THE OMAHA DAILY BEE.

NINETEENTH YEAR. OMAHA, MONDAY MORNING, DECEMBER 16, 1889. NUMBER 179.

BLOODY CRIME AT COVINGTON.

A Saloon Cook Stabs and Instantly Kills a Gambler.

COMMITTED IN SELF-DEFENSE.

The Murderer Knocked Down Twice by His Victim Without Provocation—Hastings' Magnificent New Catholic Academy.

Killed in Self-Defense.

DAKOTA CITY, Neb., Dec. 15.—[Special Telegram to THE BEE.]—A desperate affray, which ended in a murder, took place in Covington about 3 o'clock this morning. It took place in M. Tiernie's saloon, in which there is also a lunch counter. Jamey Toohey, one of the day cooks of the lunch counter, was standing around the saloon talking to a few of his friends when a gambler named Erwin came up and struck Toohey a savage blow on the ear that knocked him down, and as he got up he asked Erwin why he struck him. For a reply Erwin struck him again, knocking him down, and as Toohey got up he went to the kitchen, where he works, and got a long butcher knife. When he came back into the saloon he made a run for Erwin, striking him with the knife and killing him instantly. The knife entered the left side just over the heart, and passing through that organ the point of the knife pierced clear through the body, and the man falling to the floor the point of the knife stuck in the boards.

Toohey was taken by the officers and placed in the calaboose, but as the crowd got so large and there began to be considerable talk of lynching, the prisoner was brought down here and placed in the county jail.

He does not deny the killing, but says it was done in self-defense.

Erwin was not known to be a quarrelsome man and had been in the place some time. Toohey has only been in the place about three weeks and is a very quiet fellow. He has a brother in Grand Island, Neb., who is in the employ of the Union Pacific railroad. Erwin has a father and brother living in Sioux City, who took charge of the body this morning.

Hastings' New Catholic Academy.

HASTINGS, Neb., Dec. 15.—One of the most imposing and substantial structures erected in Hastings this season is the new Academy of the Sisters of Visitation, just completed at a cost of $85,000. The building is situated on an excellent elevation and commands a good view of the city. The ground dimensions of the building are 60x184, with stone basement ten feet high, constructed of Colorado granite, laid in random, Ashler style, probably the finest work of the kind in the state. There are three stories above the massive foundation, with a twenty-foot attic, that will in the future be supplied with dormer windows and utilized as still another story. These walls are constructed of handsome pressed brick. The basement is divided into large refectories or dining rooms, lunch rooms, store rooms and play rooms. On the first floor the main part of the building is divided into a commodious sanctuary, with chapel in center and wide corridors leading thereto from the wings on either side. A pleasant light is shed into this part of the building through art glass windows of beautiful designs. The east wing of the structure is called the monastery, and is especially set apart for the sisters in charge. The west wing is the academy for the accommodation of students, and the front parlors, assigned for the reception of visitors, are divided with a partition of wicker work through which communication may be had with members of this cloistered order.

The railing of the stairs leading to the next floor and the floor above are particularly noticeable for their handsome antique pattern and the genuine oak material used in their construction. The second floor is divided into two large study halls, well lighted, and six convenient class rooms. The third floor has three large dormitories and five music halls. It is supplied with all the modern improvements. Ample provision has been made to protect the building in case of fire and hose can be speedily attached to stand pipes in any part of the building. The grounds belonging to the academy consist of ten acres, the liberal donation of Townsman Thomas Farrell. The grounds will be laid out in beautiful form the coming season. One million and four hundred thousand brick were used in the construction of the building. The academy will accommodate 140 boarders, but many more students may be received for instruction. The first term of school in the academy will open on the first Monday in January, 1890, and the sisters have the assurance of a large attendance at the opening.

The Sisters of Visitation is an order founded in France centuries ago by St. Francis de Sales. It is a cloistered order, which forbids association with the world. Its principal object is the education of young ladies. The opposite sex are admitted only to the visitors' room. A monastery is also conducted for the complete seclusion of those who abandon the world and commit themselves entirely to religious acts and pious devotions. The society is recognized as the leading teaching order in the Catholic faith. As a rule its educational institutions are not reared outside of large cities, and it is a fine compliment paid Hastings that this academy has been founded in the city. About twenty-five sisters will be actively engaged in teaching here. All grades of the highest ordinary schools will be taught, besides music, art, painting and other accomplishments in addition to physical culture. Pupils are received without regard to religious training and their convictions are religiously respected.

Father English, Thomas E. Farrell, James Rooney and W. P. Moriarity, esteemed and highly respected members of the Catholic church here, are deserving of much praise for the active part they have taken in securing this institution for Hastings.

Judge Maxwell's Resignation.

FREMONT, Neb., Dec. 15.—[Special to THE BEE.]—A representative of THE BEE interviewed Judge Maxwell yesterday and asked him what there was in the report that he is about to resign his position on the supreme bench to accept a position from some Omaha corporation to act in the capacity of advisory counsel. The judge, who is always very cautious in what he says, was not communicative on this subject. He said:

"I don't want to say anything about the matter. I have had a proposition under advisement for some time, but—"

"But you haven't made up your mind yet?"

"No, I haven't made up my mind yet one way or the other. But I don't want to talk. If I do I will be misunderstood and my action and motive misinterpreted."

Grand Island Prosperous.

