THE OMAHA DAILY BEE.

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COLD WAVE STICKS

Weather Dispenser Keeps Up Unfriendly Relations With Omaha.

TUESDAY TURNS COLDER THAN MONDAY

Temperature Gets Only a Few Degrees Above Zero During Day.

OTHER PLACES ARE ALSO SUFFERING

"Sunny Florida" Even Experiences a Touch of Freezing Weather.

PASSENGER TRAINS ALL RUNNING LATE

Railroad Official Says Traveling is Dangerous at This Time and Is Surprised to Hear of No Wrecks.

Minimum Temperatures.

Bismarck	—30
Huron	—28
Sioux Falls	—26
Moorhead	—24
Duluth	—24
West Superior	—20
St. Paul	—20
Sioux City	—18
Valentine	—18
Minneapolis	—18
Green Bay	—16
Omaha	—15
Pottsville, Pa.	—14
Des Moines	—14
Dubuque	—14
Davenport	—12
Chicago	—10
Kansas City	—8
Topeka	—7
St. Louis	—1
North Platte	—4
New York	6

Yesterday was a colder day in Omaha than was its immediate predecessor. At 5 a. m. it was three degrees colder; at noon it was nine degrees colder; at 6 p. m. it was fifteen degrees colder, and at 9 p. m., just even. At the latter hour yesterday the trend of the mercury was upward, for it was one degree higher than it had been at 8 p. m.

But even at that, it wasn't exactly a warm night. Nobody had the hammock up on the side porch, and the son of toil and of Irish parents didn't go out on the rear doorstep to smoke in his shirt sleeves and decollete slippers. In fact, the mercury was still down at 8 above, and the barn door creaked like the dickens.

From all of which it must not be concluded that Omaha is faring either much worse or better than other points in the same general latitude. At 7 o'clock when the registration here was 7 above, the registration at Valentine was 16 above; at Cheyenne, 26 above; at Chicago, 4 above; at Davenport, 8 above; at St. Paul, 4 above; at St. Louis, 8 above. Even at Bismarck it was 4 above. Huron remained obstinate and clung around the 8-below point. It was cloudy there, and at North Platte, but at most points "clear" was the evening report.

If this general evening rise indicates anything, it indicates warmer weather, but all tips to the effect that hot days are in immediate prospect should be reported to the police. They're spurious.

The mean temperature in Omaha yesterday was 4 below. The same day in 1902 it was 22 above; in 1901, 32 above, and in 1900, 12 above.

Four degrees colder in Omaha yesterday morning than it was at any time Tuesday, a wind of thirty-four miles an hour during the night and the coldest part of the twenty-four hours about 7 o'clock in the morning is the official record at the local Weather bureau. But it was not the fault of Mr. Welsh. He had done his best and predicted slightly warmer temperatures for the time, and the change which did come was "one of those things no fellow can tell about," for the colder weather was limited to a comparatively small area along the Missouri river in eastern Nebraska and western Iowa, while the northwest realized upon the prediction of slightly warmer.

While it was 20 degrees below zero at Bismarck it was 6 degrees below the freezing point at New Orleans. Down in "sunny Florida" it was 4 degrees below the freezing point, and even Phoenix, Ariz., tied the Florida city in temperature, while at San Francisco the mercury was only 8 degrees above the freezing point.

COLD ALL OVER THE COUNTRY

Freezing Weather As Far South As the Gulf and Intense Cold in the North.

NORFOLK, Neb., Feb. 18.—(Special Telegram.)—The minimum temperature last night was 20 degrees below zero. The wind was from the northwest and was about thirty miles per hour.

FREMONT, Neb., Feb. 18.—(Special.)—The wind shifted into the north last night and it grew cold fast. At 7 o'clock this morning from 15 to 18 degrees below zero was reported in various localities. The cold weather has delayed the trains on both railroads. The Black Hills train on the Elkhorn was four hours late yesterday and still later today.

Troops Still Stuck in Snow.

CHEYENNE, Wyo., Feb. 18.—The weather throughout southern and eastern Wyoming today was fine and the snow is melting rapidly.

The blockade on the Denver Pacific and west of Laramie were lifted today and trains are now moving.

On the Cheyenne and Northern and Elkhorn roads the effects of the storm are still felt. The two trainloads of the Thirteenth cavalry are still stuck in the snow near Lusk, but they will probably be released soon for a rotary plow and relief train which left Chadron yesterday are only four miles away.

The ranges are now in fairly good condition and with ordinary weather during the remainder of the winter the total losses for the season will not exceed 5 per cent for cattle and 10 per cent for sheep throughout the state.

