

MODISSETT CASE NEARS END

Government Rests Its Case and Awaits Action of Defense.

SOLDIER'S WIDOW ADDS SOME SPICE

Tells of Being Induced to File on Her Land and How Feared to Sign the Papers.

THE DELINEATOR FOR FEBRUARY

Of Your Magazine or our British Agent or the Publisher.

BUTTERICK PATTERNS

50 CENTS AND 15 CENTS—NONE HIGHER.

with three or four other widows and went to Fred Hoyt's office. I asked him about that other \$50 and Fred Hoyt was just as snappish as he could talk. So we made out some more of them rascally papers. They took us out to the Modissett ranch house, me and the other women. Then they took me out to a hollow where a bear couldn't live and said that was my land. They had me take a hammer and drive four stakes. There was a little shack of a house on the land that looked like a little pig house. Albert Modissett gave me a handful of peanuts and told me to go into the shack and eat my lunch there. He said that was the law. "No, I never intended to live on the land at all. For the first time I was out there done up on the looks of that country. I wouldn't give a cent for a chair of tobacco for the whole shooting match."

HEIR AIR AND NO MONEY.

In her cross-examination Mrs. Allen said: "I saw after a little talk that Modissett never intended to give me a red copper cent. They made no contract with me about buying the land. That was only talk. I did sign a grass contract, but they never paid me for that. I would like to have that money. They two men, Albert Modissett and Fred Hoyt, came to me with lies in their mouth. I got a letter from Modissett about a relinquishment. He said he would give me \$50 for it, but I told him I wanted \$50 and wouldn't sign it unless he gave me the \$50. Then I got a letter from them in August saying my land had been contested. I didn't care. Let them contest it. I wouldn't give a chew of tobacco for the whole pack. No, I did not intend to deceive the officers of the government or anybody. I wouldn't tell a lie for anybody, nor for that whole country out there. Yes, Modissett told me I was to get \$100 for each quarter and I. D. Hull told me I was to get \$100 for the first quarter I filed on. But I have never got nothing."

HERBERT BLANCKMETS, A SIOUX INDIAN,

was one of the party brought down from the Pine Ridge agency to Rushville and received \$25 for making the filing. He was solicited to make the filing by Dale, who came to his house on the agency for that purpose. In relation to the grass lease the witness said: "That is my name signed to the lease, but I did not sign it."

JUDGE W. H. WESTOVER OF RUSHVILLE

was permitted to testify on behalf of the defense as an accommodation. His presence being required in Sheridan county on court matters. He testified merely to the fact that he had seen the Modissett papers filed on the land and had done so.

"WE VISITED THE LAND, GOING FIRST TO GORDON,

and after reaching the land were shown tracts said to be ours," said the witness. "We were furnished a light lunch of crackers, which we ate in the shanties, each on our own place, and then dug a few shovelfuls of dirt. We were told we had to do these things and to drive four stakes. We then drove back to Gordon. We understood we were to lease the land to the Modissetts for five years for the expenses. I received no money from them but my expense money. Something was said to Fred Hoyt's office at Gordon about disposing of the land when we proved up. Mr. Modissett said to me: 'We are figuring on buying this land when you get a deed for it or a patent.'"

IN HER CROSS-EXAMINATION THE WITNESS SAID:

"I understand that what I did on the land was to order the Modissett papers filed on the land. I had no intention of deciding the land at the time I filed on it."

SAMPLES OF SOME LETTERS.

Mrs. Mary A. Taylor of Lyons testified to having been solicited by letter from A. R. Modissett to make an additional filing for 400 acres under the Kinkaid act. She already had filed on 100 acres in that same vicinity. She made the filing as requested and visited the land and related a like experience to that of Mrs. Copeland.

LETTERS WRITTEN BY THE MODISSETTS TO HER

were introduced in evidence. One of these stated: "After you have proved up, if you would like to sell, we will try to buy it. Your land is on our ranch."

ANOTHER LETTER SAID:

"When you come do not talk to newspaper men, as formerly, or some of them."

