

ROADS WAR IN COURT

Great Western's Fight on Union Pacific to Enter Omaha Continues.

STICKNEY CLAIMS RIGHT EQUAL TO OTHERS

Declares Union Pacific Charter Compels it to Throw Bridge Open.

ROAD ASSUMES ORIGINAL OBLIGATIONS

John N. Baldwin for Harriman Enters Flat Denial of These Statements.

SAYS OMAHA IS PARTY TO BRING SUIT

Argument of Union Pacific is that it is for City to Seek to Compel it to Yield to Stickney.

The Great Western railway case, or, as it is technically known, the Mason City & Fort Dodge Railway Company against the Union Pacific Railway Company, was argued before Judge Munger in the United States circuit court yesterday.

The argument is made for the right of the Great Western railway to make connections at Council Bluffs to pass over the Union Pacific railway bridge and into South Omaha on the same terms granted to other railways.

Mr. Kellough cited the acts of 1864, 1866 and 1871, creating the Union Pacific railway and the Missouri river bridge and its approaches by congress as the authority for the Great Western to use the approaches and bridge on the same terms with roads that had already been granted that privilege.

He stated that the people of Omaha and Council Bluffs, with a clear vision of the development of this great western empire and copied the declaration of congress in devoting the land for the purposes of the bridge and voting bonds for its construction on the specific terms that the roads approaching the cities from the east and west should be accorded the privilege of its use under the conditions of compensation.

Why should the Great Western be compelled to build around the city fifteen miles at a great expense to get into South Omaha? asked Mr. Kellough. "The Great Western asked nothing absolutely that was not granted to the Missouri Pacific, the Chicago & Northwestern and the Rock Island railway companies, and nothing but what it was entitled to. The law did not mean, when it referred to the roads approaching the city from the east and west, that they should approach only to the high or low water mark of that river, but it did mean at or near Omaha.

The bridge act of 1871 is an amendment to the Union Pacific charter and is but a continuation of the acts of 1864 and 1866 and applies to the successors and assigns of the Union Pacific railway company and was binding upon any company that should thereafter take over the property of the Union Pacific. Judge Stickney's decision was that the judgment should be binding upon all companies, successors to the Union Pacific and that the foreclosure of the government mortgage prior to the building of the bridge did not release the Union Pacific from the conditions of its charter and the laws of 1864-6.

The law was very specific on this matter, stating that all railways now or hereafter constructed and that congress shall at all times regulate the tax tolls over the bridge. When the new Union Pacific took over the property of the old road, it also took all its easements and all conditions imposed in the original charter. If it has the right to cut out the Great Western, why did it not cut out the Milwaukee and the Rock Island. And it has made a new contract with the Milwaukee since.

Baldwin Begins to Talk. The interests of the Union Pacific are being looked after by J. N. Baldwin, attorney for that road. Mr. Baldwin occupied nearly the entire afternoon in his argument. He contended that the exact opposite prevailed to the argument of the attorney for the complainant, that the Union Pacific bridge was built for the accommodation of the railroads that might come into Omaha. The bridge was built under the law of 1862 and 1864, and not under the law of 1866. It was built by and for the Union Pacific railway as a final enterprise and not for the Great Western. Under the law of 1864 the Union Pacific had not only the right to build railroad bridges, but ferries across rivers for the accommodation of its own trains. Nothing did the law of 1871 signify that it should permit the bridge to other railways over its terminals, tracks or bridges. The law was enacted merely to grant the Union Pacific company permission to issue bonds to build the Omaha bridge. These laws meant that "you should take such railroads over your bridge as you choose, and refuse such as you choose."

The law said further, he maintained: "Your connections shall be on the east side of the Missouri river at Council Bluffs. The law of 1861 said we will let you (the Union Pacific) borrow money to build a bridge for a more perfect connection with your connections east of the river."