Gale at Des Moines.

DES MOINES, Ia., Feb. 18.—A minimum of 14 degrees below zero was recorded by the government thermometer this morning, 4 degrees below yesterday and 3 degrees lower than Monday.

The cold is accompanied by a perfect gale, which makes outdoor employment most dangerous. The cold is general throughout the state and more severe in the northern portion. Suffering among the poor is acute.

Twenty-Six Below at Sioux Falls.

SIOUX FALLS, S. D., Feb. 18.—(Special Telegram.)—Last night was the coldest of the winter. The government thermometer registered 26 below at the coldest point

(Continued on Second Page.)

CHAMBERLAIN IN CAPETOWN

Delivers an Address to the People and Makes Powerful Appeal for Unity.

CAPETOWN, Feb. 18.—Colonial Secretary Chamberlain and his party arrived here today and received a hearty ovation from a crowd of about 10,000 people awaiting them in Green Market Square. A number of addresses were presented to Mr. Chamberlain. During the reading of one of these Prime Minister Sprigg arrived on the platform and was hooted with much vigor.

Mr. Chamberlain, in the course of his speech, made a powerful appeal for the union of the races. He admitted, however, that since his arrival in Cape Colony he had become less hopeful of immediate satisfactory results from his visit, as he found that the antagonism of the two races had become chronic.

Rebellion was exalted into heroism and loyalty was discountenanced and ostracised, even the pulpit joining in the propaganda tending to intensify the separation of the races.

On leaving the platform Premier Sprigg was again made the subject of a hostile demonstration.

ITALIANS CRY FOR WAR

Deputies Answer Taunts by Declaring in Favor of Naval Struggle.

ROME, Feb. 18.—The chamber of deputies debated today the March estimates.

In the course of the discussion reference was made to the defeat of the Italian fleet by the Austrian at Lissa in 1866, and Vice Admiral Morin, minister of marine, said:

"We have worked thirty-six years preparing for the day of trial."

This remark caused a sensation, the members of the left shouting, "Do you want war?"

"Yes, we want war," retorted the deputies in the center.

Signor Morin continued that, while they do not want war, they were prepared. He opposed a reduction in the navy owing to Italy's geographical situation.

A large number of emigrants were leaving the shores of Italy, he said, who must be protected. He pointed out that Great Britain, France, the United States and other powers had almost doubled its expense of their navies, while Italy had cut down the naval expenditure by $2,200,000.

SPAIN IS AWARDED DAMAGES

Ship Builders Must Pay for Delay in Filling Contract for Vessels.

EDINBURGH, Feb. 18.—The court of session today awarded the government of Spain $337,500 in the action begun here January 20 by the Spanish minister of marine, Sanchez Toca, to recover $375,000 from the Clyde Bank Engineering and Shipbuilding company, because of the company's failure to deliver on contract time four torpedo boat destroyers which had been intended for use during the Spanish-American war.

In the course of the judgment Lord Killachy, the presiding judge, said he thought it more than likely that if Spain, even in the spring of 1897, had been in a position to establish a really effective blockade in Cuba against the unloading of munitions of war, the insurrection might have been crushed and American intervention have been avoided. He, therefore, allowed Spain $2,500 per week for the 135 weeks' delay, to which it was entitled under contract.

SECOND TRIAL IS FAILURE

Water Tube System on British Cruisers Does Not Meet with Expectations.

LONDON, Feb. 18.—The second trial of the British second class cruisers, Hyacinth and Minerva, fitted with water tube and cylindrical boilers, respectively, has resulted in another defeat for the water tube system.

The war ships left Plymouth with an equal quantity of coal for Gibraltar, and Minerva steamed for twelve hours after Hyacinth's bunkers were emptied.

The vessels recoaled at Gibraltar and started on the race homeward during the morning of February 15, with the result that Minerva reached Portsmouth at 1 o'clock this morning, having averaged eighteen knots.

Hyacinth's boilers broke down in the Bay of Biscay on Monday morning.

APPROVES VERDICT OF COURT

Findings in Trial of Major Glenn Are Endorsed by General Davis.

MANILA, Feb. 18.—General Davis has approved the findings of the court-martial in the case of Major Edwin F. Glenn of the Fifth infantry, who was acquitted January 29 of the charge of unlawfully killing prisoners of war, with the qualification that he disapproves of the orders issued by Major Glenn.

The general says he recognizes the principle that guides may be impressed, and that treacherous guides may be executed, but he adds that Major Glenn's orders showed a reckless disregard for human life, which the general condemns and reprimands.

WILHELMINA AGREES TO ACT

Will Designate an Umpire in Case Venezuelan Commission Cannot Agree.

