THE OMAHA DAILY BEE.

NINETEENTH YEAR. OMAHA, TUESDAY MORNING, MARCH 25, 1890. NUMBER 274.

WIPED OUT BY THE FLAMES

Kearney's Big Hotel Midway Burned to the Ground.

ONE MAN LOSES HIS LIFE

Harry Deming of South Omaha Killed by Jumping from a Fourth Story Window—Many Very Narrow Escapes.

Fire During a Hurricane.

KEARNEY, Neb., March 24.—[Special Telegram to THE BEE.]—The Midway hotel was entirely destroyed by fire this morning and Harry Deming of South Omaha lost his life. The fire alarm was turned in at 7:30. A hurricane was blowing a fearful gale from the northwest, filling the air with clouds of dust and flying rubbish. The fire was first discovered between the roof and ceiling of the fourth floor, and before water could be turned on the entire roof was in a forest of licking flames. From the peculiar construction of the roof the firemen were almost entirely unable to fight the flames, and their attention was directed to saving life and adjacent property. Flying embers were carried ten blocks away and ignited heaps of rubbish and in some instances roofs of frame buildings.

It was thought for a time that the bulk of the city must go. Water buckets and lawn sprinklers were brought into requisition and by watchful efforts no serious losses occurred.

The Grand Island fire department was telegraphed for and reached here at 11 o'clock.

The entire loss is approximated at $150,000, with partial insurance on buildings and fixtures.

Several narrow escapes from loss of life occurred and only by heroic efforts and cool-headed work on the part of the hotel employes was a frightful holocaust avoided. Two women and children were carried down the fire escapes in their night clothes. Among the guests the loss was heavy. The important losses were Moses Alexander, salesman for Joseph Forrester & Co. of Dubuque, samples, $1,500, and a silk salesman for a New York house, loss $1,500.

Harry Deming of South Omaha, property man for the Worden dramatic company, jumped from the fourth-story window and died at 11 o'clock. A Gordon Royle of the same company escaped with his leg and back injured from a falling wall.

Dr. Mardin, the proprietor, is left penniless. Steps will be taken to at once rebuild.

The Midway was one of the finest hotels in the state. The original building cost $60,000 and was furnished in the most lavish manner, and the annex, which had only been occupied about thirty days, cost $40,000, making the total cost of the structure $100,000. It was erected by Josiah Keck of Cincinnati and furnished, owned and occupied by T. C. Brainard, one of the present proprietors of the Paxton hotel in Omaha. A year ago Mr. Brainard sold out to Dr. Mardin of Boston, who has since controlled it. Mr. Brainard is slightly touched by the loss, though fully covered by insurance.

A large public meeting was held at the opera house here this afternoon at the call of Mayor Finch to consider the situation with reference to the loss of the Midway.

First temporary relief was proposed for the employes of the hotel who had lost all of their effects, many of them escaping only with their night clothes. About $200 in cash was raised and as much more subscribed, besides offers of clothing were promptly made.

A general howl of indignation has gone up all over this city at the action of the officials of the Union Pacific road in refusing a special train to convey the Grand Island fire department here. After repeated requests from the mayor of Grand Island, the reply came: "Hitch on to 17."

The firemen report that they were sidetracked at different times on the way, and that they were delayed thirty minutes while a freight train was being made up. The B. & M. had special trains made up at Lincoln, Hastings and Holdrege and held with instructions to start with fire companys at a minute's warning. Luckily no help was needed, but this move on the part of the B. & M. will be remembered by the business men of this city.

The Furst Trial Ended.

FREMONT, Neb., March 24.—[Special Telegram to THE BEE.]—The defense in the Furst murder trial had its turn today. Several witnesses were called to prove the insanity of defendant's father, who committed suicide, among these being physicians of the city who testified as experts, in general that as a rule persons who suicide are insane. Other witnesses were put on the stand to show that the defendant manifested peculiar traits, similar in some respects to those of his father. It was shown that on one occasion he traded watches with the manager of the Fremont gas works; that afterwards Furst returned the watch he had received in the trade upon a representation that he (Furst) had been made manager of the gas works. Other petty transactions were reviewed for the purpose of convincing the jury that the prisoner was of unsound mind. Mrs. Furst, mother of the defendant, was the last witness called by the defense.

At 5 o'clock the defense rested. The prosecution called two or three witnesses for rebuttal evidence to show that Furst is rational and of sound mind. Court then adjourned until tomorrow morning, when the attorneys will begin their arguments. It is expected a verdict will be reached tomorrow morning. Many think it will be murder in the second degree.

Railroad Contractors File a Lien.

