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of the Maine disaster for their losses not for increase in the force of inspector gen-**COUNT AND COUNTESS GU FREE** to exceed a year's pay, with a similar erals, ordnance and other army departdence that the fire department, and that the amount to those who perished, became law, police department, with the exception of the ments. Hearing of the Application Comes on Before Bold Attempt to Take an Old Man's Money Most Notable Session Since the War of chief and a few of the subordinate officers, Other important legislation, aside from Declaration of War. Judge Keysor. Released on Their Own Recognizance the Rebellion. recognize the authority of the new fire and Away from Him. war, included: Prohibiting the killing of On April 11 the president in a message Pending a Settlement with police commission, and that they would obey fur seals in the north Pacific and importaleft the Cuban issue in the hands of coninstructions were it not for the fact that Mrs. Brinn. tions of sealskins into this country: progress. Resolutions were soon enacted and AFFIDAVITS PRESENTED BY BOTH SIDES MANY IMPORTANT BILLS PUT THROUGH Gallagher, Sigwart and Ormsby are trying ONE OF THE THIEVES IS CAPTURED hibiting forcign vessels from carrying mer "Count and Countess" yon Walters, the became a law declaring that the people of to work up discord and strife. The mayor chandise directly or indirectly between the Cuba ought to be and are free and indealleged German nobleman and wife, who showed that the present police force was United States ports; an Alaskan homestead pendent and demanding that Spain re-Chlef Gallagher and His Associates in the most demoralized condition; that rob- were arrested in Chicago recently and re-Two Men Assault a Third in a Appropriations Exceed Any Year and right-of-way act encouraging railway linquish its authority and withdraw its land Swear They Have the Finest Sort beries were committed daily and that no turned to Omaha, charged with the lar Since Close of Civil Conflictconstruction; appropriating \$200,000 for the and naval forces from Cuba and Cuban effort was made to apprehend the offenders; | ceny of a quantity of wearing apparel and of Police-Mayor Moores Makes Legislation Not All relief of the Yukon miners suffering from waters and directing the use of our land that at the exposition grounds no effort jewelry from the boarding house of Mrs. a Contrary Showing. the fierce winter there; creating a non Bearing on War. was being made to arrest criminals, by Brinn, in the south end, were released on and naval forces to enforce the resolutions. partisan industrial commission to investi-The declaration of war was passed by conreason of the fact that the old board had their own recognizance by Judge Gordon. gate immigration, labor, manufacture and failed to provide special officers, clothed pending the hearing of their case, August gress and approved April 25. Subsequent The case wherein Robert E. Lee Herdman business; appropriating \$473,151 to pay the WASHINGTON, July 8 .- The passing of with authority, to make arrests. The mayor 8. This action is a virtual dismissal of the legislation gave free admission to all miliand the other members of the defunct fire and Bering sea awards; creating a commissio The second session of the Fifty-fifth congress showed that it was not the purpose of the charges against the "count," as in the meantary and naval supplies purchased abroad by to allot lands on the Uintah Indian reservapolice commission seek to restrain Mayor marks the close of the first war congress board to usurp any officers, but instead, was time he is supposed to make good to Mrs. this government, allowed temporary fortifition in Utah; authorizing the settlement of Frank E. Moores, Peter W. Birkhauser and in a quarter of a century. Associated with for the sole purpose of enforcing good gov- Brinn the sum of his peculations. cations to be constructed on the written The the land dispute between the United States the other members of the legally appointed the first hostile conflict with a nation of ernment and stopping the reign of crime consent of owners of land so taken and "countess" and Mrs. Brinn held a converfire and police commission from entering and the state of Kansas, the compromise another continent since 1812, the annexa prohibited under executive discretion the that has run since the administration of upon the discharge of their duties, was sation just before the discharge of the priscalling for payment from the latter of \$160. tion of Hawaii and contemporaneous, with exjort of coal or other war material, and Gallagher commenced. to search his pockets. called before Judge Keysor yesterday. Before beginning the arguments attorney: oner and agreed on the terms of settlement. 