

CUT AGAINST MALLERIEU.

The Attorney General Starts Action to Recover Four Thousand Dollars.

WHAT CLAIM IS BASED ON.

Changes that the defendant has failed to account for proceeds of sales of farm products raised at Kearney by the industrial school.

Lincoln special to the Omaha Bee: In accordance with the report made some time ago, Attorney General Shafter has commenced suit in the district court of Buffalo county against John T. Mallierieau of the industrial school at Kearney, and his bondsmen, E. B. Swift, F. J. Robertson and J. H. John. The suit is for a deficiency of \$4,468.28, together with interest at the rate of 7 per cent from February 1, 1897. The petition recites that in 1891 John T. Mallierieau, in his capacity of superintendent of the industrial school, sold to the Oxnard Beet Sugar company at Grand Island twenty-two carloads of beets, the property of the state of Nebraska, which he had paid the sum of \$1,186.07. In 1892 he sold to the same company forty-three carloads of beets for \$2,855.54. In 1893 seven carloads for \$412.83. In 1894 twelve carloads for \$652.32. In 1895 twenty-eight carloads for \$1,912.23 and in 1896 thirty-three carloads for \$1,321.68. The total amount received by him for the sugar beets during the period of the state was \$8,381.66, whereas he only accounted to the state for \$5,099.10. On this deal the state was \$3,282.56. It is also alleged that in the fall of 1892 Mr. Mallierieau sold to D. M. Perry & Co. \$185.72 worth of seed belonging to the state, and that he refused to account for it in any manner. Again, in December, 1896, he sold to David Landreth & Sons 3,000 pounds of "White Sulphur" cumber seed for \$424.50 and turned over to him only \$124.50, leaving a deficiency of \$300.00. The petition states that Mr. Mallierieau has converted to his own use \$4,468.28, and asks, in addition to judgment for the same, with interest, that the defendant shall pay the costs.

WAR NEWS SUMMARY.

Saturday, July 9.

Four transports carrying wounded from the battle of Santiago have arrived at Key West.

Eleven lighters to debaric siege guns at Santiago have been wrecked in a storm off the Cuban coast.

The Spanish consul at Hong Kong cables that the insurgents at Cavite, Manila, have revolted against the Americans.

It is said that 40,000 tons of coal is now on the way to the Philippines, where it will be transferred to the American fleet.

The officials of the Spanish embassy in London say they have no knowledge of any peace negotiations being on foot at present.

A Madrid dispatch says that all rumors as to peace negotiations are semi-officially declared to be unfounded. The paper asserts that the government will render an account to parliament of the use it may make of this measure.

The publication of the decree is generally accepted as convincing proof that Spain is now ready to sue for peace and that negotiations to that effect are actually in progress. The government wishes to have full power to suppress evidences of discontent or rebellion that might appear. The Carlists are furious and sure to attempt to create a revolution.

One minister expressed the conviction that official overtures for peace will be made before Sunday and is reason to believe France has offered her services to Spain and that Spain has drawn up conditions for peace which offer a basis of negotiation.

Premier Sagasta is quoted as saying that Spain wants peace, but that "it must be an honorable peace, as Spain deserves."

The minister of war, General Corcos, is quoted as saying in an interview, that he thought peace might be arranged upon the following terms: "Spain is ready to agree to let the Cubans decide by a plebiscite whether they desire independence or autonomy under the suzerainty of Spain. The two governments to agree to abide by the result of the plebiscite. In the event of the Cubans voting for independence the United States to allow Spain nine months in which to withdraw her army gradually and dignifiedly, from Cuba."

WASHINGTON, July 16.—There have been no overtures for peace received by any United States embassy or legation in Washington, by the department of state at Washington.

That was the statement made by a member of the cabinet. The cabinet was in session almost two hours. The royal decree of suspension of individual rights in Spain gave rise to some discussion as to the outlook for peace. Secretary Day, however, reported that there were no overtures of any kind so far made known to him. Dispatches following the announcement of the surrender were eagerly awaited, but did not come.

Premier McKinley gave expression to-day to a strong desire for an early peace. Answering congratulations upon the success of the Santiago campaign, he said: "I hope for an early peace now."

