EDITORIAL SHEET.

THE OMAHA DAILY BEE.

PAGES 9 TO 16.

ESTABLISHED JUNE 19, 1871. OMAHA, SATURDAY MORNING, NOVEMBER 28, 1903. SINGLE COPY THREE CENTS.

CORSETS

American Beauty, straight front, dip hip, with front and side supporters attached, $1.50 quality, at 1.00

Dr. Warner's Rust Proof Corsets for stout figures, sizes 30 to 36, at 1.00

Style 121 for stout or medium figures, Coro bust, habit hip, hose supporters attached to side and front, at 1.50

The Nemo Self Reducing Corset for very stout figures, at 2.50

La Marguerite Style W—in drab and white, contil boned with genuine whalebone, especially adapted to stout figures, at 5.00

Style C—for small and medium figures, in plain and fancy colors, at $2.50 and 3.75

A large assortment of ladies' corsets, girdles and waists in all colors and styles from 50c to $10

HOSE

Ladies' plain black and oxford gray, heavy fleece lined hose, 19c quality, at 12½c

Ladies' plain black full seamless hose, at 10c

Ladies' plain black and fancy colors, lisle thread hose, 50c quality, at 25c

Ladies' heavy wool hose in plain black and oxford gray, 50c quality, at 25c

Children's heavy fleece lined ribbed hose, 25c quality, at 15c

Boys' and misses' pony brand hose, at 25c

KNIT GOODS

Hand-made shetland floss opera shawls in all colors, at $1.25 and 1.98

Fascinators in all colors at 25c, 35c and 50c

Children's all wool sweaters, at 98c

Ladies' and children's knit leggings in all sizes, at 25c

Infants' knit sacques at 25c, 35c and 50c. Infants' boots at 10c and 15c

Ladies' knit and outing flannel skirts, assorted colors, worth 75c, at 50c

Ladies' wool knit skirt in plain and assorted colors, worth $1.50, at 98c

Ladies' fancy outing flannel gowns, worth $1.00, at 75c

Ladies' extra heavy fancy trimmed outing flannel nightgown, worth $1.50, at 98c

Ladies' fine merino wool combination suits, worth $2.00, at 1.50

Children's Dr. Denton's merino sleeping garments with feet, in all sizes, worth $1.00, at 50c

Ladies' ¾ wool vests and pants, Harvard mill make, hand crocheted finished, worth $1.00, at 75c

Ladies' fine white silk and wool vests and pants, worth $2.00, at 1.50

Ladies' Jersey ribbed cotton fleece lined combination suits, worth 75c, at 50c

Ladies' half wool combination suits in white or gray, worth $1.50, at 98c

Children's Jersey ribbed fleece lined vests and pants, in all sizes from 16 to 34, at 10c

Boys' extra heavy fleece lined vests and drawers, silk tape finish, French neck, worth 50c, at 25c

Boys' extra heavy fleece lined combination suits in all sizes from 24 to 34, worth 75c, at 50c

Children's fine black merino combination suits in all sizes, worth $1.50, at 98c

Ladies' Jersey ribbed extra heavy fleece lined vests and pants, worth 50c, at 39c

LADIES' SWEATERS—Fancy blouse jackets, in all colors and sizes, at $4.50 and 3.50

New line of ladies' sweaters at $3, $2.75 and 2.50

MISSES' SWEATERS—In blouse jackets at $2, $1.75 and 1.50

UMBRELLAS—Everything new, just the thing for a Christmas gift, from $10.00 down to 1.00

CHILDREN'S UMBRELLAS, at $1.00 and 50c

Ladies' fleece lined gloves, at 1.00

Ladies' silk lined Mocha gloves, at 1.50

Ladies' silk lined cashmere gloves, at 50c

Ladies' Golf Gloves, in plain and fancy patterns, 50c, 39c, ... 25c

Children's Golf Gloves, at 25c

Ladies' and children's Mittens, at, 50c and 25c

Ladies' real kid Gloves, in all the newest shades, at 1.00

MEN'S FURNISHINGS

Men's $1.50 colored laundered shirts with separate cuffs, in all the new patterns, at 1.00

