LISTENING TO COMPLAINTS.

Yesterday's Proceedings of the State Board of Transportation.

THE BRAKE ORDER MODIFIED.

Manager Holdrege Says His Company Has Been Misrepresented—Long List of Cases Decided By the Supreme Court.

[FROM THE BEE'S LINCOLN BUREAU.]

The state board of transportation met yesterday pursuant to notice published to consider a revision of freight tariffs in the state and the propriety of putting in force a new distance tariff. The Burlington officials were represented but representatives of other roads were not present. The injunction case prepared by the Union Pacific, rehashing former statements that the road was subject only to federal control, was discussed informally and did not appear to excite the board to any appreciable extent. Two cases of complaints against the B. & M. were first taken up, one of them being the question of ordering the road to put brakemen on all trains. Manager Holdrege testified in the matter and the board ordered that the case be modified requiring an air brake on trains, brakemen to be employed when more than than three cars comprised a train. The complaint made concerning poor track and crossings at and in the vicinity of Adams station was next considered and the board adjourned at noon to visit the alleged defective track in the afternoon but failed to make the trip on account of the lateness of the train. They resumed the session at 4 p. m. and took up the proposed question of abolishing distributing a tariff in the state and the enforcement of a one distance tariff. There were present at the meeting Messrs. C. H. Deitrich, A. D. Yocum, E. C. Webster, C. B. Berger and J. J. Wemple, of the Hastings board of trade, and I. M. Raymond and J. E. Utt, of the Lincoln freight bureau. The arguments of all these parties were against the abolition of the distributing tariff, the common opinion being that such act would tend to destroy commercial centers in the state, and to the upbuilding of wholesale centers in Iowa and Kansas.

Manager Holdridge stated to the board that complaints of a character assailing the company's road bed as unsafe were wholly untrue, and were instigated by irresponsible parties. Further he stated that they were of direct and positive damage to the road creating an impression of danger that did not exist. He called on the board to suppress such complaints from entering the columns of newspapers, and did not think that the public good demanded their publication. Mr. Munger stated that the records in such complaints were similar to court records, and had to be so treated. The board therefore took no action but deferred it until later in the session and adjourned until 9 o'clock this morning.

SUPREME COURT DECISIONS.

The supreme court yesterday handed down decisions prepared during the holiday recess, the cases largely coming from the Tenth, Eleventh and Twelfth districts, and which were heard at the close of the continued July term. Following are the opinions filed:

Andloy vs Pasahro. Appeal Nuckolls county.

Lien of Templeton Bros., held superior to mortgage of plaintiff. Decree of foreclosure, the proceeds of sale to be applied, first, to payment of lien of Templeton Bros.; second, to the amount due on mortgage, and third, to the amount due Van Gundy on his lien. Opinion by Reese, J.

1. A vendor of real estate, upon the absolute conveyance thereof by deed, has no lien on the land so conveyed for such portion of the purchase money as remains unpaid. Edminster vs Higgins, 6 Neb. 265.

2. The policy of our law is to discourage secret liens and to require all instruments affecting the title to real estate to be entered upon record. Id.

3. The doctrine that the vendor has a lien on the land conveyed for purchase money remaining upaid, is repugnant to our statutes in relation to real estate, and it is no part of the law of this state.

4. Rule applied.—A. sold and deeded certain real estate to P. on the 29th day of June, 1885. On the same day T., by virtue of a contract with P. therefor, sold and delivered to him material for the erection of a building on said property. On the 23d day of July, 1885, P. and wife executed a mortgage to A. to secure the unpaid portion of the purchase price. Held, That the mechanics' lien in favor of T. was superior to the lien of A. created by the mortgage.

Powers vs. Craig. Error from Cherry county. Affirmed. Opinion by Reese, J.

1. In an action for damages resulting from the destruction of property by fire negligently set upon the prairies of this state, the question of negligence is alone for the jury to determine.

2. In such case where it was shown that the fire originated at the camp fire built upon the prairie in the vicinity of a large quantity of dry grass at 1 o'clock in the day, when the wind was high and blowing in the direction of the defendant's property, the question of the custom of the country in plowing fire guards around such property is not a material inquiry, and especialy so when a stream thirty feet in width was between the property destroyed by the fire and the place where the fire was kindled. In such case the failure to plow or burn fire guards would not be contributory negligence.

State vs Kellner. Exceptions from Madison county. Exceptions sustained. Opinion by Reese, J.