In the course of other interviews he has expressed his entire belief, but a strong hope that peace would come.

TO BE A WORLD POWER.

Senator Davis Talks of the New Destiny of America.

ST. PAUL, Minn., July 16.—Senator Cushman K. Davis, chairman of the Senate committee on foreign relations, arrived here from Washington just in time to be welcomed by the news from Santiago.

"We are entering upon a new era. The flag will not be sent to Hawaii, and the fate of the Philippines is linked with the destiny of the republic. This nation in the near future is to become the leading factor in international politics. We cannot retreat to the former policy of isolation. In the domain of the Pacific our influence is to be paramount power, and we cannot escape the responsibility. The future of an unborn empire of the West, the furthest West that borders on the East again, lies in our hands. I believe we shall be equal to this responsibility. We can take care of all the possessions we may acquire and comfortably shoulder all the tremendous duties we may assume. We shall find the necessary resources of statesmanship, the qualities of diplomacy, the strength of leadership that is our heritage. The future broadens before us in wonderful ways we could not have foreseen. We may go to meet its destinies, calm, confident, secure in the might of the nation and the justice of its purposes."

TRYING TO STOP AMERICA.

European Chancellors Seek to Head Off Uncle Sam's Aggression.

PARIS, July 16.—The Matin has received from its London correspondent, who has unusual sources of information, a dispatch in which he says the European chancellors are now discussing the question of the eventual intervention of the powers in the Philippine islands.

Germany would prefer the maintenance of the status quo, but as a consequence of the war Spanish sovereignty disappeared. American overtures must not be its successor. An international agreement, the Matin correspondent asserts, will be established and the powers interested in the islands would each be called on to protect its own interests.

FEW DEATHS FROM FEVER.

The Mortality in the Army at Santiago Has Been Light.

WASHINGTON, July 16.—The War department has posted a dispatch from Assistant Adjutant Greenleaf of General Miles' staff as follows: "SIXTY-three new cases of yellow fever and three deaths reported within the past twenty-four hours. Type of disease mild. Camp site moved whenever practicable. Have taken vigorous sanitary precautions to prevent the spread of the disease."

SAGASTA TALKS OF PEACE.

"Honorable" Terms May Be Listened to in Spain.

FRANCE MAY ACT FOR HER.

The Constitution Has Been Temporarily Suspended, Leaving the Ministry Free to Act—Washington Has Not Been Notified of Negotiations, But Is Hopeful.

MADRID, July 16.—The Official Gazette to-day publishes a royal decree temporarily suspending throughout the Spanish peninsula the rights of individuals as guaranteed by the constitution. The decree adds that the government will render an account to parliament of the use it may make of this measure.

The publication of the decree is generally accepted as convincing proof that Spain is now ready to sue for peace and that negotiations to that effect are actually in progress. The government wishes to have full power to suppress evidences of discontent or rebellion that might appear. The Carlists are furious and sure to attempt to create a revolution.

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HOW FOR PORTO RICO.

American Expedition Is to Go Against That Island at Once.

WASHINGTON, July 16.—The first chapter of the land campaign of the United States against Spain closed yesterday, when the Spanish colors gave place over Santiago to the American flag. Next will follow the transportation of the Spanish troops back to their native land and the capture of the island of Porto Rico, unless peace intervenes.

The siege of Santiago had lasted two weeks; and was remarkable in many respects and in none more than in the heavy percentage loss through death, wounds or sickness of the soldiers and sailors engaged on both sides. Looking back over the record of these two weeks, it is seen that a great ironclad squadron has been destroyed, that a vast number of Spanish sailors have been drowned or killed by shell and flame, and that an untold number of Spanish soldiers have died in the trenches of Santiago. On the other hand, about 250 American soldiers have been killed, and in some cases 2,000 more have been sent to the hospitals from wounds, fevers and other ailments. Our fleet had a remarkable exemption from disaster in the many engagements it has had with the forces at the entrance to the harbor and with the Spanish squadron.

"Next is Porto Rico," said Secretary Alger, after receiving news of Santiago's formal surrender. "And then, if need be, Havana."

