The Columbus Journal.

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ARE AGAINST BRITAIN

Seizure of Bundesrath May Result in Triune Understanding.

INDIGNATION MEETING IN GERMANY

Request for an Explanation Has Not Yet Been Responded To and German Officials Are Therefore Suspending Judgment—Coalition May Be Entered Into.

BERLIN, Jan. 6.—The seizure of the Bundesrath remains the dominant topic of the German press. Influential papers like the Berliner Tageblatt, Cologne Volks-Zeitung, Berliner Neueste Nachrichten, Hamburger Correspondenz and the semi-official Berliner Post strongly hint at the possibility of Germany forming a coalition with France. The anti-British feeling is clearly growing. A series of anti-British demonstrations in the various cities is being organized by the pan-Germanic league.

A prominent official of the German foreign office who was interviewed this evening by the correspondent of the Associated Press said that Great Britain had not yet answered Germany's request for an explanation of the seizure, but that the reply was expected in the course of a few days. The foreign office, according to this official, has not yet concluded that Great Britain is trying to ride roughshod over Germany.

The correspondent asked what position Germany takes regarding England's right to search German ships on the high seas. The official answered that nothing could be divulged at this stage; but he pointed out that the Bundesrath was sailing for a Portuguese port. On being asked what Germany would do should it turn out that the Bundesrath was carrying contraband of war, he gave a noncommittal reply, but gave the intimation that such a discovery would seriously damage Germany's case.

Referring to the rumor that the Swiss commission had decided to award damages to Great Britain in the Delagoa Bay arbitration the foreign official intimated that such a decision might not mean that England would secure Delagoa bay, inasmuch as France might advance to Portugal the money to pay the award and thus England might be shut off with no choice but to accept the situation.

The Hanover Courier, confirming earliest reports regarding the shipment of arms and ammunition from Germany, asserts that German rifles have been sent to the Transvaal since the outbreak of the war. It says:

"We know from a trustworthy source that 40,000 German rifles of the newest and best construction have arrived at Pretoria in good condition. They reached Lourenzo Marquez by way of China, having been deceptively packed and declared as furniture in which pianos played the chief role."

The Leissic Neueste Nachrichten asserts upon what it calls absolutely reliable information that Herr Krupp is making steel shells for Great Britain at Essen.

Another newspaper makes a similar statement, alleging that 35,000 shrapnel shells are in preparation.

The Berliner Tageblatt has a dispatch from Papenburg, Hanover, the home of Captain Muhlmann of the German bark Hans Wagner of Hamburg, which was seized by the British at Delagoa bay, saying that the bark had powder and dynamite in its cargo.

The central committee of the German Red Cross society publishes a statement that the second expedition for the Transvaal was not on the Bundesrath, but on the Herzog, which should have arrived at Lourenze Marquez on January 2. Prominent members of the colonial society disclaim having authorized the calls printed in the Colonial Zeitung for indignation meetings to protest against Great Britain's course. The Berlin and Charlottenburg branches have refused to participate in the movement.

ALASKA WILL NEED TROOPS.

Cabinet Decides to Send Soldiers There in the Spring.

WASHINGTON, Jan. 6.—The meeting of the cabinet was devoid of important features. One of the members stated after adjournment that the question of tendering the good offices of this government for a settlement of the South African dispute, as suggested in the dispatches from Brussels this morning, was not touched upon, and that the question of the seizure of American cargoes by British ships had not come up.

It was definitely decided today to send additional troops to Alaska in the spring. The points to which they will be sent have not been determined upon, except Cape Nome, where it is estimated there will be 30,000 people as soon as navigation opens. Troops are absolutely necessary to preserve order.

To Confer With Root.

NEW YORK, Jan. 6.—General J. W. Davis, governor of Puerto Rico, arrived here today on board the steamer Fonce. Other passengers were General J. P. Sanger, Colonel C. H. Heyl, chief of the census bureau in Puerto Rico; Lieutenant J. Battle and Auditor John W. Connor. General Davis comes to confer with the secretary of war on matters pertaining to the island.

For a Military Reservation.

WASHINGTON, Jan. 6.—The presidetn has issued an executive order designating all of lot number one, known as the Emmes wharf site, at the head of Honolulu harbor, all of Esplanade lots, four, five, six, seven, eight, nine, ten, as shown on government surveys registered may number 1867 and all of that lot of land known as the "barracks lot" shown on Hawaiian government surveys registered map number 937, as military reservations, subject to outstanding leases and private rights.

