GOT IT THROUGH THE SENATE.

Blair's Educational Bill Passed After a Spirited Debate.

NO MORE TROUBLE WITH CANADA.

The Fisheries Commissioners Prepare a Treaty As a Result of Their Two Weeks' Session—Its General Terms.

Senate.

WASHINGTON, Feb. 15.—In the senate this morning Mr. Hale secured the floor to speak against the education bill. Mr. Hale based his argument mainly upon expressions of opinion by prominent educators that the bill would not accomplish the objects aimed at. At the close of Mr. Hale's speech Mr. Morgan read a paper on the constitutional objections to the bill. Mr. Salisbury then spoke in opposition, after which Mr. Blair took the floor, closing the debate on the bill. He spoke at length in advocacy of the measure, charging that the opposition of the Jesuits was responsible for the defeat of the bill in the last house, and the reason of the opposition of many newspapers and public men was that there was on the staff of every great newspaper of the country a Jesuit whose business it was to see that a blow was struck, whenever there was an opportunity to strike it, at the common school system of the country. The liquor interest was also arrayed against it.

An amendment by Mr. Plumb, providing that the money should be annually divided among the states and territories in proportion to the population between the ages of ten and twenty-one, was rejected, as were also two minor amendments by Mr. Berry. The bill then passed—yeas, 39; nays, 29—as follows: Yeas—Allison, Berry, Blair, Bowen, Brown, Call, Cameron, Candler, Colquitt, Cullom, Daniels, Dawes, Dolph, Eustis, Evarts, George, Hampton, Hearst, Hoar, Jones of Arkansas, Manderson, Mitchell, Morrill, Palmer, Pasco, Payne, Platte, Pugh, Quay, Ransom, Riddleberger, Sawyer, Stanford, Stewart, Stockbridge, Teller, Vance, Waltham, Wilson of Iowa. Nays—Aldrich, Bate, Beck, Blackburn, Blodgett, Butler, Coke, Davis, Farwell, Faulkner, Frye, Gray, Hale, Harris, Hawley, Hiscock, Ingalls, Jones of Nevada, Kenna, Morgan, Plumb, Reagan, Sabin, Saulsbury, Spooner, Turpie, Vest, Voorhees, Wilson of Maryland—29. Pairs—Cockrell and Edmunds, Gorman and Sherman.

Mr. Berry, by way of personal explanation, said but for the instructions of the legislature, he would have voted against the bill.

The house bill for the appointment of eleven division superintendents of the railway mail service was taken from the calendar, amended by making the number "two in addition to those before authorized" and passed.

Adjourned.

House.

WASHINGTON, Feb. 15.—In the house to-day Mr. Perkins, from the committee on Indian affairs, reported the bill granting a right of way through the Indian territory to the Arkansas & Pacific railroad. Calendar.

Mr. Robertson, from the committee on military affairs, reported the bill for the payment of $100 to soldiers who enlisted under the act of July 22, 1861, and who were discharged by reason of a surgeon's certificate of disability or by promotion before the expiration of two years and who have not received $100 bounty. Committee of the whole.

On motion of Mr. Dorsey of Nebraska, the bill was passed providing that Nebraska shall constitute an entire judicial district to be known as the district of Nebraska.

Mr. Randall of Pennsylvania, from the committee on appropriations, reported the resolution for the appointment of a special committee to investigate and report what contracts have been made for the construction of the new library building and the amount expended thereunder, the cause of the delay in the progress of the work and what persons have been employed and paid from the appropriations for the purchase and construction of the building. Adopted.

The house then went into committee of the whole with Mr. Blount of Georgia in the chair, on the urgent deficiency bill. After considerable desultory talk between Mr. Burns of Missouri, Mr. Rogers of Arkansas and Mr. Randall regarding trivial prosecutions under the internal revenue law, Mr. Burns said the committee on appropriations was in receipt of estimates of appropriations for the completion of public buildings in various parts of the country. The estimates in every case exceeded the limit fixed by law and he offers an amendment fixing the appropriations for the completion of a number of buildings. Among them was one for Keokuk, Ia. Committee then rose and the house adjourned.

A Treaty Formulated.

WASHINGTON, Feb. 15.—After daily sessions for the last two weeks, the fisheries commissioners at 7 o'clock to-night completed their labors and signed a treaty, which, it is believed, will result in the satisfactory settlement of the disputes that have existed for almost a century between this government and Great Britain over the north Atlantic fisheries. The treaty is signed by all six of the commissioners and is said to have their full concurrence. Before the treaty can take effect it must have the ratification of the queen of Great Britain, the Dominion of Canada and the province of New Foundland, as well as the senate of the United States. Although the treaty will not be made public, it can be stated that it relates exclusively to disputes concerning the fisheries of the north Atlantic coast and does not include any provisions concerning the Behring sea trouble or commercial reciprocity. The treaty, it may also be added, does not contemplate the admission of fish into the United States free of duty. Secretary Bayard said to-night he could not, because of his official position, make known the contents of the treaty but it was his earnest wish that it should be given to the press by those having the right to make such disposition of it and that every line of it should be published. The dispute, he said, had been one of long standing and had come to him by inheritance when he assumed the duties of secretary of state. He had used his best endeavors to reach a satisfactory agreement with Great Britain and believed he had succeeded so far as it lay in his power to effect a settlement.