GRAND ISLAND, Neb., Dec. 15.—[Special to THE BEE.]—The year 1889 marks a new era in the progress and enterprise of the city of Grand Island. Its progress the past year has been marked by the erection of numerous business blocks and the location of several factories, but the event in its history is the establishment here of the Oxnard Brothers' beet sugar and refining factory.

Unlike most factories located in the west, it does not have to go from home for its raw material or for its market.

Mr. H. T. Oxnard, the senior member of the firm, is a son of the great sugar manufacturer, and has spent his whole time in the study of sugar refining and the raising of the sugar beet, his investigations extending over France, Spain and Germany. Two years ago he imported into this country from Germany a quantity of the seed, and had it planted in every state in the union. After a careful analysis of the beets grown it was found that those raised in Nebraska contained a much larger per cent of sugar than the product of any other state. German scientists who have examined the soil of Nebraska claim that it is very similar to that in the vicinity of New Magdenburg, Germany, the center of the beet-growing district of Europe. The factory to be located here will be the largest in the United States, and a refinery in connection will prepare the product ready for the market. The buildings to be erected will be of stone and brick, laid in imported cement, and will be fire proof. The main building will be 300x100 feet and four stories high; lime house, 180x70; storehouse, 220x80; beet shed 300 by 160; engine and boiler house and several smaller buildings. The machinery will cost $250,000 and the whole plant will require an expenditure of nearly $1,000,000. It will have a capacity of 350 tons of beets per day, which will produce over fifty tons of refined sugar.

Three thousand acres will be planted to beets this year, and much more in 1891.

Over $200,000 will be paid the farmers for beets and 200 men will be employed about the factory. Work has already been commenced to assure its readiness to take care of next year's crop. One hundred and thirty-seven men and forty-eight teams are employed excavating and hauling brick.

Among the other features of interest is the erection of a large number of business blocks that would do credit to a city three times the size of Grand Island. The city has erected a hall at a cost of $35,000. The first story is of Colorado sandstone, the other three of pressed brick with stone and terra cotta trimmings. The Ancient Order of United Workmen building, 44x110, three stories, of brick and terra cotta, is one of the finest civic society buildings in the state.

A system of sewerage costing $50,000 has been put in by the city.

Many substantial improvements have been made at the soldiers and sailors home which is located at this point, and which makes it one of the finest institutions owned by the state.

Notes From Ogallala.

OGALLALA, Neb., Dec. 15.—[Special to THE BEE.]—District court convened on Monday and will continue till the fore part of next week. Judge Church is presiding and has already disposed of quite a number of cases. Judge Hamor will return next Monday, and between the two judges the docket will be about cleared. In the case of Thomas Fenlon vs John C. Palmer, the jury was out six or eight hours and a verdict was returned for the plaintiff for $550. The case will be taken to the supreme court. There are no criminal cases on the docket, and most of the other ones are of little importance.

Our board of trade is in correspondence with Illinois parties who desire to erect a woolen mill here. If sufficient bonus can be raised the parties guarantee to put quite a large number of men at work.

The canal is nearing completion, and as soon as cold weather is over water will be flowing freely.

Syracuse Improvements.

SYRACUSE, Neb., Dec. 15.—[Special to THE BEE.]—The new brick school building is almost inclosed. The board has spared no pains to make it first class.

Page & Weller, a leading mercantile firm, have recently completed one of the best and finest store rooms in southeastern Nebraska, so as to better accommodate their immense trade.

The M. E. people are enlarging and otherwise improving their church, and when completed will be among the nicest in Otoe county. They expect to have an opening December 22, Rev. G. A. Smith, P. E., of Nebraska City preaching the dedicatory sermon.

Just recently T. W. Harvey, a millionaire of Chicago, and well known in commercial circles as the T. W. Harvey Lumber company, built and presented to the M. E. society a $2,500 church on his large stock farm. The Congregational people expect soon to build a $1,200 parsonage, the lot having already been secured.

Odd Fellows Elect Officers.

LOUP CITY, Neb., Dec. 15.—[Special to THE BEE.]—The following have been elected officers of Excelsior lodge No. 166, Independent Order of Oddfellows, for the ensuing term: F. H. Dry, N. G.; O. R. Stedman, V. G.; G. H. Gibson, secretary. This lodge has been working under many disadvantages since it was instituted last March, but is rapidly coming to the front and is now in a prosperous condition, with bright prospects for the future.

Secured a Good Overcoat.

NEBRASKA CITY, Neb., Dec. 15.—[Special Telegram to THE BEE.]—A stranger played a good trick on George Gauz, the saloon-keeper last night. He entered Gauz's place and spoke familiarly to the bartender, and mentioned several prominent men as his friends and then said if the bartender would "please hand me my overcoat and I'll go." The bartender complied by handing over Mr. Gauz's new $50 overcoat and the man disappeared, the last seen of him being when he boarded a freight train for Omaha, and wearing the garment.

Funeral of George Clother.

COLUMBUS, Neb., Dec. 15.—[Special Telegram to THE BEE.]—The funeral of George Clother took place today in the opera house, Rev. Griswold of the Presbyterian church officiating. A band of Omaha Indians hunting and trapping in this locality, personal friends of the deceased, attended the funeral. Many friends and old settlers from the surrounding town were present. The funeral was one of the largest seen in Platte county. The fire department took entire charge of the funeral.

Elmwood's New Bank.