Choate Talks to Salisbury.

WASHINGTON, Jan. 6.—Secretary Hay has received a cablegram from Ambassador Choate at London, stating that he had an eminently satisfactory interview with Lord Salisbury relative to the seizures of American goods by British war ships.

Lord Salisbury listened intently to the representations on this subject by Mr. Choate for the State department and took them under consideration, promising voluntarily to give the matter attention and a speedy decision.

AMERICAN PRISONERS FREE.

Colonels Hare and Howe Succeed in Difficult Undertaking.

MANILA, Jan. 6.—Colonel Luther R. Hare of the Thirty-third infantry, and Lieutenant Colonel Robert L. Howse of the Thirty-fourth infantry, with all the American prisoners, including Lieutenant Gillmore, have arrived at Vigan, province of South Ilocos.

WASHINGTON, Jan. 5.—After a silence of several days General Otis is able to notify the War department of the important success of the military operations in northwest Luzon, the main object of which was the rescue of the American prisoners, which the insurgents took with them in their flight. Although General Otis does not specify Lieutenant Gillmore, U. S. N., by name the wording of his message is taken to mean that that officer was among the list of rescued prisoners.

General Otis' message is as follows:

"MANILA, Jan. 5.—Colonels Hare and Howse just arrived at Vigan, northwest Luzon, with all American prisoners. Their successful pursuit a remarkable achievement. Generals Schwan and Wheaton, now with separate solumns in Cavite province. Affairs in Luzon, north of Manila, greatly improved. OTIS."

ANOTHER ISLAND IS SEIZED.

Flag Hoisted on Sibutu, Near Boundary Line of Philippine Groups.

WASHINGTON, Jan. 6.—The United States navy has taken possession of another island in the east. The news of the seizure was contained in the following dispatch:

CAVITE, Jan. 5.—On December 21 Wentzbaugh, commanding the Albay (a little gunboat) hoisted the flag on Sibutu island and the chief dato provided and raised the pole. Natives and north Borneo authorities are pleased. WATSON.

The island lies at the southwestern angle of the boundary line of the quadrangle enclosing the Philippine group. It is probably, but not positively, outside of the line and lies very near the coast of Borneo, commanding the principal channel between that island and the Philippines. The sultan of Jolo, whose group is close to the island, is believed likely to claim jurisdiction over it and, as his authority is recognized by the native tribes on the north coast of Borneo and vicinity, it is believed that his claim is well founded. It is probable that at this instance the naval officer commanding the gunboat moved.

FIGHTING AT COLESBURG.

British Are Still Prevented From Entering the Town.

RENSBURG, Cape Colony, Jan. 6.—Evening.—Colesberg has not yet been occupied. The Boers unexpectedly attacked the British left at daybreak this morning, but were repulsed. They occupied hills to the north of the town, but were eventually driven out of their positions, after an hour's shelling by our guns. They still hold, however, the hills immediately surrounding the town, preventing the British from advancing along the railway.

The British loss in today's engagement was light, while the Boers are reported to have lost 100, including twenty prisoners, who were taken by the mounted infantry about midday.

Buller Expected to Strike.

LONDON, Jan. 6.—There is still no important news from the front, but the silence which has descended on General Buller's huge force at the Tugela river is believed to be the prelude of another attempt to reach Ladysmith. In the meantime the extraordinary tenacity the Boers are displaying around Colesberg, where they even assume the offensive, tends to detract from the success General French is supposed to have.

A special dispatch from Rensburg says Major Harvey of the Tenth Hussars was killed and Major Alexander wounded while the Hussars were pursuing the retreating Boers after the attack on the British left, January 4, near Colesberg.

Will Deny Quay Admission.

WASHINGTON, Jan. 6.—The senate committee on privileges and elections today decided by a vote of 4 to 3 to make an adverse report upon the resolution to seat Senator Quay. The resolution was as follows:

"Resolved, That Matthew S. Quay be admitted as a senator from the state of Pennsylvania, in accordance with his appointment made on April 29, 1899, by the governor of said state."

The members of the committee voting for the resolution were Senators Chandler, Hoar and McComas, and those opposing, Senators Burrows, Caffery, Pettus and Harris. Senators Turley and Pritchard were paired, the latter for and the former against the resolution.

