

BROATCH-MOORES HEARING

Popocrats and A. B. C. Bolters Seem Deeply Interested. PROSECUTION CLOSES ITS TESTIMONY

Interest in the Broatch-Moore quo warranto case, in which Referee Clements is taking testimony in the court house, seems to have simmered down so far as attendance is concerned to a coterie of politicians interested in the fortunes of William J. Broatch. While a number of well known lawyers and judges of the district court have dropped in from time to time to observe the proceedings as spectators the men who are flanking Mr. Broatch and his attorneys are representatives of the popocrats and A. B. C. bolters who were working for Ed Howell last spring.

Deputy Clerk Harris of the district court was recalled when the court resumed yesterday morning having with him books and papers of the office. He was questioned about trust funds in the hands of Frank E. Moore when he surrendered the office to the successor, Henry C. Frank, the present incumbent. At this point the attorneys for Broatch sought to introduce an ex parte order made up by Moore by the court, compelling him to pay over to the present clerk trust funds. In reply, Attorney Wharton and Broatch said that this applied to a case where the present clerk of the court held in his hands nearly \$3,000 belonging to Moore, instead of the money belonging to Frank.

Mr. Wharton contended that at this time Moore holds personal receipts of exchequer fees paid, but which are not receipts for on the respective dockets of the district court. Referee Clements held that the order might be received simply for the purpose of showing that an order was made, but that it was in no way binding. The ex parte order was introduced to make the record show that Moore had no notice of the order and that consequently there was no adjudication of the question in issue.

DEVELOPS A BOOMERANG. The attorney for Broatch here struck an unexpected snag. He had been waving in the face of the referee a paper which he had contended was an order by the court made on Moore to deliver certain trust funds to Frank. Referee Clements asked to see the order, and with some hesitancy the order was produced. It was a check, which was examined. Upon the examination being completed, the referee discovered that the order was one directed to Allyn L. Frank, who had not finished his examination and said that he wanted to propound a few more questions. He asked Deputy Harris how much money Moore had paid over to Frank and he was answered that the amount aggregated \$26,000, all paid after Moore went out of office.

As the attorneys for Moore announced that they had no desire to cross-examine. Bookkeeper Fox of the office of the clerk of the district court was called and said that he had examined dockets from 7 to 24, inclusive, relating to fees collected by Moore while clerk of the district court. The attorney for Broatch asked that the eighteen dockets showed relative to fees collected by Moore.

Attorney Wharton objected to the introduction of the dockets, saying that they were not in the present hearing. The witness said that he had not examined the dockets since December, 1896, but could do so in the course of a month. Referee Clements held that the books might be introduced in evidence. Two hallmarks of the details of the testimony were a few moments the tables in the room were loaded down with books. After they had all been brought in, the attorney for Broatch concluded that he had checked everything in the records and the bailiffs had the pleasure of logging the books back to the vaults of the clerk's office.

COVELL ON THE STAND. G. W. Covell, attorney for the Board of Education, testified that he had demanded from Moore, while he was clerk of the district court, a fine of \$500 which was imposed upon Wallace, a school keeper. Asked further about the matter, Moore said he had him that acting upon the advice of the city and county attorneys, he had decided not to pay the money until the city had paid him some \$10,000 and the county had paid him some \$35,000 that it owed him for fees in cases in court. Moore said he was ready to pay over the Wallace fine.

The attorney for Broatch and the witness on the stand made a strenuous effort to go into the details of the political campaign preceding the city election held last spring, at which both of them worked against the election of Moore to the office of mayor. Attorney Wharton objected to the introduction of testimony along this line and Referee Clements ruled that it was impossible for him to see what connection the campaign speeches and literature had with the issues of the case on trial. The witness detailed the fact that last spring, just prior to the city election, he brought a mandamus proceeding against

SMILEY GIVES HIS VERSION

Explains His Grievances Against the Live Stock Exchange. TELLS HISTORY OF THE DEAD COMPANY

In the case of the United States against the South Omaha Live Stock Exchange, charged with interference with interstate commerce in violation of the Sherman act, the testimony of the government's witness, John B. Smiley, was begun yesterday before Examiner-in-Chief John W. Quinn. The evidence mainly related to the history of the Omaha Live Stock Commission company of which Mr. Smiley was formerly secretary, and which the prosecution is endeavoring to establish was driven out of business.

In the examination for the government it was stated that the Omaha Live Stock Commission company was made up of farmers, stockmen and shippers to the number of forty. Mr. Smiley said that immediately after the company's formation it assumed an important place in the business world. In the second month of its existence the witness said the company did more business than any other South Omaha concern. He said an effort was then made to get rivals to cause its expulsion from the exchange. Charges were preferred by three exchange members to the effect that Mr. Smiley's company had been doing business by dividing commissions with stockholders, contrary to the rules. Mr. Smiley said further that an examination was held and the company was on the point of being expelled from the exchange, which he viewed in the light of a virtual disbarment from business.