ELMWOOD, Neb., Dec. 15.—[Special to THE BEE.]—The proprietors of the State Bank of Elmwood moved into their new brick building today. The building is 25x60 feet in size and will cost when completed about $4,000. The brick of which it is made were pressed and burned in Elmwood.

An Alleged Expose.

ST. LOUIS, Mo., Dec. 15.—The Post-Dispatch prints an expose of the alleged legislative corruption at Jefferson City, Mo. It claims that the live stock inspection bill introduced by the St. Louis butchers' union in the last legislature was defeated by the absolute purchase of state senators. The matter is detailed at great length and a bold charge made that the "dressed beef monopoly secured the defeat of the bill by spending more money than the butchers had and that they spent it on the senators who voted against the measure."

The bill was the one which provided that no beef should be sold in the state of Missouri unless it had been inspected on the hoof. It was a fight between the butchers and the dressed beef combine and the latter won. Three of the state senators whose names are mixed up in the affair were interviewed, but denied that there was any foundation for the boodle story.

A Duelling Journalist Sentenced.

PARIS, Dec. 15.—The Boulangist journalist Villas has been sentenced to two years imprisonment for killing Pierrotti, a brother editor, in a duel. The republican newspapers express themselves as amazed at the political animus shown in the sentence.

Armenians Take Revenge.

CONSTANTINOPLE, Dec. 15.—A party of Armenians near Mouch, in revenge for a murder, attacked and defeated a party of Kurds and Turkish troops who were assisting them. More Turkish troops have been sent to quell the disturbance.

CONTESTS IN THE HOUSE.

They Will Not Be Allowed to Drag Through the Session.

HE IS A DISBURSING OFFICER.

The Leedom Investigating Committee Will So Find—Omaha's Postoffice Building—Nebraska Land Titles Jeopardized.

WASHINGTON BUREAU THE OMAHA BEE,
513 FOURTEENTH STREET,
WASHINGTON, D. C., Dec. 15.

It is the purpose of the house to dispose of all its contested elections in January.

The Indiana case will be ready for the house by the second week in January and the seventeen other cases will rapidly follow. It has been customary during the past three congresses to delay reports on contests as long as possible, and some of them were not finally disposed of till the second session of the congress. This was done for the double purpose of allowing time to allay local interest and to permit sitting members to draw their salaries. The man who receives a certificate of election is sworn and takes his seat at the convening of a congress and he draws his salary of $5,000 a year till the contestant is declared entitled to the seat and takes the oath. The contestant then draws the salary from March 4, when the term began, so that there is a double salary paid as long as the contestant occupies the seat. It has frequently occurred during the past ten or fifteen years that members whose seats were contested and who were finally ousted were permitted to occupy their seats and draw salaries till within a week or two of the day when the term expired. It is the purpose of this house to not permit anything of that kind and the prospects are that within six weeks all contests will have been decided.

THE GOVERNMENT RESPONSIBLE.

At least four of the seven members of the special committee appointed to investigate Sergeant-at-Arms Leedom's accounts have agreed to report a bill declaring that the sergeant-at-arms is the disbursing officer of the government. This will hold the government responsible for the salaries of the members with which Cashier Silcott absconded.

AN INTERESTED SPECTATOR.

Interstate Commerce Commissioner Morrison will be a highly interested spectator upon the proceedings which will be had in the contested election from his old district in Illinois. It will be remembered that Morrison was defeated three years ago by John Baker and that it nearly broke the distinguished tariff reformer's heart. Morrison declared that it was not due to his record that he was defeated, but to the machinations of manufacturers and labor organizations, together with a good supply of "boodle." Morrison forgot that he had given for several years his attention to general topics to the neglect of his constituency, and that a member from New York or elsewhere represented his Illinois constituents as thoroughly as Morrison himself. He forgot that while other members from his state were looking specifically after their constituents he was running off after theories and striving to reform the tariff in a way that would break up his local industries and crush the farmers of his district. Morrison declared that the manufacturers had defeated him and the people would crush the man who had taken his seat in the house. John Baker had against him William Foreman, and according to the certificates issued to his opponent, Baker was defeated by twenty-six votes. Baker has entered a contest of Foreman's seat, alleging that there was fraud and corruption and that he received more votes, despite the use of money, than Foreman. Morrison will lend all the moral influence he can to keep Baker out of his seat.

OMAHA'S POSTOFFICE.

In an interview with Representative Connell Supervising Architect Windrim said yesterday that nothing could be done by the supervising architect toward the plans or construction of the Omaha postoffice building till after the title had passed into the hands of the government and official notice had been given to him. He said further that he believed Omaha was such a progressive city that nothing less than $1,500,000 for a building would suffice.

NEBRASKA TITLES IN JEOPARDY.