Rights of New Company. He denied that the law of 1866 even said that the Union Pacific must take the connecting lines over the bridge. That law said that some bridges were for all railroads and others were not. Nor was the Union Pacific mortgage foreclosed. The new Union Pacific Building company simply purchased and paid for the property, including the claims of the bondholders, and the claim of the United States for \$27,000,000, and thereby acquired all of its property. This bridge therefore belongs to the new company by right of purchase. The outstanding bonds of the bridge were permitted by the decision of Judge Sanborn, to stand as the superior lien of all claims against the company, thereby affirming the absolute ownership of the bridge to the new Union Pacific company "to have, hold and enjoy."

To let any railroad go over the bridge implies its security. The consent of the holders of the first mortgage bonds of the bridge must be obtained to permit any other roads to pass over it; to do otherwise would impair their rights. The new company would impair their rights. The new company would impair their rights.

Continued on Second Page.

MACEDONIANS IN REVOLT

Forces in Ten Districts Rise Against Sultan in Accordance to Orders.

SOFIA, Bulgaria, Aug. 5.—The Bulgarian committee announced that a revolution was proclaimed at the village of Astril last Sunday in conformance with the decision of the central revolutionary committee. Forces in the districts of Monastir, Resen, Debar, Struga, Krachovo, Krachovo, Perlepe, Serin, Kayari and Demirhisar simultaneously commenced hostilities.

The announcement has not been confirmed owing to the lack of communications. A dispatch from Salonica reports dynamite outrages in the vicinity of Monastir and the existence of great uneasiness, which had led the authorities to take extraordinary precautions. The dispatches say several Nihilists have arrived at Salonica and a light board fence around a small inclosure in the rear of Buck's property which had been built for a chicken park by the owner, but which had not been used for that purpose for some time.

BRETONS ATTACK MILITARY

Cavalry Charge Over Barricades, but Fail to Disperse the Mob.

PARIS, Aug. 5.—The morning papers report serious rioting at L'Orient, on the coast of Brittany, where labor troubles have been brewing for several days. Last night the rioters assembled in the Place Alamee-Lorraine and attacked the military club over the Grand cafe. They also stoned and broke shop windows.

The military was called out, but the rioters put out street lights and erected barricades. The cavalry charged and rode down the mob, the troopers striking men with the flat edge of their swords. The rioting will continue throughout the night. The crowds show no signs of dispersing. At midnight they were marching to attack the prefecture.

CARNEGIE GIVES TO HOME

Dumfries Receives \$12,500 Steel Trust Bonds to Assist Town.

LONDON, Aug. 5.—Andrew Carnegie has offered \$12,500 in United States steel corporation bonds to Dumfries, Scotland, his birthplace. He stipulates that the gift shall be employed in keeping up the estate of Pittencrieff, which contains the school and the Carnegie married Princess Margaret and which he recently purchased as a pleasure ground. The gift is also to be used for the maintenance of a theater, the encouragement of horticulture among the working classes and the advancement of technical education in the district, which is the center of the linen industry. The administrators of the gift are also charged with the advancement of the moral and material interests of the town.

BRYAN GIVES A RECEPTION

Minister to Portugal Entertains Cotton and Many of Carlos' Subjects.

CINTRA, Portugal, Aug. 5.—United States Minister Bryan this evening gave a garden party at his villa here in honor of Admiral Cotton and the American naval officers, who came out by rail from Lisbon, which is four miles distant. The summer palace of King Carlos is here and the members of the court and the diplomatic corps, as well as the elite of Lisbon, reside here during the summer. The saloons and gardens of the villa were thronged. The Brooklyn band furnished the music. Lunch was served and the affair did not end till 9 this evening.

SU IN FALL LIST OF DEAD

Chinese Marshal Expected to Lose His Head at Autumn Executions.

PEKING, Aug. 5.—Six scholars, whose essays at recent examinations proposing reforms in China were denounced by the censors, have fled from Peking through fear of arrest and execution. It is thought they have gone to Japan. Marshal Su, who was summoned to the capital to explain his failure to crush the rebellion in southern China, has had an audience with the dowager empress, which is reported to have been unsatisfactory to him. It is predicted Su will be included in the autumn list of those condemned to death.