The secretary said that the Porto Rican expedition would go forward immediately. It will comprise new men entirely. The warriors in the trenches before Santiago have distinguished themselves and it is not deemed prudent to bring them in unnecessary contact with new troops, in view of the danger of spreading contagion. The sick soldiers will be nursed back to health and brought to the United States as soon as they can be safely removed. Immune regiments will be ordered to Santiago to garrison the town.

The Porto Rican expedition will be commanded by General Miles in person, though General Brooke, now in command at Camp Thomas, is expected to be his main dependence. The size of the expedition will depend on General Miles' wishes, although it is believed that 40,000 men will be sufficient for the purpose. At San Juan the navy will be of greater assistance than it was at Santiago, owing to the possibility of approaching the town more closely without risking contact with mines. General Brooke is now on his way to Washington, by direction of Secretary Alger, so that he will be in a position to make his views known to the department.

WHO THE COMMISSIONERS ARE.

The British Consul One of Toral's Representatives.

WITH SHAFER'S ARMY, July 15.—The terms that were to end at noon to-day, was prolonged by a flag sent out from the Spanish lines at half past 9 this morning. General Toral, acting on General Blanco's instructions, asked the British consul to communicate by cable with the United States, the British consul being too important a step to be taken without royal authority. In the meantime General Blanco offered to appoint a joint commission to arrange terms.

General Miles and General Shafter decided to call for a personal interview with General Toral. This interview being ambiguous. They rode out between the lines shortly before noon and met General Toral, who said he had received, a few minutes before, authority from Captain General Blanco to capitulate and make the work of the commander of the American general Toral named Mr. Robert Mason, British consul, General Tolon and his own (Toral's) chief of staff, General Shafter and General Miles named General Wheeler, General Lawton and Captain Miles of General Shafter's staff.

A HOT RECEPTION.

Aid Expedition Sent to General Gomez Has a Lively Reception.

KY WEST, Fla., July 16.—Those champion filibusters, the Florida and the Panita, under convoy of the little gunboat Peoria, which proved herself a very dare-devil, have landed the largest and probably the last expedition sent to the island of the insurgents. It was a task beset with peril and difficulty, costing one man his life and wounds to half a dozen others.

Captain Jose Manuel Nunez, brother of General Emilio Nunez, was killed; Winthrop Chamber of New York was shot through the right elbow, and five Cubans suffered trifling injuries. How many Spanish lives answered for this will never be known, but there were more than enough to balance the score.

WITH THE USUAL RESULT.

A Boiler Explodes and Many Are Killed or Injured.

BUFFALO, N. Y., July 16.—By the explosion of a boiler in the Niagara Starch works yesterday, the building was wrecked, six persons killed and twenty-six injured. Two others are missing, who are supposed to have perished.

The cause which led to the explosion will never be known, the engineer and firemen, who were killed, being the only persons who could have possessed any knowledge on the subject.

A PANIC AT SAN JUAN.

The Inhabitants Fearing Bombardment, Flee to the Interior.

ST. THOMAS, July 16.—Advices received here from San Juan de Porto Rico show that the inhabitants of that place are greatly alarmed. They expect the port will be attacked by the Americans to-day. The terrified inhabitants are fleeing into the interior, and it is said the city and suburbs are practically deserted.

SANTIAGO HAD 10,000 MEN.

Only Half Our Spanish Prisoners Were Defending the City.

8,000 OTHERS ELSEWHERE.

General Shafter Bears His Honor Modestly—Says General Toral Has Fought Himself a Foisman Worthy of Any Man's Steel—Praises Our Gallant Troops.

WITH SHAFER'S ARMY, July 15.—The reverse to the Spanish arms in Eastern Cuba is complete. Santiago has fallen and with it all the eastern end of the island. General Toral, the Spanish commander, agreed to the general terms of the surrender at a personal interview with General Shafter this afternoon, at which General Miles was present.

The victorious American army, after a campaign of three weeks of the most unprecedented hardships for both officers and men, accept the news with heartfelt relief.