Men's kid gloves lined or unlined, at 1.00

Men's 50c suspenders with leather or silk ends, at 25c

Men's $1.00 colored laundered shirts with separate cuffs, in all sizes, at 50c

Men's heavy working gloves or mittens, at 25c and 50c

Men's 75c part wool or fleece lined underwear, at 45c

All the men's socks in wool or cotton, that sold up to 50c, on sale at 15c and 25c

Men's $1.25 wool and fleeced lined underwear in plain and fancy colors, all sizes, at 75c

Men's $1.50 all wool underwear in single or double breasted, in natural gray or camel's hair, on sale at 1.00

Men's $2.00 extra fine quality all wool underwear in plain and fancy colors, single or double breasted, at 1.50

HAYDEN'S THE RELIABLE STORE WE HAYDEN'S THE RELIABLE STORE.

GUARANTEE EVERY PURCHASER

in any department of "Our Big Store" the best of goods at the lowest possible price. The saving possibilities in these offerings will undoubtedly interest more people than any other bit of news published today. We offer you

Fresh, pure goods at prices that cannot fail to appeal to all thrifty shoppers.

Coupons given free with every purchase.

HATS TRIMMED FREE OF CHARGE
GRAND CLEARANCE OF SURPLUS
MILLINERY

1.00 Children's Hats, all colors, at 25c

3.00 Children's Trimmed Velvet Hats at 1.25

5.00 Ladies' Trimmed Hats at 1.00

2.00 Children's Silk Bonnets at 98c

1.00 Children's Bonnets at 50c

A $7.50 OSTRICH PLUME HAT $3.90

Over 200 French beaver and silk velvet hats, artistically trimmed with fine ribbons, ornaments and ostrich plumes—actual value $7.50, SATURDAY ONLY 3.90

HATS TRIMMED FREE OF CHARGE

Exceptional Values in Shoes Saturday

A rare opportunity to buy shoes. The floor stocks of two big eastern shoe factories at 40 cents on the dollar. Buy your shoes, arctics, rubbers and warm lined shoes and slippers now and save from 25 cents to $1.00 a pair.

Women's $1.50 warm lined shoes, at 1.00

Men's $2.00 warm lined shoes, at 1.65

Men's $3.00 fine vici kid and box calf lace, ... 1.96
Women's $3.00 fine vici kid and box calf lace

Child's $1.00 lace and button vici kid samples at 69c

Misses' $1.50 kid lace, heavy extension soles 98c
Boys' and youths' $1.50 satin calf shoes

Men's and Women's carpet slippers at 25c

Men's 75c embroidered slippers 48c
Child's 75c fur trimmed milliners

Stylish Hats for Men

A new fall hat is indispensable if you are to appear well dressed. When you get a hat you will want a good one. The quality and style of our hats are the very best obtainable. Your selection is not confined to one make, but you can have the pick of many, any style in stiff or soft hats, at $2.50, $2.00, $1.50 and 1.00

"THE IMPERIAL" Hat is the very best $3.00 hat produced. We absolutely control their sale in this city and guarantee them to be equal in service and style to most $5.00 hats.

We are Omaha headquarters for the celebrated John B Stetson hats.

GREAT SALE OF MEN'S AND BOYS' WINTER CAPS—Fine plush and cloth caps for men and boys, with wide pull down band, worth up to fifty cents, sale price 25c

Men's and boys' all wool and silk plush caps, every imaginable shape and color, worth up to $1.00—now on sale at 50c

Finer grades at 75c, $1.00, $1.25 and $1.50. 50 dozen men's and boys' sample caps, worth up to 50c, all in one lot, as long as they last 10c

Skating caps for children in plain and fancy colors at 75c, 50c, 35c, 25c and 19c

25 dozen girls' Tam o' Shanters, in plain and fancy colors, worth up to 50c, on sale Saturday, each 25c

Optical Department

No charge for Eye Examination. Up-to-date styles in frames and mountings. LOWEST PRICES. Expert optician in attendance.

