

BURT BEFORE POLICE JUDGE

Pleas Not Guilty to Ten Charges of False Imprisonment.

COURT SETS TRIAL FOR NEXT WEDNESDAY

Defendant Gives Bonds for Three Hundred Dollars in Each Case—Caught by Photographer as He Enters Court.

President Horace G. Burt of the Union Pacific Railroad company was arraigned before Judge Berka yesterday morning on ten warrants charging him with false imprisonment, to which charge he pleaded not guilty, was admitted to bonds in the sum of \$300, released and his trial set for September 2.

This is the status of the case brought against President Burt by the men who the Union Pacific imported Sunday from Indianapolis. As has been published these men, ten in number, claimed to have been employed by the company's agents under false pretenses, namely, that there was no strike on the Union Pacific, and they furthermore assert that they were imprisoned on the car at Council Bluffs and in the shops by William Canada, chief of the Union Pacific secret service. It was for this alleged false imprisonment that the ten men swore to warrants of arrest for President Burt and W. A. Arnett, employment agent of the company. The case was placed in the hands of the county attorney and Judge Thomas is personally conducting the prosecution.

President Burt entered the court at 10:25 yesterday morning, one hour and thirty-five minutes behind schedule time. He was accompanied by John N. Baldwin, general counsel for the Union Pacific, and John C. Vizard, special attorney for the company. Other Union Pacific attorneys, Edson Rich and Charles L. Dunder, who were Mr. Burt's bondsmen, were already there, having arrived at the hour appointed for the arrangement. President Burt walked to the front of the room and his next step across the aisle to the court was a broad smile befitting his stern countenance.

Mr. Burt Signs His Bonds. After a few minutes' consultation with Judge Berka, Prosecutor Thomas and Attorneys Rich and Dunder, Mr. Baldwin beckoned to President Burt to step to the desk and sign his bonds. These, as has been stated, were ten in number, one for each warrant, and were in the sum of \$300 each. The president consumed but a few minutes in this operation. He displayed no emotion whatever and his next step across the aisle was with as steady a stroke as if he might have been signing receipts for large railroad revenues.

The officer of the court waived the reading of the warrants, and Judge Berka then said: "It will now be necessary for you to plead, Mr. Burt. How do you plead, guilty or not guilty?" "Not guilty," quickly interposed John N. Baldwin, before President Burt had had time to realize the court's question. Then, turning to his leading attorney, Mr. Baldwin, with manifest curiosity, "What was that?" "Do you plead guilty or not guilty?" repeated Judge Berka. "Oh, not guilty," spoke the president, in a low tone.

"Well, gentlemen," said the judge, "it is agreed, then, is it, that this case shall be set for September 2 at 10 a. m.?" "Yes," answered the attorneys on each side in unison, and the court informed Mr. Burt that he would be expected to appear for trial at that time.

"Very well, is that all?" asked the president. "That is all," Judge Berka replied, and Mr. Burt, bidding the clerk and attorneys good morning, left the room with Mr. Baldwin and Mr. Vizard, returning to the headquarters.

Has Nothing to Say. Asked if he had any statement to make after the proceedings were over, President Burt replied: "Nothing at all, there is nothing to say."

The occasion of the president of a great railroad being summoned to appear in police court on a warrant of arrest created unusual interest and drew to the court room a large crowd of curious seekers. Before 9 o'clock the court room was filled and stragglers stood in front of the police station, all eager to get the first glimpse of the man whom these "horrid-handed sons of toil" had accused of depriving them of their liberty. The audience was in the motley crowd, the inquisitive habits of police courts, the man who never misses a session of these minor mills of justice, a number of strikers and many of the complaining witnesses. In addition to these was the usual run of morning glory "waiters" waiting for their sentences as "vagabonds" or "suspicious characters."

The crowd manifested considerable impatience when 10 o'clock came and still President Burt did not appear. It was the purpose of Attorney Vizard to bring the president into court without bringing the president into court. It was possible, but Deputy County Attorney Thomas objected to this plan and insisted that Mr. Burt's presence was necessary.

"Very well," replied one of the attorneys and the president was then called up on telephone and advised that his presence in court was required. Caught by Snaphot Artists. As President Burt, John N. Baldwin and Special Officer Vizard of the Union Pacific got within a few yards of the police station a photographer, representing a newspaper, who had been standing on that spot for several hours to catch the president, called to him. This was merely to attract Mr. Burt's attention so that a front view could be caught. But President Burt was unconscious of the trick and turned as soon as his next step across the aisle. "Now put that thing right up," he said, catching sight of the camera, but it was too late, for the mischief was done, and before the president had advanced many feet further the shot was repeated, and the same performance took place as he came out of the police station. The president walked to and from his office and the police station. He was manifestly annoyed at the unusual demonstration, though evidently could not restrain a smile at the real humor of the situation which seemed to impress itself upon all present. Attorney Baldwin was asked if he had any statement to make and said: "No, I merely wanted a piece of not guilty, which, of course, does not prejudice our right to move for a dismissal of the case or demur when the time comes." The court assented to this. Mr. Arnett is out of the city and could not be reached with the warrants. The plaintiffs in the case against President Burt are not entirely satisfied with dropping matters at criminal prosecution. They want more than mere redress for their grievances, insisting that they must be remunerated for the time and money lost in coming west to Omaha. "Therefore we have decided," said one of the men, "to institute civil action, if possible, to recover money for the time we have been idle, that is, since we hired to the company's agents in Indianapolis, \$5 for the individual's real business, and to secure transportation back to our homes."

