

LINCOLN COUNCIL SUSTAINED.

The United States Supreme Court Overrules Judge Brewer.

THE OPINION GIVEN BY GRAY.

A Large Crowd Listens Attentively to the Reading of the Decision—Confirmation of Nebraska Land Officers.

The Capital City Dads Upheld.

WASHINGTON BUREAU OF THE OMAHA BEER, 515 FIFTH STREET, WASHINGTON, D. C., Jan. 9.

At the opening of the supreme court this morning Justice Gray delivered an opinion in the habeas corpus case from Lincoln, Neb. The justice began by citing the circumstances of the original application to Judge Brewer for a restraining order. He reviewed at considerable length the undoubted power of a city council to legislate upon matters relating to a proper municipal government and to try unworthy officials under such rules as they might direct. This, he stated, was in the nature of a criminal prosecution and as such was quite outside the province of a court of equity. "That has long settled," said the justice, "it is not an equity have no jurisdiction in criminal matters which can be reached by courts of common law. For this reason the application to a court of equity for interference in a matter for which there was ample relief in a court of common law was irregular and unauthorized."

FEDERAL COURTS AND MUNICIPALITIES.

Justice Gray then took up the question of the relations of the federal court to municipalities, and in an extended opinion, which was delivered in a masterly manner, he reviewed the history of such actions from colonial times to the present. He stated that there were numerous precedents in the history of the supreme court which covered the very points involved in the case and which clearly showed the entire lack of jurisdiction of a federal court in interfering in a matter which was solely within the province of the municipality of Lincoln and the court of the state of Nebraska.

THE DECISION IN BRIEF.

After quoting a number of cases from United States reports, which were there quoted in Mr. Lambertson's brief, the judge read from his notes the opinion of the court, which is as follows: That the United States court in Nebraska, setting as a court of equity, has no jurisdiction whatever over a criminal case, nor over any matter which is within the province of a state and municipal government. The proceedings of the federal court of Nebraska, therefore, were, from the beginning, in the nature of a usurpation of the functions of a court of law, and beyond its jurisdiction and were null and void, and the detention of the mayor and city council of Lincoln is entitled to a discharge.

INTEREST IN THE CASE.

The court room was crowded, and considerable disturbance being created by incoming and outgoing parties, it was not possible to secure a stenographic verbatim report of the justice's remarks. Quite out of the usual custom, the bulk of Justice Gray's opinion was read in a loud voice, with reference to notes. That portion which was copied by the typewriter, covering only two small pages, the manuscript of it was pocketed by the reporter, and the bulk of the opinion of the supreme court at first and afterwards personally to the justice himself by Senator Lambertson. The justice's opinion was read in a loud voice, and it was promptly refused. The undoubted reason for the refusal of Judge Gray to follow a custom which has always been observed in Nebraska is that the relations to the press at the national capital was the fact that he had not written out, in its permanent form, as it will appear in the report of the case, and it had not been delivered to-day. The portion given above, however, covers all the material points of the justice's opinion.

SUBJECT OF THE DECISION.

The case has excited great interest among lawyers, and Judge Gray's opinion was listened to attentively by a crowded bar. His decision is considered a landmark, and is generally adopted view that the supreme court bench is becoming more rigid in its interpretation of a state's municipal relations, and inclined to foster up unwarranted infringements by federal authority upon the prerogatives of the states.

TALK ABOUT LAMAR.

There are all kinds of reports in circulation to-night concerning the probable action of the supreme court. The opinion of the justice is generally adopted view that the supreme court bench is becoming more rigid in its interpretation of a state's municipal relations, and inclined to foster up unwarranted infringements by federal authority upon the prerogatives of the states.

NEBRASKA AND IOWA PENSIONS.

WASHINGTON, Jan. 9.—[Special Telegram to the Bee.]—A postoffice was established at Economy, Warren county, Iowa, and Thomas Barkley, appointed postmaster. The postoffice at Gilpin, Madison county, Iowa, was discontinued to-day.

Postal Changes.

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Preponderance of Mormons.

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Dakota Division.

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OUR PASTORS.

Senator Manderson and Representative Dorsey went to the commissioner of Indian

SERIOUS TROUBLE BREWING.

What the Conservatives Have to Expect From Parliament.

TO LEAD THEM A MERRY DANCE.

Parnell and Gladstone Preparing Pitfalls—Blunt to Be Given An Ovation When His Term Expires—Titles For Journalists.

A Parliamentary Forecast.

[Copyright 1888 by James York Benoit.]