Nebraska and Iowa Pensions.

WASHINGTON, Feb. 15.—[Special Telegram to the BEE.]—Pensions were granted to Nebraskans to-day as follows: Original invalid—Hartsel Martin, Wilsonville; William Edgerton, Delta. Increase—John W. Benedict, Plum Creek; Charles F. Shepard, Ravenna. Original, widows, etc—Elen R., widow of Charles E. Stearn, Arapahoe, (one ends March 24, 1887); Nancy E., widow of William Leighton, Salem. Mexican survivors—Jacob Miller, Fort Calhoun.

Pensions for Iowans: Original, invalid—Lewis Godfrey, Creston; Sidney F. Baker, Waverly; William Nance, State Center; George W. Carroll, Iron Hills; Robert H. Whitemack, Marshalltown. Increase—Daniel Lambard, Osage; John A. Rowan, Muscatine; George W. Soper, Walker; William Amburn, Mount Auburn; Adam Hoover, Quasqueton; James Burdett, Reno; Charles Alexander, Missouri Valley; George Wolf, Strawberry Point; Willard M. Isham, Des Moines; Russell H. Barick, Sioux City; Andrew M. Kirahan, College Springs; Elnathan J. Treiker, Desota; Robert McKintick, Kellogg. Reissue and increase—Christian H. Kurtz, Marion. Original, widows, etc—Catharine, widow of Aaron W. Day, Sabula. Mexican survivors—Samuel D. Thomson, Marion. Mexican widows—Sarah H., widow of David VanGundy, Clarksville.

Senate Confirmations.

WASHINGTON, Feb. 15.—The senate confirmed the following presidential appointments to-day: Marshal C. Donald, commissioner of fish and fisheries. Postmasters: Iowa—L. T. Alexander, Monticello; H. Burke, What Cheer; S. Gridley, Malvern; H. Hoagland, Emmettsburgh; H. Kisner, Mason City; T. C. Medary, Waukon; N. S. Noble, Anamosa; W. C. Sigwart, Maquoketa; H. Slikkenveen, Orange City; J. B. Stutsman, Harlan; J. S. Lake, Marion.

Nebraska—C. B. Durland, Norfolk; C. C. Ellis, Sterling; C. J. Harrison, Wahoo; W. J. Keller, Sutton; L. Myers, Grand Island; O. H. Scott, Hebron; Bertha Kleven, Culbertson; H. F. Wiley, Kearney.

Wisconsin—M. E. Lennon, Hurley.

National Capital Notes.

WASHINGTON, Feb. 15.—The house committee on agriculture to-day decided to report favorably the Hatch bill to create a new executive department to be known as the department of agriculture. The portions relating to the labor bureau in the proposed new department are omitted at the request of the labor committee.

CORBIN TESTIFIES.

The Reading President's Version of the Great Strike.

PHILADELPHIA, Feb. 15.—The congressional committee investigating the Reading strike to-day examined Austin Corbin. Mr. Corbin admitted that the Reading road was engaged in inter-state commerce and that the Reading railroad company owned all the stock of the Reading Coal and Iron company. He gave a history of the present strike and explained that the company was bound, as a common carrier, to accept and move the freight offered, and could not keep men in its employ who refused to move such freight. Corbin read a long statement regarding the nature of mining operations to prove that coal was really a manufactured product and the expenses attending its production very much increased of late years. He quoted figures to show that the Reading Coal and Iron company had received since 1881, on an average, but 23 cents a ton for its coal. In answer to the question, was there not an agreement with them that the men should be discharged unless the matter was submitted to arbitration, Corbin believed there was some such agreement, but it was never intended to cover such a case as the refusal of men to handle goods merely because the maker of the goods was objectionable to the Knights of Labor. Corbin did not believe the statement that Superintendent Sweigard had agreed to take the men back and submit the question to arbitration. There never was any intention to arbitrate this matter on his part.

Proceeding to the question of the miner's strike, Corbin said they had no reason or disposition to complain, and would not have struck but for the pressure brought upon them by the Philadelphia Knights of Labor. He denied that there had been any private agreement with the miners which was not in their written contract, to the effect that if the Lehigh strike went on the 8 per cent advance would be paid. The company had refused to pay this advance after January 1 and the miners had refused to work. Corbin added: "We are and have been willing to take up the question of readjustment of wages if the men will return to work, but will not treat with them while they are striking. We will make the basis as high as any other company, but we can't make it higher and compete with them. And another thing, we can fill the places of the striking miners in ten days if the new men can be protected. Up in the mining districts big men with clubs and pistols are violently keeping not only other men but boys who desire to earn a living and keep from starving, away from the mines and breakers. We don't care whether the men belong to labor organizations or not. We will put to work all men who apply at our collieries and ask no questions, but if there is no more coal mined from the Schuylkill region until we are compelled to mine it by discharging men who have come to us in our trouble and stood by us, to make way for strikers, no more shall be mined while I have any influence to prevent it."