HAYDEN BROS.

Hardware, Stoves and Housefurnishings.

THE ROYAL UNIVERSAL BASE BURNER—did you see it? The handsomest and best heater made in America—it is perfect in every way and a great double heater—sells elsewhere for $50.00—our price 44.50

THE STAR OAK—the best airtight oak made—a large 17-inch—sells elsewhere for $20.00—our price 15.50

THE ALTOS HOT BLAST—very good heater 8.95

THE PARAGON HOT BLAST—one of the very best heating stoves on the market—$15.00 stove—we sell for 10.50

NO. 8 LAUNDRY STOVES for 3.25

AIRTIGHT WOOD HEATER for 1.29

Odds and Ends

Six-inch Pipe for 9c

Dover Egg Beaters for 5c

Hardwood Towel Rollers for 5c

Two boxes Toothpicks for 5c

Steel Frame Wringer for 95c

Kindling Hatchet for 9c

Kitchen Meat Saws for 23c

Elbows for 5c

Wire Photo Holders for 5c

Potts' Iron Handles for 5c

30x30 Stove Boards for 39c

Galvanized Foot Tub for 29c

Claw Hammers for 9c

$1.50 Polishing Set for 79c

The Reliable Pure Food Department

Gift Coupons With Every Purchase-

21 pounds Sugar Cane Sugar 1.00

Ten bars best Laundry Soap 25c

Ten-pound sack Pure Graham Flour 25c

Large sack White or Yellow Cornmeal 12½c

Three-pound can Solid Packed Tomatoes 10c

Two-pound can Fancy Wax or String Beans 8½c

Two-pound can Sifted Early June Peas 8½c

Three-pound can Fancy Table Syrup 10c

Five-pound can Fancy Table Syrup 17½c

Ten-pound can Fancy Table Syrup 25c

One pound package Imported Macaroni 7½c

Oil or Mustard Sardines—per can 4½c

One pound can Fancy Alaska Salmon 9c

Celluloid, Elastic or I. X. L. Starch—per package 7½c

Force, Neutritia, Vigor, Vim, Malta Ceres, etc., per package 7½c

Large bottle Tomato Catsup 7½c

Two-pound package Self-Raising Pancake Flour 7½c

Five pounds good Japan Rice, Sago, Tapioca or Barley for 19c

Fresh Fruit Specials

Fancy Hallowe'en Dates—per pound 5c

Fancy California White Figs—per package 5c

Large Brazil Cocoanuts—each 5c

Fancy Fresh Roasted Peanuts—per measure 3c

Large, Juicy Lemons—each 1c

Fancy Sweet Florida Oranges—per dozen 20c

Tea and Coffee

New season Japan Tea—only, per pound 25c

Fancy Imperial Tea—per pound 22½c

Ceylon, Gunpowder or Young Hyson—per pound 35c

Tea Siftings—per pound 10c

Java Blend Coffee—per pound 15c

Fancy Old Government Java—and Mocha, per pound 25c

Good Drink Coffee—per pound 10c

Big Savings in Cold Weather Necessities in Our Flannel Department

Extra heavy Shaker Flannel, per yard 4½c

Best made light and dark Outing Flannel, per yard 8½c

Silkoline, 40 inches wide, per yard 5c

Outing Flannels, in plain colors, regular 10c grade, yard 5c

BED BLANKETS—FULL SIZE AND EXTRA HEAVY in tan and gray, per pair 98c

WHY KANSAS CITY WORRIES

Omaha Likely to Cut in on Its Prestige as Grain Shipping Center.

NEBRASKA OUTPUT FOR NEBRASKA PEOPLE

Local Grain and Business Men Still Have Faith in Stickney and Are Working on that Line.

The leaders in the grain market movement are averse to further comment on rates of any kind just now, and particularly on the Kansas City rumor. The general feeling seems to be one of entire confidence in President Stickney of the Great Western.

"The less idle speculation about rates just now the better it will be for the Omaha grain market," was what one of the directors of the grain exchange said when asked if he had received any definite news from St. Paul.

