing upon the point in ontreversy.

on the stand a greater part of the forenoon today on re-cross-examination. After he is disposed of City Clerk Higby will be called, he to be followed by Comptroller Westberg reasurer's office, all testifying for the state

### NEW PETIT JURY IS CALLED Men to Serve Three Weeks as Arbi

trators Come Into Court. A new jury, to serve during the next three ceks, was called in the district court yesterlay morning and as this took some time the judges did not take up the trial of causes until nearly noon. This afternoon the courts ere running in full blast and all of the ludges are busy.

In the criminal court Judge Baker has taken up the trial of the case of the State against Alfred Knapp, who is charged with intering and robbing a South Thirteenth etreet saloon. The defendant has hereto-fore entered a plea of not guilty, contending that he was not in the vicinity of the place at the time of the alleged burglary.

The case of the State against the Kastners father and sons, charged with the killing of Officer Tiedeman and the wounding of Officer Glover, was called before Judge Baker and continued until Wednesday morning, A witness for the state was absent and the county strongey urged that he could not safely go to trial without the testimony

of this witness.
In the civil case of the State against the bondsmen of Joseph S. Bartley, the ex-state reasurer who has heretofore been convicted of embezzling state funds. Bartley has filed a affidavit in the office of the clerk of th listrict court alleging that he is a non res ident of the county and is detained here against his will. This affidavit is to be used by the defense in the suit against the bonds

A. C. Jolliffe has been cited to appear i the probate court this morning and show cause why he should not be punished for contempt. It is charged that he has failed to pay over the sum of \$104 to Emma Quinn in the matter of the estate of Anna Marchy december 1 Murphy, deceased.
In the suit of O. C. Cowles against the

Western Seed and Irrigation company the lefendant has filed its answer, denying the debt which the plaintiff alleges due and un-paid. The defendant alleges that the seeds furnished by the plaintiff, and for the value of which he sues, were worthless and not

Glass May Yet Prove Fatal. LIBERTY, Mo., Nov. 29.-William Carr, condemned to die December 17 for the mur-der of his child and who swallowed glass resterday with the intention of taking his yesterday with the intention of taking his life, appears all right this morning. The physicians ray, however, that a day, or two may pass before the effects of the glass ray be rotleed. Unless Carr is a "human ostrich" his efforts to take his life may yet prove successful. The officers decided this morning that they would chain Carr to the wall. At le o'clock Beputy Cave went into the jail with a blacksmith and put a chain on Carr's ankle. Carr laid on his bunk smooking whils the chain was fastened to him,

Takes All the Blame on Himself GRAND FORKS, Nov. 29,-Ole Halverson who was shot at Insier by Miss Mary Luxton on Saturday night, is dead. He was conscious up to the time of his death and larged that Miss Luxton might not be prosecuted, as he alone was to blame,

PROBLEM FOR THE POLICE. OMAHA WATER COMPANY WINS Cold Weather Brings the Authorities

to Consider Charity.
The cold weather drove a great many comeless men to the police station Sunday night. The blotter registered forty-three who took lodgings in the dingy old court room. The majority of these men class themselves as Americans, while the Irish come next in point of numbers, and were closely followed by the Swedes and Danes. Of the employments represented there were twenty-six laborers, two bricklayers, a couple of tailors, a cook, one clerk and a plumber, who is down on his luck. Among the laborers a large percentage of farm hands were found, who stated they had just finished working in the harvest fields of South The trial of the case of the city against Dakota, Nebraska and Kansas. Most of the

With the advent of lodgers at the station, the numbers of which will increase as the Immediately upon the convening of the winter progresses, the police are confronted court Thomas Swobe, a witness for the state, was recalled by the attorneys for the bondsmen and questioned concerning the cash slips in Bolin's cash drawer at the time of time Swobe was placed in charge of the of- surface of a hard bench or the floor being

and in the handwriting of Jerome K. Coulter, deputy city treasurer under Bolin.

Expert Accountant Wettling was the second witness called. He was on the stand all the morning on redirect examination. His testimony was for the purpose of verifying testimony heretofore given and also for the purpose of rebutting matters sworn to on the cross-examination of last week.

Witness testified that prior to the present trial he had made a schedule that was of Watness testified that prior to the present trial he had made a schedule that was oftered on the criminal trial of Bolin. The document showed a defalcation of \$80,309.73 and at the criminal trial it was relative to this amount that he testified. The schedule was hastly present and only trial and only trial trial it was relative to the schedule of t case. Another thing in connectice with the present system is the fact that the members of the 'Gog watch,' who are obliged to sleep in the balceny of the court room, are forced to inhale the air coming from the sleepers balow. When the court is the case of the court is the case that the company should assent in case that the city would assent in case that the company should assent in case that the city would assent in case that the company should assent in case that the city would assent in case that the company should assent in case that the company should assent in case that the company should assent in case that the city would assent in case that the company should assent in case was hastily prepared and omlitted many charges and some credits. After the prepbelow. Many of the officers last winter ore ferred to walk about the city during the hours which were designated for sleep rather than endure the unhealthy atmosphere of their quarters. Some provision will have to be made this year at least as regards the officers, for a man who has been on duty during a long watch does not feel like belog cheated out of his regular sleep."