The witness pronounced the stories of the combination of coal companies all over the country to keep up prices pure romance. In reply to a question regarding the assertion that the railroad companies have made money at the expense of the consumer and of the miner and laborer, Corbin said:

"The best answer I can make to that is that the Reading railroad company, with a paid capital of $40,000,000, has been twice a bankrupt in twelve years."

"Why do you keep on mining coal if you have lost $12,000,000 since 1878?" was asked.

"I hardly know, myself, but think we can ultimately make money out of our coal lands."

"Don't you think it bad policy for your company to be in the mining business?"

"Yes, sir, and I wish somebody would buy out the coal lands. We would be better off—but who will do it? We have them and must do the best we can with them."

FATAL SALOON ROW.

George Hubbard Stabs Pat Cavanagh at St. Joseph.

ST. JOSEPH, MO., Feb. 15.—[Special Telegram to the BEE.]—At a late hour last night George Hubbard, proprietor of a saloon on Fredrick avenue, fatally stabbed Pat Cavanaugh in the latter's saloon on Fourth street. The quarrel grew out of an altercation between James Cavannaugh, a brother of Pat's, and Hubbard at a masquerade ball a few weeks ago at the city hall. When the stabbing occurred a policeman had arrested both parties. Hubbard jerked away from the policeman and made a lunge at Cavannaugh, cutting a gash in his left side just below the heart, three inches long. It was at first thought that the wounded man would recover, but he took a sudden relapse at noon to-day and physicians have despaired of his life. Hubbard, in attempting to cut Cavannaugh, cut through the front rim of the policeman's helmet, barely missing his eyes.

Kansas City Outlawry.

KANSAS CITY, MO., Feb. 15.—[Special Telegram to the BEE.]—Last night on Lydia avenue three footpads held up Fred Linton, clerk to the secretary of the board of trade, and J. McGarnett, clerk for Bullene, Moore & Emery, as they were returning from a residence where they expected to rent lodging. Pistols in the hands of the footpads halted both and secured $68.50 from the latter and $47 from the former. Their watches were not taken, but looked at and returned with the remark, "Not good enough." Information of this was at once telephoned to the police station, but Chief Speers to-day says that he was not told of it this morning.

Kansas City Thugs Held.

KANSAS CITY, MO., Feb. 15.—[Special Telegram to the BEE.]—Charles Ward and Charles Williams, who are in jail and known to be accomplices of Jack Kuth, the notorious outlaw who terrorized this city in December last, have been held in $1,000 each to the criminal court. They were fully recognized by Julius Orloff, whom they held up and shot at and robbed. Orloff picked those two out of a room full of strangers.

Smallpox in Missouri.

STEELVILLE, MO., Feb. 15.—[Special Telegram to the BEE.]—Much excitement has existed here, owing to a peculiar disease, which has been raging on the northern line of Schuyler county. A close examination proves it to be a mild type of smallpox, with thirty cases reported and more townships to hear from.

Voted For Local Option.

LAMAR, MO., Feb. 15.—[Special Telegram to the BEE.]—Returns are in showing that the election yesterday on Woods' local option from points in the county outside of this place is favorable to the law by 375 majority. Lamar voted separately on the 13th and went dry.

One County Seat War Settled.

ST. LOUIS, Feb. 15.—A special says the Rush county, Kansas, county seat war, which has been waged for nearly nine years, was decided by the supreme court this morning and that the officers of the court issued a writ commanding the county officers to move their books and offices to Rush Center.

The Red River Road.

WINNIPEG, Feb. 15.—Premier Greenway, in a speech at Portage La Prairie last night, declared that financial arrangements were already made whereby the Red River railroad will reach that point, sixty-five miles west of here, by October.

HE KILLED THE WRONG MAN.

A Negro Goes Gunning and Kills an Innocent Bystander.

TRAGEDY IN A BIG POOL ROOM.

William Ferguson Sets Out to Slay Joe Howard, But Instead Sends Olie Olson to an Untimely Grave.

Fatal Ending of a Feud.

"Come, Olie, let's go and get a car or we'll have to walk to the fort," spoke Charles Heller, a musician attached to the band located at Fort Omaha, as he took his friend, Olie Olson, a milkman who lived at Florence, by the arm and attempted to move him from the beer and pool hall of Montgomery & Adams, better known as "Barney Maginnis' place," at the corner of Dodge and Fourteenth streets. This occurred a few minutes before 10 o'clock last night, and fifteen minutes later Olie, who had stubbornly resented the good advice given him by his soldier friend Heller, lay dead, stretched out on an improvised bier of beer tables, disclosing to the gaze of the horrified and bilious spectators a gaping wound, from which the blood trickled down his bared chest, at a point a little below the "Adam's apple" in his neck, made by a bullet intended for another by a cold-blooded and deliberate assassin.