The sale of the Otoe and Missouri reservation in southern Nebraska is again brought into prominence by several contest cases which are now making their way through the interior department, and whose determination will effect the validity of the titles of many of the prosperous farmers of southern Gage county who have purchased land on that reservation. Under the two acts of congress permitting the sale of the reservation, it was provided that the land should be disposed of to actual settlers, or to those who would perfect settlement within ninety days from the date of the opening. No prospective settler was permitted to go in upon the lands until he was ready to make settlement and pay for them at the general land office. The object and purpose of this act was to prevent corporations or wealthy individuals from securing large blocks of land. When the bill was first under discussion there seemed to be a determined effort on the part of some interests to prevent its passage with a requirement that only actual settlers should be allowed to become purchasers, and that no more than sixty acres should in any instance be sold to any individual. The passage of the act with these rigid provisions secured the object which it was sought to subserve. The reservation is now almost as well settled as any equal area of land in southern Nebraska, and is dotted over with prosperous farms, generous corn fields and broad pastures. But now that the land has become valuable some adventurers have been feeling around and are attempting through minor technicalities as to the character of the settlements to make the rulings of the general land office upon laws entirely different in their nature applicable to the cases by instituting contests against actual settlers to invalidate and overturn titles on the reservation. The lands themselves were sold, not under the pre-emption act, but under a special law requiring cash payments and settlement at the outset, in this particular differing materially from laws which called for settlement as part purchase consideration of the lands themselves, and specifically required a certain amount of improvements and a specified character of dwelling to fulfill the requirements of those laws.

Two or three cases have already been sent up to the general land office by contestants for farms on the Otoe and Missouri reservations. These cases were in each instance decided against the contestant at the local land office, but those decisions were reversed by the late administration of the general land office on purely technical points. Senator Paddock during the past week has been interesting himself in the matter with a view to securing justice when the appeals from the land office are taken up by the secretary of the interior. After a thorough examination of the papers he went yesterday to the assistant attorney general for the interior department and presented the cases in person to him. The senator argued that it was not the intention of congress contemplated by either the spirit or the letter of the law that technical rulings under the general land laws should apply fully to these settlements. He insisted that it was the intention of the law to sell the land in such a manner as to prevent speculation and induce cultivation and not to force upon such settlers strained applications of rulings under the homestead or pre-emption act. The secretary of the interior indicated his agreement with the senator upon a number of the points made and seemed inclined to take his view of the subject.

Senator Paddock has arranged to be heard in detail upon the cases when they are taken up by the secretary of the interior. The tracts in controversy are among the very best improved farms in southern Nebraska. The senator believes that it is not the policy of the land office to permit such assaults against titles covering hundreds of farms and tons unsettling the same years after they had passed into the hands of hardworking farmers in a thickly settled part of the west. The past decisions of the department are in support of this view.

AN AVALANCHE OF BILLS.

An effort will be made in the house to give an opportunity for the introduction of bills tomorrow. A perfect avalanche is expected when the call comes. During the last congress there were about fourteen thousand bills and resolutions introduced in the house alone, or an average of nearly forty-five to each member. According to the standard fixed by the senate during the past two weeks the house will very largely increase the number of measures introduced during this season over the one which began two years ago. Nearly all of the old measures which were not finally passed by both houses will be reintroduced and thousands of new ones are expected. It will not be a surprise if an average of fifty bills and resolutions to each member are introduced in the house, or a total of over sixteen thousand during both sessions of the Fifty-first congress. About 3 per cent will become laws. Two or three thousand bills are expected on the first call of the house.

OPENING OF LINCOLN HALL.

Since Chief Justice Fuller's oration in the hall of the house of representatives on last Wednesday he has been in demand by many societies desiring orations. He has consented to deliver the dedicatory address at the opening of Lincoln hall on next Friday. Lincoln hall was built upon the site of the well known play house and music hall of the same name, at the corner of D and Ninth streets, which burned about three years ago. It has the largest auditorium in the city. The old Lincoln hall had a capacity on the audience floor of 2,000 seats. There will be a large number of prominent people present at the opening, among them the vice president and Secretary Blaine, and a forecast will be given of the high standard of music which Mrs. Thurber intends to give her countrymen and countrywomen in the national conservatory of music.

NO TARIFF AGREEMENT YET.

No general understanding has yet been arrived at between the two houses on the tariff question or on the preparation of a tariff bill. The senate will simply await the action of the house, but it has been customary where the two houses were within the control of the same party to have a conference between the leading members of the house committee on ways and means and the senate committee on finance, and agree upon a programme. Senator Allison and Major McKinley say this may be done in January when the work of preparing a tariff bill has begun. There is not very much said about the tariff in either house of congress. A new set of rules will have to be adopted first and then the contested elections disposed of. Senator Allison expects to see a tariff bill completed by the committee on ways and means by the early part of February, however. As the senate bill of two years ago is to be the basis of the operations in the event that there is not brought forward any specific legislation on sugar and tobacco a great deal of work will not be necessary to compile the bill.

ALLISON'S MARRIAGE.

Today's Herald of this city says: "It is announced that the marriage of Senator Allison and Miss Teresa Stoughton will take place before Christmas, so says the New York Home Journal. It is in error, however, in stating that Miss Stoughton is the niece of Senator Hale of Maine. There is no relationship of the remotest kind existing between the families of Senator Hale and the Stoughtons. The latter are old residents of this city, Mr. A. B. Stoughton, father of Miss Teresa Stoughton, having been from early in the fifties a government clerk here. By prudent and fortunate investments in real estate during the war Mr. Stoughton amassed quite a competence. He died some years ago, leaving a widow and three children, the eldest of whom is the wife of Paymaster Bacon of the navy.

ARMY MATTERS.

The superintendent of the recruiting service will cause ten colored infantry recruits to be assigned to the Twenty-fifth infantry and forwarded under the charge of a non-commissioned officer to such point or points in the department of Dakota as the commanding general of the department shall designate.