573; dispensing with proof of loyalty during a further movement for territorial expan-Attorney Day, in arguing for Herdman and three days before the declaration of war The "countess" maintained that the big ' the late war as a pre-requisite in bounty sion, though with few important changes in his associates, contended that the court draft her husband expected as his share of President McKinley had approved the volor Herdman and his associates filed a numthe domestic scheme, the present congress unteer act. Under call the soldiers massed shows title; abolishing the distinction beland application where proof otherwise should protect the interests of the old board ber of affidavits, including those of Con V the ancestral estates in Germany would outranks almost any other that has ever against Spain mustered in the entire volun- tween offered and unoffered lands; the reand along this line he argued until the noon reach Omaha soon and that the amount assembled. It began with a widespread Gallagher, chief of police, James H. Pea teer army have been raised, embracing 125 recess. clamor for sympathetic action for suffering classification of the patent system; creating body, George A. Day, A. T. Sigwart, W. M. demanded would be made good and that she 000 men under the first and 75,000 under Attorney Ransom for Herdman and his as-McGrath, T. J. Ormsby, D. H. Bradley and and her husband would have money left to Cuba, but there was apparently then no the second call. Among the previous legis- | ing to patents and trade marks; removing a commission to revise the statutes relatociates dwelt at great length upon the Lawrence Fay. burn. expectation of armed conflict. But when the line of the army effecting three modern Fourteenth amendment to the constitution urgency of waiting until the time had ex-Special Agent Anderson of the railway The answer of the defendants was filed the trend of events culminated the emerpired for filing a motion of a rehearing in CLINCH WANTS HIS RIGHTS company, who was on the train, chanced to Thursday afternoon. The answer was drawn gency was quickly met and necessary legisbattalion war formations. It designated heretofore incurred; allowing \$288,000 for the the supreme court. He urged that the diby City Attorney Connell for Mayor Moores lation enacted. The first few, but signifitrict court is in no position to deny the the peace organization of these regiments and the police commission appointed by Secures the Arrest of a Restaurant and made an effort to get out of the train. cant, war measures needed were framed and relief of the book agents of the Methodist with two battalions of four companies each Episcopal church south for damages during injunction until after the judges of the sumade law, but with the issue made clear him. It denies the essential allegations of and two skeleton or unmanned companies the war; \$330,151 for the heirs of John Man Who Discriminates Against preme court have passed upon the applicathe petition and sets up a recent decision there was a flood of bills and resolutions tion for the rehearing. If the application the Negro. and supplied the third battalion in war of the supreme court declaring the Herdthat fairly submerged the two branches of Roach, the Philadelphia shipbuilder, for time by manning the skeleton company, in is denied, then and in that event, the dis man board unconstitutional and affirming captured and is now in the city jail. work on the cruisers Charleston, Boston and P. E. Clinch, a colored man, has a griev congress. organizing two additional ones, and made trict court might act and hand down its Hawalian annexation, Spain and Cuba. Atlanta; \$28,160 likewise for the dispatch the validity of the new board. It also calls ance against Edward Maurer, the restaur opinion, but until then nothing should be other important requirements. Another attention to a written agreement of Attorwar appropriations and war revenue legisboat Dolphin; \$69,550 to the Richmond Locoanteur, which will be aired in police court law amended the present administration of done in the way of denying the injunction ney General Smyth to ascertain the respectlation, organization of the vast volunteer motive and Machine works for damages and Saturday morning. Clinch accuses Maurer justice in the army, accomplishing reforms, losses in the construction of the battleship ive rights of the two contesting boards at asked. army and expansion of the navy, a new of discriminating against his race. Clinch in court-martial methods. City Attorney's Argument. bankrupter law-all these were features of the earliest possible time and to respect the Texas. says in his complaint that he entered the One feature of the session was the enact-Late in the session a general bankruptcy recent decision when handed down. At the afternoon session of the court City the session. restaurant a few days since with two white ment of the war revenue law. Its framers law was enacted providing for voluntary and In refutation of the affidavits filed by the Attorney Connell opened for the members of Omaha. men and ordered a sumptuous dinner. The Immense Appropriations. expected it to produce \$150,000,000. Other revenue legislation metuded a bill enlargthe new board, arguing that under the demeals were served to his white friends, but