DAVITT CENSURES HIS KING

Declares Edward Should Have Pardoned Lynch During Recent Irish Visit.

LONDON, Aug. 5.—Michael Davitt, in a letter published in the Daily News this morning, reproaches King Edward for his failure to pardon the Irish political prisoner, Lynch, the only remaining Irish political prisoner. He declared that no other monarch in Europe would have neglected to pardon Lynch under such circumstances, and that when the more or less manufactured enthusiasm had died away the Irish people will remember the omission.

SEVEN HUNDRED ARE DROWNED

The Foo, a Chinese Town, is Inundated by a Disasterous Flood.

BERLIN, Aug. 5.—A dispatch received here says 700 persons were drowned in the disastrous floods which occurred at the Foo, China, July 27. The bridges within the city and many houses, with their occupants, were swept away in the torrent. The thousands of the inhabitants are left without means of subsistence.

Whitaker Wright Gives Bill.

LONDON, Aug. 5.—Whitaker Wright, the promoter and director of the London and Globe corporation, limited, was arraigned at the Guildhall police station today and remanded after formal evidence of his arrest had been taken. The prisoner was released on bail of \$250,000, of which he provided \$125,000 and three sureties guaranteed the remaining \$125,000.

British Minister Will Not Agree.

LONDON, Aug. 5.—In the House of Commons today Premier Balfour, in reply to Henry Norman, announced that instructions had been sent to the British minister at Peking not to agree to the Chinese government's demand for the surrender at Shanghai of the editor and staff of the Chinese reform organ, Supo.

NEW SLUMP ON EXCHANGE

Union Pacific, Wabash, Missouri Pac and Maple Leaf Make Low Records.

AMERICAN SMELTERS ALSO COLLAPSE

Bryan Fall for Five Million Dollars, While Hurbutt & Hatch Also Under as Result of Pressure.

NEW YORK, Aug. 5.—Two more stock exchange failures, making a total of six in the last eleven business days, were recorded today, when Sharp & Bryan and Hurbutt, Hatch & Co. announced their inability to meet their obligations. The failure of Hurbutt, Hatch & Co. in fact both had been discounted for a week or more.

The failure of Sharp & Bryan came during the morning session shortly after the market had recovered from its demoralized opening. That of Hurbutt, Hatch & Co. was announced in the afternoon just as prices throughout the list were tumbling lower than at any time before. The day's business can best be summarized by the statement that almost four score of stocks, fully two-thirds of the active list, touched the lowest record reached during the present movement, which had its inception last September.

Say Outlook is Clearing.

At the close of the day some of the solid interests, and it is suggested that these interests have been out of the market for weeks save here and there when support was most necessary, spoke reassuringly. They declared the financial atmosphere was clearing, but for all that Wall street as a whole could see no silver lining to the clouds, much less a golden one. Other failures are confidently predicted and the names of several important firms are mentioned as among those in financial straits.

PANHANDLE LIMITED PILED

Striving to Save Trunk-Walker, Engineer Scalds Himself and Fireman.

WHEELING, W. Va., Aug. 5.—The limited Panhandle train from the west, running toward Pittsburgh at 90 miles an hour, was derailed between Jewett and Solo, O., tonight. Fireman J. W. Smith of Dennison, O., was scalded to death under the engine, and Engineer John B. Hoffman of Allegheny was probably fatally scalded. James E. Calderwood of Denver, a passenger in the smoker, had his left arm broken and was badly bruised and contused about the body. Walter Corbett of Butte, Mont., a passenger in the smoker, sustained facial and scalp lacerations and body bruises. Several other passengers received lesser injuries.

The engineer, while rounding a sharp curve, saw a man walking on the track in the direction the train was moving and applied the air brakes. The effect was to make the engine jump the rails, leap across the high embankment, where it was partially turned on its side. The tender was carried with it, but the remainder of the train simply left the track, none of the cars plunging into the ditch.