BEATRICE, Neb., March 24.—[Special Telegram to THE BEE.]—Kilpatrick Bros & Collins on Saturday last filed a lien for $37,388.88 against the Kansas City & Beatrice railroad with interest, being the amount due the firm for constructing said road, furnishing material, etc., from the Kansas state line through Pawnee and Gage counties to Virginia station and for certain work and material furnished in this city. A like lien was filed in Pawnee county. The Kansas City, Fort Scott & Memphis railroad has also filed liens against the Kansas City & Beatrice in Pawnee and Gage counties for material furnished the road, amounting, with interest, to $30,631.04. It is learned here this evening that the Kansas City, Wyandotte & Northwestern, of which the Kansas City & Beatrice is the Nebraska extension, went into the hands of a receiver today.

Sent to His Home.

BEATRICE, Neb., March 24.—[Special Telegram to THE BEE.]—A young fellow named Sherman Morrow, who has been confined in jail here since Saturday because of his evident insanity, was today sent to his home in Nebraska City. The chap cried nearly all day yesterday and today, being apprehensive that he was to be hanged for some imaginary crime.

Veterans Have a Lively Discussion.

REYNOLDS, Neb., March 24.—[Special to THE BEE.]—Major Potter post No. 15 Grand Army of the Republic, at Reynolds, had a very lively time last evening in the way of a debate on the question: "Resolved, That free trade in the United States would be better for the masses of the people." The question was finally decided in the affirmative, from which there was an appeal, and an agreement to discuss the question over again at the next meeting of the post. A majority of the members of the post are farmers and belong to the farmers' alliance, which appears to be strongly in favor of free trade, and in their argument say there is no danger of making corn or hogs or the products of the west worthless than they now are. Nearly all the farmers of this section are alliance men and they are working as they never did before.

Came to Egypt for Corn.

FREMONT, Neb., March 24.—[Special to THE BEE.]—The Nye & Schneider company of this city today contracted a large supply of corn for the South Dakota sufferers. The soliciting committee now in Chicago, among whom is Governor Mellette, wired the company Saturday to ascertain the figure at which it could furnish 100 cars of corn. A price was named and today the offer was accepted. It will amount to about sixty-five thousand bushels and will be loaded at once at the different stations on the Fremont, Elkhorn & Missouri Valley road where the Nye & Schneider company is doing business.

A Blaze at Chadron.

CHADRON, Neb., March 24.—[Special Telegram to THE BEE.]—Fire broke out in the rear of the Chadron house about 1 o'clock this afternoon. A very strong wind was blowing from the west, and as the fire started from a flue in that end of the building it was remarkable that the building was saved. The proprietor, M. O'Hanlon, has the following insurance on the property: German-American, $1,000; North British and Merchants', $1,000; Pennsylvania fire, $1,000 on building. The furniture was insured in the Orient for $1,500. Loss on building about $1,800; on furniture about $800.

Hastings' Municipal Nominees.

HASTINGS, Neb., March 24.—[Special Telegram to THE BEE.]—The republican city convention assembled at the court house this evening for the purpose of nominating candidates for city offices. The convention was called to order by Chairman O. D. Thatcher. On motion of Fred Olmstead, W. P. McCreary was elected chairman of the convention and M. L. Elsmore secretary. Nominations were then made for mayor. Charles L. Stone was nominated by acclamation. J. D. Miner was nominated for city treasurer by acclamation. For city clerk H. C. Haverly was unanimously nominated. J. H. Fleming and A. H. Cramer were nominated for members of the school board.

Poncas Kidnap Their Children.

NIOBRARA, Neb., March 24.—[Special Telegram to THE BEE.]—The Ponca Indians who were refused the request of their children attending the government schools at Santee agency, succeeded in kidnapping four Saturday evening. The Indians had ponies secreted under the hill close by the traders' store and they sent two boys to the teacher and gained permission for the children to go with them to the store for some article. They then went from the store to the hiding place and all went over the hills to join their people bound for Indian territory, fifty in number. Agent Hill's police employes are in pursuit.

Julia Creates a Sensation.

NEBRASKA CITY, Neb., March 24.—[Special Telegram to THE BEE.]—Julia Gibbs, the frail young woman who recently made several desperate attempts to commit suicide, created another excitement last night in her neighborhood by calling for a doctor and declaring that she had been poisoned by two well known young men, who had forced her to take the drug. A physician made an examination, when she confessed that she was in an interesting condition and the young men forced her to take the medicine to relieve her and them of any possible responsibility. Prosecutions are liable to follow.

Barns Destroyed at Hastings.