Notable speeches and dramatic scenes over foreign issues were comparatively frequent in both legislative chambers. Urgent deficiency bills, carrying millions of dollars, were rushed through with far less delay than marked the course of an ordinary to six years. measure of little importance. The total ap-

propriations footed almost \$900,000,000, and upwards of \$350,000,000 of this was for purely war purposes. It was the largest aggregate by any session since the civil war and the general deficiency was the largest separate measure since the \$750,000,000 single appropriation in 1863. The naval appropriatio bill provided for three new battleships, four monitors, sixteen torpedo boat destroyers, twelve torpedo boats and one gunboat. The urgent deficiency bills all carried provisions for aggressive work in the prosecution of the war. The general deficiency, acted on in the last few days, carried a provision for refunding the indebtedness of the central and western Pacific railroads to the

Cuba and Hawaii were the important matters of debate and provoked the most widespread interest. Hawaiiau annexation finally passed at the close, was agitated throughout the session, first in treaty form in executive seasion, last in open session by resolutions accepting the Hawaiian govern ment's cession of the islands.

The first real war legislation was when ing them with arms and supplies; allowing appropriation bill, giving over 20,000,000 congress placed, without limitations, \$50,-000,000 in the government's hands as an homestead settlers who volunteer to count acres of public lands as free homes for the same had been approved by the city filed and reargued in the suprome court. emergency fund. Party lines were swept their services in homestead requirements; settlers, was finally compromised on a two-

ing in favor of importers the provisions as to dispositions of abandoned imported mer-chandise and extending the outage allow-ance on distilled spirits in bond from four

Minor Registation.

Minor war legislation included the following: Allowing a maximum increase of floor of both houses, but finally was lost in 100 army hospitals; foward providing for the war excitement. The Loud bill to create the maintenance of volumeters between their a basis of second class mail matter was killed enroliment and mustering in United States in the house in March. The personnel of the service; adding two assistant adjutants; a navy bill, reorganizing the entire naval regular volunteer army signal corps; or- service, was reported to the house, ganizing a volunteer brigade of engineers; went over until the next session. Banking creating two additional artillery regiments, and currency legislation, proposing a gensurgcons to the army permanently and in from committee, but never reached conemergencies as many contract surgeons as sideration in the house. necessary; creating a United States auxii- The Teller resolution, declaring for payiary naval force, not exceeding 2,000 en- ment of the national bonds in silver as well listed men, and appropriating \$3,000,000 as gold, was passed by the senate, by a do of twenty pharmacists and as many hos- house. Statehood bills for New Mexico, injunction. pital stewards and apprentices as neces- Arizona and Oklahoma were killed in com-

REVIEW OF CONGRESS' WORK afterward a bill reimbursing the survivors and medals to his officers, and providing POLICE BOARD INJUNCTION

sary; organizing a naval battalion for the mittee. Immigration bill requiring ability during June and July for patrol purposes; reach a vote in the house. The anti-scalp-

involuntary bankruptcy. Measures Which Failed.

which never passed. These included the civil service system, which brought out investigations, numerous conferences and commissions and acrimonious debate on the

The filing of the affidavits joined the issues in the case and after Judge Keysor had asked the attorneys if they were ready to adding 1,610 men, adding fifteen assistant eral reform in the existing scheme, reported | go to trial, and after they had all answered in the affirmative Attorney Day opened for Herdman and his associates by reviewing the history of the case and the matters leading up to the bringing of the suit. This being ne Mr. Day read the pleadings, following therefor; organizing a naval hospital corps vote of 47 to 32, but was defeated in the with the affidavits filed in support of the

In making the showing for the board. City Attorney Connell read the affidavits of District of Columbia; keeping life saving to read and write on the part of those 16 Frank E. Moores, mayor, who alleged that, stations on the Atlantic and gulf coasts open years old, passed the senate, but did not believing the acts of Herdman illegal, had failed and refused to meet with them ratifying all temporary appointments of ing bill, prohibiting ticket brokesge, reparted for the transaction of business. He also proposed to hold onto the office as long as naval officers on and after April 21; au- in both houses, went over to the next session. showed that Birkhauser and the other legally thorizing assistance to Cubans and provid- | The free homes amendment to the Indian appointed members of the fire and police the purpose of assisting them to hang on commission had filed their bonds and that until a motion for a rehearing could be

petitioners the defendants have filed two affidavits. The first is by Mayor Moores re- cree of the supreme court, they were he was told negroes could not be served in

citing the different steps which have led up clothed with full power to go ahead with the Maurer dining rooms. He was forced to to the present situation and emphasizing the transaction of business, they constitut-, retire. the demoralized condition of the police. The ing the only legal fire and police commissecond is by Victor Rosewater, submitting sion of the city. This being true, the memby him before Governor Holcomb against the members of the old board, who had been Police Commissioners Herdman, Peabody and Gregory, and accompanying affidavits The supreme court, in deciding the case, sustaining the charges of malfeasance in the city attorney contended, had settled the office, abuse of power, connivance with constitutionality of the law giving the crime and toleration of lawless resorts.