OTHER LETTERS RELATED TO HER CLAIM

being on the township of the Kinkaid act, and that there was an excess of land upon it, but that the Modissetts would pay for the extra land without further expense to her.

THE FIRST WITNESS OF MONDAY AFTERNOON

was George W. Cyphers of Valentine, who testified that he went to Rushville with two or three other men with the purpose of making a filing at the solicitation of the Modissetts and Dale, but after reaching Rushville decided not to do so.

MISS AMY L. STEWART OF RUSHVILLE,

district clerk of Sheridan county during 1904, testified regarding the filings made the night of July 28, 1904, and at other times in her office. She testified that she was acting as clerk. She was paid the filing fees by the Modissetts. In her cross-examination she said: "I consulted with Mr. Albert Modissett as to the legality of the filings made by the Indians and was satisfied that they were perfectly legal."

PAPERS PROPERLY SIGNED.

In her redirect examination she said: "The grass lease contracts were made out at my office at the request of Mr. Modissett, and I was paid by the Modissetts for them. The only money paid me was the customary fees. I received no extra compensation for acknowledging these filings. I did not affix my signature to the papers unless they were properly sworn to."

FRED HOYT, UNITED STATES COMMISSIONER

at Gordon, testified to the execution of the Mrs. Sarah M. Allen papers before him in 1904. In his cross-examination he said: "I make it the invariable rule to read all papers before me that are being sworn to, and to see that the parties thoroughly understand the same."

MIKE KOAL, A CARPENTER OF RUSHVILLE,

testified to building two claim houses for the Modissetts in 1904. They were twelve by fourteen feet in size, were good buildings, and he was paid for them by Albert Modissett.

J. C. SCOTT, SPECIAL AGENT OF THE GENERAL

land office, testified that he had visited the Modissett range in January, 1906, for the purpose of seeing the improvements alleged to have been made on the various claims in controversy. He found claim houses on some of the lands and fences and fire guards about others. On some of them were no improvements whatever. Under cross-examination he said: "A. R. Modissett accompanied me on the visit to all of these claims and did not put any obstacle in my way whatever."

MANY PLANS FOR VESSELS

Numerous People Have Ideas as to What Sort of Boats to Use.

"Since the movement was started to organize a company in Omaha for Missouri river transportation Commissioner Quinn of the Commercial club has received many letters on the subject. Some broad visionary schemes, some offer good ideas on river improvement and some advertise flabbergasting boats. The latest comes from Mrs. J. A. Norton, an inventor of Oelbalt, Ia., who has for sale what she calls the "shallow river boat," a vessel built on several shallow steel flats, put together like a raft. It is supposed to draw only two feet of water.

AFFAIRS AT SOUTH OMAHA

Charles Bailey Arrested at Home of His Father After Hard Fight.

BOOKED AS A SUSPICIOUS CHARACTER

He Was Recently Paroled from Iowa Penitentiary and Police Say He Is Implicated in Several Crimes.

With the arrest of Charles Bailey, Fortyninth and W streets, the police are confident they have at last taken the man who has been responsible for several bold crimes of late. He was arrested by Captain Nels Tarnquist and the officers of the Omaha police department during the afternoon. Having learned that Bailey was there with his parents, when the officers approached Bailey hid behind a dresser, and the whole family made a desperate attempt to keep the officers out of the house. The mother stood in the door until she became necessary to push her out of the way. When discovered Bailey put up a vicious fight for a few minutes until he could be overpowered. Then he kept calling on the family to bring him weapons to fight with. At last he consented to accompany the officers without the formality of a warrant, which he at first demanded. He was lodged in jail as a suspicious character.

BAILEY IS A YOUNG MAN OF STRONG BUILD

and is said to have been sentenced to the Iowa penitentiary for a year under Sioux City. He was sent up from Sioux City. He was paroled. He came to Omaha on a promise to get work and keep straight. He has since lived with his parents. A few weeks ago he repaid the gratitude of his father by giving him a beating. The crimes for which he is suspected are the robbery of J. N. Burke's saloon at 325 1/2 North 10th street, and the robbery of a \$200 diamond brooch belonging to Mrs. G. A. Clement, Twenty-fifth and I streets. The police claim to have strong evidence against him in these cases. There are several witnesses who can identify the man who was concerned in these robberies and they will be brought to the jail to testify as to the identity of Bailey. The father may decide to prosecute the boy for the beating received at his hands.