1. Defendant was arrested upon a complaint, tried before a justice of the peace for a misdemeanor, convicted, and appealed to the district court. Upon trial in the district court, testimony was introduced tending to establish all the material allegations of the complaint. Upon the close of the state's testimony, defendant moved the court that the cause be dismissed and the defendant discharged, which motion was sustained, held error.

2. Where a defendant was charged with keeping and having charge of scales for the purpose of weighing live stock, grain, coal and other articles, and knowingly and willfully reporting false or untrue weights, whereby another was defrauded, it was held competent for the purpose of showing guilty knowledge, to prove that at or about the time alleged in the complaint the defendant used and caused to be used in the weighing of stock and grain a loaded weight, heavier than other and correct weights kept by him, thereby causing the apparent weight of the stock, hay, etc., to be diminished.

McKesson vs Hawley. Appeal from Lancaster county. Affirmed. Opinion by Reese, Ch. J.

On the 12th of February, 1872, A executed to B a trust deed to secure the payment of a sum of money due April 12, 1872. The trust deed provided, among other things, that if the notes were not paid at maturity the trustee should advertise and sell the real estate and convey a fee simple title to the purchaser. The notes were not paid at maturity. On the 7th day of June, 1872, the trustee advertised and sold the real estate to the highest bidder according to the terms of the trust deed. On the 12th day of September, 1873, the purchaser at the trustee's sale conveyed the property to another by warranty deed. On the 5th day of October, 1874, the property was again sold and conveyed by warranty deed, and on the 29th day of April, 1876, plaintiff purchased the same and received a similar conveyance. Defendant and her grantors were in open, notorious and adverse possession of the property for more than ten years prior to the commencement of this action, which was to redeem the property from the trust deed. It was held that the statute of limitation had run, and that plaintiff's cause of action was barred.

Holland vs Commercial bank. Error from Saline county. Proceedings in error dismissed. Opinion by Reese, Ch. J.

Defendant in error, bank, commenced its action in the district court of Saline county against defendant in error, Hollands, upon a promissory note executed by said Hollands to plaintiff in error, and by him alleged to have been endorsed to the bank. Plaintiff in error appeared and presented his answer by which he denies the ownership of the note by the bank and alleged that he was the owner thereof and entitled to the proceeds of the same. He also filed his application to be admitted as a party to the action. The application was refused and he was not permitted to file his answer. Held error.

2. At that time an action was pending in the district court of Cass county instituted against him by defendant bank. After having been denied the right to intervene in this case pending in Saline county, he filed his answer in the district court of Cass county in the cause therein pending, where he charged the bank with the conversion of the note upon which the suit had been brought in Saline county, and demanded judgment for the amount thereof, and which action is now pending. Held, a waiver of the error of the district court of Saline county and an abandonment of his right to prosecute error thereupon in this court.

Holland vs Commercial Bank. Error from Cass county. Reversed. Opinion by Cobb, J. Maxwell, Ch. J., dissents from the judgment.

1. The written instrument presented in evidence by the plaintiff at the trial in the court below, as containing the articles of incorporation of the plaintiff in said action, though certified by the secretary of state as a copy, contained intrinsic evidence of being the original articles, the signature thereto of the corporators being proved as genuine; held, admissible in evidence.

2. On the trial of the action, plaintiff's books of account were introduced in evidence and it was shown that a greater number of the entries at specified dates were made by and in the handwriting of a clerk in plaintiff's employ who was neither called nor subpoened to verify such entries, nor was his absence accounted for; held, error and a new trial granted.

3. On the trial of a motion to discharge an order of attachment to a judge at chambers, there being evidence tending to prove the absconding of defendant with intent to defraud his creditors, and that he had left the county of his residence to avoid the service of summons, the same being grounds of attachment alleged in the affidavit for attachment, and the weight of the evidence not being clearly against the finding and judgment of the judge of said motion, the same is upheld.

Campbell vs Holland. Error from Sarpy county. Affirmed. Opinion by Cobb, J.

1. The evidence tended to prove that the plaintiff purchased a one-half interest in the property in litigation at a certain date, he then being in possession as agent, and continued in possession until a subsequent date when he purchased the remaining one-half interest. The question being the bona fides of both of said purchases and sales. Held, that the declarations of the vendor as to his interest in and ownership of said property, made after said first purchase and sale, but before the last one, were admissible in evidence for the purpose of impeaching plaintiff's title, but that such declarations made after the last purchase and sale, were inadmissible.

2. On an issue of fact as to whether an assignment or transfer of property was made to hinder, delay or defraud creditors, it is competent where the assignor or vender is a witness to inquire of him whether in making the assignment or transfer he intended to delay or defraud his creditors. See Seymore vs Wilson, 15 N. Y. R., 567.

