

## LAND FENCERS' SIDE OF CASE

Cattleman's Part in Controversy Stated by Rancher from Cody, Nebraska.

## TAKES UP RECENT COURT PROSECUTIONS

Declares Such Men as Richards and Comstock Have Been of Great Good to the State.

"Every question has two sides and therefore there are two sides to this land fencing question," asserted C. F. Stewart, a small ranchman from near Cody, Neb., who was at the Merchants' hotel Friday. "The cattleman's side of the question has never been presented to the public," he added. "Now, I don't want to exaggerate, but I want to be fair in this statement, basing what I say on twenty years residence in the western part of Nebraska as a small ranchman. No intelligent person is ignorant of the fact that there is a law on the statute books prohibiting the fencing of public lands and yet everybody is ignorant of it ever being enforced before or anybody being prosecuted under its provisions. "Mr. Comstock and Mr. Richards have been of untold benefit to this western country instead of being detrimental to it, for these reasons. By coming in, buying up land and enclosing government lands and putting out water plants they made it possible for cattle to graze over thousands of acres which had heretofore been of no benefit to any one because there was no water tributary to it.

"When they put out water plants and put up fences they saved thousands of dollars worth of property to small ranchmen that in previous years had been destroyed by prairie fires. For two reasons they have made the land more valuable than before a fence was put up, first by putting out fire guards and thus keeping the small ranchmen from being burned out as they had been every fall, and second, by not overgrazing the land so that the country is producing more grass than prior to the fencing.

"Comstock and Richards have never taken anything off of that land which could not be put back by a single shower in the month of April.

"Since I have been living in western Nebraska I have seen hundreds of thousands of people pass over this very land. It seems strange to me if it was of any value, they would not have located where they were hunting for homes. All the immigrants that finally settled in Wyoming, Utah, Washington, Oregon and the Pacific coast states, passed right over this very land, and all the land agents and all the influence that was possible, was brought to bear on these settlers to get them to stay in western Nebraska.

"Wouldn't look at it. "You couldn't get a man to take up a quarter section of land in this section if you built a brick house on it and gave him a warranty deed to the place, providing he had to live there a year.

"If the land is so valuable as some think, it is strange to me that every man and woman in this country has not taken a homestead on it. I know of hundreds of people who have lived in the western part of the state for twenty years and who have refused to exercise their homestead right and take a quarter section, and now they even refuse to take the 640 acres under the Kinkaid law.

"In all my twenty years' experience in the western section of the state I don't know of a single case where there was any intimidation used or any one in the least interfered with if he wanted to settle on a homestead, but on the other hand, the land agents have done all in their power to get people to come and settle on the land, but no inducement these agents could offer was sufficient to entice the people to take up lands.

"Talking Without Knowledge. "A whole lot has been said about the Harriet Richards case by people who know nothing about it. I have known Mr. Richards for twenty years and know him to be a law-abiding citizen in every sense of the word. He would have been glad to have taken down his fences when the order was first issued, but with conditions which existed in that country at that time and with the number of cattle he had on hand, it would simply have meant financial suicide to have complied with the order.

"There are few men in the United States who have any conception of what a condition the fences when he put on hand 20,000 head of cattle. I believe there is not a man in the United States who would have acted differently from the way Mr. Richards acted. To have pulled down his fences when ordered he would have had to put his cattle on the market at half price and it would have completely wrecked him.

"If the people would stop to consider the proposition and would think it over deliberately the cattleman would be secured as they are now. Especially should the people of Omaha give this matter thought, for the cattleman of the west have done much for Omaha; they have built up the South Omaha live stock market and they spend their money here, but aside from all that they are entitled to some consideration and to a square deal. Tearing down the government fences has cost the state of Nebraska hundreds of thousands of dollars and it has not benefited a single person one dollar."

McKinley Lodge Officers. One of the largest and most enthusiastic meetings in the history of William McKinley lodge, Pinal B'nith, was held at its

## FORMER OFFICIAL ARRESTED

Deposed Register of Valentine Land Office Charged with Conspiracy and Subornation of Perjury.

As a result of the recent investigations by the agents of the secret service department of the government J. C. Pettijohn, the former register of the land office at Valentine, has been arrested at Valentine by Deputy United States Marshal Allan on the charge of subornation of perjury and conspiracy. Attorney Tucker of the same place has also been placed under arrest for alleged fraudulent transactions bearing on the appropriation of public lands in the Valentine district.