Opening the Case.

it of its legal rights.

possession of the offices by force, nor did they have a desire to disturb the peace. Attorney Ransom, closing for the members of the old board, stated that his clients they could. They wanted the injunction for

away and both houses unanimousis voted resolutions of thanks to Dewey and his years' extension of payment for such lands. , his associates had refused to turn over the Judge Keysor announced that he would Chickamauga Park.

Crowded Passenger Coach at the Depot, but Are Prevented from Securing Money.

ROBBERS' DESPERATE DEED

As the Rock Island passenger train, due here at noon yesterday, was pulling into the depot, two young men who had boarded the train at Council Bluffs, sprang at W. B. Lytle, an aged fellow-passenger, and while one of them throttled him the other sought

The old man was taken so suddenly that he was unable to aid himself and he sunk helplessly into his seat as the robber's fingers tightened about his throat. Although the coach was partially filled with passengers, no one had the courage to go to the assistance of the robbers' victim.

pass through the car. He rushed upon the two men. They released their hold of Lytle One succeeded in escaping, but the other, who gave the name of Albert Temple, was

> Temple refuses to tell where he belongs. He is but 20 years old and is believed to have been one of the two men who robbed a passenger on a Missouri Parific train recently of \$300 and then made his escape while the train was in motion near South

Lytle is a resident of Granger, Mo., and was coming to Omaha to see the exposition. Several officers have been detailed to capure Temple's partner.

The case of E. Hall against Lacey Peyton Mrs. D. W. Moss of Des Moines, Ia., who the druggist, who refused to sell him two was one of the witnesses of the attempted copies of the impeachment charges preferred bers could in no possible way interfere with | glasses of soda water because of his color, | robbery, is being detained as a witness will follow the Clinch case. On the disposiagainst Temple. George Raymond, said to tion of these cases will depend the action be a professional pickpocket, was captured to be taken in several other similar cases on the same train by Agent Anderson. He is not connected, it is said, with the attempted robbery of Lytle.

> Lytle would have proven a rich haul for the men had they been successful in getting the big wallet they were after and which he carried in an inner pocket. It was said to contain \$1,000. He had carelessly ex-Zoe Pearl Dutton has applied to the courts hibited his money just a short time before

for a divorce from her husband, J. Lester the attempted robbery. Dutton. She alleges cruelty and asks for

Warned to Watch for Burglars.

The Omaha police have been notified to he on the lookout for two burglars now enroute to this city from Liberal, Mo. The men, in company with a third man, who was captured, forced their way into the general store of George Strickland of Liberal and carried away several hundred dollars worth of clothing, which they loaded into a light wagon.

The robbery was discovered shortly after ts occurence. The robbers were pursued the Department of the Missouri. Lieutenant Hartigan left his regiment at Chickamauga^{*} by an armed posse and one of them was and came to Lincoln to recruit men for the captured. The robber who fell into the hands of the officers admitted that he and 117 men, the number necessary to complete his partners were residents of Omaha. He the quota, and, after spending Sunday in said the other two men were intending to Omaha, Lieutenant Hartigan will start for take their plunder to Omaha. i are given in the telegram.

removed from office by due process of law. that have been filed with the police. Applications for Divorce. mayor and city council power to create a Lizzie VanHorn seeks the courts in an fire and police commission. The district effort to secure a separation from her hus-band, Scott VanHorn. She alleges deser-

court, by urged had no right to interfere with the work of the new board and had no right to issue an injunction depriving Assistant City Attorney Scott closed for the new board, pointing out the fact that there was no law governing the case, as it

records to the fire and police commission

Going into details, the mayor furnished evi-

raised issues that were entirely new. However, there is a law of common sense that would govern in the absence of statutes.

Mr. Scott assured the court that the members of the new board had no desire to take

tion and asks for the restoration of her maiden name, Lizzie Mauer,

naiden name, Zoe Pearl Park, restored

the custody of the children, the issue of the marriage. In addition, she wants her

take the case under advisement and hand

though they had been requested so to do. down his decision next Tuesday morning.

Edith Bradbury would divorce herself from her husband, Charles H. Bradbury. She alleges crucity and failure to support.

Lieutenant Hartigan in Town.

Lieutenant Hartigan of Company D. First hattalion of Second regiment of Nebraska edunteers arrived in Omaha from Lincoln vesterday to report at headquarters of

and came to Lincoln to recruit men for the First hattalion. He succeeded in securing

Department of the Missouri.