SCENE OF THE SHOOTING.

Montgomery & Adams' place is frequented chiefly by working classes and large and commodious glasses of beer are sold over the counter, which is in the form of a horse shoe, and is nightly surrounded by large crowds of thirsty customers that necessitates the time and attention of five bartenders to supply. Though colored attendants are tolerated in the house, negroes are not permitted to mingle with the whites at the pool tables. This is an established imperative rule between the proprietors and their patrons, and when a man of color shows a disposition to indulge in the sport he is promptly checked. It was an enforcement of this rule that led to last night's tragedy and an innocent man sent to his long home.

CAUSE OF THE TROUBLE.

Among the colored attaches of the place is a man by the name of George Holmes, and his duties are to look after the pool tables, which are several in number and are located lengthwise in the north and south ends of the building, which are connected by large arches. Last night George complained of illness and went to his home, and by permission of the proprietors substituted his brother Joe, a young man about twenty years of age, of muscular build and in every way physically constructed to look out for himself. About half past 9 o'clock, when the place was crowded with beer drinkers and pool players and jollity was at its heighth, a quarrelsome negro by the name of William Ferguson, who is employed as a sort of roustabout at the Turkish and Russian bath, stepped in and announced his intentions of playing pool. Joe at once recognized in Ferguson an enemy of previous encounters, and though somewhat afraid of him determined to carry out the prescribed rules of the establishment at any cost, and told him that he could not play. Ferguson questioned Joe's authority, and from high words they came to blows. The two darkies indulged in a setto that set the whole house in a dilirium of excitement, and for a few moments pool playing and beer selling was suspended to see, as the crowd expressed it, "the scrap." Joe proved the best man of the two, and Ferguson, upon being ejected from the house, delivered himself of terrible oaths of vengeance, to which little attention was paid by the proprietors or habitues, who returned to their pool playing and the quaffing of lager. It was at this point of the disturbance that Musician Heller pleaded to Olson, the victim, to go home, but the latter said that he had to see a friend in the south end of the saloon and started in that direction while Heller stood at the north end of the bar, and engaged in conversation with friends in reference to the respective pugilistic qualities of the two warring negroes.

THE FATAL SHOT.

Ten minutes after Ferguson's ejection from the premises, and when scores of players were manipulating the ivory balls, the devotees of cards were enjoying "high five" and the proprietors and beer slingers about the place were busy with customers, the back door to the Dodge street entrance to the place quietly opened and Ferguson sneaked stealthily in. Unnoticed he walked several feet to the front of the first arch dividing the south and north sides of the saloon. Holmes at the time was standing on the verge of the arch talking over the previous fray with Olson, and suddenly looking up he saw Ferguson advance and raise a rifle to his shoulder. As quick as a flash Holmes jumped back, none too soon to escape the charge from the rifle in the intended assassin's hands. The report from the weapon startled and threw the assembled throng into a fever of excitement, and before they could recover from the momentary shock Ferguson turned and went out through the door he entered.

THE MURDERER CAPTURED.

The proprietors, Messrs. Montgomery & Adams, who were both behind the bar, ran out the front door onto Fourteenth street, and in the darkness saw the fleeing form of Ferguson proceeding up Dodge street. They gave chase, all the time calling "police" at the top of their voices. Their alarms attracted the attention of Officers Hagey and White and a BEE reporter who happened in the neighborhood at the time, and the latter trio, with Montgomery and Adams, ascended the stairs leading to the first floor over the bath rooms, into which Ferguson had been seen to run. After groping about in the dark the invaders finally succeeded in gaining an entrance to a room, which was dark and contained among other things a bed. Light from a match disclosed the presence of a rifle lying on the bed, and guided to a corner of the room, back of the bed by labored breathing the officers succeeded in finding Ferguson, who was crouched down in a corner. He at once began defending himself for doing the shooting by saying that he had been badly misused by Holmes, and pleadingly asked, "Could you blame me?" No sympathy was expressed for him, and upon being asked what he did the shooting with Ferguson replied, "With a pistol, and I threw it away in the street." He was taken to the central station.

AFTER THE SHOOTING.

While the chase after and capture of Ferguson was being carried out, a different scene was being enacted in the saloon. Olson suddenly staggered forward, endeavoring to speak, and fell prone on the floor. Ready and willing hands assisted him to his feet. He could not articulate, but pointed to his breast, where a large hole was discovered in his chest. He was laid out on the beer tables, when it was discovered that the wound was caused by a bullet, which in its course had passed through his body, penetrating clear through the wall and into the Philadelphia chop house, where it narrowly escaped imbedding itself in the head of C. Rassman, a cook, who was sitting reading. The bullet was afterwards picked up in the restaurant and turned over to the police. It is a 44-calibre and exactly fits the rifle found in Ferguson's bed. Moreover an exploded shell capable of holding a 44-calibre bullet was found in the rifle, and two bullets of a like calibre were found secreted in Ferguson's pockets when he was searched at the central station. These are in themselves undisputable evidences that the killing was done with the rifle, and not with a pistol as the prisoner insists.