A ROOMMATE, WHO LIVES AT FORTYNINTH

and W streets, reported to the police yesterday that his residence was entered Saturday night and a quantity of meat stolen. This meat was cured hams and amounted in value to \$10. A gold ring was also taken. This has a mark of identification if it can in any way come before the eyes of the police. As yet no one has fallen under suspicion for this work.

COMMERCIAL CLUB TAKES ACTION.

Following is a copy of resolutions adopted by the South Omaha Commercial club Saturday afternoon, bearing on the strike situation:

Whereas, Information through the press and other sources discloses the pending labor troubles between the Order of Locomotive Firemen and the Union Pacific railroad, which is a public utility, and whereas, reflecting a disagreement elsewhere at the same time threatens to seriously interrupt the water supply of Omaha, and whereas, the prompt and satisfactory handling of live stock to this market is of the greatest importance, and whereas, the demand for fuel for industrial and domestic requirements is so great that it is also of the greatest importance that the grain crop, most of which is still in the hands of the producers; therefore,

Resolved, by the members of the Commercial club of South Omaha, That a sympathetic committee be appointed to confer with the representatives of the commercial interests of our city and the West in general.

Resolved, We sincerely ask all interested parties to leave nothing in their power undone to adjust the pending peaceful methods, be it by arbitration or otherwise, and to prevent any innocent from suffering, who certainly deplore the situation.

Resolved, By respectful means that good fellowship may be retained to the happiness, comfort and welfare of all concerned.

It was ordered that a copy of the resolutions be sent to the local committee of the locomotive firemen at Omaha, to the general superintendent of the Union Pacific railroad, to Governor Sheldon of Nebraska and to J. J. Hannahan, grand master of the Brotherhood of Locomotive Firemen, at Peoria, Ill.

TELEPHONE COMPANY MOVES.

The Nebraska Telephone company moved into its new exchange Saturday night. All of the systems of wiring, including the conduit system of the business district, were completed before that time. A large force of men has been employed in this work for several weeks. The new exchange has been in the process of erection all summer and fall. It will cost the company in the neighborhood of \$75,000, and the improvements in the city amount to nearly \$100,000 more. Many people who heard the tinkling of their bells during the last week or two will probably be less troubled now that the tampering with the wires is done.

MAGIE CITY GOSSIP.

Bridal Rose Silver, Godfrey's, Miss Katherine Rowley entertained a number of friends Saturday evening.

R. R. McCall, Twenty-sixth and M streets, has returned from a business trip to Colorado.

Miss Pearl Dunn of Fremont has been the guest of friends in the city during the last week.

Enmet Hannon left last evening for Davenport, Ia., where he is attending school.

South Omaha Country Club Spoons. Godfrey's.

The South Omaha High school basketball team defeated the Dennison team Saturday evening, 10 to 6.

Joe Walker is laid up with an attack of congestion of the lungs. Pneumonia was much feared.

Clifford Thompson has returned from Wyoming, where he has been in business at Cheyenne for a year or two.

Miss Sophia Nelson, 422 W street, was able to return to her home yesterday from the Omaha General hospital.

The Temple quartet will give the third entertainment of the "Gospel Men's" Christian association lecture course tonight.

Jeffer's Gold Top Beer delivered to all parts of the city. Telephone No. 3.

W. Dament, lodger in Mrs. Burke's rooming house, has reported the loss of his suit case and articles valued at \$125.

The Ladies Aid society of the First Presbyterian church will meet this week with Mrs. Frank Houseman Wednesday afternoon.

A window pane was broken in the grocery of J. L. Graham, 218 North Twentieth street, Friday night. A shawl was found under the window which had been used to pry up the frame, the springing of which caused the broken pane. The shawl was found in the intruders' way, as nothing was missed from the store.

Skaters in Crowds.