The victory is greater than appeared at first. All the Spanish troops of the Fourth corps, the military division of Santiago province, from a line drawn north from Aserradero, eight miles west of Santiago, through Los Palmas, Palmas Soñan, Alcantara to Sagua de Tanamo, on the north coast, and eastward to Cape Mays, are surrendered and the territory is abandoned. Between 18,000 and 20,000 Spanish prisoners are taken, about 10,000 of whom are in Santiago. The remainder are at Guantanamo and others are garrisoned in the towns of Eastern Cuba. All these towns are to be evacuated and sent back to Spain under parole.

General Shafter bears his honors modestly. He said: "The enemy has surrendered all the territory and troops east of Santiago. The terms were dictated from Washington. It has been a hard campaign, one of the hardest I ever saw. The difficulties to contend with were very great. Never during our civil war were more difficult problems solved. The character of the country and the roads made it seem almost impossible to advance in the face of the enemy. There is a transportation problem very hard, but all difficulties have been successfully surmounted. Our troops have behaved gallantly. They fought like heroes and I am proud to have command of them. During all the hardships they have suffered they have shown resolution and spirit. They deserve to conquer."

"The resistance of the army has been exceedingly stubborn. General Toral has proved himself a foeman worthy of any man's steel. The negotiations which culminated in the surrender of General Toral have been dragged out for ten days, with the intermission of Sunday and Monday, when our batteries and fleet bombarded the enemy's position. Throughout these periods of truce General Toral has succeeded in falling back, when hard pressed, upon the statement that he was simply a subordinate and powerless to agree to the proposals without the sanction of his superiors, except under penalty of being court-martialed. At the same time he seemed to intimate that personally he thought it useless to hold out any longer. But he and his garrison were soldiers, he said, and could die, if necessary, obeying orders."

It was at the personal interview held by General Shafter with General Toral that the American general made the Spanish commander understand that temporizing must cease and that before noon to-day a categorical affirmation to his offer must be received, or the bombardment of the city would begin in earnest.

In the meantime all our plans had been perfected. The delay had been utilized to good advantage. Our lines had been extended until Santiago was nearly surrounded and our light batteries had been so posted as to be able to do severe shelling work.

In addition, arrangements had been made to land troops at Cabana, west of the entrance of the harbor of Santiago.

The Spanish batteries opposite Morro castle were to be bombarded as soon as their guns were turned upon the city, and General Lawton's division, at the same time, was to fall upon the enemy's left flank under cover of our artillery fire. We could then have crushed their lines and have driven them into the city.

MORE SERIOUS THAN REPORTED.

Devery Requested That the Full Story of the Irene Incident Be Published.

LONDON, July 16.—The Daily Mail's Hong Kong correspondent says that it is known here that Admiral Dewey requested the correspondents at Manila not to give the full story of the Irene incident for fear of arousing feeling in America, which might lead to complications with Germany.

When the full details transpire it will be seen that the incident was more serious than it first appeared to be. As soon as the American ships came on the scene of action in Subic bay, the Irene slipped her cable, leaving her anchor in the bay. American Consul Wildman refuses to say more than this, taking the same line of policy as Admiral Dewey. It is believed by those who know Admiral Dewey that the arrival of the monitors Monterey and Monadnock, which were sent to Manila to enforce the neutrality of his harbor regulations being carried out to the letter. The opinion among the foreigners at Manila is that the Americans will never forgive the Germans for their meddling some attitude in the Philippines. It will not only hurt German trade with America, but will also effectively destroy the German navy's influence in any way or influence in the disposal of the Philippines if they should become American property.

THE WRECKERS AT WORK.

Efforts to Save the Spanish Cruisers Have Already Begun.

WASHINGTON, July 16.—Judge Advocate General Lemly of the navy department has received a telegram from the agents of the Merritt-Chapman Wrecking company announcing that the wreckers have arrived at the scene of the wreck of the Spanish vessels near Santiago and are already at work in the effort to save them. No details are given.

WASHINGTON STILL WAITS.

Details of Surrender Will Be Completed—Aids for Transporting Prisoners.

WASHINGTON, July 15.—The following statement has been issued by Secretary Alger from the dispatches he has received from the officers at Santiago: "The commissioners on the part of the United States named by General Shafter to receive General Wheeler and Lieutenant Alexander Milley. Their discussion lasted until late last night and was taken up by them at 9 o'clock this morning. This surrender covers a great area of the eastern part of Cuba. Of course the details may take some little time, but they are pushed forward as rapidly as possible."