Another of the promoters of the exchange, while deploring the lack of faith shown by some persons in accepting Kansas City dispatches as truth without waiting to hear from headquarters, said:

"There is nothing to all this but a nautral fight from Kansas City. I happen to know that P. C. Stohr, general traffic manager of the Great Western, while in Omaha lately, promised an official of the Commercial club that there should be no change of rates which would in any way affect Omaha until the club had first been informed of the intention to make such change. This outcry from Kansas City is in a way a death struggle. That city has now lost southern Kansas, and if Omaha becomes the market we hope and expect it will lose Nebraska and perhaps a part of northern Kansas. So you see it is between the two propositions in a fair way to lose a very large part of the territory from the grain of which it has built up its market.

"The Interstate Commerce commission about two weeks ago ordered a decrease in the rates to the south of Kansas City as being too high. This means naturally that the grain south of the city will now go direct to the Gulf ports and Kansas City will not be able to handle it at all as it has formerly done. Now the Great Western, the Missouri Pacific and other roads come in with the rates which will allow Omaha a chance and our southern competitor sees its northern grain about to be diverted to Omaha. No wonder then that Kansas City is up and doing. We can't blame them for making a play for all the readjustment they can get, but we can rest safe that nothing will be done which will put them in a position of more than a fair and even competition."

No Word at Railroad Offices.

Neither the Missouri Pacific or Chicago Great Western local offices received any word from headquarters yesterday regarding the grain rate situation. It is the belief among railroad men that the matter will be allowed to rest for a time on account of the publicity given it during the past few days.

One freight man said yesterday that it was the desire of all roads, with the possible exception of the Chicago Great Western to see the rates restored, as the cut is certainly playing havoc with the freight receipts as far as the grain portion of them is concerned. Another man, who is high in railroad circles, stated that he was not surprised that there is a movement in the air to put the rates back on the old basis, as that is what is desired by all the roads, and he did not believe they would tamely submit to so large a reduction in their receipts as the low rates are making without an effort to restore them.

GOSSIP ON COMMISSION ROW

Turkey Trouble Continues and Many Birds Will Go Into Storage for Christmas.

The turkeys that were left from the celebration were sitting up in their coops yesterday with bandaged heads and calling for bromo seltzer. The poultry market will elect delegates today to ask the question, "Who threw that brick?" The general impression is that the campaign failed through lack of an efficient central committee, and a general manager will be secured for the Christmas festivities. The trouble is that the birds were not given the signal to come to town in time. Any number of beautiful turkeys could have been sold at the trust price if they had got here soon enough, but they were delayed by the crate and came pouring in so late that the price broke under the combined weight. Another thing which the birds lay to the lack of proper organization was over supply, due to the fact that every one had heard that there were no turkeys in this part of the country and so all sent consignments. If anyone were to buy a box of birds today the price would be quoted from 16 cents to 18 cents for the dressed article. Very few birds will be bought for several days and then the trade will recover from the glut and prices probably move back a point or two. The Thanksgiving bird is not a good member to lay away with the ice for Christmas, it is as a rule only a second rater at that glad and expensive time, being thinner than the later birds. But here will be a considerable number put away nevertheless, because some dealers have many more than they can work off in the ordinary course of business.

Oranges have about finished their fancy price foolishness and will from now begin to settle down to the figure of legitimate business. A car of navels is due for today. Potatoes from Idaho also are expected, a two-car shipment. It is too early to say if a reaction is due in the cranberry market, but the wise ones think that the reds have been reading the poem about "Excelsior."

GRAIN EXCHANGE QUARTERS

Will Operate in Main Room at the Board of Trade After January 1.

The Omaha Grain exchange will trade in the hall of the Board of Trade building. This decision was reached at the regular weekly meeting yesterday afternoon at the Omaha club, when a year's lease of the big room was tendered by the Board of Trade for a consideration of $1. The room is at present divided into several small office compartments by hard-pine partitions of about eight feet in height and occupied by grain companies doing business with quotations from the Chicago Board of Trade. None of these have leases and the hall can be vacated and the temporary partitions removed by the end of the year. The directors are not yet able to say whether trading can be begun January 1 or not.