PARIS, Feb. 18.—Foreign Minister Delcasse has given Ambassador Jusserand at Washington practically a free hand in the conclusion of the Franco-Venezuelan protocol.

Queen Wilhelmina will designate an umpire in case of a disagreement between the arbitrators.

Miners Murdered by Moros.

MANILA, Feb. 18.—John Prucha and E. Chase, miners, who were working on a placer claim sixty miles northeast of Zamboanga, Mindanao, were murdered by Moros in January. The natives surprised and beloed the miners. Chase's decapitated head was founded hanging to a tree. Prucha escaped, but died in the woods from wounds and exposure. Chase was formerly a miner in the Klondike regions. Prucha's home was at Reading, Pa.

Captain and Crew Drowned.

PARA, Brazil, Feb. 18.—The British steamer Kelvinside, from Buneos Ayres, for this port, has been sunk in the Para river. The captain and eight of the crew were drowned.

BEEF TRUST IS ENJOINED

Court Holds Packers Conspired Illegally in Restraint of Trade.

JUDGE GROSSCUP REVIEWS ALLEGATIONS

Says There is Ample Evidence That Cattle Were Manipulated and Supplies of Products Curtailed to Restrict Competition.

CHICAGO, Ill., Feb. 18.—The so-called "beef trust" case was disposed of today by Judge Grosscup in the circuit court, the demurrer of the packers being overruled and a temporary injunction granted.

The packers made no announcement of their future intentions. They have until March 4 to discuss the matter. If they deny the facts, upon which Judge Grosscup gave his decision, the matter will go before a master in chancery, who will hear the evidence, and the case will afterward be argued before Judge Grosscup. But in any event it is not believed likely the packers will let the matter go by default, thus making the injunction permanent.

Divides Facts Into Groups.

In giving his decision Judge Grosscup said:

For the purpose of clear exposition, the facts set forth in the petition should be separated into two groups:

First—These that are intended to bring the transaction within the body of interstate commerce.

Second—Those that are intended to fix upon it the character of unlawful combination and conspiracy.

The first group may be stated as follows: The defendants, controlling 60 per cent of the trade in fresh meats in the United States, buy, in the course of their business, livestock shipped from points throughout the United States, which, having been converted into fresh meats, is sold again by them at the places where prepared, to dealers and consumers in other states, or is sold through their agents, located in other states, to dealers and consumers in the states where the agents are located. The shipments in the first class of sales are made directly from the places where the meat is prepared to the dealers, and in the latter class to the agents in the other states, which, upon sale, deliver directly to the dealer and consumers.

What may be called the body of these transactions is two-fold. It reaches backward to the purchases of cattle that come to defendants from states other than those in which defendants manufacture; and it reaches forward to the sale of the meats after conversion, to parties in other states. Each of these transactions constitute, in my judgment, interstate commerce.

Coming to the other branch of the transaction—the sales by defendants—a like result follows. Unquestionably it is interstate commerce when purchasers from other states buy directly from the defendants, and have the meats shipped to them by the vendors.

I think the same is true of meat sent to agents, and sold from their stores. The transaction in such cases, in reality, is between the purchaser and the agents' principal. The agents represent the principal at the place where the exchange takes place, but the transaction, as a commercial entity, includes the principal and includes him as dealing from his place of business. Indeed, the principal could, as a citizen of another state, sue upon the transaction in the federal courts; nor have I any question that if the conditions of this case were reversed, so that the defendants were invoking the shelter, instead of seeking to escape the obligations of the federal law, it would be found competent to give the protection asked.

Because a thing can be taxed by the state, it does not follow that it lies outside the body of interstate commerce for commerce, interstate as well as domestic, is subject to the police and taxing power of the state, so long as the exercise of such power does not interfere with the national government's exclusive right of regulation.

Finds Illegal Combination.

Do the facts set forth in the second grouping fix upon the transaction the character of unlawful combination?

The averments are that the defendants are engaged in an unlawful combination and conspiracy under the Sherman act in—

(1) Directing and requiring their purchasing agents at the markets where the live stock was customarily purchased to refrain from bidding against each other when making such purchases;

(2) In bidding up, through their agents, the price of live stock for a few days at a time, to induce large shipments, and then ceasing from bids, to obtain the live stock thus shipped at prices much less than it would bring in the regular way;

(3) In agreeing at meetings between them upon prices to be adopted by all and restriction upon the quantities of meat shipped;

(4) In directing and requiring their agents throughout the United States to impose uniform charges for cartage for delivery, thereby increasing to dealers and consumers the charges for such meats;

(5) In making agreements with the transportation companies for rebates and other discriminative rates.