LONDON, Jan. 9.—[New York Herald Cable.—Special to the Bee.]—The breeze is rising against the government. How much mischief there is in the ministry has been alleged to do pretty much as it liked. Nobody could tell it to account. No explanations could be forced from it. Parliaments are very troublesome, especially when old-fashioned rules and observances can be so easily turned against the men in power. It would be very convenient to have no parliament except that there would then be no money. By the 31st of March all reserve funds are exhausted and her majesty's faithful commons must vote to make them up. We are now within four weeks of the opening day. Naturally, therefore, home rulers begin to polish up their weapons. Everybody, except, perhaps, Mr. Balfour, hopes that Mr. Sexton will be in his place from the start. I hear that to-night he is in a precarious condition. His friends in parliament would sorely miss him. He is far and away the ablest speaker on the liberal side of the house. Gladstone alone is excepted. He is always cool and ready, always interesting, and relies little upon notes. His memory is prodigious, for, evidently, most of his speeches are carefully thought out beforehand. Every point tells. If any one interrupts him he turns and destroys the offender with a flash of lightning. His sarcasms often fall in dazzling profusion over his opponents who admire him when he is administering punishment. Home rulers all over the house will be glad to hear of his restoration to health.

Removal of Nap's Bones.

LONDON, Jan. 9.—[Special Telegram to the Bee.]—The remains of Napoleon and his son, the prince imperial, were removed to-day from Chislehurst to Farnborough, where they will be deposited in a mausoleum erected by ex-Empress Eugenie. After religious services at Chislehurst the bodies were conveyed to the railway station.

A Wyoming Wreck.

CHRYSLER, Dec. 9.—[Special Telegram to the Bee.]—Union Pacific passenger train No. 1, bound west, was run into by a freight train at Edson station, near Laramie City last evening. Two emigrant cars were broken up and burned and at least three of the occupants reported killed.

Pocantico River Floods the New York Acqueduct.

CHATEAUGAY, N. Y., Jan. 9.—[An early hour this morning the waves of the Pocantico river, which work in the Acqueduct at night were about to go home. Pocantico river forced its way through the narrow stretch of land dividing it from the aqueduct and broke through the walls with a deafening roar, flooding the new waterway the entire length to the depth of sixty feet. The loss of life is great, although at this time it is impossible to ascertain just how many men were at the scene. Many women and children are running madly about in search of missing friends or relatives.

Admiral Nicholson's Estate.

NEW YORK, Jan. 9.—[Special Telegram to the Bee.]—The majority of the managements of the western roads are thoroughly alarmed over the prospect of a 25 cent reduction in freight rates on the 16th inst, and are making desperate efforts to avoid it. The St. Louis & San Francisco, which is responsible for the move, is being asked to withdraw its notice, with some probability of success. If it is ordered to do so, the money will be paid into a fund, which will be used to pay the balance, \$497,973.89 to be paid within six months.

A Wreck on the Wabash.

LAFAYETTE, Ind., Jan. 9.—Word has just been received here that the Wabash west-bound train, which left here at 9:30 this morning, ran into a freight train at West Lebanon, thirty miles from here, ditching the entire passenger train and injuring a large number of persons.

A Railroad Sale Confirmed.

PITTSBURGH, Jan. 9.—Judge Chesnut made an order in the United States circuit court to-day confirming the sale by John M. Sheild and Henry Rawle, trustees of the Shenango & Allegheny road, to the purchasing committee of stockholders for \$825,000, of which \$170,000 is ordered to be paid immediately and the balance, \$655,000 to be paid within six months.

The Visible Supply Statement.

CHICAGO, Jan. 9.—The visible supply of grain for the week ending January 7, 1888, as compiled by the secretary of the Chicago board of trade is as follows:

Table with 2 columns: Commodity and Quantity. Includes Wheat, Corn, Oats, Rye, and Barley.

No Coal Moving.

READING, Jan. 9.—Since last midnight not a ton of coal has come down the Reading railroad from the Anthracite region. Yesterday's shipments completely cleaned out the stock on hand and no more can be shipped until it is mined, either at individual Reading company's collieries.

Weather Indications.

For Nebraska: Warmer, fair weather, light to fresh variable winds. For Iowa: Warmer, fair weather, light to fresh westerly winds. For Dakota: Warmer, light local snows, light to fresh variable winds.

REDMON ELECTED SPEAKER.

Iowa's Twenty-second General Assembly Meets and Organizes.

WILSON LEADS FOR SENATOR.