#### TO REARRANGE THE BENCHES. Judges Contemplate Some Changes in

dockets for next year's work.

plan as contemplated for rext year is to do away with one of the law courts and create opinion that this can be done. They argue that the court business had reached a point where all of the jury cases can be handled by two law judges, the judge of the crimical court giving his attention to law court matters when he is not engaged in the hearing.

The matter has been discussed in the hearing found that a stream sufficient to reach the court case. of state cases. The matter has been discussed by all of the judges and they have practically agreed that with the coming of the new year one of the law courts will be abolished. Such a plan, they contend, will abolished. Such a plan, they contend, will allow an equity court judge to look after abolished. Such a plan, they could allow an equity court judge to look after fire protection became inadequate. Several the terms in Burt. Washington and Sarpy disastrous fires resulted and the blame for of the witness. It was a report of the city work. Under the methods heretofore pursued comptroller's office, compiled by Wettling this outside work has been divided up am re The report the seven judges and as a result when aimed from judge has gone to an outlying county in the Bolin by the city was not so great as the district, the work here and the cases on his mount for which the bondsmen are being docket have been at a standatill. With this new arrangement the departure of a judge offer, saying that the city could not be bound from the city will not delay the court work by a report that was made by a clerk in an as the other judges will have their own dockets to care for from the first to the end

As a matter of economy the judges figure that the doing away with one of the law courts will amount to a considerable sum during the year. thirty jutors are drawn for each of the law ourts, or 150 in all, including those who are called into the crimnial court. These men are paid \$2 per day each and are paid \$2 per day e serve about 200 days each year that the number of jurors would be reduced by thirty, which would mean a saving of \$6,000 each year in jury fees alone.

#### DEATH OF ANOTHER OLD CITIZEN. Andrew Gustav Dahlstrom Succumbs After a Long Illness.

Andrew Gustav Dahlstrom, one of Omaha's ldest citizens, died yesterday morning at his home, 2530 Chicago street. Mr. Dahlstrom had been ailing for at least six months, but only recently had his malady taken a seri ous form. During the last few days he has suffered much, it being seen that his end was not far off.

Thirty years of Mr. Dahlstrom's life were spent in Omaha. He would have been 60 years old in January next. Thirty-three years ago he left his native country. Sweden for America, and settled in Chicago. Three years of residence there was enough and e came on to Omaha, where he has lived an enored life. For the last fifteen years he has been employed at the B. & M. headquar-ters offices. Prior to that he was in the postal se vice, being at one time superin-tendent of the Omaha carrier force. Two sons and two daughters survive him

The daughters, Mrs. C. F. Erickson and Miss Edith Dahlstrom, live in Omaha. The older on, Robert, is in business in Columbus, O. and the younger, Julius, is in the office of the general agent of the Union Pacific a Denver, being chief clerk. No ar angements for the funeral have yet been made, the mat ter being deferred until the arrival of the

### REAL ESTATE EXCHANGE MEETING fexas Trip Details Completed Some Committees Named.

There was a better attendance at the meet ng of the Real Estate exchange yesterday than has been present for some time. The prospective trip to Texas under the auspices of the exchange next Saturday was largely the cause of this. It was reported that all the details connected with the trip had been arranged. The cars are to be decorated with the Ak-Sar-Ben colors.

Members Robbins, Harder and Shriver were appointed a committee to draft a unl form contract to conform with the new state law, which requires that all contracts be ween real estate owners and dealers which commissions are to be paid shall be 'r

mmittee, consisting of Members Tuke and Benson, was appointed to draw up a me morial to congress, asking that body to law at the coming session.

In answer to a communication from the Commercial ciub it was declared the sense of the exchange that as many of its mem-bers as were able should also become mem-

# bers of the club.

Matt Rogers, a very black negro, went to a rees Sunday night and upon being refused admittance, kicked in the panels of the front door. The occupant of the place shouled in it she succeeded in attracting an officer on the next best and Rogers was taken to jail. The broken panel of the door was shown by Mrs. Tate in evidence, together with a recital of the scare she had sustained. Judge Gordon fined Rogers \$25 and coars for his fun and he will help clean the streets for a fortnight.

Gets a Decision in the Suit to Forfeit Its Charter.

JUDGE MUNGER SUSTAINS ITS FRANCHISE

His Opinion Overturns at Every Point the Contention of the Attorneys Who Represented the City in the Suit.

Judge Munger of the United States district court yesterday refused to forfelt the franchise of the Omaha Water Works company in favor of the city on account of the alleged failures of the company to fulfill the conditions of its contract. The city was knocked out on every point on the claim that the franchise was forfeited because the plant had been assigned to other parties, that adequate fire protection had not been given and that pure, clean and wholesome water was not being furnished. Judge Munger ruled that the water company had performed ts contract upon all these points.

decision was rendered orally.