The Omaha board has not used this room for a long time, and, as there was no prospect of its ever wanting the room the arrangement was made with the new exchange. The old Board of Trade was organized with many of the purposes which appear in the articles of incorporation of the grain exchange, but it did not continue successfully in operation. By an arrangement the Commercial club took over its obligations and a large part of its functions, and the board became in fact a building association, owning the building and buying and selling the stock for the income derived from the rentals. Before the coming of President Stickney with the Twin City grain men and millers and the initiation of the grain exchange, a movement had been worked up to revive the old board for the purpose of taking up grain dealing. This was made unnecessary by the organization of the grain exchange.

In addition to accepting the lease the directors of the grain exchange heard additional letters read from business men inquiring as to the Omaha situation. These numerous letters according to President Wattles have been answered as definitely as possible at present and the advantage of Omaha set forth. The exchange is not in a position to make definite propositions. Twenty new members were reported as having signed the roll of the exchange. This makes a total of between 160 and 170 members.

ASTONISHING RESULTS

Follow Each New Discovery of Science.

The great strides that medical science has made in the last few years is due to the germ theory. When the germ of a disease has been discovered the doctors have not been slow in finding a drug to kill it. In a few years it will be rare to find a bald-headed man or woman. The falling out of the hair is due to a dandruff germ, and now it has been discovered how to kill this germ. The remedy used is called Newbro's Herpicide. Its success has been marvelous. Not a failure has been so far reported. It is also a delightful hair dressing free from oil or sticky substances. Try it and be convinced of its actual merit. Sold by leading druggists. Send 10c in stamps for sample to The Herpicide Co., Detroit, Mich. Sherman & McConnell Drug Co., special agents.

Exhibit of Water Colors.

An exhibition of drawings in both black and white and water color by school children collected by the Western Drawing Teachers' association from Chicago, Minneapolis, St. Louis, Indianapolis, Fort Wayne, Ind., Saginaw, Mich., and other cities of the middle west, is being shown this week in the auditorium at the city hall. The display is in charge of Miss Alice E. Hitt, supervisor of drawing in the local schools. The attendance of teachers and larger pupils has been good. Considerable water color work, a branch that the Omaha schools have recently taken up, is shown.

Sure Aid to Long Life.

Electric Bitters give an active liver, perfect digestion, healthy kidneys, regular bowels, fine appetite, or no pay. 50c. For sale by Kuhn & Co.

FREES BARTLEY BONDSMEN

Jury Exonerates Second Time Sureties from Responsibility for Shortage.

BAXTER RULES ON IMPORTANT POINT

Court Instructs Jury That Bond Given by Depository Bank Exonerates the Bondsmen of the Treasurer.

The jury in the case of the state of Nebraska against W. A. Paxton and others, bondsmen of former State Treasurer Bartley, who defaulted has returned a verdict for the defendants which means that they are not liable for the defalcations of Bartley, as sureties for him.

This case was tried before Judge Baxter and notwithstanding the fact that this was its fifth trial, the case this time was instituted on a new law point, involved in section 3 of the depository laws of the state of Nebraska, which reads as follows:

Provided that no treasurer shall be liable on his bond for money in deposit in any bank, under and by direction of the proper legal authority, if said bank has given bond.

It was alleged by the defendants that under the above section of the depository laws, which provide for the depositing of state funds in banks giving depository bonds, that the official bondsmen of state treasurers are absolved from all liability for funds after the same have been deposited in such depository banks, and that therefore they would not be liable under this section for the item of $201,884.05 on deposit in the Omaha National bank—a state depository—and checked out by Bartley on January 2, 1897, a few days prior to the close of his second or last term of office.

This point had never before been at issue in this case and when it was brought up, it was the subject for vigorous arguments on both sides, for upon the issue in this one point, the result of the case seemed to lie.