Superintendent Adams of the Park board reports that the skaters are this year taking an unprecedentedly large interest in the skating at Hanscom, Miller and Riverview parks. Another skating rink has been built at Hanscom park for the skaters. The board

LUMBER FIRM BRANCHES OUT

Gulou & Ledwith Company Moves Into Larger Headquarters on the Boulevard.

SOME ANNUAL MEETINGS HELD

City Savings Bank, Gas Company and Lead Works Elect Their Officers.

The annual meeting of the stockholders of the City Savings bank was held Monday morning and the following officers re-elected: President, John F. Flack; vice president, J. A. Sunderland; treasurer, William S. Hillis; directors, John F. Flack, J. A. Sunderland, C. C. George, Robert E. Drake, George P. Gilmore, Robert Dempster and William S. Hillis.

THE CONSERVATIVE BUILDING AND LOAN ASSOCIATION

moved out of the part of the building last week and the City Savings bank now occupies the entire room. New fixtures will be installed soon.

The Omaha Builders' exchange is holding its annual election today. Officers and six directors are to be chosen. A banquet will be held at the exchange rooms tonight.

The annual meeting of the Board of Trade will be held this afternoon and three directors are to be elected. A set of proposed amendments to the bylaws will also be voted on.

At the annual meeting of the Omaha Gas company, held Monday morning, F. T. Hamilton, G. E. Barker, Samuel T. Bodine of Philadelphia, G. E. Pritchett and George W. Clabaugh were elected directors. The directors then elected Frank T. Hamilton president, G. W. Clabaugh vice president and secretary, Isaac Battin treasurer, Lewis Little assistant treasurer and James Ball assistant treasurer. George E. Waring was appointed superintendent and Isaac Battin engineer.

At the annual meeting of the Carter White Lead Co. held Monday morning the following officers were re-elected for the year: E. J. Cornish, president; F. M. Carter, vice president; J. J. Morsman, secretary and treasurer. It was announced that the business of the company had increased to the extent that the plant would be operated to its full capacity during 1907.

WOMAN SLIPS ON CAR TRACK

Rides on Fender and is Thrown Across Street, Sustaining Severe Scalp Wound.

The slippery condition of the sidewalks Monday morning was responsible for a serious accident to Mrs. Stockhouse of Davenport, Ia., who is visiting in Omaha. She was riding on the fender of a car on Chicago street, carrying several feet on the fender and then thrown across the street to the curb. She suffered a bad scalp wound and had her hand bruised and it is feared she sustained internal injuries, as she is a very heavy woman and quite advanced in years.

The car was in charge of Motorman Green and Conductor Pickett, who said it was impossible to stop the car on the slippery tracks in time to avoid the accident. Mrs. Stockhouse was taken home by the train crew and Officer Michael McCarthy, who happened to be patrolling the sidewalk. She suffered great pain from her injuries and it was thought advisable to have her taken to St. Joseph's hospital, which was done about 10 a. m. Monday.

MANGUM & CO. LETTER SPECIALISTS.

WEEK OF PRAYER IN CHURCHES

Annual Season of Special Supplication Observed by Evangelical Bodies in Omaha.

This week is a week of prayer in all evangelical churches throughout the United States. It is an annual occasion and observed with special services, that the new year may be started with renewed Christian grace and strength. Many of the churches are holding services every evening during the week except Saturday evening, while others have postponed the services a week or so later.

At the First Methodist church there will be services every evening until Saturday. Rev. Dan McGurk of Grand Avenue Methodist Episcopal church, Kansas City, being in the pulpit. Rev. Newman Hall Burdick, pastor, will preach at the Second Presbyterian church this week and next, except Saturday evenings. Services will be held several evenings at Lowe Avenue Presbyterian church. The First Presbyterian church will hold the services during the week preceding Easter. Services will be held at Calvary Baptist church this week at 7:45 each evening. Monday evening Rev. R. B. A. McBride, pastor of Central United Presbyterian church, will speak.

OUR GROCERY STORES.

John M. Gordon Says They are Without Equal.