In addition to the arrest of Pettijohn and Tucker at Valentine, other arrests are scheduled for Rushville, to which point Deputy Marshal Moore has been dispatched. Among other arrests recently made in connection with the Nebraska land frauds is that of Edward Letson of Horton, Kas. The evidence against Letson was worked up by the secret service agents in Nebraska and refers to alleged fraudulent filings obtained by the accused for the Martine brothers, ranchmen in Sheridan and Cherry counties. Letson has been bound over to the federal grand jury for the Nebraska district.

## MORTENSEN IS IN THE LEAD

State Treasurer Has Clinch on Valley and Custer Counties for Governor.

W. S. Mattley of Ansley is in the city. Speaking of the political situation, which is beginning to assume form in that part of the state, he said:

"Peter Mortensen has everything coming his way. So far as Valley and Custer counties are concerned he can be the next candidate for governor or name the man who shall be. While John Wall and Senator Fries have a lot of personal friends in that part of the state, they are not in the race if Peter Mortensen wants the office or desires any other person to have it."

## Nothing Succeeds Like Success.

The passenger traffic of the United States is growing wonderfully, and is the marvel of even the most experienced. The secret is, first, in the general prosperity of the country, which enables everybody to go somewhere, and second, the great strides made by American railways in their passenger train service.

## Card of Thanks.

We wish to extend our sincere thanks to the Degree Team and members of North Omaha Lodge No. 159, Ancient Order of United Workmen, and to our kind friends and neighbors for their ready assistance and heartfelt sympathy during our bereavement of our beloved husband and father.

MRS. NELS J. DELFORD AND SON, Omaha December 27, 1905.

## Holiday Rates.

The Erie Railroad, the picturesque trunk line of America, announces special holiday rates over its line from Chicago December 23, 24, 25, 26, 27, 28, and January 1, 1906, to Columbus, O.; Akron, O.; Youngstown, O.; Jamestown, N. Y.; Salamanca, N. Y.; Buffalo, N. Y., and local stations. Apply to your local ticket agent, or J. A. Dolan, T. P. A., Railway Exchange Bldg., Chicago.

## Holiday Rates.

Christmas and New Years. Greatly reduced rates via the Missouri Pacific railway. Tickets on sale December 22, 23, 24, 25, 26 and 27, 1905, and January 1, 1906. Good to return to and including January 4, 1906. Full information at city offices, E. Corner 15th and Farnam streets, Omaha, Neb.

## Erie Railroad.

No change of cars Chicago to New York, Boston, Mass.; Buffalo, N. Y., and Columbus, O. These trains carry splendid Pullman and dining cars and coaches. Apply to Ticket Agents or J. A. Dolan, T. P. A., Railway Exchange Bldg., Chicago.

## Diamonds—Frenzer, 15th and Dodge.

Selections from Handel's "Messiah" by the choir of sixty voices at Kountze Memorial church on Sunday evening, December 31, E. D. Keck, conductor.

Not only watches and diamonds, but all other jewelry, sold below prices at Hubermann's store, corner 13th and Douglas.

## Silver Thimbles—Frenzer, 15th and Dodge.

## LOCAL BRIEVITIES.

Herman A. Linder died Thursday afternoon at the Swedish hospital from tetanus. He was 28 years old and leaves a wife. The funeral will be held at 2 o'clock Sunday afternoon from the residence, 1823 Spring street. Interment to be at Forest Lawn cemetery, under the direction of the Brewery Workers' union.

The funeral of Louis Emerson, who died at his home, 328 North Seventeenth street, at the age of 53 years, was held yesterday afternoon from the undertaking rooms of Leslie & Mace, 215 North Sixteenth street. Interment was at Forest Lawn cemetery. Emerson leaves two daughters, Mrs. Griffith of Omaha and Mrs. Mary Kemp of Watertown, S. D.

## WOMAN SENDS FOR WAGON

Mother Calls on Police to Cart Away Her Wrangling Children.

## WANTS IT SENT TO THE BACK DOOR

Tony Vanous Advises Her to Use Barrel Stave on Her Boy Instead of the Wagon.