HASTINGS, Neb., March 24.—[Special Telegram to THE BEE.]—At 7:30 p. m. fire broke out in the Tyler barn, corner Burlington and Third streets, spreading to three neighboring barns, and all were entirely consumed. Four horses were burned to death. The entire city was in excitement, this being one of the largest blazes here for several years. Hastings, having sent a lot of hose to Kearney, was somewhat disabled itself to immediately control the flames. However, the firemen fought bravely, saving a large number of frame buildings at the fire's mercy. Great winds have been blowing since yesterday morning, but as they ceased with the sunset the greatest danger was over.

Opponents of High License.

BEATRICE, Neb., March 24.—[Special Telegram to THE BEE.]—The auditorium was thronged tonight on the occasion of the people's city convention to nominate a ticket in opposition to the high license ticket placed in the field one week ago. Hon. E. R. Fogg was made chairman of the convention and George A. Murphy secretary. The following city ticket was placed in nomination: For mayor, J. L. Tait; treasurer, Augustin W. Bradt; city clerk, J. T. Phillips; school board, George A. Murphy and W. D. Nichols. An interesting feature of the proceedings was a communication from O. H. Phillips declining to permit the use of his name as a candidate for mayor before the convention.

A Farm House Burned.

ALBION, Neb., March 24.—[Special Telegram to THE BEE.]—At 11 o'clock today, while the wind storm was at its height, the farm buildings of Morrill G. Curtis, a farmer living three miles southwest of town, were discovered to be on fire. At the time of the discovery the fire had gained such headway that it was impossible to save anything. The house and all the outbuildings with their contents were destroyed. The loss is estimated at $1,500, partly insured. The fire is supposed to have been caused by sparks from the kitchen stove.

Nebraska City Municipal Ticket.

NEBRASKA CITY, Neb., March 24.—[Special Telegram to THE BEE.]—The republican city convention today nominated Paul Schminke for mayor, David Goff clerk, G. W. Burgert treasurer, and M. T. Johnson, Frank Faunce, H. H. Bartling, Anton Zimmerer and John Zimmerer for councilmen.

The Pender Town Election.

PENDER, Neb., March 24.—[Special to THE BEE.]—The town election which will take place one week from tomorrow promises to be one of far more interest than usual, there being an unrelenting fight waged by the anti saloon element against the issuance of licenses the coming year, but it is believed that license will carry by a small majority.

Booked for a Penitentiary Term.

BEATRICE, Neb., March 24.—[Special Telegram to THE BEE.]—Charles Boyle and J. G. Farrell were found guilty by the jury at 6 o'clock last evening, after being out since Saturday, of having burglars' tools in their possession, and are consequently booked for a term in the penitentiary.

Machinery for a Twine Factory.

FREMONT, Neb., March 24.—[Special to THE BEE.]—The directors of the Fremont hemp and twine company have just ordered the machinery for the new twine factory, which comes direct from England. It is expected to arrive in time to be set up and the factory ready for operation by October 1.

Run Over and Killed.

PAWNEE CITY, Neb., March 24.—[Special Telegram to THE BEE.]—W. A. Shannon, a prominent farmer living three miles west of town, was run over and killed this afternoon by a B. & M. freight train.

Shot Himself in the Foot.

BEATRICE, Neb., March 24.—[Special Telegram to THE BEE.]—Jimmie McGee, a young son of J. L. McGee of this city, shot himself through the foot accidentally while hunting Saturday. The wound, though painful, is not dangerous.

GENERAL CROOK'S FUNERAL.

His Remains Tenderly Laid to Rest at Oakland, Md.

OAKLAND, Md., March 24.—General Crook's funeral train on the Baltimore & Ohio road arrived at 10:07 this morning. The day was fine and the people of the town and from the country around about were at the station to receive the remains. As soon as the body was removed from the car the procession was formed and the march to the cemetery taken up. There the exercises were observed according to the programme.

The war department was represented by the following officers: Lieutenant Colonel Beck, assistant adjutant general; Captain J. C. Bourke, Third cavalry; Captain George S. Anderson, Sixth cavalry and First Lieutenant Charles H. Schofield, Second cavalry.

General Schenck's Burial.

WASHINGTON, March 24.—The funeral services over the remains of General Schenck were held this afternoon and tonight the body was taken to Dayton, O.

Dropped Dead.

NORRIS, March 24.—Rev. R. F. Shinn, pastor of the Congregational church, dropped dead in the pulpit at the close of the services last night. Heart failure was the cause.

STEELE A GOOD OFFICER.

The Testimony of His Superior Very Flattering.

CHICAGO, March 24.—The court-martial for the trial of Lieutenant Steele, charged with harsh treatment of Private Wild, reassembled this morning. Lieutenant Steele took the stand in his own defense and after relating the story of his encounter with Wilde, as printed heretofore, Captain Phelps, his superior officer, testified as to Steele's bearing toward the men under him. He also testified that Wild was insolent and insubordinate and gave more trouble than any other man in the troop. Witness had never known in twenty years' experience a better officer of his age than Lieutenant Steele.