The fireman, pinned under the engine, was breathing his last when the passengers came to his assistance and extricated him from his position. The escaping steam had scalded him until his features were hardly recognizable. The hot water and steam also had poured on the engineer and he was taken unconscious and so badly burned that his death is expected. The escape of the passengers from death is considered miraculous.

A train over the Wheeling & Lake Erie, whose tracks parallel those of the Panhandle, stopped at the scene and sent physicians from Jewett to Solo. Some of the passengers were transferred to the train.

LIPTON'S SKIPPERS IN DANGER

Wharf Collapses, Bringing Captains of Both Steamers Near to Death.

NEW YORK, Aug. 5.—Captain Robert W. Wringe of Shamrock III and Captain David Bevis of Shamrock IV, who were escape tonight through the collapse of a pier on the Shrewsbury river. With twenty other persons, including several of the challenger's crew, the two sailing masters were precipitated into the water. Captain Wringe and Captain Bevis, with three sailors, left the Irish yachts in Sandy Hook bay in the afternoon and started up the Shrewsbury river in a launch. On the way the launch struck a sandbar and it became apparent that unless it was immediately beached it would founder. Captain Wringe took the wheel and headed for the beach. The water had risen almost to the furnace door when the bow took bottom. A great crowd had been attracted to a nearby wharf, where Captains Wringe and Bevis landed after producing tackle to haul the stern of the launch out of water.

One end of the tackle was attached to the launch and the other to one of the piles of the wharf. While they were thus engaged, the wharf collapsed and all on it was thrown into the water. There was no loss of life and no one was seriously injured.

The Kansas river here rose about a foot last night. The north bank of the new channel is constantly giving way to the force of the current and the portion of North Lawrence is going into the street at the rate of twenty-five feet a day in some places.

Lawrence Buried in Debris. LAWRENCE, Kan., Aug. 5.—The most terrific windstorm that has occurred here in years took place about 3 o'clock tonight. Trees were leveled in all parts of town. Roofs were blown from buildings, signs torn from their places, the electric light and telephone plants put out of business and streets made impassable by debris.

The storm lasted about half an hour and was accompanied by thunder, lightning and heavy rain, which drenched merchants' stocks where the roofs were torn off.

There was no loss of life and no one was seriously injured. The Kansas river here rose about a foot last night. The north bank of the new channel is constantly giving way to the force of the current and the portion of North Lawrence is going into the street at the rate of twenty-five feet a day in some places.

Workmen today began tearing down a residence that was 600 feet away from the water before the flood, but which now is on the bank of the river.

KANSAS WIFE SLAYS HUSBAND

Attacked with Chair, She Shoots Spouse Dead in Self-Defense.

ARKANSAS CITY, Kan., Aug. 5.—Newt Farris, while drunk tonight, attacked his wife with a chair. In defending herself she shot him through the heart. Mrs. Farris has not been arrested.

FAULKNER CONVICTED AGAIN

St. Louis Hoodler Thrice Tried Files Motion for Fourth Hearing.

ST. LOUIS, Mo., Aug. 5.—Harry A. Faulkner, former member of the house of delegates, was today, as the result of his third trial on the charge of perjury, convicted and his punishment fixed at three years in prison. At the first trial Faulkner was convicted, but the supreme court reversed and remanded the case. The jury that tried the case the second time disagreed.

Faulkner's counsel immediately filed a motion for a new trial, and bond in the sum of \$5,000 was given. Faulkner had little to say other than that he was confident of ultimate acquittal.

JEFFERSON CITY, Mo., Aug. 5.—Governor Doxey, secretary of State Cook, Treasurer Williams and Auditor Allen, who comprise the executive department of the state, were today summoned before the Cole county grand jury that is investigating charges of legislative wrongdoing.