The ordinary leave of absence granted Captain Jerauld A. Oldstead, Ninth cavalry, August 2, 1889, is changed to leave of absence on surgeon's certificate of disability to date from December 1 and is extended three months.

Corporal William Lodge, Company B, Seventeenth infantry, now with his company at Fort D. A. Russell, Wyo., is transferred as a private to Company D, First infantry, and will be sent to the station of that company.

MISCELLANEOUS.

Washington society is considerably disturbed over the fear that the death of Mrs. Harrison's sister, Mrs. Scott Lord, will disturb the social programme partially mapped out for the white house during the winter. It is too early after the sad death for Mrs. Harrison to consider, even for a moment, what she intends to do socially, and however the outcome may be she will not enter society for some weeks. Mrs. Scott Lord was almost a part of the executive household. She entered the white house with Mrs. Harrison and was with her almost constantly from March 4 till she became so ill in the autumn that it was deemed advisable for her to go north. The death of Mrs. Scott Lord cannot therefore be regarded as that of an outside member or branch of the executive family.

L. B. Raymond, editor of the Hampton, Ia., Recorder, is in the city.

Senator Pierce of North Dakota has joined the seventeen other senators who have located on Capitol hill, and yesterday set up his household goods at 201 North Capitol street, adjoining the house occupied by Senator Ingalls last winter.

Senator Van Wyck has leased for church purposes his ground on which the Church of the Holy Cross stands.

Mr. E. Rosewater left tonight for New York, where he will remain several days.

The second daughter of Judge and Mrs. Groff is quite ill with a fever tonight.

T. C Patterson of Omaha is here.

PERRY S. HEATH.

Snide Fight Near Kansas City.

KANSAS CITY, Mo., Dec. 15.—[Special Telegram to THE BEE.]—Jack Ryan of Minneapolis and Ed McKibbon of Kansas City fought five rounds to a draw near this city this morning for a small purse. Ryan was not in proper condition or he could have won easily, but as it was McKibbon fell to avoid punishment for three rounds. Then, after Ryan had almost exhausted his wind supply, he played on the Minnesota man's stomach with telling effect. The fifth round ended in a row over a claim of foul. One of Ryan's partisans jumped into the ring with a drawn revolver, threatening to shoot McKibbon's seconds. The referee at this point declared a draw. There has been talk of matching Ryan against the St. Joe Kid, but his poor showing today dissipates that idea.

The Eight Hour Movement.

LONDON, Dec. 15.—[Special Cablegram to THE BEE.]—Mr. Gladstone declines to accept the invitation to initiate an agitation looking to the establishment of a working day of eight hours. He says that his time must be largely devoted to the settlement of the Irish question, and that for this reason, as well as on account of the infirmities of age, he must abstain from taking a leading part in the movement. He promises dispassionately to consider the subject when the proposed eight-hour bill is presented in parliament. Lord Randolph Churchill, in his letter on the eight-hour movement, says that eight hours for work, eight hours for sleep and eight hours for recreation seems to be the ideal at which democratic legislation may wisely and profitably aim.

The Death Record.

CANTON, O., Dec. 15.—Mrs. Margaret Medill, mother of Joseph Medill, editor of the Chicago Tribune, died last night. Mrs. Medill was eighty-seven years of age and was noted for her philanthropy.

IN A CRITICAL CONDITION.

Fears That Representative Shipley May Die.

VERDICT IN THE GAINER CASE.

Found Guilty of Manslaughter—House Contests—The Charivari Shooting—Iowa as a Horse State—Boot-Legging.

Representative Shipley's Condition.

DES MOINES, Ia., Dec. 15.—[Special to THE BEE.]—There is considerable concern as to the outcome of the injuries which Representative Shipley received in his fight a few weeks ago. It is known that he is in a critical condition, and if he should be unable to take his seat at the opening of the legislature the democrats could organize the house and elect the speaker. If he should die there will soon not be time for a special election before the date when the legislature is to meet. The law requires that in case of a special election to fill a vacancy, the governor shall issue his proclamation for it thirty days in advance. The general assembly will meet Monday, January 13, four weeks from tomorrow. So, if a vacancy is to be filled, it will hardly be practicable to have the special election in time for the new member to take his seat at the beginning of the legislature. Representative Shipley may not die, and no special election may be needed. His friends all hope that he will not. But in view of his serious condition it is natural that the possibility of such an event should be discussed, especially with the legislature so close as it is. It seems to be the misfortune of the republicans to have accidents when they need every possible vote. In 1884, when the prohibitory law was passed, and the republicans had but one majority in the house, one of the republican members broke his leg and had to be carried to the house on a stretcher and sleep in the building for several weeks in order to be present to vote.

Verdict in the Gainer Case.

LEMARS, Ia., Dec. 15.—[Special Telegram to THE BEE.]—Judge Ladd was called up at 7 o'clock this morning to receive the verdict of the jury in the Gainer murder case. John Gainer, a dissolute young fellow, shot and killed Policeman Sam Hamilton in the streets of this city on the night of November 23, 1888, in a drunken brawl while Hamilton was trying to arrest him. Self-defense was claimed. The case was tried last spring and the jury disagreed. It was on trial all last week and went to the jury last night. The verdict was for manslaughter. The defense will file a motion for a new trial tomorrow.

Contests in the House.