Davis Goes to Pretoria.

LONDON, Jan. 6.—A dispatch to the Daily Chronicle from Capetown, dated January 5, quotes Mr. Webster Davis, assistant secretary of the Department of the Interior at Washington, as saying that although his visit to South Africa is entirely for his health, he intends to go to Pretoria, at no matter what personal inconvenience.

Dawes Commission Meets.

WASHINGTON, Jan. 6.—The Dawes commission has assembled in Washington and will remain here some weeks to confer with the congressional committee on Indian Territory legislation.

Wheelmen Urge McKinley.

WASHINGTON, Jan. 6.—T. J. Keenan of Pittsburg, president of the League of American Wheelmen, and Senator Penrose of Pennsylvania had an interview with President McKinley today, at which they urged him to press the claim against the Turkish government made by the relatives of Frank Lenz, the American bicyclist, who was murdered near Erzeroum in Armenia, in 1894. The League of American Wheelmen are very much interested in the case, which attracted a great deal of attention at the time.

Work for Gage's Force.

WASHINGTON, Jan. 6.—Secretary Gage may be able to transmit to the house on Monday the information called for by the resolution adopted yesterday relative to the deposit of government bonds in national banks and the resolutions connected with the sale of the New York custom house site. The wide scope of the resolution makes it necessary to copy over 500 documents from the files and the actual work of copying them may delay their transmission several days.

The man who rides a hobby generally gets along pretty slow.

PERSONS AND PAPERS

Congress Asks Gage Why He Did Certain Things.

RESOLUTIONS IN BOTH HOUSES.

National Law Makers Want Documents Concerning Deposits—Information as to the Sale of the Custom House Property in New York is Also Requested of the Secretary.

WASHINGTON, Jan. 5.—The house session was brief, the only incident being the adoption of the Sulzer resolution, introduced Wednesday, calling on Secretary Gage for all information regarding the deposit of government funds in certain New York national banks. The resolution as adopted was made more general in its scope and an amendment was made to cover information respecting the transactions relating to the sale of the New York custom house site.

Secretary Gage's friends had been informed that he courted the fullest investigation and was prepared to submit all the facts to congress. Accordingly there was no friction over the passage of the resolution, which was unanimously adopted.

Payne, chairman of the committee on ways and means, presented the Sulzer resolution as modified by the committee for immediate consideration.

The resolution as modified is as follows:

Resolved, That the secretary of the treasury be and he is hereby requested to furnish the house of representatives the following information:

1. Copies of all letters, agreements, papers or documents between the treasury department of the United States, or any person connected therewith and the National City and the Hanover National bank of the city of New York, or any person acting for them, or either of them, since the 4th day of March, 1897, relating to the depositing of public funds, bonds or revenues in said bank, or banks, or any other relations or business transactions now existing or heretofore had between the government and said banks, or either of them.

2. The amount of public money, bonds or revenue deposited with said banks, or either of them, or with any national bank, by the government, upon what security, for what length of time and the reasons therefor, and whether said banks, or any of them, have paid the government any interest on said deposits, and, if so, how much, and all other information concerning the same or in any way relating thereto.

3. And also the date of the sale of the custom house property of the United States in New York city to said National City bank, the date of the execution of the deed thereto, the disposition of the proceeds of the said sale, and whether or not the government has paid any rents for the said property or any portion thereof, for any purpose since the day of sale, and, if so, to whom, and all facts relating to the said transaction.

Sulzer arose after the presentation of the resolution and said he would accept the amendments. Richardson, the minority leader, asked for five minutes, which he desired to yield to Levy, democrat of New York. The request was complied with and Levy offered an amendment to the resolution, which included a request for the secretary's reasons for delaying the deposit in national banks.

Richardson said he had warned the secretary in September that a panic was impending. Had the secretary heeded that warning and deposited government funds in national banks in September or October instead of buying bonds the panic would have been averted.

Richardson was promptly ruled out of order and the resolution offered by Mr. Payne was adopted.

FATHER M'GLYNN IS DYING.

Suffering From a Disease Which Baffles the Physicians.