The grand jury called these to give an opportunity to testify regarding the distribution of the present movement, which had its inception last September. The governor was the first to enter the jury room. He remained about five minutes and was followed by Cook, Williams and Allen, who remained only a short while.

Statements have been made in certain newspapers declaring that the state officials should be investigated, and it is probable that the grand jury called these to give an opportunity to testify regarding the distribution of the present movement, which had its inception last September.

William H. Phelps of Carthage, is expected to come before the grand jury tomorrow, when it is thought he will be questioned as a whole about the distribution of the present movement, which had its inception last September.

Former Lieutenant Governor John A. Lee was before the grand jury for two hours this afternoon. He arrived from St. Louis at noon and went directly to the grand jury. The nature of his testimony is not known.

Wind Breaks Windows.

Soon after the storm broke with the force of a gale. In the city pedestrians hurried to shelter and the wind swept through the streets, causing little damage besides breaking windows here and there, tearing down a few street signs and leveling shade trees.

At the World's fair grounds the wind swept from the southeast to the northwest in a miniature cyclone, revolving on its path and six laborers working on scaffolding were hurled to the ground and nine sets of trusses and timbers were raised. Theodore Richter, a forist from Kirkwood, was on the ground running to shelter when a flying plank killed him. The wind next struck the machinery building and one of the two towers, 300 feet in height, was stripped of scaffolding in a twinkling and two workmen hurled to the ground, buried in the debris. Both capsized with severe injuries. Debris was blown against the staff-covered sides of the completed electricity building and sections of the staff were torn away.

The World's fair fire department turned out and hastily took the injured men from the debris and hurried them to the hospital. A. E. Clark was so badly injured that it is believed he will die.

The Missouri state building, the only one of the six state buildings now in the course of erection that is not protected by trees, was slightly damaged.

After 50 minutes the storm had spent itself and settled down to a fine summer rain, which continued until evening. The temperature dropped within 10 minutes from 94 to 68.

Along the river front the wind swept across the water, blowing down the electric light and telephone poles, and blew light freight from the wharf boats.

Woman Dies of Fright.

Across the river in East St. Louis considerable damage was done and Mrs. Margaret Riechman, aged 67, fearing a repetition of the 1896 tornado, dropped dead from fright.

Three 150-foot smokestacks at the street car power house were blown down. At Belleville, twelve miles east, a funeral party was interring a body in the cemetery when the storm broke. Rev. Erich Becker, who was officiating, commanded all persons to lie down in the grass and on one was struck by the flying limbs of trees during the violent wind.

At Madison several small houses were overturned, but no severe injuries to persons have been reported.

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Kentucky Crops Damaged.

OWENSBORO, Ky., Aug. 5.—Two heavy rains accompanied by wind did great damage to crops this afternoon. George Birk's store was blown down at Yelvington in the eastern part of the county. A heavy hail fell, beating down corn and tobacco.

Jacksonville in Darkness.

JACKSONVILLE, Ill., Aug. 5.—A terrible rain and windstorm broke over Jacksonville this evening and the wind blew with great force for an hour, uprooting many trees and tearing down telegraph, telegraph and electric light poles. For three hours the city was without communication with the outside world. Wires are down and the city is in darkness tonight.

Three Hurt at Griggsville.

GRIGGSVILLE, Ill., Aug. 5.—A severe wind and rainstorm struck this place this afternoon. There were 2500 people in attendance at the central Illinois fair when the storm broke.

Arkansas City, Kan., Aug. 5.—Newt Farris, while drunk tonight, attacked his wife with a chair. In defending herself she shot him through the heart. Mrs. Farris has not been arrested.

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TWISTER ON FAIR GROUNDS

One Man Slain by Flying Plank and Several Seriously Injured.

LAWRENCE IS BURIED IN DEBRIS

Wind Tears Off Roofs, Smashes Many Street Signs and Plays General Havoc in Kansas Town.