3. The same rule applies to cases where the assignee or purchaser is called as a witness

4. On the trial defendants cross-examined the plaintiff as to certain erasures in his account books and a leaf of one of them which appeared to have been torn out; he answered that the erasures had been made by himself to correct errors, and the leaf torn out also by himself because it had been accidentally soiled and rendered unfit for use; defendants afterwards offered said books in evidence, which offer was refused. Held, no error.

5. When upon the examination or cross-examination of a witness a certain conversation is drawn from him in evidence, the opposite party will always be permitted to cross-examine or re-examine him for the purpose of eliciting the whole of such conversation. The scope of such examination is a question peculiarly for the trial court.

6. The plaintiff being a witness on his own behalf was cross-examined as to the source from which he derived the money used in the purchase of the property in litigation, and having answered that a certain portion of it had been received by him in payment of a loan previously made to his father, an attempt being made as well in his further cross-examination as otherwise, to discredit his statement in this behalf, he was permitted to testify in rebuital as to where he obtained the funds out of which said loan was made: Held, No error.

7. The instructions given to a jury must be construed together, and if when considered as a whole they properly state the law, it is sufficient. Bartling vs Behrends, 20 Neb., 211.

8. When the law applicable to the pleadings and evidence in a case has already been fully given by instructions to a jury by the court on its own motion, it is not error to refuse further instructions.

9. Where, upon a motion for a new trial founded on affidavits, all of the material facts contained in such affidavits are contradicted by affidavits in resistance, the judgment of the trial court in denying such motion will ordinarily be upheld.

10. A new trial will not be granted on account of newly discovered evidence merely cumulative in its character.

Towne vs Sparks. Error from Cherry county. Affirmed. Opinion by Cobb, J.

1. S. being a merchant engaged in selling goods and supplies T., W. R. T., who was an entire stranger to S., drove into the vicinity of T, a large band of sheep; having no other known property or means, he applied to S. for credit for goods and supplies. S., for the purpose of informing him as to the desirableness of T. as a credit customer, asked him how many sheep he had. T. replied that he had brought thirty odd hundred, that some of them belonged to B. & B., and 1,200 of them were his own, which he was going to run out on his ranch. S gave T credit from that time on for goods and supplies, for which a judgment was rendered and a part of said sheep levied on. Thereupon T replevined the sheep as the property of L. who had farmed the same to him on shares for a term of years. Held, that T is estopped to deny the truth of the representation made by him to S as to the ownership of the sheep, and that he cannot maintain replevin therefor.

2. In an action of replevin: Held, that evidence of matter in estoppel may be given and availed of as a defense under a general denial and without being pleaded specially.

3. The evidence examined and held sufficient to sustain the verdict.

4. The judgment of the county court upon which the execution on which the levy was made was issued, having been for $490.43 and costs, the amount of costs not being shown in the record, nor the interest on the judgment computed, the finding of $539.24 is presumed to be correct.

5. Instructions complained of examined and upheld.

6. Testimony contained in deposition objected to examined and sustained in part, and as to the residue held not reversable error.

Warnell vs McConnell. Error from Richardson county. Affirmed. Opinion by Reese, Ch. J.

1. Persons licensed to sell intoxicating liquors, are jointly and severally liable for all damages resulting from their traffic, and actions may be maintained against them jointly for all damages to which they have contributed by the sale of liquors.

2. Principals and their sureties upon license bonds are liable to an action for damages jointly with the principals and sureties upon other bonds of a like character, while all the principals have contributed to the same injury by the sale of intoxicating liquors.

3. The sureties upon the bond of a licensed vendor of intoxicating liquors are liable not only for the damages resulting directly from the acts of their principals, but for all damages to which such acts contribute. And where, during the existence of a license based upon such bond, the principal sells intoxicating liquors to one who is disqualified to earn a support for his family, by reason of his intoxication, the liability of the surety attaches and continues throughout the period of such disqualification, whether the same terminates during the license year, or continues for a longer time.

4. Where a married woman sues upon license bonds for loss of support for herself and children, occasioned by the disqualification of her husband to earn such support by reason of his intoxication, she does not sue in the capacity of a guardian or next friends for her children, but the action may be maintained by her in her own name and right, and the damages, when collected, must be paid to her to be used as she may see proper for the maintainance of herself and children. In such action she may join her children with her, or she may prosecute the suit in her own name for the whole damages, as she may elect, it being shown by her petition that she has such children who are deprived of their means of support by reason of the disqualification of the father, or person upon whom such support devolves.