Judge Munger first paid attention to the allegation made that under the contract the American Water Works company had no American Water Works company had no right to transfer its plant or franchise to any other parties. There is nothing in the contract, he holds, to show that any such agreement was made or understood, but that on the other hand the contract shows it made no difference to the city by what agency the conditions of the contract are being fulfilled, as long as the city has acquired what it has contracted to acquire. The court ruled that in the advertisement in which it called for bids for the crection of a water works system and also in the contract, the city had made use of the term "any company or its assigns." From this it is indicated that the city considered that in the course of business the company might transfer its preserty and it is also indicated that the city would

QUESTION OF FIRE PRESSURE. Judge Munger devoted by far the largest

Judge Munger devoted by far the largest portion of his opinion to a consideration of the charge that the company had failed to arrord adequate fire protection. He stated that the advertisement for bids had been based upon a report of Expert F. B. Cooke, in which it was stated that the necessary pressure could not be secured directly from the pumping station, since that would be injurious to house plumbing. The expert advised, therefore, a reservoir system. At vised, therefore, a reservoir system. At the time the contract was nade, also, there The annual meeting of the judges of this judicial district will be held on January 1. st which time it is probable that several changes will be made in the assignment of dockets for next year's year's probable. The contract was made, also, there were 30,000 inhabitants in the city, and there were no buildings except the High school taller than three stories. It was consequently conducted that sufficient and adequate pressure would be secured from a reservoir located at Walnut Hill, which was 307 feet At the present time there are three law, one criminal and two equity courts. The plan as contemplated for next year is to do plan as contemplated for next year is to do away with one of the law courts and create a third equity court. The judges are of the pressure should be obtained from a reservoir structure on Walnut Hill and thus practia third equity court. The judges are of the pressure should be obtained from a reservoir opinion that this can be done. They argue situated on Walnut Hill and thus practi-

> this is thown upon the water This is besed upon a provision which sets out that the hydrants should be of the capacity and power to afford ample fire protection within a radius of 1,000 feet without the as-

within a radius of 1,000 feet without the assistance of steam.

Under the contract it is provided that the water mains shall be capable of withstanding a pressure of 160 pounds. According to the testimony adduced at the trial 10 per cent of this pressure is lost in every 100 feet of hose. Therefore, after the water has traversed from the mains through 1,000 feet of hose it emerges with a praisure of only sixty pounds. According to the evidence of of mese it emerg's with a prinsure of only sixty pounds. According to the evidence of experts, again, ample fire protection could be furnished the high buildings only through ninety pounds of pressure after leaving the hose. But to secure this placty pounds of pressure it would be necessary to have more than 160 pounds of pressure at the hydrants and this was greater than the terms of the contract called for, and greater than the mains as called for, and greater than the mains, as

constructed under the terms of the contract, would bear. BLAMES THE FIRE DEPARTMENT. Therefore Judge Munger concludes that if adequate fire protection was not afforded it is not the fault of the water company. It has erected the reservoir at Walnut Hill, from which the city had said adequate fire protection would be secured. The fault is with the fire department. Experience shows that it is necessary for cities in which large buildings were located to aid the pressure with fire apparatus. The disastrous fires were the result of inadequate and insufficient fire apparatus, and not of the non-fulfillment of its contract by the water works company.

works company. In this connection Judge Munger rules also that the settlement made by the council com-mittee with the water company is binding upon the city. After the disastrous fires mentioned an investigation was held by the city council committee and the Commercial club, whose findings were that the inade-quate fire projection was due to the fact that the fire department was inadequate. As a result of this negotiations were entered into with the water works company, by which the council committee agreed to pay ever to the company some \$50,000 in hydrant rentals, withheld because it was claimed that the fire pressure was not adequate, on condition that the more. tion that the money was expended in the culargement of the maxes in the central portion of the city. The agreement was fulfilled by both parties, but the city is attacking its validity on the grounds that the council committee had no right to enter into such an agreement. Judge Manger holds, however, that when the council had appropri-sted the amount it knew what the committee was doing, and therefore bound itself to the complete settlement of the difficulties be-tween the city and the company up to that

Judge Murger also holds that the com-pany has fulfilled its part of the contract re-garding the quality of drinking water it should give. It has not been provided that the water should be perfect or as pure and clear as any water, but that it should be as clear and good and wholesome as could be secured from the Missouri river through the best system of purification and selling basins known. The evidence shows that the comknown. The evidence shows that the com-pany has used the best system it could find and that it is giving the beel water that can be secured from the river. The council has moreover tested the water and has declared that it is up to the specifications of the

CITY NOT READY TO BUY.

Finally Judge Munger also passes on a point which was not made much of in the pleadings, but which he decided was the principal one behind the effort to have the franchise set aside. This is based upon the provision in the contract that the plant may be condemned by the city when it has the be condemned by the city when it has the money to buy the ploperty and wanted to run the water works itself. The court holds in this connection that it must be shown that the city is willing and able to pay the appraised value of the plant, and nothing of this kind has been alleged. It has not been shown that the city has on hand the several shown that the city has on hand the several millions of dollars that would be needed or that it could levy a sufficient tax within legal limits, or that it could vote bonds for the purpose. Until such a showing is made this provision of the contract could not be asked