NEWBURG, N. Y., Jan. 5.—Rev. Dr. Edward McGlynn, pastor of St. Mary's Roman Catholic church in this city, is still confined to his room by illness and his condition is such as to cause alarm among his friends. Six weeks ago he was taken ill, but there was every sign of an early recovery and the physicians said he would be himself again in ten days. But he continued to lose flesh and strength daily. His once tall and robust frame is now emaciated and he is now scarcely recognizable even by close friends. It has just become public that he has a mysterious growth on the right hip and its appearance has baffled the physicians. It is eating its way into his system and robbing him of his vitality and strength. The doctors say he is not in condition to undergo an operation.

Lentz for an Investigation.

WASHINGTON, Jan. 5.—Representative Lentz of Ohio has introduced resolutions citing published reports that the secretary of the treasury will turn over internal revenue receipts to the National City bank of New Yok and providing for the appointment of a special non-partisan committee of 12 members of the house for a "thorough and impartial investigation to determine the truth or falsity of the charges."

Senate Cuban Committee Meets.

WASHINGTON, Jan. 5.—The senate committee on Cuba held its first meeting. No action was taken, but there was a general discussion of the attitude of the United States toward the island. The prevailing opinion seemed to be favorable to the Teller amendment, promising independence to the Cubans as soon as pacific conditions should be restored.

There was some talk of having the committee make a trip to Cuba for the purpose of investigating conditions there, but no conclusion was reached.

New Measures Introduced.

WASHINGTON, Jan. 5.—Among the house measures introduced today were:

By Daly of New Jersey, to protect the public against trusts, etc.

By Wilson of Idaho, for a constitutional amendment authorizing marriage and divorce laws.

Among the bills introduced in the senate today were the following:

By Clay, granting a pension of $50 per month to Annie E. Brumby, mother of Admiral Dewey's flag lieutenant.

By Hoar, extending the life of the court of private land claims until June 30, 1902.

TO KEEP THE PHILIPPINES.

A Resolution Setting Forth the Government's Intentions.

WASHINGTON, Jan. 5.—At the opening of today's session of the senate Beveridge of Indiana presented this resolution:

That the Philippine islands are territory belonging to the United States; that it is the intention of the United States to retain them as such and to establish and maintain such governmental control throughout the archipelago as the situation may demand.

He asked that the resolution lie upon the table until next Tuesday, when he will speak upon it.

It is known that Senator Beveridge's resolution on the Philippines, introduced today, was written by the senator in consultation with Senators Lodge, chairman of the Philippine committee; Davis, chairman of the foreign relations committee, and Allison, chairman of the committee on appropriations, the last named finally revising it to the form in which it was introduced.

It is understood that the resolution is a composite expression of the views of the republican senators, and that Senators Platt, Davis and Lodge and Beveridge were in favor of a more positive declaration; and the resolution as it stands is as fair an expression as is possible of the position of republican senators upon this question.

A message from the president was read, transmitting the testimony taken by the commission appointed to investigate the conduct of the war by the war department.

A resolution was presented by Pettigrew calling upon the secretary of the navy for the report of Admiral Dewey of April 13, 1898, in which the admiral said he could take Manila at any time. He asked immediate consideration, but Spooner objected and the resolution went over.

The consideration of Pettigrew's resolution concerning the advances reported to have been made by Aguinaldo through General Torres to General Otis after the beginning of hostilities in the Philippines was postponed until Monday.

Hoar of Massachusetts offered a resolution, which was adopted, reducing the mileage fees to be paid witnesses in cases before the senate to $3 per day day while in attendance and actual traveling expenses. This will reduce the amount for witnesses in the Clark case about one-half.

TERRITORIAL BILL FOR HAWAII.

Senate Committee Orders a Favorable Report on the Measure.

WASHINGTON, Jan. 5.—The senate committee on foreign relations today ordered a favorable report on the bill creating a territorial government for Hawaii. A few modifications of the original bill were made, the most important being the validation of the sale of lands since annexation and fixing the tenure of the supreme court judges at nine years. The provision for a delegate in congress remains in the bill.

The amendment concerning the sale of public lands in the bill reported for the territorial government of Hawaii is as follows:

"That all sales, grants, leases and other dispositions of the public domain or agreements concerning the same and franchises granted by the Hawaiian government in conformity with the laws of Hawaii prior to September 11, 1899, are hereby ratified and confirmed."

Senator Cullom reported the bill to the senate with amendments.

AMERICAN EXHIBIT AT PARIS.

More Than Seven Thousand Yankee Exhibitors.