Captain Weeks (retired) testified to the good character and reputation of Lieutenant Steele.

Colonel Townsend, commander at Fort Yates, said a report of the case was made to him by both Lieutenant Steele and Wild. Steele admitted having struck Wild in a moment of passion and regretted it. Townsend rebuked him for it and told him that no officer who could not control his own temper could expect to control other men. Private Wild then came in and asked if Steele had any right to call him a miserable deserter and to strike him. Townsend replied that he had not and further told Wild the order he had refused to obey was a perfectly proper one and that he was guilty of a grave breach of discipline. Steele asked the colonel if Wild should not be tried by a garrison court-martial, as the punishment he would receive there would be less than he might get from a general court-martial. Colonel Townsend considered Lieutenant Steele one of the best young officers of the army. This ended the testimony, and after arguments by Steele's counsel and Judge Advocate Murray the case closed. The finding of the court will not be known for some time. On account of General Crook's death it will be passed upon by General Schofield.

The McCalla Inquiry.

NEW YORK, March 24.—In the McCalla trial today more testimony was heard regarding punishments.

Private Sanford of the marine testified he knew Fireman Walker in the Washington navy yard under the name of Proby.

McCalla's counsel offered in evidence Proby's record in Washington, showing that he had been in the house of refuge and had a bad character generally. During the pendency of his trial for an offense Proby skipped his bail and enlisted.

Surgeon Herndon testified that no men suffered in health during the cruise from commitment in straight jackets. The remainder of the proceedings of the inquiry will be private.

THE OHIO STATIONARY.

Apprehensions of a Serious Flood no Longer Felt.

CINCINNATI, March 24.—Tonight the apprehensions of a serious flood have been dissipated. Reports from all points up the river are to the effect that it is stationary or falling, and the same is true of all its northern tributaries as well as the Kentucky river. If there is no heavy rain in the Ohio valley within forty eight hours the river will not rise beyond sixty feet. Along the water fronts of this city the basements are flooded and the first floors of some of the stores. Merchants generally have hauled their goods away to places of safety and little fear of damage is entertained. The factories on Water and Front streets have suspended temporarily on account of water in their cellars. All navigation is stopped by the high water and the swift current. Several coal fleets are laid up and some coal barges have been sunk in collision with bridge piers.

Covington and Newport are cut off from the city now as far as street car traffic is concerned. The ferries are also obliged to stop, as they cannot find landing points.

Two men and a boy were drowned back of Covington by the capsizing of a skiff. Newport suffers more than any other suburb by the high water. Quite a large district is already flooded and the residents are compelled to vacate their houses.

Rising Again.

NEW ORLEANS, March 24.—Advices from various points along the Mississippi tonight show that there has been no increase in any of the levee breaks, but at the same time not much headway has been made towards closing them. Water continues to pour through the Offuts and Raleigh breaks in Mississippi and northern Louisiana, and all the land in that vicinity is badly flooded. Most of all the people, however, have been able to move out the larger part of their belongings to places of safety.

At Arkansas City the river is rising again tonight and the water is pouring down on the town rapidly from the Sappington breaks.

At Wheeling.

WHEELING, W. Va., March 24.—The river came to a stand this afternoon. Some stores on the low lands are flooded but no great loss has occurred.

PAN-AMERICAN CONGRESS.

Granting of Government Aid to Steamers Advocated.

WASHINGTON, March 24.—The Pan-American congress today adopted the report of the committees on communication on the Atlantic and Pacific, recommending the granting of government aid to lines of steamers. The monetary committee presented reports. The South and Central American delegates on the committee united in a report in favor of an international silver coin. Estee, one of the United States members agreed in the general recommendation but differed in detail. He recommended the coinage of a silver dollar of 412 grains, 900 fine, and the organization of a monetary union under whose direction coinage would be executed. He and the foreign delegates are bi-metallists, but Mr. Coolidge, the other United States member, is a mono-metallist.

South Dakota Bonds Sold.

SIOUX FALLS, S. D., March 24.—[Special Telegram to THE BEE.]—State Treasurer Smith this evening sold at auction $150,000 worth of state bonds to the Jarvis Conklin mortgage and trust company of New York for 100⅝. The bonds draw 4 per cent and run for twenty years. It is the first sale of state bonds in South Dakota and the price at which they sold is higher than any state bonds have ever been sold west of the Mississippi.

HIDES ON THE FREE LIST.

The Protest of the New England Shoe Men Prevails.