"The ends of justice would not be served should I give you the names in the case," remarked Tony Vanous of the police station Friday morning, when he beckoned a coterie of reporters to his cosy corner and unfolded to them a tale which came over the telephone to him a few hours before.

"Is this the police station?" was the question asked of Acting Detective Sergeant Vanous by a stolid-looking questioner when Mr. Vanous took down the telephone receiver at 7:12 a. m. Friday.

Vanous gave the woman to understand she was speaking with one who was holding the receiver of the telephone in the office of the police station.

Woman—I want a policeman sent out here right away. My son an' dawther can't get along at all, at all, an' Ol'm getting tired of their tangle squabbling. Will you send the policeman right away?

Vanous—What's the trouble out there, madam?

Woman—An' didn't Ol be telling you about it? Will you please send the wagon to the back door? Ol don't like the sight of a police wagon at me front door. It makes the neighbors talk, an' Mrs. Mallory do be getting jealous, anyway, since Ol bought that new phonograph.

## Must Know the Cause.

Vanous—But, madam, we must know what the trouble is before we send the patrol wagon.

Woman—Well, me dawther, she is 23, an' me son, he is 18; an' me dawther cooks the meals for me by. Johnny does not like his sister's cooking and has been waking up the saints by throwing the eggs and fritters over the floor. Now, Ol wants to ask you again, Ol want that cart by the front door, will you? Ol have every respect for the members of the force, but if they send that wagon be the front of me house, Ol won't say a kind word for a policeman again.

Vanous—Nothing serious out there—no one hurt, is there?

Woman—No, but Ol was just afraid Johnny might start something.

Vanous—Madam, what you ought to do is to break up an old barrel, get a stave and apply vigorously where it will do the most good on Johnny.

Woman—Thank you; Ol'll take your advice. But Ol was afraid that wagon would back up at me front door.

## BREEN DROPS CASUAL REMARK

City Attorney Merely Makes Two Hours' Statement on Gas Ordinance Matter.

Judge Sutton has taken under advisement the case in which T. W. Blackburn seeks a temporary injunction against the ordinance passed and contract made with the Omaha Gas company by the city council October 11.

Mr. Connell, for the company and the majority of the council, concluded his argument shortly before noon Friday. He was followed by Mr. Weaver, for the plaintiff, and he finished early in the afternoon.

At the conclusion of Weaver's argument the court called on city attorney Breen, saying he would like to hear whether the city attorney considered the city's interest in the franchise granted to the gas company as a valuable asset or not.

Mr. Breen said that the city is really but little interested in the controversy. "If the present contract fails," said he, "we can get another without any trouble. I am in about the position of the old woman who said 'Go it, husband, go it, bear! For the three councilmen of the minority I will admit they were held in imprisonment and were under coercion. They will even go so far as to admit that the passage of the ordinance and the making of the contract were procured by fraud, but I don't know that I care to go that far. I simply plead the record as it has been made here and leave the decision to the court. As city attorney I cannot say this ordinance is void, and I am not procured by fraud, because that would be to accuse the majority of the council of fraudulent action, and that I will not do."

Mr. Breen then became interested, apparently unintentionally and without the least idea of malice, and went into a discussion of the so-called franchise of the gas company as co-related to the granting of the contract in question. This dissertation grew interesting and before it was ended the court was asking questions and seeking light on various phases of the dispute. Messrs. Connell and Weaver were also participating and as a result Mr. Breen was on the floor about two hours longer than he really intended when he started.

The city attorney by implication condemned the use of outside and ulterior force against the councilmen, drawing a sharp distinction between such force and that which might have been employed by the body itself, using its own resources. He also held that while the gas company's bids were not in compliance with section 3 of the franchise, that fact in itself would be no ground for declaring the contract void nor would it be proper for the court to void the contract solely because of its price. That, he held, was a matter for the council to decide, within reasonable limits and depending on the equipment provided for and condition laid down.

## FOREIGN CAPITAL INVOLVED

New Complication Arises in Connection with the Case of Rev. Mr. Ware.

The approaching trial of Rev. George G. Ware of U. B. I. ranch notoriety, which is set for January 8, has given rise to an interesting question bearing upon the relation that English capital may have to some of the lands the versatile divine is claimed to have acquired by alleged fraudulent practices. It has developed that a number of Deadwood, S. D., capitalists are interested in the Ware holdings, and that these capitalists are handling considerable British money on the Nebraska land and cattle enterprises which Rev. Mr. Ware is said to control. The government officials who have been investigating the Ware case have discovered that some foreign interests are involved in the matter, but to just what extent has not yet been fully determined.