CHICAGO, Jan. 5.—According to statistics collected by the Tribune there will be more than 7,000 American exhibitors at the Paris exposition. Of this number five-sixths are classified as exhibitors in agriculture, mines, literature and periodicals, science and fine arts, religious, charitable and other associations, schools, colleges, etc.

The number of exhibitors in the purely commercial branches who had accepted space up to the first of the year was 1,110. Among the large cities of the country New York had 224 exhibitors to its credit. Chicago is second, with 112.

Among the strongest numerically are the manufacturers of wines, who are going to show the French experts what America can do in the way of producing champagne and all the other vintages in which France has so long held an easy supremacy.

TO SHUT UP CHICAGO CANAL.

Attorney-General of Missouri Preparing to Start Proceedings.

JEFFERSON CITY, Mo., Jan. 5.—Attorney General Crow is preparing to institute proceedings in the supreme court of the United States to stop the people of Chicago from alleged pollution of the waters of the Mississippi river by means of the sewerage of the Chicago canal.

CHICAGO, Jan. 5.—Trustees of the sanitary district say they have no fear of the plans of St. Louis to interfere through the courts with the use of the drainage canal.

For Sampson and Schley.

WASHINGTON, Jan. 5.—Representative Bingham of Pennsylvania introduced the following joint resolution:

Resolved, That the thanks of congress are hereby tendered to Rear Admiral William T. Sampson and Commodore Winfield Scott Schley and the officers and men under them for the destruction of the Spanish fleet at Santiago.

Discuss MacArthur's Promotion.

WASHINGTON, Jan. 5.—In the executive session in the senate today there was a brief discussion of the promotion of General MacArthur. The discussion grew out of an inquiry by Senator Pettigrew as to what the general had done to entitle him to such distinction as had been conferred upon him. The inquiry was responded to by Senators Hawley, Carter and others who explained that General MacArthur's record had been uniformly good from the time of the civil war until and including the present campaign in the Philippines. After these explanations the nomination was confirmed without an opposing vote.

The Plague in Manila.

VICTORIA, B. C., Jan. 5.—Manila papers say that an epidemic-like plague is threatening Manila. The Manila Times states that in many instances "it has been learned from various authorities that in many of our closely-settled nearby towns a serious epidemic, bordering on plague, is prevailing. The towns principally affected are Guadaloup, Kaloga, Pinda and Malabon, beside a number of others. The disease is said to be due to eating flesh from animals which have died of disease

NINE TIMES AS MUCH

Increased Land Sales by Union Pacific in 1899.

HOW DIVIDED AMONG THE STATES

The Outlook Highly Encouraging for Cattle Growers and Grazers—Advertising of the Lands Extensively Pushed—Various Nebraska Matters in All Sections of the State.

OMAHA, Jan. 4.—Nearly nine times as much land was sold during the last year by the Union Pacific land department as during the year before. The figures, with the last few days of December estimated, show a total of 906,00 acres, divided among the states in this manner: Utah, 297,000; Wyoming, 385,000; Colorado, 157,000; Nebraska, 100,000, and Kansas, 67,000. This was about one-eighth of the total land holdings of the Union Pacific at the beginning of 1899. During 1898 the total sales were 106,000 acres.

Principal of the sales were grazing lands. The situation has grown in Western Nebraska, Wyoming and Utah that a successful ranchman must own or have a definite title to his grazing lands. In Wyoming especially did this condition prevail, for there were constant conflicts between the sheep and cattle men till legalized boundaries have come to define a line of separation between them. The most rancorous of the fighters on either side have celebrated peace jubilees by big purchases of grazing lands, over which the best man held sway heretofore.

In addition, the land department has offered better terms than in previous years, and has pushed advertising more extensively, especially through two publications, one on grazing lands and the other on agricultural lands.

Pool of Elevator Men.

LINCOLN, Neb., Jan. 4.—The farmers and shippers of the vicinity of Firth, in the southern part of Lancaster county, complained to the secretaries of the state board of transportation that a pool existed between the two elevator men doing business at that place, and that in consequence low prices were being paid to the detriment of the petitioners. They prayed the board to take such action to put a stop to the pooling as lay in its power. It was driving much business, they set forth, to neighboring points on competing lines.