TIN PLATE MUST PAY DUTY.

Canners' Arguments Avail Nothing—The Sugar Question Reopened—A Leading Republican on Tariff Legislation.

WASHINGTON BUREAU THE OMAHA BEE, 513 FOURTEENTH STREET, WASHINGTON, D. C., March 24.

The committee on ways and means held no meeting today because the chairman, Mr. McKinley, is in attendance at the funeral of General Crook, but it will hold a meeting at the treasury department tomorrow in conference with Secretary Windom and Assistant Secretary Tichnor to discuss particularly the sugar question, which has been reopened. The administration is opposed to ad valorem duties and Mr. Windom is urging the committe to change the form of assessment and to impose a specific duty amounting to 25 or 30 per cent of the present tax upon imported sugar.

Hides have been placed back on the free list to gratify the shoemakers of New England, and the existing tariff on lumber will be maintained in accordance with the demands of the lumbermen of Maine, Pennsylvania, Michigan and Wisconsin.

The duty that has been imposed on tin will remain, notwithstanding the protest of the fruit and meat packers.

The duty on carpet wools, which has been increased fron 2½ to 3½ cents a pound is still undecided, and the carpet manufacturers of New England and New York are making a desperate effort to have it restored to the existing figures.

The lead ore question will also be discussed with the secretary of the treasury, and he is in favor of taxing that import at the rate of 1½ cents per pound, although the smelters throughout the entire country are bringing an enormous pressure to bear upon the committee and other members of congress.

A LOG-ROLLING BILL.

One of the foremost leaders of the republican party said today: "If I could write the tariff bill I would place upon the free list every article that does not absolutely require protection to enable its manufacturers to compete with their competitors in Europe and I am certain that the public sentiment of the country would sustain such a policy. If the republican party expects to win at the next election it must do some such thing. I am not talking for publication for I do not want to be arraigned for heresy by all the party organs, but the time has come for us to abandon the practice of catering to little cliques and rings of manufacturers in order to increase their profits. I would levy customs duties as heavily as are necessary upon all imported articles that we can not produce as cheaply here as they are produced in Europe. I would give such protection as would prevent a reduction of wages among our working classes, but I would place upon the free list the thousand and one little articles which need no protection, but are taxed simply to gratify members of congress and the favored manufacturers of their districts. Under such a policy the republicans can win, but the bill that is under consideration now has been arranged as river and harbor bills are made up. A lot of little creeks and useless harbors are included so as to get votes enough to secure appropriations that are absolutely necessary. It is a log-rolling bill and the people are beginning to recognize the fact. We have got to have some wise legislation or there is no use of trying to elect the next congress or a president two years hence."

WORLD'S FAIR BILL.

Within the next twenty-four hours the fight over the world's fair bill will be practically settled, for the vote in the house of representatives will be accepted as an index to public opinion, and it is not at all probable that the senate will make any serious alterations in the plan. It may change the date for holding the fair and postpone it a year longer, but will not disturb the question of location, and in fact if anything of the kind were attempted there are sufficient votes in that body in favor of Chicago to defeat any other city.

A MEMORIAL ARCH.

The delegates to the international American conference are still discussing the plan of erecting a monument or arch to commemorate the first meeting of the eighteen American republics and it may be decided to place an arch over one of the principal streets of Washington on the Columbian anniversary in 1892. Such a scheme has been suggested by Miss Elizabeth Bryant Johnston of this city and is received with great favor. There are now only four conspicuous monuments to Columbus. The handsomest is in Genoa, erected in 1862; another in Barcelona, Spain; one in the City of Mexico, which compares favorably with any group in the new world, and another on the isthmus of Panama.

GETTING UNWIELDY.

The house of representatives is composed of 330 members and if Idaho and Wyoming are admitted in time the next house will comprise 355 members under the present apportionment. There is a movement on foot for an apportionment as soon as the figures from the new census are obtained, but it will be necessary for a special session of congress to carry out this plan in order that the redistricting may be done by the legislatures of twenty-five states which meet in January, 1891. If the bill is passed as late as March 1, 1891, the legislatures of more than thirty states would have to be called in special session in order to comply with the provisions of the act before the presidential election in 1891. It is generally conceded on both sides that the house of representatives is now too large for convenience and that its membership ought to be cut down to 250 or 275 members at the most. The electoral college on the basis of 345 members would be 403 and the successful candidate for president would have to have at least 202 votes. A reapportionment would be of advantage to the republicans because the greatest increase of population has been in the northern and northwestern states, which are pretty certain to go republican, while the population of the southern and solidly democratic states has almost remained stationary. The matter has not yet been brought to the attention of the president, but it is believed he would call a special session of congress for the purpose of passing a reapportionment bill provided it was the desire of the leaders of his party.