Bollman v. Lucas. Error from Knox county. Reversed. Opinion by Cobb, J.

1. A witness in his examination in chief, or re-examination by the party calling him, when on account of his possessing special knowledge, skill or experience is permitted to give his opinion or judgment on a question of quality or values, if he is permitted to give the source of his special knowledge, experience or skill, it will be confined to general statements. And when he is permitted to narrate the facts and circumstances of a special transaction, outside of the case on trial, for the purpose of enabling the jury to compare the facts and results of shch transaction with those of the case on trial, and in that manner impress them with the soundness of his opinion or judgment, held, error.

2. To avoid a sale upon the ground that it is fraudulent as to creditors, the purchaser must have knowledge of the fraudulent purpose of the seller, or have notice of such facts tending to show a fraudulent purpose as would put a man of ordinary prudence on inquiry. Temple vs Smith, 13 Neb., 513.

Colvin vs Republican Valley Land association. Error from Furnas county.

Affirmed. Opinion by Reese, Ch. J. not sittings.

1. In an action in ejectment it was stipulated between the parties that certified copies of the record of deeds should be used in evidence without proof of the loss of the originals, and that such copies contained all that the originals contained. Plaintiff offered in evidence a certified copy of a deed executed by the Lincoln Land association, a corporation, which was objected to for the reason that the copy did not show that the original deed was under the seal of the corporation, that is, that no impression of the seal was thereon. The objection was overruled and the copy admitted. Held, correct, it being recited in the deed that the seal of the corporation was thereunto affixed.

2. The statute of limitations will not run in favor of an occupant of real estate, unless the occupancy and possession are adverse to the true owner, and with the intent and purpose of the occupant to assert his ownership of property. His possession must be as owner, and adverse to every other person.

3. In an action in ejectment by the vendee against the vendor, the only defense presented by the answer was a general denial of the allegations of the petition and a plea of the statute of limitations. On the trial the defendant sought to prove that he had not been paid the consideration for which he sold the land. The testimony was excluded. Held, correct, as no equities were presented by the answer.

Hays vs Mercier. Appeal from Chase county. Reversed. Opinion by Reese, Ch. J.

1. Where plaintiff filed his petition in equity in the district court, and to which defendant presented a demurrer, the ground for demurrer being that the petition did not state the facts sufficient to constitute a cause of action, and such demurrer being sustained, it was held that neither a motion for a new trial, nor bill of exceptions was necessary in order to obtain a review in the supreme court by appeal.

2. An affidavit for a mechanic's lien in the following form:

"State of Nebraska, } ss.
Chase County. }

J. P. Hays being first duly sworn on his oath says that the foregoing account of work, labor and skill, is a true and correct account of the work, labor and skill done and performed, and furnished by this affiant for the said Thomas Mercier under a verbal contract for the erection of a storehouse building for the said Thomas Mercier upon the following described lot, piece or parcel of land, viz: Lot number one in block number four in the town of Imperial, Chase county, Nebraska, according to the recorded plat and survey of said town, now of record in the office of the county clerk of said county. And this affiant further says that he has and does hereby claim a lien on the said premises as above described for the full amount of his said account for labor, work and skill, to-wit, the sum of $161.50 together with interest thereon at the rate of 7 per cent per annum from this date, and further affiant says not;"

Held, sufficient when assailed by demurrer.

PERSONALS.

Judge Cochran, of the Twelfth judicial district, was at the capital yesterday filing his oath of office.

Speaker Harlan came down from York yesterday to attend the meeting of the board of transportation and its discussion of the rate question.

Judge Samuel Maxwell, of the supreme court, filed his oath of office yesterday with the secretary of state.

Brad Slaughter, of Fullerton, is in the city hurrying up the work on the house journal that have not yet passed the printer's hands.

Judge Applegate, of Tecumseh, S. P. Davidson, of Tecumseh, and ex-Surveyor General D. V. Stephensen, of Richardson county, were visitors at the state capital yesterday.

EVERAL ORDINANCES PASSED.

Eleven Councilmen Meet and Transact Considerable Business.

Eleven sharp-shod councilmen slid to the council chamber last night and transacted considerable business. A majority of the gentlemen were in a frisky and humorous mood, and the delegation in the vicinity of Lee's, Ford's and Lowry's side of the house were so ridiculously funny that Councilman Alexander threatened to leave the room. This involved the gentleman and Mr. Lee in an exchange of hot words, which President Bechel had some difficulty in squelching.