"We have no power in such matters as these," said Secretary Laws, "but we were going to exert our moral influence by bringing the matter before the railroad, showing it that it was losing business on account of the alleged combine. We are informed by our Firth petitioners that one of the elevator men complained of has sold out to a third party. They want their petition returned, their names suppressed, and the whole matter kept out of the papers. Particularly do they desire us to do nothing. And there you are."

Capital City Notes.

Judge-elect Holcomb will take his seat on the supreme court bench next Thursday, January 4.

It is rumored at the state house that J. G. P. Hildebrand, one of the clerks of the insurance commissioner, will be given a position in the auditor's office.

The board of commissioners of Lancaster county and the banks of Lincoln have combined against each other so that hereafter the county funds must be deposited in the country banks.

The executive committee of the State Board of Charities—a volunteer organization—met here and arranged for a state convention of people interested in charitable work, to be held February 7.

The case of the City of Lincoln against the Lincoln Traction company—the $100,000 tax case—was continued until the February term and Dr. Farnam was granted permission to file a brief in the suit.

Hayward's Will is Filed.

NEBRASKA CITY, Neb., Jan 4.—The will of the late Senator M. L. Hayward was offered for probate yesterday. It bears date of March 11, 1887 and was witnessed by R. S. Hall of Omaha and H. Metcalf. The document is very brief, occupying only a half sheet of legal cap paper, and directs that after his debts are paid, his property shall be divided equally among his widow and three children, the widow to take her share in lieu of dower. Mrs. Hayward is made executrix without bond and is granted absolute power to dispose of the property as she deems best. The estate is valued at about $125,000, and consists largely of farming lands in eastern Nebraska and Kansas.

Dollar of 1799 in an Argument.

SIDNEY, Neb., Jan. 4.—William F. Moore of this city has in his possession a silver dollar coined in 1799 by the United States government. During a heated argument on the twentieth century question Moore presented this coin for consideration and another argument was started as to whether the coin was 100 or 101 years old. Moore received the coin from his father several years ago.

Home Seekers' Excursion.

LINCOLN, Neb., Jan. 4.—Western railroads have agreed upon a series of homeseekers excursions during the months of January, February, March and April. The dates announced are January 2 and 16, February 6 and 20, March 6 and 20, and April 3 and 17. The roads have announced a rate of one fare for the round trip, plus $2, and will be good for fifteen days.

Tickets will be sold to points in Indian Territory, Arizona, Arkansas, Colorado, Nebraska, Idaho, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wisconsin.

Hunter Kills a Tame Deer.

TABLE ROCK, Neb., Jan. 4.—A fine large deer was killed Friday by a brace of hunters on the farm of M. H. Marble, a couple of miles south of town, and the killing is likely to cause quite a controversy, as it is said to be a tame deer that had escaped a year or two since from J. C. Atkinson's park at Pawnee City and for which he had offered quite a reward. Prosecution under the state law has been threatened if any of the venison is found.

HOLDS THE COMPANY LIABLE.

Decision in Test Case Concerning Fees Paid to Eugene Moore.

LINCOLN, Neb., Jan. 5.—An opinion was handed down in the supreme court by Chief Justice Harrison, holding the Home Insurance company of New York liable to the state for fees paid to Eugene Moore while auditor. This was a trial case to establish the liability of other insurance companies that paid fees to Moore. The opinion holds all liable, the amount involved being approximately $23,000. Following is the syllabus of the opinion, written by Judge Harrison:

"It is provided in the constitution of 1875 that all fees that may hereafter be payable by law for services performed by an officer provided for in this article of the constitution shall be paid in advance into the state treasury.'

"This so modified section 33, chapter xliii, Compiled Statutes, General Statutes 1873, chapter xxxiii, section 32, in relation to fees to be paid by insurance companies to the state auditor for services to be performed by him as to in effect prohibit the payment of the fees to him or their reception by him.

"The insurance company applied to the then state auditor to perform for it certain services in the issuance of certificates of authority to transact business in the state and some other matters of the requirements of the law in regard to such companies and paid the fees to the auditor, and did not pay them and has not paid them into the treasury. The payment to the auditor was wholly unauthorized and did not bind the state nor did the money thus paid into the auditor's office belong to the state.

"The services having been obtained and the fees so paid the company became liable to the state auditor and such liability can be enforced by suit.