MISCELLANEOUS.

The New York Herald of yesterday contained a column and a half devoted to Mr. Edward Rosewater's startling testimony before the committee on postoffices and post roads, which it described as one of the most interesting revelations of telegraph methods which had ever been presented to the public. The New York Sun devoted an equal space to an article copied from the New York Independent upon the cost of electric lighting in various cities signed Victor Rosewater, John Hopkins university.

A decision was not rendered by the supreme court in the Burrus habeas corpus case today as was expected, but it is stated that a decision will be reached on next Monday.

The secretary of war has issued an order transferring Chaplain Orville J. Nave from Fort Omaha to Fort Niobrara, Captain John D. Parker from Fort Riley to Fort Omaha, Chaplain Thomas W. Berry from Fort Sidney to Fort Sully.

The Nebraska senators today presented petitions from the bricklayers of Kearney, North Platte and Lincoln urging the enactment of legislation to prohibit the employment of alien labor upon government buildings.

Petitions signed by nearly every citizen of the cities of Guthrie, Oklahoma City and Kingfisher, Oklahoma, in favor of the appointment of Jacob Roberts, late of David City, Neb., now register of the Kingfisher land office, to one of the judgeships on the supreme bench of the territory have been received by the Nebraska delegation. The delegation will recommend him to the president as soon as the Oklahoma bill is finally disposed of.

The treasury department, in response to a request from the senate finance committee, has approved the bill to increase the salary of the surveyor of the port of Lincoln.

Mr. Clark of Wahoo, who was removed from his position in the treasury department under President Cleveland, has been reinstated under the amended civil service laws at the earnest solicitation of Senator Manderson.

A board of pension examiners will probably be appointed within a few days at Elwood, Gosper county.

A number of petitions have been received from Lancaster county against the reduction of the duty on sugar. The Lancaster farmers want to try their hand on beet sugar.

John T. Spencer will probably be charged with the duty of paying the Omaha Indians the second installment of $35,000 due them from the sale of their lands.

The bill providing for a public building at Fremont was passed in the senate today. This is the first Nebraska bill to secure the endorsement of both houses and it will go to the president for his signature as soon as it can be signed by the president of the senate and speaker of the house. It provides for a building to cost $60,000, but it will be necessary to pass the sundry civil appropriation bill before any money will be available for the purchase of a site, as the appropriation clause in the Fremont building bill was stricken out.

The declination of Mr. W. P. Gurley of Omaha of the position of assistant United States district attorney, offered him some time ago, has caused the Nebraska delegation a great deal of trouble in the matter of selecting some one else. So many applications have been received that at a meeting of the delegation this morning it was decided to refer all of them to District Attorney Baker, who is likely to know more of the legal abilities of the various applicants than the senators or members. When Mr. Baker makes his selection the gentleman will probably be appointed on the recommendation of the delegation.

V. W. Davis was today appointed fourth class postmaster at Jesup, Buchanan county, Iowa, vice E. C. Brown, removed.

PERRY S. HEATH.

THE MONTANA SENATORS.

Majority Report Made by the Committee on Elections.

WASHINGTON, March 24.—The report of the majority of the senate committe on privileges and elections upon the Montana election case was submitted today. The report gives at the outset the circumstances surrounding the election of Messrs. Saunders and Powers by the iron hall or republican legislature, composed of one-half of the members of the senate and the republican representatives claiming to be elected; and of Messrs. Maginnis and Clark by the court house legislature, composed of half of the senate and democratic representatives claiming to be elected. None of the senators had their election called in question, but there were two sets of five representatives from Silver Bow county claiming to be elected. The case, therefore, turned upon the question which of these two sets of five representatives were entitled to sit as such. The report says: "We think the credentials of the five republican members from Silver Bow are fully supported by the facts of the election as they are disclosed to us by the commissions of both sides and by the undisputed evidence taken in judicial proceedings in Montana and laid before us by Messrs. Clark and Maginnis.