Baxter Holds for Bondsmen.

Following a lengthy argument as to the instruction which should be made to the jury touching this point, Judge Baxter held that the contentions of the defendants were correct and that under the above section 3 of the depository laws, the bondsmen of Bartley, are absolved from liability on the item of $201,884.05 which was on deposit in the Omaha National bank, and issued the following instructions to the jury touching this point:

You are instructed that under the evidence in this case the defendants are not responsible for the transactions between Joseph S. Bartley and the Omaha National bank, involving the making by Bartley to said bank of a check for $201,884.05, and the payment of said check by said bank, and you will disregard that item in the state's claim.

After this troublesome point had been disposed of the case then went to the jury upon the claim the state for the balance of the shortage of Bartley as claimed, amounting to $325,587.50. It was left to the jury to determine whether said shortage occurred during Bartley's first or second term of office, the defendants being liable only for whatever shortage, outside of the Omaha National bank item, which arose during Bartley's second term.

During First Term of Office.

When the arguments closed Wednesday evening the case went to the jury upon the single point as to whether the amounts for which W. A. Paxton and others, as bondsmen, were liable had occurred during Bartley's first or second term of office. If it was determined that Bartley's defalcations occurred during his first term of office the bondsmen who were a party to this suit would be absolved from liability, as they were Bartley's bondsmen only during his second term.

The jury having found a verdict for the defendants, it is therefore to be concluded that Bartley's defalcations were made during his first term of office.

BREAK DUE TO WATER HAMMER

Accident to Water Main Not the Result of Defect in the Pipe.

"Investigations of the break in the twenty-inch water main on Cuming street show that it was in all probability caused by 'water hammer' and no defect in the pipe," said City Engineer Rosewater. "'Water hammer' is caused by the collection and sudden expulsion of air. An oval piece of pipe about 2x18 inches was blown out of the top of a twelve-foot section of pipe. There was nothing to show the pipe was defective, although the piece that was separated had several small patches, where corrosion had eaten in on the outside a distance of perhaps a quarter of an inch in the seven-eighths-inch thickness of pipe. The electrolysis was slight, however, and I cannot see that it had anything to do with the break."

NEBRASKA FAIR COMMISSION

Matters in Connection with St. Louis Exhibit Are Progressing Very Favorably.

The regular bi-weekly meeting of the Nebraska Commission to the Louisiana Purchase exposition was held at the commission headquarters in the McCague building yesterday afternoon, with all members present. The meeting is simply of a routine business character.

The affairs of the commission are progressing rapidly, and new supplies of an excellent character are being received constantly and stored in the receiving rooms of the commission at Nineteenth and Cuming streets. These exhibits represent some of the finest agricultural products ever grown in the state and are being carefully prepared for the exposition by competent hands.

SUMMERS BACK AND SILENT

District Attorney Returns from Washington and Confers with Judge Munger.

United States District Attorney W. S. Summers returned yesterday morning from Washington, from his recent conference with the Department of Justice relative to the Hastings postoffice matter. Mr. Summers was closeted during the morning with Judge Munger, presumably in conference with him relative to the modes of procedure in the Dietrich matter. Mr. Summers declined to say anything relative to his visit to Washington.

Senator Dietrich has not yet put in his appearance at court, either in person or by attorney, and until he does the nature of the findings of the grand jury against him cannot be given publicity. It is not probable that the hearing will be had in any event until pressing matters now before the court are disposed of. This may carry the matter over until after the middle of December.

INVOLVES POINT IN LAND LAW

Case Now on Before Judge Read Comes from Arkansas for Adjustment.

A case involving a foreclosure and a due bill and other items growing out of the purchase of some land in Arkansas, was called before Judge Read yesterday morning.

The title of the case is Jenks & Griffin of Arkansas against Henry F. Rieck. This is a suit on a due bill for the balance of the purchase money on a tract of land sold by the plaintiff to the defendant. The land consisted of 160 acres, the contract price being $1,600, and $650 was paid down and a due bill of $750 given for the remainder. By reason of the refusal of the defendant to pay the $750 the plaintiff foreclosed the vendor's lien and now a suit has been commenced to recover the purchase price over and above what the land brought on the foreclosure.