OLSON'S DEATH.

At fifteen minutes after 10 o'clock Olson drew a long breath, his limbs became rigid and he was pronounced dead by the physicians. At this point Chief of Police Seavey, with a detail of police arrived and ordered the place closed. The hundreds who had been summoned to the saloon by the story of the shooting, were turned into the street and loitered about discussing the tragedy. Shortly after 11 o'clock Corner Drexel removed the body to the morgue.

WHAT FERGUSON SAYS.

About an hour after the occurrence of the terrible tragedy Ferguson was visited at his cell by a BEE representative. His face was swollen and disfigured and covered with blood. He was very badly intoxicated. He seemed very anxious to talk and the first question he asked the reporter was:

"Who is the fellow I shot?"

After being told who his victim was Ferguson told the following story of how the affair occurred:

"I was reaching over the billiard table with a cue when Holmes told me I couldn't play, and Ed Thomas came and took the cue away from me. Before I could do anything Joe commenced to pound me with his fists and kick me all around the room. You can see how he smashed my face. I didn't say anything at all when he was beating me. He was mad at me because I wouldn't let him have some money a little while back, and had threatened to get even with me some time. I have given him money when he was hungry, and this is the way he has paid me back. He is an older fellow than I am and weighs a great deal more than I do. I am only fifteen years old and weigh only 130 pounds. I don't believe in fighting and will run away from a fellow before I will fight. Joe kicked me all over the room and I didn't like it. I went out to my room and got my revolver. It was a 38-calibre gun, with a long barrel. I came into the saloon, and when I saw Joe I pulled out the revolver, and without aiming shot it off. I did not shoot high, as I intended to shoot him in the legs and get even with him. I saw I did not shoot him the first time and raised my revolver to shoot again, when I saw the crowd run up to this fellow that was shot. I was scared then and ran up to my room."

"You say the weapon was a thirty-eight calibre revolver, but how is it that the bullet that killed Olson is a forty-four calibre rifle ball?"

"Oh, yes, the revolver was a forty-four. I bought it at a Tenth street pawn-shop with the first money I ever got."

"But the time you were captured a rifle was found on your bed."

"I didn't use that at all. I used a revolver and after I got into the street I threw it away."

A MASONIC GATHERING.

Public Installation of Sir John Gorst as Worshipful Master.

[Copyright 1888 by James Gordon Bennett.]

LONDON, Feb. 15.—[New York Herald Cable—Special to the BEE.]—American Free Masons will doubtless be interested to hear of a memorable occasion in the annals of the Masonic brotherhood. Every American Mason visiting London is apt to make acquaintance with the celebrated Free Mason tavern off Drury lane opposite Nevelly theater. There 300 members of the craft, all very "accepted," dined last evening after an interesting gathering in Drury lane lodge. The occasion at the latter was the installation, as its worshipful master of Sir John Elden Gorst, Q. C. M. P., under secretary of state for India. J. C. Parkinson, who was recently a guest of the American fraternity and past grand deacon of England, conducted the ceremony. At this and the dinner were present: The lord chancellor, ex-Lord Chancellor Hereschell, Lord Alcesser, the hero of Alexandria, and such men—all known to New Yorkers—as Lord Alfred Paget, Sir Oscar Clayton, M. P., Shadwell Clark, grand secretary of Free Masons, Admiral Corporal Sir Somervine, Sir J. H. Puleston, Sir John Monckton, Sir William Hardman, Editor Russell, of the Morning Post, Bull Run A.M. Bradley, of Araba Pasha fame, and the writer of "The Celebrities" in Yates' World, together with dukes, lords, artists and actors of all political shades. Banners were presented to the callers. Past Master Augustus Harris received his official jewel, Deacon Parkinson returned thanks for a magnificent watch he is henceforth to wear, while both lord chancellors grew humorous with after-dinner speeches. Lord Hereschell, as Augustus Harris remarked, glancing toward Messrs. Bancroft, Hare, Broughneville, Kemble, etc., who were at the table, acted as the astronomer surveying the "Star." When the Earl of Onslow toasted to the sister grand lodges, the responder was announced as Theodore Tilton, of America. Many Americans who were present nudged each other and all Britishers at first took the visitor to be the exile of the Isle of St. Louis-on-the-Sein, but it was a Theodore Tilton with a middle H in his name, P. D. G. M., of New York, who in the course of a clever speech referred to the sixty-seven grand lodges of the world. He did justice to the American one, but recognized the maternity of England. He was followed by Lord Hereschell, who spoke flatteringly of his recent intercourse with the New York dignitaries in masonry while recently visiting them. After the loving cup had passed the company separated, not a few going to see the transformation scene in the Drury Lane pantomine and some returning to the house of commons where other transformation scenes of an Irish character were then being presented.