"A company which has obtained the performance of the services by the auditor in the issuance of certificates of authority to do business in the state; also his attention to other things for which they must apply to or call upon him, and has used and employed the results and benefits of said matters, will not be heard to urge against the recovery by the state of fees for such services which have not been paid into the state treasury; that the certificates and documents issued to it by the auditor were void for the reason that the fees had not been paid in advance and where required by the constitution.

"The fees were paid to Eugene Moore, then state auditor. He could and did not act as agent for the state in the reception of the fees. It was an act which was discountenanced or forbidden by the constitution.

"A state can only act through its officers and they only in matters assigned to them by law or in and about which they are authorized and empowered by law to perform."

Another Hearing Asked For.

LINCOLN, Neb., Jan. 5.—The supreme has been asked to grant another hearing of the case of the State of Nebraska against the German Savings Bank of Omaha, a case involving the right of the receiver to dispose of real estate belonging to the bank, on an order of the court. Joel W. West of Omaha, who filed the motion for a rehearing, represents the stockholders of the bank who are fighting the sale, and he claims that they are being deprived of their property without due process of law and without having their day in court.

The decree of the district court that is appealed from was entered upon an order for the stockholders to show cause why the real estate should not be sold. Mr. West contends that the code of civil procedure says this has no place in the laws of Nebraska, because it affords no adequate protection of property and property rights. In his brief he gives voice to the following:

"Upon a correct solution of the question depends the safety of life, liberty and property in this state. No motive of expediency ought for a moment stand in the way of a correct enunciation of the law as the constitution of the state of Nebraska and of the United States guarantees it."

Senate and House Journals.

LINCOLN, Neb., Jan. 5.—Injunction proceedings have been commenced in the district court to prevent R. H. Langford of North Platte from compiling the copy of the senate and house journals. He was awarded the contract for this work by the State Printing Board last week. The suit is brought by J. H. Miller of this city, who alleges that the bidding was not according to law and that no legal notice was given by the board. He asserts that the law requires advertisements for bids to be published in at least three newspapers. When the printing board voted to let the contract Auditor Cornel protested on the ground that the legislature alone, and not the printing board, had authority to have the copy prepared.

State Capital Notes.

Sergeant Harry Hall of York has been authorized to recruit Company A of that place for service in the new First regiment.

Chief Justice Harrison relinquished his seat on the bench on the 4th and Judge-Elect Holcomb was sworn in the following day.

George Lyon of Company H of the First regiment has reported to Adjutant General Barry that his company has reorganized and is ready for muster in the National guard.

The State Board of Purchase and Supplies concluded a two days' session last week, buying enough supplies for the various state institutions for the first quarter of the year.

Boy Accidentally Shot.

COLUMBUS, Neb., Jan. 5.—James, the 12-year-old son of County Attorney William O'Brien, was accidentally shot and dangerously wounded by a companion. The ball from a 22-caliber revolver entered just under the right eye and lodged in the back part of the head. It is said the boys were playing "hold up" and the weapon was accidentally discharged. The wounded boy was taken to Omaha for treatment.

Takes Strychnine for Quinine.

HUMBOLDT, Neb., Jan. 4.—Mrs. S. B. Day, a middle-aged woman residing in this city took a dose of strychnine by mistake, thinking it was quinine. Two physicians worked nearly all night before the victim was entirely free from the results of the mistake.

SIDNEY, Neb., Jan. 5.—At Bayard, fifty miles north of here, bonfires and fireworks were used to celebrate the arrival of the B. & M. railroad at that point on the 4th.

BLOWN UP AND BURNED

Eden Baptist Church at Stromsburg Destroyed by Fire.

THE OUTCOME OF AN EXPLOSION

Death of Mr. Sinclaire, a Pioneer of Otoe County—A Former Member of the Legislature—Trouble With the Swift Ice Company at Ashland—Other Matters in Nebraska.

STROMSBURG, Neb. Jan. 3.—Eden Baptist church, dedicated a year ago, burned to the ground about midnight. The fire resulted from the explosion of the ascetylene gas, which blew out the foundation and wrecked the windowse. A crowd was present to watch the New Year in.

The force of the explosion hurled the people in all dicerctions. Rev. J. L. Hedbloom, the pastor, and Mr. Cowan, the janitor, were burned about the hands and face. Mrs. J. L. Johnson and her daughter, Pearl, were slightly injured.

The building was heated by a furnace situated in the basement as was also the gas plant. Loss about $3,200; insurance $1,800.