No one can doubt that these averments state a case of combination. Whether the combination be unlawful or not, depends on whether it is in restrain of trade. The general meaning of that term is no longer open to inquiry. It has been passed upon carefully by the supreme court in the freight association case and in the traffic case. It is clear from them that restraint of trade is not dependent upon any consideration of reasonableness or unreasonableness in the combination averred; neither is it to be tested by prices that result from the combination. Indeed, combination that leads directly to lower prices to the consumer may, within the doctrine of these cases, even as against the consumer, be restraint of trade; and combination that leads directly to higher prices may, as against the producer, be restraint of trade.

The statute, thus interpreted, has no concern with prices, but looks solely to competition, and to giving competition full play, by making illegal an effort at restriction. Whatever combination has the direct and necessary effect of restricting competition is, within the meaning of the Sherman act, as now interpreted, restraint of trade.

Thus defined, there can be no doubt the agreement of defendants to refrain from bidding against each other for cattle is combinations in restraint of trade; so also their agreement to bid up prices to stimulate shipments, intending to cease from bidding when the shipments arrive.

The same result follows when we turn to the commission of defendants to fix prices and restrict the quantities of meat shipped to their agents or their customers. Such agreements can be nothing less than restraints upon competition and, therefore, combination in restraint of trade.

Thus viewed, the petition, as an entirety, makes out a case under the Sherman act.

It may be true that the way of enforcing any decree under this petition is beset with difficulties and that a literal enforcement may result in vexatious interference with defendant's affairs. But in the inquiry before me, I am not at liberty to stop before such considerations. The Sherman act as interpreted by the supreme court is the law of the land, and to the law, as it stands, both court and people must yield obedience.

Demurrer is overruled and the motion for preliminary injunction granted.

The defendants enjoined are: Swift and Company, Cudahy Packing company, Hammond Packing company, Armour & Co., Armour Packing company; G. H. Hammond company; Schwarzschild & Sulzberger company, Nelson Morris & Co.

Partners: J. Ogden Armour, P. A. Valentine, Calvin M. Favorite, Arthur Meeker, Thomas J. Connors, Charles S. Langdon, Michael Cudahy, Edward A. Cudahy, Patrick Cudahy, Albert F. Boscherdt, Gustavus F. Swift, Lewis F. Swift, Lawrence A. Carton, D. Edwin Hartwell, Jesse P. Lyman, Frank B. Vogel, Louis Pfaelzer, William J. Russell, Albert H. Veeder, Henry Veeder, Edward C. Swift, Ferdinand Sulzberger and W. H. Noyes.

Rob Savior's Picture.

ST. PETERSBURG, Feb. 18.—Burglars entered the cathedral of St. Isaac last night and stole three diamonds, valued at $50,000 from the frame of a picture of the Savior.

STARTLING INSURANCE FRAUD

New York District Attorney's Office Said to Be in Possession of Astonishing Facts.

NEW YORK, Feb. 18.—Assistant District Attorney Krotel said today the insurance frauds case now under investigation in this city promised to develop into one of the most startling ever known in the criminal history of the state.

"Before the district attorney's office has finished the investigation of the astounding and extraordinary New York insurance frauds," he said, "I should not be surprised if it were proved that the conspirators even went so far as to murder in cold blood to get bodies for the purpose of collecting penalties. We have found that twenty-three substitute bodies were passed off on the Hancock Insurance company at once, and as soon as the plotters are indicted these will be exhumed. The investigation into the remarkable plot has hardly begun."

The fate of Sarah Weber, who, it is alleged, died from the effects of brutal treatment, which, it is charged, she received at the hands of the conspirators, Mr. Krotel said, was but a single instance.

According to stories told by her relatives Sarah Weber was tortured in order to compel her to aid in the insurance frauds.

When she left home she had rosy cheeks and was the picture of health. When her family found her she was a shadow of herself. She told her brother that she had been beaten, starved and slashed with knives to force her to help those engaged in the conspiracy.

YOUNG MAN MUST EXPLAIN

Accused by His Wife of Attempting to Give Her Poisoned Candy.

INDIANAPOLIS, Ind., Feb. 18.—W. H. Vermillion, a young man from Newark, O., is held without bond at the police station on the statements of his wife that he attempted to kill her and her two children with poisoned candy.

Mrs. Vermillion is staying at the home of her brother. She told detectives that she separated from her husband some time ago and that he twice made the effort to poison her.

Yesterday, it is alleged, Vermillion called at the house where his wife is staying and gave his 3-year-old child a bag of candy. On top, she said, were gumdrops evidently intended for her.