Parties trying to introduce new cough remedies, should know that the people will have Dr. Bull's Cough Syrup. To visit our store when shopping on Saturday. The Omaha Live Stock Commission company was unable to comply with the rule and was obliged to go out of business.

WORK DONE BY POINTS. Prior to the expiration of Moore's term of office, witness said J. J. Points and W. J. James were employed in the work. Points spent most time checking the accounts and reporting to the witness. Points reported to the witness for the reason that Moore was sick. Points checked the witness and trial fees first for the reason that the county commissioners had requested a check on those at the time when Points was checking the appearance dockets there were many instances in which the county authorities had not receipts for trial fees and points had to pay for them. Sometimes money was paid into the county treasury and not reported for on the appearance dockets for a year afterward.

Regarding the reports made by Points trial fees returned by him were paid into the county treasury and witnesses were notified of the amounts. The witness said that the trial fees were paid to them, providing they did not owe Moore. Thousands of notices were sent to witnesses requesting them to call and get the money. The witness agreed with those who had preceded him that it would be a pretty difficult matter to get a firm to do a successful commission business unless it had a number of members from doing business. He said that the rules of the exchange had been promulgated for the purpose of preventing members from doing business. He said that his firm had once been suspended for an alleged violation of the rules of the exchange and that he had been driven out of business by reason of misrepresentation.

He knew of the Omaha Live Stock Commission company and stated that about a year ago the exchange adopted a new rule raised the price of membership to \$1,000 and required five members of every firm to belong to the exchange. There was nothing in his testimony to indicate that this rule had been adopted to freeze out the firm referred to.

Did You Make Your Grain-O This Way? Here are the latest directions: Use one teaspoonful of Grain-O to two cups of cold water. Mix the Grain-O with full payment and add the water. (Be sure to measure.) After the water gets to the boiling point let boil for fifteen to twenty minutes. Use cream and sugar to suit the taste. If you have not cream use hot milk. A lady said: "The first time I drank Grain-O I did not like it, but after using it for ten days and feeling better, I thought I would like me to go back to coffee." This is the experience of all. If you will follow directions, measure it every time and make it the same, and try it for ten days, you will not go back to coffee.

COMPLAIN OF THEIR FRIENDS. A young blacksmith giving the name of Moore told a story of misplaced confidence. Prosecuting Attorney Miller, during the recital of which he alternately begged and swore. He begged because he wanted a warrant issued for the arrest of one "Dude" Galkley and his wife, and he swore because the way he had been duped. Moore said he and a friend were having a little athletic tournament in the blacksmith shop near Fourteenth and Harney streets. They were practicing a feat called "ping the stake." Moore showed himself a winner and in order to throw a little ginger in the deal offered to bet \$25 he could "do" the crowd. He put the stake in "Dude's" hands and the crowd did anything since but try to locate "Dude." As he failed, he now wants a warrant issued for his friend's arrest on a charge of larceny as bait.

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First Horse on the Omaha Street Rail Way Goes the Way of All Flesh. BOSTON STORE VALENTINES

Another Stationery Sale. ENVELOPES, TABLETS, PAPETERIES AT UNHEARD OF LOW PRICES. We have just secured a grand collection of the very latest, 1898, comic and sentimental valentines from a leading maker, who offered them at less than half price to close out the lot, and as Valentine day is near at hand the regular retail price.

From the National Paper Co. of Springfield, Mass., we bought all the best of their stock on hand of fine box papers and envelopes, consisting of the very latest up-to-date society and correspondence stationery; we secured them at about 4 real worth and placed them on sale tomorrow.

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Nebraska Clothing Co. One dime Saturday. All day Saturday we will have on sale another invoice of those splendid Sox at ten cents a pair. There is material enough in these Sox for the loudest kind of "hurrak" advertising and mark down humbugger but we don't need that sort of assistance to sell them and we are not that kind of a store. As you know, these Sox are the best Sox and the biggest values ever offered for anywhere near the money, and as this is probably the last shipment we will be able to offer at this price we want all to avail themselves of the present sale. For those who do not know these Sox—but then everybody knows them We will have sold five thousand dozen when the present lot is gone. They will be on sale Saturday all day.