The committee on special appropriation ordinances reported in favor of the following: B. F. Baker, three months' salary as superintendent of city hall, $500; curbing Leavenworth street from Seventh, $516.02; grading California street from Twenty-seventh street, $2,635.40; John C. Cowin and George W. Ambrose, $250 each for legal services in the quo warranto cases; payment of liabilities amounting to $33,344.97, incurred during the month of December, 1887, and prior thereto.

A resolution to the effect that the city council meet as a board of equalization for the equalizing of property in various sections of the city to stand the expense of paving and curbing, on Friday and Saturday, January 13 and 14, was adopted.

An ordinance to regulate smoky chimneys and smoke from locomotives caused considerable debate. Mr. Burnham said that he had been requested to draw up the ordinance by respectable and law-abiding citizens, and he disliked to hear Lee, Ford and others treating it with ridicule.

By a vote of nine to three the ordinance was defeated.

The following ordinances were taken up for third reading: Licensing employment agents, rejected; creating office of license inspector, at a salary of $1,200 per year, passed; providing for the issuance of $2,500 city bonds for paving and curbing district 124, on Cass street, adopted; establishing grade of Twenty-eighth street from Dodge to Farnam street, adopted; partially grading Pierce street, from Twenty-second to Twenty-fourth street, and appointing appraisers, referred to city attorney; changing the grade of Twenty-second street from St. Mary's avenue to Leavenworth street, adopted; establishing grade of Dodge street from Thirtieth street to Twenty-seventh avenue, adopted; levying a special tax on property to construct a sewer in special sewer district No. 58, adopted; levying a special tax on paving district No. 68 to cover cost of paving Sixteenth street from Pierce to Vinton street, adopted. Several ordinances relating to the paving of streets between the tracks of the street car companies were referred to the committee of the whole to be considered at their meeting next Saturday night; levying special tax and assessment on lots in paving district No. 85 to cover the part cost of paving Sixteenth street, adopted; constructing a sewer in sewer district No. 60, adopted; curbing Fifteenth street from Davenport to Webster street, adopted; constructing a sewer in sewer district No. 50, adopted; constructing a sewer in sewer district No. 46, adopted; constructing a sewer in sewer district No. 61, adopted; constructing a sewer in sewer district No. 62, adopted; constructing a sewer in sewer district No. 43, adopted; constructing a sewer in sewer district No. 48, adopted; paving California street, from Sixteenth to Twenty-fourth streets, adopted; paving Twenty-fifth avenue, from Farnam to Dodge streets, adopted; paving alley from Thirteenth to Fourteenth streets, adopted; curbing Sixteenth street, from Howard to Leavenworth streets, adopted; paving Davenport street, from Ninth to Fourteenth streets, adopted; construction of sidewalks, adopted; construction of sewer in sewer district No. 41, adopted.

On motion of Ford previous action on the ordinance regulating employment agencies was rescinded and the same was referred to the committee on judiciary to have the name of the president included as one of the license board.

The council then adjourned.

Postponed to To-Night.

The conference of a delegation from the city council and the board of police and fire commission booked for last night to consider matters effecting the police force was postponed until to-night, as the councilmen were engaged at a special meeting.

Schroter, one of Omaha's oldest druggists has gone into business; 1420 Dodge st., one door east Kelley & Stiger.

THIS COUNTRY HAS THE TIN.

A Newer and Possibly a Richer Cornwall Within the United States.

THE BLACK HILLS DEPOSITS.

What the Fact, if Proven, Will Mean to the Business Interests of the Country—Some Interesting Facts and Figures.

Writing of the discovery of tin in large quantities in the Black Hills, in which he and his associates, after most thorough examination, have the fullest confidence, Lord Thurlow says in the London Financial News of a recent date:

It represents the dawn of a new era that can not fail to be most unwelcome to the favored and very narrow circle that has hitherto handled the tin trade of the world. To my mind, in place of there being anything strange in this discovery, it is amazing it was not made before. All other metals have been discovered on the vast North American continent under circumstances and in quantities hitherto unprecedented, and suitable to the unlimited requirements of the future citizens of the United States. Gold, silver, copper, iron, and now tin, are required by the American people and have been placed by providence ready to their hands. No power on earth will make me believe that all the tin in this world has been placed on one side of the Atlantic. That tin was not found earlier in America is due to two circumstances: First, the American miner has only an eye for the precious metal in prospecting; and, secondly, this tin region has only quite recently been made accessible by its exclusion from the Sioux reservation. Till quite lately the Black Hills of Dakota were a sealed book to the prospector, who could only visit them, not only with the risk, but with a certainty of being tracked and scalped by red Indians. Now all this is changed.