A girl living in the neighborhood and the child ate the gumdrops and became ill. Two physicians were called and have since been in attendance on the girl and child.

CLARK OPPOSES LAWLESSNESS

Iowa Coal Arbitrator Lectures Boston Twentieth Century Club on Strikes.

BOSTON, Mass., Feb. 18.—A winter series of lectures on economic questions under the auspices of the Twentieth Century club, was brought to a close today by an address on "Strikes" by E. E. Clark, of Cedar Rapids, Ia., a member of the anthracite coal commission.

He defended trades unionism and the right to strike in support of a demand for better conditions.

He said, however, that all such conflicts must be conducted with a proper respect for the law.

"If organized labor cannot work out its salvation without resorting to unlawful acts," he declared, "its existence cannot be defended."

RAILWAY WILL BE BUILT

Promoter of Transcontinental Line, However, Refuses to Say Who is Backing Scheme.

SAN FRANCISCO, Feb. 18.—Walter J. Barnett, one of the incorporators of the San Francisco Railway and Terminal and the Stockton & Beckwith Pass Railroad companies, has returned from the east.

When asked if he had conferred with George Gould or any other prominent railroad men with a view of getting financial backing for a transcontinental project, Mr. Barnett said:

"I am not in a position to deny or affirm any reports as to what I did in the east. All I will say is that two companies recently organized will construct and equip a line of railroad between San Francisco and Oakland and the Beckwith pass, by way of Stockton, Sacramento and Oroville."

BOTTLED HEART IN COURT

Gruesome Trophy of Alleged Crime Forms Murder Trial Evidence.

CHICAGO, Ill., Feb. 18.—The trial of John A. Nordgren, charged with the poisoning of his wife, began today.

Among the evidence submitted by the prosecution was the heart of Mrs. Nordgren, safely stored in a large bottle.

The accused man was visibly affected at the gruesome sight and it was with difficulty that he kept from breaking down completely.

CLAIMS FAMOUS WIND CAVE

Montana Man Alleges Homestead Rights to North Dakota Property.

MISSOULA, Mont., Feb. 18.—J. D. McDonald, an old woodhauler, claims that he is the owner of the celebrated Wind Cave in North Dakota.

Many years ago, he says, he filed a homestead entry to the land, but was refused a patent after he had expended many thousand dollars on the ground. He declares he was offered $200,000 for the cave.

SEAMEN LASHED TO DECKS

West Indian Steamer Has Terrible Voyage Through Icy Seas.

NEW YORK, Feb. 18.—The Atlas liner Alene arrived here from Savanilla and West Indian ports today covered with ice and presenting a battered appearance.

The men on the decks were fastened by ropes during the trip to keep them from being washed overboard.

FEVER VISITS NEW YORK TOWN

Nearly Two Hundred Typhoid Cases are Said to Be in West Seneca.

BUFFALO, N. Y., Feb. 18.—The town of West Seneca reports eighty cases of typhoid fever and probably more than 100 additional cases not reported.

FORTY ACRES IN FACTORIES

Plan of the Union Pacific Company for Utilizing Valuable Tract.

BOOM TALK BASED ON CITY SETTLEMENT

Southwest Improvement Club Told of the Intention of the Company to Do Something with Its Holdings.

Subsequent to the completion of work on the present shop site, the Union Pacific railway plans to make extensive improvements on a tract of land bounded by Twenty-fourth, Twenty-seventh, Hickory and Martha streets. The nature of the work will be vast spur track and siding facilities, which will completely cover this forty acre tract of ground, with the object of bringing extensive manufactures to the spot.

At the meeting of the Southwest Improvement club last night City Attorney Connell and former Councilman Ernest Stuht brought this matter to the attention of the members, and said that, inasmuch as the improvements would be in the club's own territory, that it would behoove the organization to urge by every possible means the inauguration and the completion of the scheme. The club informally resolved to let no grass grow under its feet in the matter.

It was stated that the railway intends commencing this work in 1904. By that time it will be well through with the present improvements in progress at the shops. The railway's plan as outlined is very broad, embracing practically the establishment of a little manufacturing community down there in the low tract just west of the Twenty-fourth street viaduct. Members of the club were fully awakened last night to the importance which this move is to them because of their location.

Plan Long Determined On.

That the Union Pacific had any such plan first leaked out at the time of the big barter made by the city and the railroad a year ago, but the scheme has not been generally known. The major portion of what the Union Pacific received in that trade was streets and alleys down in the shop district, the railroad stating that it wished that territory entire in order to make elaborate additions which it has since carried out.