A very hearty endorsement of the character of the city's grocery stores was given today by John M. Gordon of New York, who is stopping at the Her Grand hotel. Mr. Gordon is one of the men of ideas who have helped to make popularity for many of the best known food products, and being so closely in touch with the grocery trade, an endorsement from him is worthy of note.

While discussing the pure food laws, Mr. Gordon said: "The grocers of this city are, as a whole, far-sighted business men, who are employing more business acumen in the operation of their stores and in the buying of pure and wholesome food stuffs than I have found among many of the grocers in much larger cities. The stores are clean, the line of goods carried is mostly of high grade, and the grocery men do not seem to be of the kind that practice the selling of substitutes for the purest and most wholesome manufactured articles."

"I make this statement knowingly, for I am here in the interest of an extract manufacturer and the grocers have seemed glad of the opportunity to better the quality of their stock in this line. There is no truer indication of their desire to serve the people honestly than is shown in the purchase of high grade goods of this character, because deception in the extract line is easily accomplished and not easily detected by the housewife, unless she is served daily with one of the brands which contain poisonous substitutes and is affected thereby."

"My work in the past has been practically that of a promoter, for I have been connected with the exploitation of food stuffs to bring their merits particularly before the attention of the housewife, and in that connection I am offering a great deal of my best experience to the grocers of this city in an effort to eliminate the influence of the mail order house and to largely build up the business of the local stores."

ANNOUNCEMENTS OF THE THEATERS.

One of the best trained horses in the world is used in A. H. Woods' thrilling melodrama, "The Gambler of the West," which comes to the Krigg theater for two days' engagement, beginning tonight. A real, old-time stage coach, a cowboy band and a number of Indians are used in the production and a street parade of wild west character will be given each day of the engagement.

COUNTY JAIL CURES FIEND

Ninety Days There Sends Doper Out Shouting Hallelujah for His Salvation.

With voluble assurance of the efficacy of enforced retirement in the county jail as a sure cure for the cocaine habit, B. Smith, a colored man who has been known as a notorious "coke" fiend, went to the city jail Monday morning to thank the officers that had sent him to the county jail so often, as he was now completely cured of the "drug habit."

"Deed, gemmen, I can't thank you all for sending me up. I don't get no coke habit no more, glory hallelujah." Jea got out of my las' trip of thirty days and the coke habit am all gone. You gemmen sent me up three times for thirty days, ninety days in total, and it has shud cured me of the coke."

Smith had done a continuous performance of ninety days at the county jail on vagrancy charges. As soon as he was released after serving one sentence he would be arrested immediately and sentenced to thirty days more and now professes to have lost all desire for cocaine. He went voluntarily to the city jail Monday morning and said that the officers had done him the greatest kind of a favor in keeping him in jail.

CUPID CATCHES T. H. TIBBLES

Veteran Nebraska Editor Will Marry Miss Ribbel of the Associated Charities.

T. H. Tibbles, the veteran editor and politician, is to be married. His bride is to be Miss Ribbel, assistant to Superintendent Morris of the Associated Charities. She has already tendered her resignation to the board of directors of the Associated Charities, to take effect at once. The wedding is to be in February.

Miss Ribbel came to Omaha several months ago from Lincoln, where she was engaged in charity work. Since she has been in the city Mr. Tibbles has become interested in the work of the Associated Charities and has frequently attended the meetings of the organization. He has also given, in the editorials in his paper, some attention to charity work.

Mr. Tibbles' fame is national. He was candidate on the populist ticket for vice president in 1904. He achieved some fame also by his marriage with the Indian woman, Bright Eyes.

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Three sizes: 10c., 25c., 50c. Free Sample Omega Oil Soap in Every Bottle.

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Reduced One Way Rates. First and third Tuesdays in each month to various points in Alabama, Arkansas, Colorado, Indian Territory, Kansas, Louisiana, Mississippi, Missouri, Mexico, Nebraska, New Mexico, Oklahoma, South Dakota, Texas and Wyoming.

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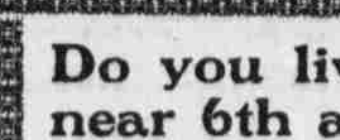
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