TWO BREAKS FOR LIBERTY.

Jail Birds at Kansas City, Kan., Foiled in the Attempt.

KANSAS CITY, KAN., Feb. 15.—[Special Telegram to the BEE.]—When Sheriff Bowling went to the jail for dinner to-day the jailor told him that he thought something unusual was going on in the jail. The sheriff left his son Robert on watch, and, hurrying to the court house, returned with Deputy Worthington. The two officers then went into the cage and after ordering all the men into their cells locked them up and made an examination, which resulted in their finding a hole in the wall big enough for a man to crawl through. When discovered only one course of brick was between the culprits and freedom. The men who were engaged in the attempt were Plyman, the safe blower, Thomas Weldon, the murderer of Harrison Tutt, and Blaun, the man who burglarized D. G. Bliss' store in Argentine. Mr. Bowling promptly shackled these fellows and confined them in the cells reserved for desperate cases. One of them broke his shackles, however, liberated the rest and about 10:30 to night they made another and well-nigh successful attempt to escape. They were again shackled and this time securely.

Strike of Miners at Leavenworth.

LEAVENWORTH, KAN., Feb. 15.—[Special Telegram to the BEE.]—All the miners employed by the Leavenworth Coal company, between three hundred and four hundred men, struck this morning on account of the reduction from 5 to 4 cents a bushel, which was to go into effect to-day. The mine authorities have stopped all the machinery and say they will not attempt to get men from abroad, but will quietly await developments. The miners at the Riverside shaft, south of the city, sixty-five men all told, also struck to-day for the same reason. The only mine in operation now is the state shaft at the penitentiary, manned by convicts. The strikers are orderly and make no threats, simply declining to submit to the cut. The coal companies say they cannot afford at this time of the year to pay 5 cents. Meetings are being held among the miners and it is probable they may submit to a compromise.

May Lead to a Scandal.

TOPEKA, KAN., Feb. 15.—[Special Telegram to the BEE.]—Facts are accumulating that the dead body of the male infant found near the state house square wrapped in rags and odd-appearing paper will lead to a social thunderbolt. While no absolute certainty exists, yet developments point towards a person who will feel the blow most and shatter more than one society reflector.

Steamship Arrivals.

NEW YORK, Feb. 15.—[Special Telegram to the BEE.]—Arrived—The State of Nebraska, from Glasgow; the Italy, from Liverpool; the Nordland, from Antwerp.

SOUTHAMPTON, Feb. 15.—Arrived—The Pennland, from New York for Antwerp.

LIVERPOOL, Feb. 15.—Arrived—The Baltimore and Oregon, from Baltimore.

Children Cry for Pitcher's Castoria.

When Baby was sick, we gave her Castoria.
When she was a Child, she cried for Castoria.
When she became Miss, she clung to Castoria.
When she had Children, she gave them Castoria.

FROM THE MILLS OF JUSTICE.

Several Important Decisions Rendered By the Supreme Court.

THEY WANT THE LAWS ENFORCED.

The W. C. T. U. Determined That Certain Statutes Shall Not Be Dead Letters—Judge Cobb For Delegate—City Brevities.

[FROM THE BEE'S LINCOLN BUREAU.]

The supreme court yesterday handed down the following decisions:

Butler vs Kennard. Error from Lancaster county. Reversed. Opinion by Reese, Ch. J.

Where the price of property and terms of payment are fixed by the seller, and a broker engages to procure a purchaser at this price and upon these terms, if upon the procurement of the broker a purchaser is produced with whom the seller himself negotiates and effects a sale, the broker is entitled to his commission. See Potvin vs Curran, 13 Neb., 302.

Stubendorf vs Hoffman. Appeal from Burt county. Reversed. Opinion by Reese, Ch. J.

Plaintiff's action was in the nature of a creditor's bill, alleging the recovery of his judgment, that it was unsatisfied, and that the real estate ought to be levied upon was purchased by the judgment debtor, defendant, but that he procured the title to be conveyed to his brother for the purpose of defrauding his creditors. Defendant answered, admitting that the title was held by his brother, who was in fact the owner of the property, but alleging that he was the head of a family, and that he had occupied the premises as a homestead since long prior to the recovery of the judgment by plaintiff, and asking that in case the property should be held by the court as belonging to him, that his homestead rights be protected, the property not being capable of fraudulent alienation or subject to execution. Upon motion of plaintiff he was compelled to elect upon which defense he would stand. Held, error, the defense not being inconsistent.

Vose vs Miller. Error from Cedar county. Reversed. Opinion by Cobb, J.

During the progress of the trial of the case in the district court, while the court had adjourned for dinner, the defendant took two certain members of the jury in said cause who were engaged in trying the same into a public liquor saloon and treated them to intoxicating liquors, which was then and there drank by said jurors. Held, that the verdict be set aside and a new trial granted.