Among all those street sections of the river front district was a request for a piece of Walnut street about seven blocks long out in the southwest part of town. This runs diagonally from Martha street, at about Twenty-sixth northeast to Twenty-fourth street, at about Hickory. This was the only street laid out in all that forty-acre tract described. The railroad company, when asked why it wanted that particular street vacated, said that it was wished to have that forty acres intact, so that manufactures might be put in there. The intention was stated to be to gridiron the rectangle of ground, some four blocks by six, with spur tracks and have a colony of factories built there.

In this connection the discussion brought to light another improvement plan hitherto unknown. That is the extension of Twenty-seventh street, from Martha to Bancroft streets, where it will connect with the tunnel which the railroads are under contract to build under the tracks there by 1904. That will give another easy inlet and outlet for this territory.

Kicks on Gasoline Light.

J. G. Johnson has been keeping score on the lamplighter, and he dropped a small bombshell in the meeting by stating that the gasoline light at the corner of Twenty-fifth and Marcy streets was lighted three nights in last December, and out of two weeks in November was lighted seven times. At the end of the year he spoke to the lighter about the matter, and since then the light had only gone six nights unlit. The light at Twenty-fifth and Mason streets, said Mr. Johnson, had been conducted in much the same way.

This started a furore, and other members told of other lights that had similar habits of going dark much of the time. It was suggested that the contracts on the lights in that section expired December 31 last, and that perhaps there was no kick coming on them going dark since then. A committee comprising Ferdinand Haarmann, W. H. Green and R. W. Dyball, was named to investigate the matter, to ascertain if the city was paying for the lights, and if so why they were not lit and how the gas inspector was employing his time.

Twenty-Fourth Street Grade.

On the matter of filling in Twenty-fourth street south of Leavenworth so that the street railway company may build on it a line to South Omaha, it was reported that still 100 feet of the necessary abutting front foot signatures were lacking, 600 feet having been secured. It was decided to rush the work along, and to secure the rest by the next meeting next Wednesday night if possible.

In this connection old citizens were called upon for reminiscences of former fights and struggles for improvements of various kinds. In this way the balance of the evening was passed, and some very interesting stories were told. City Attorney Connell brought forth some especially keen tales regarding the fight for the new Burlington station, for the grade on Leavenworth street, for the cutting and filling on South Sixteenth street previous to that, and he even went back to the old contest over the cutting and filling on Farnam street necessary to establish the present grade.

FIGURE JUGGLER IS JAILED

Loan Company's Secretary Alters Books of Firm Which is Since Defunct.

TOLEDO, O., Feb. 18.—Frank E. Brady, former secretary of the defunct Imperial Savings and Loan company of this city, was found guilty today of altering the company's books.

Judge J. A. Barber in charging the jury held that Brady's bookkeeper, Miss Mamie Walsh, was equally responsible, even though she made the alterations at Brady's instigation. No action has been taken against the girl.

CALLS QUAKER OATS TRUST

American Cereal Stockholder Seeks to Stay Dividends Due Other Company.

AKRON, O., Feb. 18.—M. Otis Hower, a stockholder in the American Cereal company, has filed a suit in the common pleas court.

He seeks to have the company enjoined from paying any dividends on the stock of the company held by the Quaker Oats company, claiming that the latter is a trust.

CONDITION OF THE WEATHER

Forecast for Nebraska—Partly Cloudy and Warmer Thursday, Probably Snow; Friday Fair.

Temperature at Omaha yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	—14	1 p. m.	0
6 a. m.	—15	2 p. m.	3
7 a. m.	—15	3 p. m.	7
8 a. m.	—15	4 p. m.	7
9 a. m.	—13	5 p. m.	8
10 a. m.	—11	6 p. m.	7
11 a. m.	—7	7 p. m.	7
12 m.	—3	8 p. m.	7
		9 p. m.	8

—Indicates below zero.

FOUND DYING ON SIDEWALK

Judge George G. Bowman Expires Shortly After Being Taken Into Store.

Judge George G. Bowman was found in a dying condition yesterday evening shortly after 9 o'clock, lying on the sidewalk just west of the Davidge block at Eighteenth and Farnam streets and taken into Hahn's drug store, where he died almost immediately. Death was due to heart disease. Coroner Brailey was summoned and took charge of the remains. Mrs. Bowman is in Minneapolis visiting with her daughter, Mrs. Harvey Dewit, and an attempt was made to telegraph to them the news. In addition to these two, deceased leaves a son, Bert Bowman, who is also in Minneapolis.