The Inauguration of Governor Larrabee—The Dairy and Stock Interests of the State—Railroad Regulation.

The Opening Day.

DES MOINES, Ia., Jan. 9.—[Special Telegram to the Bee.]—Both houses of the legislature organized this afternoon at 2 o'clock with nearly all the members in their places. The corridors of the capitol were thronged with visitors and there was a fine display of beauty in the galleries to watch the opening exercises. Large floral pieces adorned the desks of the speaker and the president of the senate. A glance at the house showed that nearly half the faces were new ones. Only twenty-three of the 100 members in the house were here two years ago. In the senate there are fewer new faces, but many of the new senators are young men, giving a very youthful appearance to that body. There was little interest apparently taken in the caucus for permanent officers in the senate. The real contest was for speaker of the house, and, though very lively, was good natured throughout and conducted with the best of feeling. Captain Redmon, of Powsheik, who was chosen, is a man of good ability and many strong qualifications for speaker. He is a strong prohibitionist and will see that that interest suffers no loss under his administration. It took a long time to decide the speakership fight, the contest between Messrs. Redmon, Wilbur and Riley being very close, with Redmon leading on each ballot. To-morrow both houses will be permanently organized and the biennial message of the governor will be received.

In Earnest About a New Road.

SIoux CITY, Ia., Jan. 9.—[Special Telegram to the Bee.]—A report from the committee of business men who have just returned from a trip to St. Paul, where they met on Monday last, regarding the building of the proposed Sioux City & Northern rail has resulted in creating a lively interest in the matter. Subscriptions to stock have been commenced and a preliminary organization of interests of the road will be held to-morrow night. "It must be built," is the prevailing sentiment. This road, in connection with the St. Paul, Des Moines & Minneapolis & St. Louis lines, will make Sioux City, Duluth's outlet.

Clark Dies From His Injuries.

ASTORIA, Kan., Jan. 9.—Charles C. Clark, who was shot in this city last Saturday by his late partner, W. F. Treadwell, the cattle king, died this morning from the effects of his wound. Clark's body will be shipped to his old home at Sigourney, Ia., for interment. Treadwell is said to be in a very critical condition. His reason is entirely delirious. The cause of the difficulty was jealousy on the part of Treadwell, who had become intimate with his partner's wife.

Republican Nominations.

DES MOINES, Jan. 9.—The house republican caucus to-night nominated for clerk, D. C. Kolp, of Ida county; first assistant, W. O. Payne, Warren county; second assistant, J. J. Wilson, Warren county; sergeant-at-arms, M. B. Hays, Warren county; and for speaker, nominated for sergeant-at-arms Colonel Richard Root, Kookuk, ex-United States marshal.

Blackhawk County Farmer Busts.

WATERLOO, Ia., Jan. 9.—A Cottrell, a large farmer in Blackhawk county, has made an assignment to J. D. Williams, of Ida Grove, of lands and other property valued at \$40,000.

The Discovery at a Chicago Hotel Considered a Great Finding.

CHICAGO, Jan. 9.—[Special Telegram to the Bee.]—The gas discovered in the room of the artesian well at the Leland hotel late Saturday is burning brightly this morning. The pressure is so strong that the water has ceased to flow from the well, and it is now a veritable gas well. The well was bored during the fall of 1880 and its supply of water has been used for the general purposes of the hotel. The artesian well, which is a geological find, who has tested the gas at Chicago, says it undoubtedly comes from the decomposition of vegetable matter, of which there must be a vast deposit somewhere in order to keep up the supply. He says it is not a gas fit for heating purposes, but that the hotel, however, is different and doubtless comes through a fissure in the rock, which permits its escape from the 1,000 feet where it was discovered. The gas is said to be pure and will bore the well to the required depth and Chicago will have veritable natural gas. All day long groups of visitors have gathered about the well, and the well is in the office of the hotel and watched the sputtering flame of the pipe. Mr. Leland and Ernest Wood, owner of the hotel, have experts from the gas regions here in a few days and will have opinions as to the nature of the gas and the best way to tap upon it. Personally I am sure that it is natural gas. We may have to sink the well and blow it up, or perhaps we can put in a shot and blow it up. The artesian well, however, is a geological find, who has tested the gas at Chicago, says it undoubtedly comes from the decomposition of vegetable matter, of which there must be a vast deposit somewhere in order to keep up the supply. He says it is not a gas fit for heating purposes, but that the hotel, however, is different and doubtless comes through a fissure in the rock, which permits its escape from the 1,000 feet where it was discovered. 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