He says that the enterprise of developing the tin mines of Dakota

NEITHER ASKS FOR NOR SOLICITS AID

from others outside of the company composed of American and English capitalists and known as the Harney Peak company. He says.

It was taken in hand after very careful investigation by men of business, able and willing to carry it out without any appeal to outside investers. These men showed their faith in the scheme by offering to invest substantial sums of money and so far as I know never authorized any invitations to the public to subscribe. It is a new and great undertaking that is not likely to be rushed by the responsible people who have it in hand. We believe in it implicity, and are not going to be alarmed by criticism either friendly or the reverse, and whether due to ignorance or interested motives.

Phelps, Dodge & Co., of New York, are among the heavy importers of tin to this country, and are naturally interested in proclaiming the statement that there are no tin mines in this country of sufficient extent to pay for working. Mr. Dodge of that firm is reported as saying:

No doubt there are indications of gas there but the general impression here is that the deposit is of no commercial value. The company established something of a plant two years ago, but I do not know that any tin was ever taken out. There have been a good many pockets of tin found in this country, but none of them has ever paid for working, but when we do get a good mine here there will be no need to go to England for capital to develop it.

What Mr. Dodge and other importers and dealers in foreign tin "do not know" of the existence of tin deposits in this country of sufficiently large extent to pay for working would make a respectable volume. The object of this article is to enlighten such as really desire acquaintance with the proven facts.

TIN WAS FIRST DISCOVERED

in the Black Hills in June, 1883. Prior to that time the ore had been well known and anathematized by gold seekers, who considered it a nuisance. It was know by various local slang names and generally considered worthless, or worse, because of its interference with the work of prospectors who looked only for the precious metals. The true character of this hitherto despised ore was first ascertained at the date named. Samples were sent to General John W. Gashwiller, of San Francisco, who had them carefully assayed there, after which he, through his agent, made the first lode purchase of the Black Hills.

Since that time over three thousand tin lode locations have been made in the Black Hills. Thousands of assays have been made in this country and Europe. Tons of the ore have been sent to New York and to England. One solid chunk sent to England weighed 4,800 pounds. Many old and experienced miners from Cornwall have examined the mines and tested the ores. Many are working on the claims owned by the Harney Peak company to-day. Over a million of dollars have been expended in the purchase and development of tin claims. The Harney Peak company now owns something over two hundred tin lode and placer claims in the Black Hills, together with water rights. Over $100,000 has been expended for machinery. Many claims have been patented and applications for patent have been made for over a hundred more. Not only the annual assessment work required by the mining law—$100 per year on each claim—has been done, but on some claims many thousands of dollars have been expended. For three years the work has been tentatively experimental. Since certain English capitalists have become interested the work has been most thorough, and yet wholly with a view to ascertain, if possible, the extent of the deposits. They seem to think that as the Cornwall mines have been profitably worked since the days of the Phenicians—over two thousand years—that it was necessary to find a deposit which could be profitably worked two or three thousand years more. The deeper their diggings and the more thorough their investigations, the more extensive the deposits are discovered to be. They now are found in

THREE COUNTIES OF THE BLACK HILLS,

Lawrence, Pennington and Custer, over an extent of country in Dakota more than a hundred miles north and south. There are four organized companies of capital. One of them is known as the American Tin company, and is mainly composed of New Yorkers. Its mines, known as the Nigger Hill mines, are situated about sixteen miles southwest of Spearfish, in Lawrence county, in the northern part of the Black Hills. Prof Carpenter, of the Dakota school mines, says of this mine, in a late report on the mineralogy and geology of the Black Hills:

In the northern, or Nigger Hill district, as it is called the best-known claim is the Cleveland, owned by the American Tin company, who have sunk a shaft to the depth of 130 feet. At the 100 foot station, where a cross-cut has been driven the vein is found to have a width of over two hundred feet, and to carry tin throughout, but a zone about thirty-five feet wide near each wall is somewhat richer than the remainder of the lode. The company own about seventy claims, a mill site, water-power, etc., and expect to operate upon a large scale.

Certain Chicago capitalists have purchased the Tin mountain group of mines near Custer City, in the southern portion of the Black Hills. This is said to be a veritable mountain of tin-bearing rock. Some masses of it on assay at the school of mines yielded 40 per cent of Cassiterite oxide of tin. It is claimed that there are many thousands of tons of ore in sight that can be worked at a profit.