At about 9 o'clock, while Assistant Fire Chief Windham and Patrolman Samuelson were in the drug store, an unidentified man put his head in at the door and said there was a man lying on the sidewalk. The policeman and Mr. Windham found Judge Bowman breathing his last and carried him into the store. It was impossible to revive him. Deceased, who was 54 years old, has been a sufferer for some time from an affection of the heart and during the last year has had several severe attacks. He was on his way down the street from the Bachelors hotel, where he lived, having been noticed to leave there shortly before 9 o'clock. He appeared in his usual health.

Deceased has been a prominent trial attorney of this city since 1890, being among other cases, connected with the Henry Tusler cattle contest. He was born in Upper Sandusky in January, 1849, and educated in Oberlin college. He studied law in the office of Grisell & Hall, and was admitted to the bar July 22, 1870, and came west in 1879, locating in Columbus where he remained until he came to Omaha. He was a member of the house of representatives from Platte county in 1885 and chairman of the judiciary committee. Twenty-eight years ago he was married in Cleveland, O., to a daughter of President Burk of the Nickleplate railway.

KILLED BY SWITCH ENGINE

Woman Run Down While Engaged in Picking Up Coal in B. & M. Yards.

While picking up bits of coal in the Burlington yards yesterday evening to keep a fire in her home, at First and William streets, Mrs. Mary Whinning was struck by Burlington switch engine No. 178 and instantly killed. Coroner Brailey was called and took charge of the remains. He will hold an inquest, probably this afternoon. Deceased was the wife of August Whinning, a stone mason, and leaves a 15-year-old daughter by a former marriage and two small children. She was 40 years of age and of German birth. The engine which killed her was in charge of Louis E. Scott of 517 William street.

The accident occurred at about 6:15 as the engine was going south on one of the switch tracks running along the river bank and under the Union Pacific bridge. At a point about half way between Jones street and the bridge the engineer saw a woman with a sack of coal on her back, crossing the track. He did not slow down, as she would have ample time to cross the track if she had not slipped on the ice and fallen across the rails. It was too late to stop, and the wheels decapitated the fallen woman and dragged her about twelve feet, breaking her arms and mangling her feet. At the point of the accident there was a row of cars on each of the other tracks, and it is thought that the poor woman, hearing an engine coming, became confused, thinking that she had not room to stand at the side of the track.

PROJECT ALASKAN RAILWAY

Chicago and New York Capitalists Will Gridiron Peninsula with Rails.

CHICAGO, Feb. 18.—The Western Alaska Construction company of Chicago, which was granted the right of way by the government, has filed surveys with the Interior department at Washington for the construction of the Council City & Solomon river railroad in the Seward peninsula, Alaska.

The company is incorporated under the laws of New Jersey and capitalized at $1,000,000. Chicago and New York capitalists are interested and the construction of the road will be begun early in the spring.

Mr. J. Warren Dickson, general manager of the company, said today:

The system will connect all the principal mineral producing areas, centers of population and mining at present known throughout the Solomon river, Council City, Ophir creek and Nome regions with tidewater at Solomon, Grantley Harbor, Port Clarence and Good Hope, thus gridironing the peninsula.

COMMITTEE OF TEN, FRIDAY

It Will Then Consider the Bill for the Securing of Equitable Taxation.

Members of the tax committee of ten got together yesterday afternoon to canvass and consider the work it has in hand. It was decided that the committee shall meet again Friday and take up the bill for the securing of a more equitable assessment of properties belonging to railroads and that belonging to smaller corporations and private concerns.

Movements of Ocean Vessels Feb. 18.

At New York—Arrived: Menominee, from London; Kron Prinz Wilhelm, from Bremen, Southampton and Cherbourg. Sailed: Philadelphia, for Southampton; Germanic, for Liverpool; Rhynland, for Rotterdam.

At Hamburg—Arrived: Blucher, from New York. Sailed: Herodeth, for San Francisco.

At Hong Kong—Arrived: Previously, Empress of Japan, from Vancouver via Yokohama, etc; Korea and Seabury, from San Francisco, via Honolulu and Yokohama.

At Cape Spartel—Passed: Kaserin Maria Theresia, from New York, via Funchal, for Malta, Alexandria, etc.

At Moville—Arrived: Parisian, from St. John, N. B., and Halifax for Liverpool.

At Liverpool—Arrived: Oceanic, from New York.

At Kinsale Head—Passed: Sylvania, from Boston for Queenstown and Liverpool.

At Gibraltar—Arrived: Kaiserin Maria Theresia, from New York, via Funchal, for Malta.

AMEND ORGANIC LAW

Governor Mickey Calls Attention to Pressing Need of Prompt Action.