The present indications are that the Ware case will be a bitterly fought legal battle and that an effort will be made to make it one of the leading, if not the foremost, test case in the land trials. The ostensible charge against Ware, Lambert and Welsh is that of conspiracy, and a host of witnesses is being summoned in the cases. Upwards of fifty old soldiers have been summoned to substantiate the charge of conspiracy in making filings which were to be subsequently leased or sold to Ware and his associates. The government expects to prove that the agree-

ments of many of the soldiers were to transfer the lands outright to the cattleman after making the formal final proof, and that all the money for filings and proof was furnished by the Deadwood syndicate and that considerable British money was used in this manner. It is further probable that several of the old veterans may have to answer to the grand jury for being a party to the conspiracy in procuring other comrades to make filings. In one instance an old veteran sought to have his comrades make good to him \$200 or \$300 by subscription as his commission for services, and money that he claims to have been out in their interest.

## SWIFT'S MEN HAVE A BANQUET

Men Who Sell the Goods Entertained by the Management of the Company.

One hundred of the men who sell the products of the Swift and Company plant at South Omaha came in off the road yesterday to be present at a banquet given at the Her Grand hotel in their honor last night. The hotel lobby was crowded with the traveling men until after 8 o'clock, when all repaired to a private dining room. Eleven heads of departments occupied seats near H. O. Edwards, manager of the South Omaha plant, who acted as toastmaster. While most of the sales agents present were from Nebraska and Iowa territory, there were some from as far as Idaho and Wyoming.

The managers present were H. O. Edwards, general manager; John Patterson, superintendent of the plant; C. H. Bradley, manager of the jobbing department; G. D. Maberry, manager of the provision department; E. L. Hastman, branch house general manager; G. M. Patterson, manager beef cutting and freezing department; T. J. Lator, manager of the produce department; J. French, manager of the milk, food and fertilizer department; C. C. Ryan, traffic manager; M. D. Gallagher, general salesman; G. M. Lawrence, manager soap and advertising department; David R. C. Smith, manager beef department.

## BALL FILES ANSWER IN SUIT

Man Replies to Woman in Court Who Has Two Husbands in Different States.

Robert A. Ball has filed an answer in the divorce suit of his wife, Zenetta Ball, in which Judge Sears recently set aside a decree heretofore granted Mrs. Ball. She is now the wife, under the Iowa laws, of Mark A. Sweney and has with her in Council Bluffs the two children, a boy and a girl. Ball sets up that she is an unfit person to have the custody of the children and asks that they be given into his custody. He also sets up that Mrs. Ball-Sweney is not entitled to a divorce and should not have one. He does not ask for a decree in his own behalf, but evidently wants the woman to be still his legal wife in Nebraska, as her second marriage was in violation of the terms of the Nebraska law, which prohibits marriage within six months of the filing of the decree.

Harry B. Davis, undertaker. Tel. 1224.

## SHOTWELL'S POCKET PICKED

Assistant District Attorney Locates Watch and Charm Valued at Seventy-Five Dollars.

Deputy County Attorney Shotwell made the discovery in police court Friday morning that his vest pocket had been picked for a fine gold watch and emblem charm. The watch and charm were valued at \$75. Some one asked the deputy attorney the time, which Mr. Shotwell was unable to state.

## Diamond Rings—Frenzer, 15th and Dodge.

## Announcements of the Theaters.

Matinee this afternoon and the performance this evening, when the curtain will rise at 8:15 sharp, brings the Orpheum Christmas week bill to a close, and to succeed it beginning matinee Sunday and including a special matinee Monday. It is claimed the New Year week entertainment is appropriately happy and even more excellent and fitting than its predecessor. The Okabe Japanese family, five adults and three children, will be the headline feature. The remainder of the bill is well varied, balanced and cheerful. Edwin Lattelle, the merry musical minstrel; Les Elgonas, European comedy acrobats; James H. Cullen, the man from the west, with his latest parodies and stories; Dixon and Anger, German dialect comedians; Miral von Wendt, Tyrolean yodler; McIlwain and Manning, in their comedy skit, "The Barnstormers," and timely new kinodrome pictures.