BEAR IN MIND THAT "THE GODS HELP THOSE WHO HELP THEMSELVES." SELF HELP SHOULD TEACH YOU TO USE SAPOLO. Soda Mint Gum. WE no longer supply our seeds to dealers to sell again. At the same time anyone who has bought our seeds of their local dealer during either 1896 or 1897 will be sent our Manual of "Everything for the Garden" for 1898. FREE provided they apply by letter to the local merchant from whom they bought. To all others, this magnificent Manual, every copy of which costs us 30 cents to place in your hands, will be sent free on receipt of 10 cents (stamps) to cover postage. Nothing like this Manual has ever been seen here or abroad. It is a book of 200 pages, contains 500 engravings of seeds and plants, mostly new, and these are supplemented by 6 full size colored plates of the best novelties of the season, finally, also will be sent without charge to all applicants sending 10 cents for the Manual who will state where they saw this advertisement. Postal Card Applications Will Receive No Attention.

Sherman & McConnell Drug Co. 24 door west of postoffice, - 1512 Dodge St. DON'T PAY \$100 for a course of medical treatment when you can have, at nominal cost, competent treatment for CURABLE DISEASES—of all kinds at the Shepard Medical Institute, New York Life Bldg. Established seven years. Write or call for literature or consultation free. Home treatment by mail for country patients. The largest medical stock in the West. Just now a good time to find out what can be done for your chronic ailment.

Benson's Porous Plasters. Assist Sluggish Kidneys. The seat of inflammation, congestion and pain that leads to dropsy, is the kidney. Benson's Porous Plaster, by its medicinal and counter-irritating effects, aids in stimulating and re-establishing a healthy condition. No external remedy so effective and so prompt as BENSON'S. Price 25 cents. Refuse substitutes. Seabury & Johnson, Mfg. Chemists, New York.

WOODURY'S CURS PIMPLES. French Lisle Socks. 7 1/2c a pair. The "ad" boy who invents Jackass fables from Aesop's fables reminds one of the fool who tickled the hind part of a mule, which he considered a great invention of his own, in order to force that mule to obey his foolish train. The result? The "ad" boy has his fun in this world, while the fool tells his story to the angels. Come again, "ad boy." Jackass fables are now in order. The suffering newspaper readers will now enjoy a dish of fables instead of the "liquor notice" squabble. But does a Jackass fable really offset a sound business argument, whereby the people save the profit money, which otherwise goes to build a pyramid of wealth to the "ass" fabrier? We believe not. It is as absurd to claim that even the best value offered when the article is fresh from the factory is worth as much as after it is handled and abused for months after as it is to talk about one store charging 18c for the identical article another store sells at 10c. Such logic is even unfit to feed a cow with. Now, to curb the lie. We are selling now—today, tomorrow and all during February—pure French lisle socks, so stamped and warranted, of either black or tan colors, at 7 1-2c a pair. If it isn't as good a pair as any sold anywhere at 10c, particularly at those stores that claim wonders, then these socks won't cost you a penny. Free of charge for the proving. That is the kind of overcharge store we are, and yet we are not boring the people with our modesty, either.

Guarantee Clothing Co. 16th & Capitol Ave. OMAHA. The Burlington's No. 1 Leaves Omaha 11:55 P. M. DAILY, arriving Chicago 7:25 A. M. and leaving Chicago 8:45 P. M., making connections with evening trains for all points east. Dining cars served meals at 4:45 and 6:45 p. m., arriving Chicago next morning at 7:45 and 9:30 a. m., respectively, still remain in service. For information call at City ticket office 1401 Farnam st. J. A. KUHN, General Agent.

THE REALTY MARKET. INSTRUMENTS placed on record Friday, February 4. D. C. Dodds & J. L. Parrott, lot 21, block 1, Porter's add. 1,000. P. E. Bailey and wife, 1212 1/2, 1,000. J. T. Ford and wife, N. O. Ford, lot 16, block 5, Lincoln Place; 6 30 feet lots 11 and 12, block 8, Parker's add. 2,000. J. T. Ford and wife, N. O. Ford, lot 16, block 5, Lincoln Place; 6 30 feet lots 11 and 12, block 8, Parker's add. 2,000. J. P. Plack and family to First National bank of Chicago lot 1, block 1; lot 15, block 7, Hitchcock's lot; lot 16, block 2, Tipton Place; lot 2, block 28, Benson's add; lot 20, block 17, Florence's add. 1,000. J. W. McEathron to G. E. McEathron, lot 5, Lindsay's subdiv. 2,000. P. C. Gracie and wife to G. E. McEathron, lots 6, 7 and 8, Convent Place 1,000. E. D. Evans and wife to Cady & company, lots 4 to 11, block 6, Alamo Plaza 4,000. John Rush and wife to Lewis Root, 315 5th 30-10-12 2,000. Sheriff to F. E. Bailey, lot 27, block 2, Avondale Park 500. Total amount of transfers 33,900.

Burlington Route TO DENVER. 30 miles shorter than any other line. TICKET OFFICE: 1502 FARNAM ST. OMAHA. Omaha, Lincoln, Fairmont, Hastings, Holdrege, OXFORD, McCook, Abbron, Roggen, DENVER.

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