Question Legality of Divorce.

CHADRON, Neb., Jan. 3.—When is a divorce not a divorce? That is the question now agitating the minds of a couple in Chadron who secured a supposed legal separation in the district court of Rushville recently. They were residents of Chadron and procured a decree in the court of Sheridan county contrary to the statute of divorce and alimony. The question of residence was not introduced in the testimony and the interested parties were not wiser of the illegality of the procedure until court had adjourned. They were Mr. and Mrs. H. L. Reinoehl, formerly of Missouri Valley, and Mr. Reinoehl is an engineer on the Elkhorn and a property owner at this place. This case was only in court fifteen minutes. It is not learned what action will be taken to have the decree confirmed.

Prosperity in Gage County.

BEATRICE, Neb., Jan. 3.—The year just closed shows an encouraging condition in the county, as is shown by the mortgage report furnished by Register of Deeds Charley Reed. The record for December was as follows: Farm mortgages filed, 32; amount, $28,637; released, 53; amount, $49,537; city mortgages filed, 22; amount, $12,601; released, 14; amount, $4,614. For the year the record is as follows: Farm mortgages filed, 577; amount, 783 648; released, 775; amount, $949,951; city mortgages filed, 190; amount, $94,770; released, 260; amount, $194,048. Number of releases in excess of filings, 260; amount of releases in excess of filings, $265,581, or over a quarter of a million dollars represented as indebtedness paid off.

Otoe County Pioneer Dead.

NEBRASKA CITY, Neb., Jan. 3.—Word was received in this city from Burr, this county, of the death of Hon. Sinclair at his home in that place at the age of forty-four years. Bright's disease of the kidneys was the cause of his death. He had been a resident of Otoe county since 1857 and was one of its best and most highly respected citizens. He was a member of the state legislature of 1892 and worked hard for the election of J. Sterling Morton to the United States senate. A widow and two children mourn his untimely death. The remains will be interred at Wyuka cemetery in this city on Monday.

Buried in the Town He Founded.

LOUP CITY, Neb., Jan. 3.—The funeral of William Benochoter, who owned a homestead on the townsite of Loup City in 1872, was held here. For the last eleven years he had been a resident of Richardson county, living near Falls City, where he died. As it had always been his desire to have his last resting place here at the town he was instrumental in founding, his wish was carried out by the family. The bell which he gave to the Methodist church, when it was built, tolled seventy-six times as a requiem. The services were conducted by Rev. W. E. Matthews of the Methodist church, assisted by Rev. McCahan of the Presbyterian.

Ice Plant May Close.

ASHLAND, Neb., Jan. 3.—The prospects are now that Swift & Company's ice house north of this city, will not be operated this winter. The board of county commissioners at Wahoo this week instructed County Clerk Chapek to purchase the property for delinquent taxes for 1896 and 1897, amounting to $2,400. The company says this amount is more than its share of the taxation and refuses to pay the money. The closing down of the plant, which now seems probable, will throw many hundreds of Ashland laborers out of employment.

H. C. Thompson Declared Insane.

NEBRASKA CITY, Neb., Jan. 3.—H. C. Thompson, the former Missouri Pacific agent at Talmage, who left and was found in Omaha and brought to this city, was before the commissioners on insanity and adjudged insane by them and will be taken to the asylum at Lincoln.

Police Find Bloody Clothing.

SIOUX CITY, Ia., Jan. 3.—The Sioux City police have in their possession a suit of bloody clothes, which was found under a railway bridge and it may prove a valuable clue toward the capture of the murderer of John Robson. It was found hid away in a hole by some children. The collar was spattered with blood and about the place were numerous rags used by the man to wipe his filthy hands. It is hoped they may lead to a capture. So far no arrests have been made.

Jefferson County Official Dead.

FAIRBURY, Neb., Jan. 3.—Herman Tietjen, one of the commissioners of Jefferson county, died at his home, three miles northeast of Plymouth, of consumption. The deceased was thirty-five years old and had served in his present official capacity two years. He was a well-to-do German farmer and had just completed a fine new residence upon his excellently improved land. He leaves a wife and two children.

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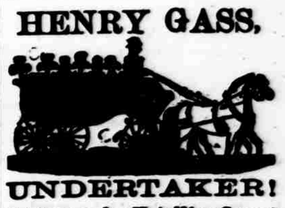

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