DES MOINES, Ia., Dec. 15.—[Special Telegram to THE BEE.]—There will be several contests for seats in the house when the legislature meets. These will be the first contests for several years. The seat of the democratic member from Johnson county will be contested, and the democrats will bring contests against the republican members-elect from Monona county and Winnebago county. The Johnson county member is charged with ineligibility on the ground that his father, who was a foreigner, was not properly naturalized, and that the son's citizenship is impaired for the same reason. A charge of similar import, though different in detail, is brought against the republican member from Winnebago. It is alleged that his father's naturalization was defective and therefore that the son is not eligible. His friends, however, state positively that the democrats have put their foot in it, so far as he is concerned, and will have their trouble and expense for nothing. The Monona county member's election is contested on the ground of certain irregularities in the election, which, it is claimed, should throw out several votes, enough to elect his opponent. As the member-elect has only one majority to go on, any losses will prove fatal, unless they are offset by corresponding losses for his opponent. It seems to be the general opinion that the democratic charge against the Winnebago county member was brought simply in retaliation for the contest against the Johnson county member. And the probability is that each contest will be dismissed without much trouble. The bringing of the contests will not make any difference in the organization of the house. According to the Iowa code and practice, the member who has a certificate of election will take his seat at the beginning and take part in the organization, and hold his seat until the house shall decide against him, after the committee on elections shall have considered the case. The law proceeds on the presumption that the man who holds the certificate of election is legally entitled to the place, and so gives him all the privileges of membership while the contest is proceeding. So that it will make no difference with the organization of the house how many members' seats are contested. There will be at the outset fifty republicans and fifty opposition members in the house, though as the members have reported themselves, there will be forty-five democrats, four independents and one union labor man. It is possible, therefore, that on the election of United States senator and some other questions some of the independent members may show their independence in a way not anticipated by the democrats. The roster of members of the next general assembly shows that it will have eight editors, sixty farmers, twenty-nine lawyers, eight physicians and a few representatives of other occupations. Of the 150 members twenty are unmarried. The youngest man is Representative Byers of Lucas county, who is twenty-eight years of age, and the oldest is Senator Dungan, also of Lucas county, who is sixty-seven years old. Forty-five of the 150 served in the union army. Only fifteen of the entire membership are natives of Iowa.

The Charivari Shooting Case.

DES MOINES, Ia., Dec. 15.—[Special to THE BEE.]—A case that is attracting general attention is now on trial in the Poweshiek court. It is the prosecution of Miss Flora Love, the young lady who shot and killed a man who was engaged in a charivari some weeks ago. The serenading party was making life miserable for Flora's grandfather, an old gentleman who had recently been married, when she took down a gun and fired into the crowd, wounding one man so badly that he died in a short time. The prosecution is trying to prove that she was able to see the deceased, and singled him out especially. The defense insists that it was too dark to distinguish any one, and that she fired at random to scare off the crowd, not intending to injure any one, seemingly. Public sentiment is generally with the young lady, and charivari parties are not nearly as popular or as frequent as they used to be.

Iowa as a Horse State.

DES MOINES, Ia., Dec. 15.—[Special to THE BEE.]—The phenomenal success of Axtel has attracted considerable attention to Iowa horses and awakened great interest in horse matters in the state. The commercial exchange of this city took the horse for its subject at its last monthly lunch. A plan is being discussed to build a first-class mile track near this city and make Des Moines the leading horse market for the northwest. It is proposed to hold a great horse fair and sale here during the latter part of August, which shall attract the noted blooded horses of the country and bring buyers here from all over the United States. The superiority of Iowa's climate and pasturage for raising fine horses has been demonstrated in a number of instances, and it is believed that Iowa might divide honors with Kentucky in this matter. Mr. Williams of Independence, the late owner of Axtel, and the man who has raised so many fine horses, also expects to make his little city a great resort for horsemen. He is now building a mile track, which it is claimed will be the fastest in the country. He will open it with a great trotting meet next summer, five stables of $1,500 each having already been guaranteed. There is constantly increasing interest in the breeding and raising of fine horses all over the state and there is no doubt that Iowa will become as famous for its horses as for its dairies or its corn.

Criminal Statistics.

DES MOINES, Ia., Dec. 15.—[Special to THE BEE.]—The criminal statistics of Iowa, as compiled by the secretary of state, make a pretty good showing for law and order. For the year ending July 31, last, there were but 319 persons sent to the penitentiaries from the whole state. But two death penalties were pronounced during the year ending August 1, 1888, one each in Taylor and Dubuque counties, and in the last year there was but one life sentence pronounced. Of the convicts in the penitentiaries 123 were farmers, 198 laborers and 149 saloonkeepers.

Fined for Boot-legging.

HAMBURG, Ia., Dec. 15.—[Special Telegram to THE BEE.]—W. S. Lester pleaded guilty to the charge of bootlegging whisky before the magistrate yesterday and was fined $50, in default of payment of which he was sent to the county jail at Sidney. He says he can give information in regard to sixteen others who are in the same business.

Missed His Footing.

HAMBURG, Ia., Dec. 15.—[Special Telegram to THE BEE.]—Conductor Webber while boarding his train, Kansas City No. 20, at McPaul, Ia., last night missed his footing and fell in such a manner that the wheels of the caboose passed over his foot, rendering amputation of the toes necessary.

Seriously Injured.

WALNUT, Ia., Dec. 15.—[Special to THE BEE.]—L. L. Bartlett, a man living north of town was thrown from his wagon and seriously injured. His head is badly cut and he is injured internally. His recovery is doubtful.