The minority report asserts that the true legislature of Montana was the senate and house which met at the court house in Helena and was recognized by the governor. "Neither the house nor members thereof which met in Iron hall and elected Sanders and Powers were ever recognized by the governor, nor was their election as senators certified. The evidence proved also that five persons who acted as members of the house of representatives in the Iron hall convention were elected by the people of Silver Bow county, whom they claimed to represent. They only had certificates of election. Five persons elected by the people and holding certificates also sat and voted in the legislature at the court house. The United States senate," says the report, "in such a case once before (Sykes vs Spencer, from Alabama) passed over any mere question of certificates and ascertained who were actually elected. The returns from the county made by the clerk on October 1, 1889, under the law and made by the canvassing board and clerk on November 7, 1889, both show very clearly that the five persons who acted in Iron hall as representatives were not elected by the people of Silver Bow county. The territorial board of canvassers on November 4, 1889, issued certificates to five persons not elected, by throwing out the vote of precinct 34, which had given a large majority to the democratic candidate. This act of the board was done without any right or authority. They had the full returns of the true vote of the county before them. Being republicans and anxious to serve their party in what they thought an emergency, they refused to count or to canvass the real vote of the people and certified to the election of five persons not chosen, in the hope and with the expectation that these spurious representatives might in some way vote for partisans of their own political faith as candidates for the United States senate."

The majority report is signed by all the republican members of the committee and the minority report is signed by all the democrats.

Nebraska and Iowa Pensions.

WASHINGTON, March 24.—[Special Telegram to THE BEE.]—Pensions have been granted to Nebraskans as follows: Original invalid—Aaron F. Powers, Hausen. Increase—William M. McCracken, Juniata; Thomas T. Clark, Princeton; O. M. Andrus, Andrusville; John C. Wertz, Pawnee City; Simpson Gris, Loup City; Leonard F. Kemple, Kirkwood; Edward Harold, Dakin; E. P. Osgood, Sidney; Isaac A. Hall, Hastings; Enoch Clark, Hay Springs; George B. Lewis, Brownstown; William Fisher, Culbertson. Reissue—John D. Heudersheldt, Shelby, issue of March 13, 1890.

South Dakota. Original invalid—John Swanton, Menno; Joseph Corlis, Amherst; George W. Nayler, Canton. Increase—George Luther, Canton; Calvin W. Sprague, Faulkton; Alpheus E. Kinney, Estell.

Iowa pensions: Original invalid—Lavern Stanton, Ackley; George T. Dutton, Pitton; George D. Horax, Iowa City; Adolphus Carraway, Primghar; John Campbell, Dysart; George W. Wallace, Bedford; Gilbert R. Haas, Marshalltown; John S. Elwards, Dunlap; William T. Moines, Nemio; John Vinson, Bidwell; William S. Curry, Perry; George W. Smith, George; C. Z. Bedford, Fairfield; John Abraham, Brooksville; Samuel Lautz, Muscatine; Samuel Kittle, Leando; Henry C. Markham, Mount Ayr; Ralph E. Tucker, Audobon; Amos Matthews, Waukegan; William Hoff, Marengo; William H. McCune, Ruthven; George H. Randall, Ireton; Lawrence Tierney, Elmira; William Henry, Eldora; Thomas Thorp, Moscow; James Owens, Altoona. Increase—George O. Potter, Waukon; Charles P. Tripp, Masonville; John H. Gaslins, La Porte City; Bernard McCormick, McCallsburg; John B. Lamb, Walker; John Campbell, Pilot Grove; John M. D. Henton, Maquoketa; Robert S. Barnhill, Onslow; Nathan Godwin, Stewart; John Turgon, Bard; Charles L. Jones, Bristow; Charles G. Curtis, Independence; George W. Forsythe, Lamar; Nathan W. Hull, Decorah; William H. Bradleigh, Kellerton; Lawrence Rouke, Argard; Charles Willett, Des Moines; William H. Culver, Richville; Amos W. Biggs, Spring Hill; Horace Wheeler, Algona; Garrett B. Hubbell, Glenwood; William M. Dobson, Knoxville; David Bunch, Drakesville; Phineas A. Pearson, Pittsburg. Restoration and increase—William G. Babery, Avon. Reissue and increase—Samuel D. Cooper, Knoxville.

THE GRANGER CASES.

The Decision of the Minnesota State Courts Reversed.

WASHINGTON, March [illegible]—The supreme court of the United States [illegible] reversed the decision of the Minnesota [illegible]preme court in what are known as the Granger cases. The Minnesota decision was against the contention of the railroad companies.

The issue was certain rates prescribed by the railroad commissioners which the railroad companies asserted were so low as to practically amount to depriving the company of its property without due process of law. Justice Blatchford, delivering the opinion of court, says it must accept the construction upon the state statue by the Minnesota supreme court. "That court declared that it is the expressed intention of the legislature that the rates fixed by the railroad commission are not simply advisory, but final and conclusive. That law neither contemplates nor allows any issue to be made nor any inquiry to be made as to their equality or reasonableness. In fact, in other words, although a railroad company is forbidden to establish rates not equal and reasonable, there is no power in the courts to stay the hands of the commission if it chooses to establish rates that are unequal and unreasonable. The statute so construed conflicts with the federal constitution in the particulars complained of * * * The question of the reasonableness of the rate charged for transportation by a railroad company," says the opinion is eminently a question for judicial investigation requiring due process of law for its determination. If the company is deprived of the power of charging reasonable rates in the absence of investigation by judicial machinery it is deprived of the lawful use of its property, and thus in substance and effect of the property itself without due process of law and in violation to the constitution, and while other persons are permitted to receive reasonable profits from invested capital the company is denied the equal protection of the law."