U. P. Ry. Co. vs. Blum. Error from Douglas county. Affirmed. Opinion by Maxwell, J.

In the action against a railway company to recover damages for the loss of a cow killed by its engine, the defense was that the cow was killed on the public road, and without willingness on the part of the company. The engineer testified that the engine struck the cow on the crossing of a public road over the railway, and carried or threw her thirty or forty feet, but there were no marks on the ground indicating that the cow had been struck at that point. The distance from the road crossing to the cattle guard was forty-three feet, and from that point to a place where there were marks on the railway track tending to show that the cow had been struck, was forty-five feet, the cow being thrown from eight to twelve feet east and south of that point. Held, first, That the evidence failed to show that the cow was killed on the road crossing; second, That a clear preponderance of the evidence showed the railway fence to be in a defective and imperfect condition, and that the cow was killed within the right of way.

Gallagher vs. Connell, appeal from Douglas county. Reversed. Opinion by Maxwell, J.

1. The plea of "not guilty" in an action of forcible entry and detainer, requires the plaintiff to prove every fact necessary to entitle him to recover.

2. The building of a few rods of fence, the cultivation of a few brush or plowing of a few furrows of land, will not constitute such acts of possession as to enable a party to maintain forcible entry and detainer against a tenant who has been in possession for more than one year under a written lease from one who claimed adversely to the plaintiff.

3. While a justice of the peace cannot determine questions of title, yet he may receive deeds in connection with other evidence, in order to show the right of either party to the possession of the premises.

4. A lessee or sub-lessee cannot, by surrendering his possession to an adverse party, deprive his landlord of his right to the possession of the premises. Estabrook vs Hateroth, 22 Neb., 281; S. C. 34 N. W. Rep., 634.

Shortel vs Young. Appeal from Burt county. Reversed and cause dismissed at plaintiff's costs. Opinion by Maxwell, J.

1. Where a wife purchased a tract of land for the sum of $2,000 and made a payment thereon of $200, which was obtained from a married son, who testified that he raised the money from the sale of hogs and wheat from his own farm, the court will not infer fraud in the transaction from the fact that a year previous the husband and father had sold to the son certain personal property, including hogs, particularly where a creditor living in the same county treated such sale as valid by attacking it.

2. Held, that the testimony failed to show fraud in the transfer of the property from the father to the son.

3. A married woman may carry on business and make contracts in the same manner as if she were unmarried.

4. An insolvent debtor may emancipate his minor children and relinquish all claims to their earnings, and a creditor will have no claim to the proceeds of their labor.

State ex rel Richards vs Miller. Quo warranto. Application denied. Opinion by Cobb, J.

The relator was elected to the office of county treasurer at the annual election held November 3, 1885. At that date he had been a resident of the state for five months only, but was otherwise eligible. At the commencement of the term his residence in the state had been continuous for seven months. Held, that being ineligible to such election at the date thereof under a fair construction of section 1 article 7 of the constitution, and section 64, chapter 26, compiled statute, such ineligibility was not removed for the purposes of that election, by reason of six months' continuous residence previous to the commencement of the term.

State ex rel Grosshans vs Gray. Quo warranto. Judgment for relator. Opinion by Cobb, J.

1. In a city of the second class containing a population of less than five thousand, the common council consisted of four councilmen elected to said office. Upon the final passage of an ordinance to redistrict the city and increase the number of wards, upon the calling of the yeas and nays two answered and voted yea, and two failed to vote; whereupon the mayor voted yea and declared the vote passed. The proceedings held to be void.

2. Incumbents superseded by councilmen elected under or by virtue of such void proceedings, are entitled to be restored by due process of law; but the legal organization of the city, and the acts of the councilmen defacto within the purview of the statute, will be recognized and upheld.

YESTERDAY'S PROCEEDINGS.

State ex rel Nelson vs Harper. Leave to plead in two weeks; Cobbey vs Wright, decree modified; Reed vs Morson, continued; Wiggonhorn vs Kountz, submitted; City of Wahoo vs Dickinson, submitted. All other causes from Fourth judicial district not otherwise heretofore disposed of were placed at foot of the general docket. Court adjourned to Tuesday, February 21, 1888, at 8:30 o'clock a. m.

W. C. T. U. WORK.

The central committee of the Woman's Christian Temperance Union has been in session in this city. Among the ladies in attendance were Mrs. Woodard, of Seward; Mrs. Fitch, of Hastings; Mrs. Holms, of Tecumseh, and Mrs. Lantry, of Omaha. The union propose to take steps to enforce the following laws and 1,000 circulars defining them will be issued. The laws to be enforced are:

1. That providing for the instruction of the pupils of all schools receiving public money and under public control, as to the physiological effects of alcohol and narcotics.

2. Forbidding the sale or furnishing of tobacco to persons under the age of fifteen years.

3. Suppressing the sale and circulation of impure literature, also calling especial attention to the act providing for the establishment and government of the Nebraska industrial home and appropriation therefor as published in the annual report of the W. C. T. U., as well as the law giving guardianship of children to the mother equally with the father.

JUDGE COBB FOR DELEGATE.