THE CLEARANCE RECORD.

Financial Transactions of the Country For the Past Week.

BOSTON, Dec. 15.—[Special Telegram to THE BEE.]—The following table, compiled from special dispatches to the Boston Post from the managers of leading clearing houses of the United States and Canada, shows the gross exchanges for the week ending December 14, with the percentage of increase and decrease, as compared with the corresponding week in 1888.

CITIES.	CLEARINGS.	Increase.	Decrease.
New York	$751,460,649	7.6	
Boston	101,951,221	13.2	
Chicago	73,821,000	7.5	
Philadelphia	68,161,810	9.2	
St. Louis	21,237,119	1.6	
San Francisco	17,144,635		11.5
Baltimore	15,583,859	7.4	
New Orleans	14,693,524		0.2
Pittsburg	12,604,736	13.2	
Cincinnati	12,280,850	3.2	
Kansas City	9,009,165		4.3
*Montreal	9,190,975		
Louisville	7,136,193		
Minneapolis	6,561,461	16.5	
Providence	6,410,600	11.9	
Milwaukee	5,970,000	16.5	
Detroit	5,592,169	14.9	
Omaha	4,849,174	28.3	
St. Paul	4,680,063	4.9	
Denver	4,574,490	42.2	
Cleveland	4,166,245	28.5	
Columbus	3,422,200	19.9	
Memphis	3,397,588		8.8
Indianapolis	2,275,303	15.8	
Dallas	2,211,998	88.3	
Hartford	2,227,410	21.8	
Richmond	2,080,125	13.7	
Galveston	1,938,415		7.7
*Buffalo	2,859,416		
*Portland, Ore.	2,008,081		
*Nashville	1,859,317		
Duluth	1,797,295	7.5	
Fort Worth	1,705,882	82.2	
Peoria	1,621,651	8.7	
*Halifax	1,609,624		
St Joseph	1,530,884	12.9	
New Haven	1,377,912	8.5	
Worcester	1,259,730	29.8	
Portland, Me.	1,299,516	13.2	
Springfield	1,234,965		16.4
Norfolk	1,220,156		20.1
Wilmington	1,123,243	63.0	
*Sioux City	911,995		
*Seattle	846,923		
Syracuse	816,139		2.2
*Tacoma	797,229		
Lowell	783,464		10.3
Des Moines	782,101	33.8	
Grand Rapids	657,473	3.2	
Wichita	595,734	5.1	
Los Angeles	541,308		47.9
Topeka	331,516	7.2	
Total	1,180,858,539	8.9	
Outside New York	429,397,719	8.9	

*Not included in totals; no clearing house at this time last year.

MRS M'MURDO'S PETITION.

Probable Settlement of the Delagoa Bay Company's Affairs.

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LISBON, Dec. 15.—[New York Herald Cable—Special to THE BEE.]—A copy of the petition forwarded to Blaine by the widow of Colonel Edward McMurdo of Kentucky, who died in London in May of last year, in which she asks the intervention of the United States government on account of the seizure of the Delagoa Bay railway, has been received by United States Minister Loring. Mrs. McMurdo claims damages of £760,000. Blaine instructed Loring to declare to the Portugese government that the forfeiture of the Delagoa Bay railroad and the confiscation of the property of American citizens was unwarrantable and the United States would expect a restoration of the property or indemnification for its loss. Blaine's statement has been laid before the Portugese government.

Meanwhile the British minister at Lisbon has received instructions from Lord Salisbury to present the claims of the English bondholders holding debenture bonds under the company organized as the Delagoa Bay & East African railway.

I had an interview with Senor Barrosgomes, Portugese minister of foreign affairs, yesterday. He said: "Since the governments of Great Britain and the United States have intervened in the matter we do not deny the indemnities due Mrs. McMurdo. As representing the company that is a settlement of the major point. The details of the amount can be settled hereafter. I consider the question quite settled." This is most satisfactory news to the board and shareholders. Senor Barrosgomes seems to doubt Colonel McMurdo having ever been offered for his property in the company the sums mentioned in the petition. Loring, however, holds proof that this is so.

The Influenza in Berlin.

[*Copyright 1889 by James Gordon Bennett.*]

BERLIN, Dec. 15.—[New York Herald Cable—Special to THE BEE.]—Prof. Von Leyden of the university here says the influenza epidemic is now becoming a serious matter, as a quarter of a million persons are affected by the malady in Berlin alone. He thinks the situation is not unattended by danger, as advices from Charkow declare that the epidemic of typhus fever there followed closely upon the heels of influenza.

Thanking Their Servants.

ESSEN, Dec. 15.—Three thousand miners today adopted resolutions thanking the authorities for their sympathy and expressing readiness to await the result of their promises to intervene. Meetings were held at several other places at which similar action was taken, but at Bochum it was decided to wait only one month for compliance with the miners' demands.

THE CRONIN JURY STILL OUT.

Rumors of All Kinds Afloat in Chicago.

A DISAGREEMENT EXPECTED.

Bribery Charged by Many—Longnecker Deprecates the Strictures of the Public—Judge McConnell Sees no Cause For Alarm.

Another Day Without Result.

CHICAGO, Dec. 15.—Another day of deliberation has passed without bringing any verdict from the Cronin jury.