ST. LOUIS, Aug. 5.—One of the heaviest storms of the year, but of brief duration, swept over St. Louis at 3 this afternoon, preceded by a wind that in the western portion of the city developed into a miniature tornado which tore through the World's fair grounds, killing one man, probably fatally injuring another and seriously maiming seven others, besides causing damage to the buildings and other property to the extent of \$10,000.

The fury of the storm was felt at the World's fair grounds, where the casualties occurred. The dead: THEODORE RICHTER, forist. The injured: E. Clark, carpenter; taken to hospital in dying condition. William Koop, carpenter. Henry Fahrenkopf, carpenter. Ray Manville, laborer. John W. Wheelhouse, staff worker. Adrien Smith, painter. Phineas C. Chittenden, carpenter. Charles Covington, laborer.

The day had been extremely warm, the temperature registering 94 degrees. Suddenly the sky darkened and in a comparatively short time it became necessary to resort to artificial lights in the stores.

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CONDITION OF THE WEATHER

Forecast for Nebraska—Fair Thursday and Friday.

Table with 4 columns: Hour, Deg., Hour, Deg. showing temperature forecasts for various hours.

DEAD BODY FOUND IN WEEDS

Remains of Charles Harriman, Who Had Been Missing Since Sunday.

The badly decomposed body of Charles Harriman was found in the weeds in the rear of 235 Spruce street yesterday afternoon about 7 o'clock. The body was located by Police Captain Mostyn and Edward Bucks, who occupies the house at the number given.

Mr. Bucks noticed a bad odor which emanated from the weed patch in the rear of his house all day yesterday and part of the previous day. He decided to make an investigation yesterday evening and called Captain Mostyn to assist him. There is a light board fence around a small inclosure in the rear of Buck's property which had been built for a chicken park by the owner, but which had not been used for that purpose for some time.

It was in this spot that the search was begun. The two men went about a few steps into the high weeds when they came upon the body lying close against the fence. The dead man was lying on his face, with one arm thrown up to rest his head upon. "The body was in a very bad state of decomposition, the hair having been almost all off the head."

There was nothing in the clothes to identify the man with the exception of a small memorandum book which contained some notes. Among these was written in ink pencil the name of the dead man and his address was given as 132 Cuming street. There was also 20 cents in change in his trousers pocket.

A reporter for The Bee called at the number given in the memorandum book. It was learned that G. D. Johnson, a friend of the dead man, lived there. He said that the body was undoubtedly that of Harriman, as he had not been seen since Sunday morning. Harriman had lived with Mr. Johnson up to about two weeks ago. At that time he left and occupied a room near Sixteenth and California streets.

Some of the residents in the vicinity where the body was found assert that they heard two shots fired about 2 o'clock Tuesday morning, but it is not thought that the shooting was in any way responsible for the death of Harriman, as a thorough examination was made of the remains by Coroner Braley and no marks were found on the body. The body was taken in charge by the coroner and removed to Prospect Hill cemetery, where it was immediately interred.

Harriman was a member of the Knights of the Masoebles and carried \$100 insurance in that order. He was a painter by trade, but did not work steadily for any firm. He took small contracts and did the work himself.

The inquest will be held this morning at 8 o'clock.

COMMITTEE IS COMPLETED

Men All Selected to Conduct Republican Judicial Campaign in This District.

At the meeting of the republican candidates for judges of the district Wednesday afternoon all candidates were present except Judge Baxter, who is in the east on his vacation. Before Judge Baxter left a number of members of the committee had been selected, including John C. Wharton, Henry C. Murphy of South Omaha, John A. F. Pfler of Lyons and J. B. Cook of Omaha. The committee was completed yesterday by the addition of the names of E. M. Bartlett, F. P. Kirkendall and John W. McDonald of Omaha, Martin Kirkendall of Dundee and M. P. Brown of Papillion. E. M. Bartlett was elected chairman of the committee but no secretary was chosen. The committee will meet at the call of the chairman for organization and make arrangements for the campaign.

STREET RAILWAY MEN