Recently an English company has purchased a group of mines near Hill City. The head of this company has had actual experience in tin mining. He expects to develop and operate these mines as soon as it is possible to obtain the requisite machinery and men.

The most promising and important tin district, so far as can now be determined, is that located near Harney's peak. Here the largest discoveries have been made, the most work been done, the greatest amount of capital been expended. This region is tributary to the flourishing town of Rapid City, on the Fremont & Missouri Valley railway, to which point the Harney Peak tin company will build a railroad, the preparatory steps having already been taken. This railroad, a narrow-gauge, will penetrate the great tin district, winding in and out through the canyons, and leading to the pines of Harney Peak, Hill City and Custer, carrying in supplies and taking out ore. Professor Carpenter in his report says that the southern section, including the Harney peak, Hill City and Custer City mines, is more extensive than the northern, but that both northern and southern sections would doubtless have been found one had the sedimentary rocks been removed by erasion.

In reference to the geology of the Black Hills, Prof Carpenter says:

From Harney peak, coming down in any direction, one would first pass over the upturned edge of the archæan, which contains veins carrying tin, gold, copper and silver. Next would be passed the rocks of the Potsdam, which in the northern hills carry deposits of gold and silver, and in the southern portion copper. The base of it is everywhere auriferous. The gold in it is derived from the same source as the material composing these rocks—viz., the archæan area, so that the base of the Potsdam is in reality an immense ancient placer consolidated to rock.

In geological language, the Black Hills uplift is as quaquaversal of singular regularity—that is, the sedimentary formations dip away from the centre in all directions like the sides of a volcano.

The Harney peak tin district extends along the easterly and northeasterly flanks of the granite range above referred to. It is about twenty miles in length by six miles in width. Within this area several thousand miners' claims or tin lode locations have been made.

WHERE THE TIN IS FOUND.

According to the authority quoted:

The tin-stone is found in granite veins or dikes (true fissure veins) in the earlier or schistose archæan, shown upon the map, and which vary in width from a few inches to hundreds of feet. The percentage of tin-stone in the greisen varies, but there are many veins carrying rock yielding from 2 to 4 per cent. That this is by no means a small percentage may be seen by the following:

In Altenberg, in Saxony, the yield is from ¼ to 1 per cent. In Cornwall, as shown by the government statistics, the yield of black tin for the whole country is less than 2 per cent. In the Palburro district in Cornwall, the average of all the ore crushed in five years was .89 of 1 per cent. Yet these mines yielded a fair profit.

The tin mines of Cornwall have been worked for hundreds of years. The miners now go down under the sea at a distance of three thousand feet from the surface. The expense of lifting ore and pumping water from such a depth must be enormous, even with all the aids of modern machinery. And yet when the ore is extracted the per centum of tin-stone would seem to be very small—less than 2 per centum. The tin ore, cassiterite, of the Black Hills is near the surface on lofty and rugged mountains. The per centum of metallic tin has been the astonishment of Cornwall miners. On this point Prof. Carpenter says that he has made at the school of mines many assays of Dakota tin ore, such as scalings taken across veins, averages of dumps, sample lots of ore, etc., and has but in one instance found less than 1 per cent, while the average of the ore essayed, after excluding the evidently picked samples, which ran 30, 40, and even 60 per cent, is about 3 per cent black tin, an average far exceeding that of Cornwall, which is, by government reports, 1.95 per cent, while the yield of the Zwitter, in Zinwald, according to Bruno Kerl, is about 5 per cent tin.

The English stockholders, as Lord Thurlow intimates, are going slowly but safely. With ample experience and abundant means, they yet take nothing for granted. They have had the ablest experts in the world to make close, personal surveys of the Black Hills tin district. They have employed old miners to do their development work. They have expended large amounts to ascertain both the guantity and quality of the ore, expense of mining, reduction, freight, etc. After all this it is quite evident that they have slowly reached the conclusion, as Lord Thurlow says, that Cornwall's long menopoly of twelve hundred years is near its end.

If this is so, our whole country, and the world, in fact, is to be congratulated. The manufacturing of metallic tin into sheets and plates must prove a vast business requiring skilled labor of thousands of men.