STATISTICS ON RAILWAYS

Interstate Commerce Commission Reports for Year Ending June 30, 1901.

WASHINGTON, Aug. 27.—The Interstate Commerce commission today issued a summary of the annual report on statistics of railways in the United States, covering the year ending June 30, 1901. The number of railways in the hands of receivers on that date was forty-five, a net decrease of seven, as compared with the corresponding date of the year previous. The capital stock represented by the railways in the charge of receivers was \$49,478,357, funded debt \$24,748,661 and unfunded debt \$14,152,256. These figures show a decrease in total stock represented as compared with 1900 of \$58,815,598 and in funded debt of \$23,544,560.

CROWD AT THE BAND CONCERT

Warm Night Brings Out Many Musicians, Who Warmly Applaud Rivela.

The first warm night in many days brought out 2,000 people to hear Rivela and his band last night. Mild weather apparently released the appreciation of the large audience, and the applause was in great swells after every number, unmitigated, un-falling. The sextet from Donzetti's "Lucia di Lammermoor" came eighth on the program and was the artistic climax of a triumphant evening. This number found a keen rival for popular favor, however, in Sig. Retaro's harp playing, which preceded. His offering of "The Swanee River" as an encore proved the intimate bond which drew the hearers more closely to the music's vibrations than any other selection. Faderewski's "Minuet" as played was a gem of interpretation.

Friday afternoon next is to be the children's matinee. The committee in charge of the festival has just set aside this time for the little folks, and the admission for all under 12 years of age will be only 10 cents. A swarm of the juvenile lovers of music is expected on that occasion. Today's programs:

- MATINEE. March-Philippine. Schmid. Overture-Morning, Noon and Night. Suppe. Grand Solo. Sig. de Mittra. Bartlett. "Gems of Stephen Foster." Tobani. "Dance of the Fairies." Signori Di Natale, Di Fulvio and Scarpa. II. March-Tannhauser. Wagner. Intermezzo-Cavalleria. Mascagni. Waltz-Loin du Bal. Gilet. Grand Solo. Signori Di Natale, Di Fulvio and Scarpa. Signori Palma, Marino and Curti. EVENING. Symphonic March-Return from Turin. Rivela. Overture. The audience was warm and enthusiastic and applauded their favorites until the number of encores responded to were nearly as numerous as the compositions on the regular program. In addition to con-melodies by the band, Huster contributed a recitation, some of the audience, a professional player cleverly approaching a professional standard. The moving picture production of "Jack and the Beanstalk," the "Passion Play" and other free shows provided a variety of entertainment. On Friday the band will play a program composed of light opera selections.

PENSIONS FOR WESTERNERS

Survivors of the Wars Generously Remembered by the General Government.

WASHINGTON, Aug. 27.—(Special.)—The following pensions have been granted: Issue: Originals: Noah Hookman, Dorchester, S. C.; Washington Hammer, Weeping Water, Neb.; Richard M. Adams, Lincoln, Neb.; Increase, release, etc.—William Steele, Nebraska; John M. Adams, Lincoln, Neb.; dependent relatives: Mary E. Adams, Lincoln, Neb.; Widows, minors and dependent relatives—Elizabeth J. Muck, Clarinda, S. D.; Margaret Leuch, Traer, S. D.; Originals: Joseph M. Williams, V. R. Priest, Milbank, S. D.; Issue of August 4: Release, etc.—Elias Quinn, Burdett, S. D.; Isaac N. Alderman, Osage, Neb.; E. Spencer, Osage, Neb.; Aaron S. McCarter, Wynona, S. D.; Originals—Charles W. Harmon, Lucky Valley, Neb.; Increase, release, etc.—George W. Walker, Bedford, S. D.; Edwin G. Dixon, Bedford, S. D.; Edward McGinnis, Bedford, S. D.; Originals—John R. Minor, Oakville, Neb.; Christopher Billings, Oakville, Neb.; Leander O. Gann, De Moines, Neb.; Willard H. Taylor, Madison, Neb.; Widows, minors and dependent relatives—Cassius E. Mills, De Moines, Neb.; Increase, release, etc.—Wesley B. Cox, Rawlins, Neb.; South Dakota: Increase, release, etc.—Charles E. Palmer, minor and dependent relatives—Lucella M. Moore, Slater, S. D.; Issue of August 8: Release, etc.—John M. Moore, Slater, S. D.; Issue of August 12: Release, etc.—John M. Moore, Slater, S. D.; Issue of August 15: Release, etc.—John M. Moore, Slater, S. D.; Issue of August 18: Release, etc.—John M. Moore, Slater, S. D.; Issue of August 21: Release, etc.—John M. Moore, Slater, S. D.; Issue of August 24: Release, etc.—John M. Moore, Slater, S. D.; Issue of August 27: Release, etc.—John M. Moore, Slater, S. D.; Issue of August 30: Release, etc.—John M. Moore, Slater, S. D.; Issue of September 3: Release, etc.—John M. Moore, Slater, S. D.; Issue of September 6: Release, etc.—John M. Moore, Slater, S. D.; Issue of September 9: Release, etc.—John M. Moore, Slater, S. 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