At the coming encampment of the Grand Army of the Republic, Department of Nebraska, Farragut post, of this city, will present the name of Judge Amasa Cobb as a suitable old soldier for one of the delegates to the next national encampment. General Cobb would command attention as a representative of Nebraska old soldiers and in the councils of the Grand Army he would be a representative of influence. His home comrades will urge his candidacy before the encampment.

A PLEASANT VALENTINE.

Mr. R. W. Johnson, the popular clerk at the Capital hotel, and who is familiarly known as "Dick" to his long list of friends among the traveling men, received a very acceptable valentine on the 14th. During the evening of that patron saint's day his wife presented him with a bright little girl baby that commences life from the eight pound standard. Mr. Johnson's friends will be pleased to know that he is able to be about and the welcomes over the register will be more cordial than usual for many days.

CITY ITEMS.

The committee on the final location of the Christian university closed its meeting in this city yesterday morning. The committee as organized is as follows: President, J. Z. Briscoe; vice president, Alvin Saunders; secretary, Porter Hedges; treasurer, L. Van Dwyn. The board, in addition, comprises the following members: George S. Smith, S. D. Mercer, Omaha; W. P. Aylesworth, Fairfield; Thomas Wiles, Plattsmouth; J. B. Strode, C. C. Munson, J. B. Johnson, Lincoln; E. T. Gadd, Omaha. The committee accepted the location but some of them regretted that it was so far out in the country.

J. W. Craig, of Crete, was in the city yesterday distributing new maps of the city that, in the line of artistic work, exceed anything in value shown in the map line. The cuts of the college buildings and the views of the assembly grounds and Blue river scenery show that Nebraska is not without one romantic place in its borders.

The state organization of the Catholic Knights of America have closed their session in this city and elected the following officers for the year: J. B. Delsman, Columbus, president; John McBride, O'Neill, vice president; John H. Lindale, West Point, treasurer; George J. Paul, Omaha, secretary.

AMUSEMENTS.

"ONLY A WOMAN'S HEART" AT BOYD'S LAST NIGHT.

Helen Blythe, supported by a fairly good company, appeared at Boyd's last night in "Only a Woman's Heart." The piece embraces some interesting points and is a story of the ordinary melo-dramatic type. Miss Blythe is an actress who has won a certain degree of success in the west, and her impersonation of the dual character of Edith and Mrs. Gordon is not without its strong points. She is especially effective in scenes requiring emotion. Miss Blythe can count on a number of admirers in Omaha who witnessed her performance last night. The company is well balanced and gives an able support to the handsome star.

THE X ROADS IN MOURNING.

Death of D. R. Locke, the Nasby of Toledo.

TOLEDO, O., Feb. 15.—D. R. Locke, editor of the Blade, of this city, widely known as "Petroleum V. Nasby," died at 6:35 this morning of consumption. He was born at Vestal, Boone county, New York, September 20, 1833. In 1856 he founded the Bucyrus Journal, and afterward was successively connected with the Mansfield Herald and Findlay Jeffersonian. He was editing the latter paper when the war broke out, and in its columns appeared the first numbers of the renowned "Nasby" letters. The immense popularity of the "Nasby" letters led to a demand for Locke to enter the lecture field, and he appeared in all the principl cities of the north.

In 1865 he assumed charge of the Toledo Blade, first on a salary, afterward purchased an interest, and finally entire control. He leaves a wife and three sons. His father, a veteran of the war of 1812, survives him.

TELEGRAPH NOTES.

The king of Wurtemburg is seriously ill.

A terrible blizzard is reported raging in Dakota.

Warmer weather is predicted for Nebraska and Iowa.

John A. Dunshane & Co., wholesale paper dealers of Baltimore, have failed.

Teemer beat Hamm and McKan in a race rowed at Palatka, Fla., yesterday.

The Church & Graves Manufacturing company of Minneapolis has assigned.

The office of the Elmira (N. Y.) Advertiser was entirely destroyed by fire last night.

O'Brien and Dillon made their appearance in the commons yesterday and were warmly greeted.

Count Arco Valley has been appointed German minister at Washington to succeed Baron Von Alvensleben.

Barbed wire manufacturers are in session at St. Louis endeavoring to adjust the Washburne and Moen royalty claim.

The national handicap pigeon shooting contest at Long Branch was won by William Seigler, of Mt. Clare, N. J., killing forty-seven birds out of fifty.

Grand Chief Engineer Arthur and the grievance committee of the Chicago, Burlington & Quincy engineers are in conference with officials of the company in Chicago for the purpose of adjusting inequalities in pay, etc.

Senator John Sherman, in an interview at Pittsburg, said he considered Mr. Blaine meant every word said in his letter. As to himself, Sherman said he was not worrying about the nomination and don't care particularly if he don't receive it.

The Santa Fe's Intentions.

PUEBLO, COLO., Feb. 15.—[Special Telegram to the BEE.]—It is learned from reliable and definite sources that the Santa Fe road has concluded arrangements to enter Denver