"The Marriage of Kitty," which is to be the bill at the Boyd theater for two performances, matinee and evening, on Sunday, is one of the latter day comedies, bright, clean and sparkling, depending on its wit, satire and repartee for its pleasing qualities. It was one of the hits of the New York season last winter. The Jules Murry Comedy company, which has the play in hand, is picked for the purpose, and is said to be competent in every regard. Alice Johnson, who heads the company, is one of the cleverest comedienne in America. The engagement is for one day only.

No announcement this season has aroused more interest among the Omaha patrons of the theater than that the New Year's attraction at the Boyd is to be Robert Edeson and his splendid company in "Strongheart," the college play, in which foot ball, and Indiana, a "pale face" girl, and the old racial prejudices are the factors. This piece has been one of the genuine hits of recent theatrical experiences. Mr. Edeson's supporting company is a fine organization. The engagement opens with a matinee on New Year's day. It continues till after Wednesday night, with a matinee on Wednesday.

The closing performance of "The Christian" at the Burwood will be given today. "Are You a Mason?" starts on Sunday afternoon, and a special matinee will be given on Monday.

## RESTORED HIS HAIR

Scalp Humor Cured by Cuticura Soap and Ointment

## AFTER ALL ELSE FAILED

"I was troubled with a severe scalp humor and loss of hair that gave me a great deal of annoyance and inconvenience. After unsuccessful efforts with many remedies and so-called hair tonics, a friend induced me to try Cuticura Soap and Ointment. The humor was cured in a short time, my hair was restored as healthy as ever, and I can gladly say I have since been entirely free from any further annoyance. I shall always use Cuticura Soap, and I keep the Ointment handy to use as a dressing for the hair and scalp. (signed) Fred K. Busche, 313 East 57th St., New York City."

# Pre-Inventory Sales

## NEXT TUESDAY WE TAKE INVENTORY

That gives us only a few days to prepare our stocks for this final event. All this week we have been sifting and searching each and every department, where we have unearthed a great many odd lots. We are determined that these odd lots shall not appear on our inventory sheets.

**WE HAVE CUT THE PRICES ON MERCHANDISE IN EVERY DEPT OF OUR STORE.**

**Men's and Boys' Suits & Overcoats Reduced**  
**Furnishings for Men and Women Reduced**  
**INCLUDING UNDERWEAR AND GLOVES.**

**Nebraska Clothing Co.**  
FARNAM & 15TH

**Aren't you tired of hearing Kansas City held up as the model of enterprise?**

Kansas City, for years, has been standing up and telling all the world about Kansas City—it's high time Omaha did some yelling for Omaha—**ADVERTISE OMAHA**—that should be our watchword.

The Bee has initiated a plan to advertise Omaha—to show in one big picture, all Omaha, and it will astonish every one to know what a city we have. People don't know, either, what we have in the way of handsome store buildings—great jobbing houses—fine public buildings—the immensity of the stock yards—the U. P. shops—the smelting works, or our beautiful homes. Neither do they know, that Omaha is the first butter market; has the greatest smelt plant in the world; second greatest corn market, or the third largest packing center in the country. All this will be brought out in the sixteen-page New Year's supplement. We all want this known—we all want to advertise Omaha right.

The Bee has pointed the way. The Bee has backed this proposition—but it can't be a success, unless everyone joins The Bee in the enterprise.

**ARE YOU FOR OMAHA?**  
**Advertise Omaha by sending copies to your friends. Mail us the Coupon.**

Omaha, \_\_\_\_\_

**THE BEE PUBLISHING COMPANY**

Please deliver \_\_\_\_\_ copies of THE OMAHA BEE JUBILEE EDITION and Bird's-Eye View of Omaha

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For which I agree to pay ten cents a copy on delivery.

Signed \_\_\_\_\_

**Order them now, as the edition will be limited.**  
THE BEE PUBLISHING CO., Omaha, Neb.

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IT SAVES A DAY

FROM LA SALLE ST. STATION CHICAGO  
Leave Chicago at 2:30 p. m.  
Arrive New York at 9:30 a. m.

FROM GRAND CENTRAL STATION THE ONLY TERMINAL IN NEW YORK  
Leave New York at 3:30 p. m.  
Arrive Chicago at 8:30 a. m.

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There is no element of speculation in the quality of

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It is good beyond compare.

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