The cabinet adjourned without knowledge of the details of the terms of surrender which were to be made at Santiago by the commissioners referred to by General Shafter in his dispatch yesterday. The details are likely to be more complex than is generally supposed, for aside from matters of actual moment, such as the methods of transportation, the carriage of arms by troops and the transportation of the wounded, there are many smaller matters to be attended to, some of them growing out of the fantastic Spanish notions of honor, which are quite as troublesome to deal with as matters of vital importance.

The many inquiries are coming to the war department as to the condition of the sick and wounded American soldiers near Santiago. The appearance of yellow fever among the troops was an additional cause of apprehension and doubled the number of queries. The war department does not deem it prudent just now to make any detailed statement relative to conditions in the camp, but Adjutant General Corbin stated that he could say that so far as the yellow fever was concerned the conditions at last report were certainly better than they were two days ago.

Colonel Hector, who is in charge of the transportation service of the War department, is now busy trying to arrange for the conveyance home to Spain of Spanish soldiers who surrendered at Santiago. There is a disposition to appeal directly to the great steamship transportation lines to make bids to carry these people. The adoption of such a course would relieve the government of a great responsibility. It would put the Spaniards under a neutral flag, which would insure their reception without difficulty at home and it would relieve our government of the necessity of sending with the prisoners the heavy guard that would be required if they were conveyed on United States transports.

Economically, it would insure that the proposition was a sound one. Assuming that the companies charged the usual passenger rates for soldiers, the transfer could be arranged at a cost not to exceed \$500,000 a sum which is probably less than the cost of the rest of the service if undertaken by our government. But a disagreeable complication has arisen from the fact that reports indicate that yellow fever exists among the Spanish troops as well as among our own, and it is feared that if these reports are well founded it may be difficult to induce transportation companies to undertake the task of conveying sick soldiers and those who have been exposed to infection. There is no doubt whatever that the Spanish authorities would allow the men to land on Spanish soil.

Adjutant General Corbin said all the necessary ratios to care for the Spanish soldiers when they surrendered had been secured and were now in place for immediate delivery at Santiago. It is presumed that the quarter master's officers will avoid the enormous undertaking of transporting the supplies over the mountain trails by sending these supplies in vessels into the harbor to the city of Santiago. This, it is believed, can be done safely, as the terms of surrender will doubtless require the Spanish to indicate the location of the mines in the harbor. It is expected that the great body of refugees that fled from the town on the threat of bombardment will now return and great distress is expected to result from the lack of food supplies. General Shafter has been allowed to exercise his full discretion in dealing with these refugees, and while he will not assume the responsibility of their maintenance, he will without doubt spare any money ratios as possible from his own stores to aid those unfortunate people.

AN INSPIRED DECLARATION.

Berlin Press Says Dewey's Version of the Irene Incident Excites About the Irene Incident.

BERLIN, July 16.—The Cologne Zeitung denounces the story of the German warship Irene interfering at Subic bay, Island of Luzon, Philippines, as a fabrication.

The Lokai Anzeiger says the American version is excusable, but about the Irene incident. "Even if it occurred as Admiral Dewey says, the Irene did not interfere, but retired upon the arrival of the Americans. Therefore, every courtesy was shown that the Americans demand of a neutral country."

"But, if the Irene did hinder Aguinaldo's landing, it is no business of Dewey's. If the American admiral sees fit to make common cause with the insurgents, it is none of our affair. Germany will not press her neutrality toward Spain, and does not intend to recognize Aguinaldo and his horde as belligerents. The matter is so plain that we do not believe any diplomatic step will be taken, and do not doubt for a moment that the American officials will admit the correctness of the German proceedings."

CHINESE TORPEDO BOAT LOST.

The Reported Sinking of the Eze Ching With 116 Men on Board.

SEATTLE, Wash., July 16.—The Niogo News, published at Kobe, Japan, under date of June 20, just received here by the steamer Yamaguchi Maru, contains the news of the sinking of the Chinese torpedo boat Hei Ching at Port Arthur a few days before the paper was printed. It is stated that there were 116 men on board, not one of whom was saved. No details are given.

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