The defendant denies that he purchased but eighty acres, for which the purchase price of $800 was paid. It is also denied that he executed the bill of sale, and also, that the plaintiff, having foreclosed the vendor's lien, thereby waived his rights to a personal judgment on the due bill.

ALLEN BROTHERS GO AHEAD

Will Begin Work of Inventory Preparatory to Resuming Business at Once.

"It is our intention to proceed forthwith to take an inventory of remaining stock," said Edgar Allen, president of the Allen Bros., whosale grocers, who suffered loss approximating $200,000 in the big fire of Thanksgiving morning. "We shall not wait for the insurance adjusters, but will get at the work at once."

Mr. Allen was not able to add any new light on the probable origin of the fire, which is still a deep mystery. Theories of its origin have been advanced from various sources, but that which appears the most tenable is the theory of Chief Salter, who adheres to the belief that the fire must have started in the boiler room.

Civil Service Examinations.

The United States Civil Service commission announces an examination on January 5, 1904, to secure eligibles from which to make certification to fill a vacancy in the position of inspector of general miscellaneous supplies, Quartermaster's department, New York, at $1,500 per annum, and other similar vacancies as they may occur. Age limit, 20 years or over. Applicants should be qualified to properly inspect articles of stationery, builders' hardware, tools of all kinds, illuminating supplies, veterinary supplies, harness, leather, tinware, stove supplies, etc.

ALLEGES JURY TAMPERING

Foreman Informs Court that Members Were Approached During Deliberations.

UNION PACIFIC DAMAGE SUIT INVOLVED

Hung Jury in Case of Connolly, Who Asked for Damages, Said to Be Due to Outside Influence.

Charges of alleged jury tampering created a profound sensation in Judge Slabaugh's court yesterday, when the jury in the case of John T. Connolly against the Union Pacific railway made its report, after having been out forty-four hours.

In this case the plaintiff lost both of his legs, having been run over by a Union Pacific train in South Omaha. His legs were cut and crushed into a pulp and it became necessary to amputate both of them. Connolly then began a suit for $50,000 damages against the railway company, and the jury in the case disagreed.

Another suit was instituted in the case last week before Judge Slabaugh and was hotly contested from beginning to the conclusion of the argument Wednesday, when the case went to the jury. During the period of forty-four hours the jury continued its deliberations, and when the report was made Friday it was found that a hung jury had resulted. Six were for the defendant and six for the plaintiff.

It was immediately after the verdict of the jury had been read that Adolph Siefken, its foreman, arose and said:

"Your honor, I feel that in justice to the court and to the contestants in this case it is right and proper that I should make a statement at this time. It is my belief, from what has recently come under my observation and from what I have learned indirectly through other parties, that certain members of this jury have been approached in this case. This has prevented us from arriving at a decision and is the cause of our continued deliberations. Otherwise a verdict for either one side or the other would have resulted."

After Foreman Siefken had concluded, Judge Slabaugh said that the charges made by Mr. Siefken were very grave ones and that they would be investigated to the fullest extent. The announcement made by Mr. Siefken created a great surprise. It is Judge Slabaugh's intention to probe the matter to the bottom.

The jurors in this case, after being under the personal care of Bailiff Louis Grebe over Thanksgiving, and for the period of forty-four hours, passed a resolution thanking him for his care of them during that time.

Federal Court Notes.

The jury in the case of C. W. Delamater, guardian, against the Northwestern Railway Company, after being out until 11:15 Wednesday night, was unable to come to an agreement and was discharged. The vote stood four for the plaintiff and eight for the defendants. One of the jurors naively admitted to the court that had the other four come over to the side of the defendants that an agreement and verdict could have been easily reached.

The case of Jane Johnson, administratrix, against the Mutual Benefit Life Insurance Company, on a policy of insurance, was on trial before Judge Munger yesterday. The litigants agreed to waive trial by jury.