At 5:30 this afternoon Judge McConnell left the court room, stating that he would again be on hand to receive any return the jury might have to make at 10 o'clock Monday morning. The only instructions he gave were that in case the jury arrived at a verdict during the night the bailiff might conduct them to the hotel, but that the verdict would not be received by the court until tomorrow morning.

Rumors of all kinds have been afloat today and tonight. However erroneous it may be the public appears to have hastily arrived at the conclusion that there is to be a disagreement of the jury, and that the old attempts at jury bribing have in some mysterious way proven successful. The statement that John Culver of Evanston, a Presbyterian and one of the most respected citizens of his community, is the disagreeing juror has, however, tended to shake this conclusion and the most conservative are contented to await further developments before condemning anybody. It is quite possible that Culver's obstinacy may apply only to some minor point in the case or to the guilt of Kunze and Beggs, although the reports most current are that he is voting no on the broad question of the guilt of the prisoners as a body.

The state attorney and conservative citizens generally deprecate the severe strictures made by the local papers upon Culver's supposed obstinancy, and no man in the city is probably more sanguine of an ultimate agreement than the public prosecutor himself. The Associated press representative called upon Judge McConnell this afternoon and questioned him regarding the reported status of the jury.

"I have had no intimation," said his honor, "that the jury thinks it will be unable to agree, and I am of the opinion that a verdict will be ultimately reached. I did not expect that the verdict, even if reached, would be turned in today. It is in fact doubtful whether the jury is considering the case at all today. Most of its members are religious men, members of some church, and it is altogether likely that if any particular man demurred at considering the matter today the jury would at once acquiesce in his scruples and postpone further deliberation until tomorrow."

"You do not share then in the belief that there will be a disagreement."

"I do not. I feel quite confident the jury will agree in time. There is no good reason for this hasty conclusion of a disagreement. There are thousands of instances where juries have been out much longer than this and yet finally agreed upon a verdict."

"It is stated that you intend to keep the jury out until they do agree in the case, a week or two if necessary. Is such your intention?"

"Of course it would be improper for me to state at this time my intention, even if I could anticipate the causes which might lead to such a determination. It must be borne in mind, however, that the court must necessarily exercise discretion in such a matter as that. The supreme court may have to pass upon this case. Dropping the Cronin case altogether, I will illustrate with an imaginary case. Suppose we have a case where eleven men are agreed upon the question of the guilt of the defendant and the twelfth believes in his innocence. That jury, we will say, is kept out two or three days and the status of opinion is the same—one man still holding out against the eleven. Suppose then the judge should order them out indefinitely after they had stated their inability to agree, and ultimately force them to a verdict, the eleven men all the time arguing with, remonstrating with and chiding the twelfth. Suppose then the case should go to the supreme court, and the twelfth man should come forward and state that he had been coerced and worried into an agreement by his fellows against his better judgment; that it was only under stress of mental anxiety or anguish that he had consented to the verdict. In such a case do you doubt that the supreme court would invalidate the verdict and order a new trial. Of course the jury would be given ample time and every opportunity to agree, but the demarkation between the deliberate conclusion and the coercive verdict should be closely drawn. The law does not contemplate an inquisition to the extent of forcing a judgment from the mind of a juror."

"Have you received any request from the jury for special instructions since its retirement?"

"I have not. I have never been in the jury room, and indeed, I have no right to enter it. Should they request an fuller interpretation of any instructions which the court has given them, they can only request it formally; then it is the duty of the court to call them into court, and there, in the presence of the defendants and their attorneys, interpret to the jury's satisfaction the law applying to the evidence. No such request has been made, and no reading of record or evidence has been asked for."

"In case of disagreement by the jury will the case be tried again before you, or can the defendants take a change of venue out of the county?"

"The defendants can by the customary affidavits take a change of venue from ten consecutive judges, and could probably succeed in having it tried out of the county. There are five defendants, and each defendant can twice have the opportunity of demanding a change of venue; so that a change could be successively taken from ten judges."

"What county would these changes of venue probably take the case to eventually?"

"Likely to Lake or Dupage county. They are the nearest counties to Cook. Remember now, in answering these questions I am not attempting to predict what the defendants' attorneys would do, but simply what they could do under the law by availing themselves of all its provisions."

Has Faith in Her Husband.

EVANSTON, Ill., Dec. 15.—A representative of the Associated press called tonight at the home of John Culver, the supposed objecting juror in the Cronin case, and had an interview with his wife, who has been charged in Chicago papers with having had a secret and presumably improper conversation with her husband before the jury retired. The family is greatly agitated over the reports in the papers. Mrs. Culver told of her actions on Friday, saying she sent her son down town in the morning to tell Bailiff Santa, whom she knew well, that she would not take dinner with her husband as she had been accustomed to do. In the afternoon she saw her husband. Bailiff Santa stood right beside them and heard every word they said. She only spoke of not having not come down to dinner, etc. She did not endeavor to hold a private conversation with her husband.

In regard to the insinuation that her husband had been bribed she said she had never spoken to any agent of the defense and had never had any conversation with her husband which she would hesitate to make public. "I do not believe," she added, "there is a man on earth who could bribe Mr. Culver. I do not know his position in the case. I do know that my son and my husband's partner met State Attorney Longenecker tonight and that gentleman expressed himself as confident of my husband's integrity. Mr. Culver is a very determined man, and if he believed he was right he would stick it out in spite of the whole world."