TIME FOR ACTION IS GETTING SHORT

Indicates He Will Send Special Message Unless Move is Made Soon.

INDICATES CHANGES WHICH ARE NEEDED

Ballot Law Requires Amending in Order to Get Expression of Voters.

RAILROADS LIKE THE REVENUE BILL

One of Union Pacific's Lobby Expresses Opinion the Proposed Law is "Generally Satisfactory."

(From a Staff Correspondent.)

LINCOLN, Neb., Feb. 18.—(Special.)—Governor Mickey, unless the legislature acts within the next few days, will renew his recommendation that provision be made for submitting constitutional amendments to the voters of Nebraska at the next general election. He urged this in his message which he delivered before the legislature at the opening of the session.

A resolution already has passed the senate providing for the calling of a constitutional convention, but even this has not reached the house. The governor, however, is not in favor of a constitutional convention. He will not, therefore, be guided in his actions by this resolution.

Governor Mickey, deeply imbued with the necessity for providing for amendments to the constitution at this session of the legislature, pointed out this morning that but twelve days remain in which a bill or resolution of this character could be introduced, hence his desire for action. Twenty-eight of the forty legislative days in which bills can be introduced are passed with today. In discussing this matter this morning the governor said:

"There is no question but that we need some amendments to our state constitution. Neither is there any question but that provisions for those amendments should be made by this legislature. It is not my desire or purpose, however, to prod the legislators. They know their business, I naturally assume, and have the desire and ability to attend to it. I made my recommendations in my message, yet I shall deem it my place to again lay this matter before them if some action is not taken within a few days. I have had the matter under serious consideration."

Convention a Mistake.

The governor thinks it would be a mistake for the legislature to provide for a constitutional convention rather than the submission of proposed amendments to be voted on at the next general election. In explaining his views he said:

"Our state is already burdened with a terrible debt. Our every effort should be directed to relieve the state of this tremendous burden. We certainly should do nothing that would add to it. But if we called a constitutional convention we would be deviating from this course very widely. It has been estimated, and wisely, I think, that such a convention would cost at least $200,000. Now, when you consider the amount of this state's indebtedness, together with the fact that we would not be assured of getting our constitution amended even after we had expended $200,000 for a constitutional convention, you will see the wisdom for suggesting another course. It is by no means certain that a constitutional convention would result as the people wanted it to. And even if it did, it would require two years at least to submit the action of the convention to the ratification of the voters, so after all we would be taking the most round about and uncertain course. What we want is prompt action. I appreciate the fact that there is a chance involved in a popular election, but I think, if I interpret the sentiment of the people aright on this matter of amending the constitution, there is no question but that, properly submitted, it would carry.

"Again as to this matter of expense, it does seem to me, that as we are just now doing our utmost to perfect a revenue bill that will provide for relief from this enormous state debt, we ought, at least, not to proceed with any plan calculated to entail further debt upon the state until this revenue legislation is closed up.

Ballot Law at Fault.

"I really think that before any steps are taken to amend the constitution we ought to amend our ballot law, so that we may have some assurance that when an amendment is submitted to the voters they will vote on it. Too often amendments are lost, simply by default, you may say; voters overlook them. And why? Simply because the amendments are placed at the bottom of the general ticket and the voters, in the majority of cases, do not see them until it is too late. How many ballots are counted where these amendments have not been voted on!

"So I would recommend that these ballots be placed at the top of the general ticket, or that a separate ballot be provided for them. In either case the voter would not fail to see and vote on them. Matters of such great importance as constitutional amendments have no business being stuck down at the bottom of a general ticket. I hope the legislature will take action in this direction without unnecessary delay."

Amendments that are Needed.

As to the most important amendments the governor said:

"In the first and foremost place, we should provide for enlargement of our supreme court. By all means that important body should have five members. And the salaries of these five members should, by all means, be raised. Each jurist should get $5,000. With five eminent men on our supreme bench at decent salaries like these, we would be assured much better and more satisfactory decisions. The state would be far better off. And while I am on this matter of salaries, I will say that we could, with profit to the state, add to the salaries of the state officers, especially the state treasurer. I want to lay particular emphasis upon that. The state treasurer ought to get more money than he does. If he was paid a liberal salary it certainly would have a tendency to inspire the most scrupulous integrity. Oftentimes men in public office who are underpaid are tempted by that very fact to appropriate the state's funds to their own use, not meaning to do any wrong, but take temporary advantage of the money entrusted to their care and custody as officers of the law. It is the duty of the state to correct such conditions. I repeat, give the state treasurer a decent salary. And give other state officers more money. It is not so bad with the governor.