Read the Death Roll

Which the bills of mortality of any large city may be fitly designated, and you will find that renal and vesical maladies, that is to say, those that affect the kidneys or bladder, have a remarkable prominence—we had almost said—preponderance. Bright's disease and diabetes in the chronic stage are rarely cured, and gravel, catarrh of the bladder and enuresis slay many. Yet at the outset, when the trouble merely amounts to inactivity of the organs involved, the danger may be nullified by that pleasant renal tonic and diuretic, Hostetter's Stomach Bitters, which imparts the requisite amount of tone to the organs, without over-exciting them, and the use of which is convenient, and involves no elaborate preparation. Dyspepsia, a usual concomitant of renal complaints, and debility, which they invariably produce, are remedied by it. So also are constipation, malarial, rheumatic and nervous ailments.

Story of a Big Steal.

St. Louis Post-Dispatch: "The history of the Denver & Rio Grande road, under its former management, shows more clearly than any other the way in which a railroad can be manipulated in the interest of its officials and at the expense of its stockholders. This road was completed from Denver to Pueblo in 1874, and did a good business. A number of the directors, however, saw a chance of making a fortune, and laid their plans accordingly. The first formed a construction company, concealing their own interest in it, but officering it with men entirely controlled by them. They next represented to the stockholders the great advantages that might be gained by building into the mountains, and induced them to do so. Contracts were let to the construction company, and building on a great scale began. No mining camp was too obscure for the road to build a branch to, and the projectors of the scheme secured property at these points and made enormous profits. Of course the railroad was soon deeply involved, but the construction company was most prosperous, and General James Palmer, president of the road, erected a magnificent house near Colorado Springs. This state of affairs continued for some years, but in 1879 was suddenly checked. By some means, the particulars of which I do not recollect, the Atchison, Topeka & Santa Fe managed to get possession of the Denver & Rio Grande, by an order of court, and run it in the interests of that road. The Atchison, Topeka & Santa Fe knew that they had no valid claim to the Denver & Rio Grande, but hoped to be able to hang the case up in the court for a year or two, in the meantime retaining possession of the road. The case was tried, and decided in favor of the Denver & Rio Grande, but it was at once appealed. When it came up before the higher court, a band of men, supposed to be in the employ of the Atchison road, endeavored to kidnap the judge, Senator Bowen, of Colorado. Bowen escaped, and delivered a most scathing opinion, denouncing the Santa Fe road. But it was again appealed, and the trial seemed likely to last for years.

At this juncture, General Palmer determined upon a master stroke. Carefully laying his plans, he employed several armed men, and at an agreed time the stations along the road were taken possession of, the trains captured as they drew up, the Atchison, Topeka & Santa Fe employes replaced by those of the Denver & Rio Grande, and the trains went on their way under the new management. The attorney of the Santa Fe at Pueblo endeavored to protest, but was run out of the town and all opposition put down. A more complete capture never never took place in time of peace.

From that day the road had no further trouble with its former antagonist, but the stockholders' troubles had only begun. The stock rose from $8 to over $100 and many bought in at this price. At this time the road was greatly extended, many mining camps being reached by the line, not one of which had money enough to pay the running expenses, but the construction company grew very wealthy, while the mines, reached by the railroad and owned by its officials grew very valuable. At last people began to grow weary, prosecution was threatened, and the directors and officers very generally withdrew, leaving the road in the hands of those who have since operated it in the hands of the stockholders. But those who took hold of it feathered their nests most luxuriously, and could well afford to be content with what they obtained.

Rheumatism.

is undoubtedly caused by lactid acid in the blood. This acid attacks the fibrous tissues, and causes the pains and aches in the back, shoulders, knees, ankles hips, and wrists. Thousands of people have found in Hood's Sarsaparilla a positive cure for rheumatism. This medicine by its purifying action neutralizes the acidity of the blood and also builds up and strengthens the whole body.

The Happy Packers.

Chicago Herald: All the big packers have private loops running from their offices to the main Western Union office, and are switched on to the trunk wires when they want to send messages to New York, St. Louis, Kansas City, Cincinnati, or other points. There is a good deal of feeling in a business way between all the concerns, but between the Armours and the Fowlers the relation is fierce enough to provoke a perpetual fight if the Fowlers were not such good Methodists. The Armours, the other day, got their "loop" on to a Kansas City wire and talked in a sacredly confidential way to their house at that end of the line. The Fowlers happened to have their loop on the same line, and quietly listened to the family chat and business secrets of their rivals. A man not familiar with the dust two packers can raise when they get quarreling can have no idea of the muss raised when the Armours found that they had been piped off. The Western Union people have been put to some trouble to keep the bucket-shop men off the board of trade connections, but the precautions taken in these cases were as nothing to those taken now to make sure that when one packer is talking over a wire another has not got his ear to a key "taking it off."

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