Justice Miller concurred with some hesitation in the judgment of the court. He was of the opinion that the legislature or the commission appointed by it had the right to establish rates, but where unjust rates were fixed the parties aggrieved had the right to appeal to the court. The proper mode of relief would be a bill in chancery. The railroads should have the right to be heard, and as the supreme court of Minnesota refused this, the case, in his opinion, should be reversed on the ground that this is a denial of due process of law.

Justice Bradley, for himself and Justices Gray and Lamar, delivered an oral dissent. It seemed to him the decision of the court practically overruled the decisions in other cases in which it had been held that the arguments of rates was a legislative and not a judicial prerogative. The courts should never make issue with the legislative department where it was possible to avoid it. It might be asked if the public was at the mercy of legislatures. He answered, yes. There had to be a final tribunal somewhere to decide every case. The question was which was the proper final tribunal. In his opinion it was the legislature. He did not mean that there might not arise circumstances which would give judiciary power in the matter, but it was not so in this case.

CAR THIEVES ARRESTED.

One of the Worst Gangs in the Northwest Broken Up.

ST. PAUL, Minn., March 24.—[Special Telegram to THE BEE.]—The greatest gang of railroad thieves that ever infested the northwest is broken up, and five of the culprits languish in the Rondo street station. Their queer work has been going on all winter, and their stealings amount to many thousands of dollars. On March 15 a large box of goods bearing the mark of Lindekes, Warner & Shurmeir was found by a teamster near the Great Northern tracks on Lexington avenue and brought to the central station for identification. The police, after a consultation with the railway officials, came to the conclusion that a car seal had been broken and the box of dry goods, with several other boxes of merchandise, thrown out for the purpose of plunder. Chief Clark detailed several officers to look into the matter, and James Cuddick and Daniel Rowley were arrested. The pair gave partial descriptions of several other thieves, and a warrant was secured for the search of the Sweney residence, on the corner of Thomas street and Farrington avenue. The officers were refused admittance, but forced their way in at the point of revolvers and placed the Widow Sweney and her sons, John and Edward, under arrest. The house proved a rich find, and silks, muslins, teas, carpets and other goods were pulled from the cellar and garret in great profusion. The boys finally yielded, and said that for several months with two pals, Ed. Maloney and Fred McConnell, they had been in the habit of boarding freight cars near Hamline, and while they were moving near Lexington avenue would "dump" from them several boxes of whatever they happened to contain. Their work was all done in the night.

"Now," said John, "providing you make it easy for me I'll tell you where $1,000 worth of goods are 'planted.'"

The officers assented and went with the prisoner to the corner of Maryland and Farrington avenues, where, with pick and shovel, they unearthed box after box of dry goods, gents' furnishing goods, chests of tea and other things. The value of the goods recovered is nearly $2,000, all of which had been consigned by St. Paul merchants to northwestern customers. The goods found, however, are but a small part of those stolen. The thieves operated on the Great Northern line. Mrs. Sweney is charged with running a "fence" and the men with grand larceny. A regular arsenal of rifles, revolvers and bowie knives was found in the Sweney house.

Mrs. Rawson's Case Settled.

CHICAGO, March 24.—[Special Telegram to THE BEE.]—The noted case of Mrs. Meikiel Rawson against Stephen W. Rawson was brought to public notice again this afternoon in an opinion rendered by the appellate court. The opinion was as to the irregularity of Judge Jamieson's commitment of Mrs. Rawson to sixty days in jail for contempt of court in shooting Henry C. Whitney, her husband's lawyer, in the court room. Whitney became insane and is still in an asylum. Mrs. Rawson subsequently got a divorce from Banker Rawson, he making no defense, and is now in Italy, where she is said to be engaged to be married a fourth time. The sentence of Judge Jamieson has been hanging over her head ever since it was imposed. She spent half a day in jail, but her lawyers took out a writ of error in the appellate court, which now reverses the decision of Judge Jamieson on the ground that Mrs. Rawson's commitment was wrongly entitled, and also because Mrs. Rawson was not present in court when sentence was imposed. A further error made by Judge Jamieson, the appellate court holds, was in not stating in the order of commitment of what the contempt consisted. The order of commitment being the whole record where the contempt is counted in the presence of the court, it is essential that it should contain a statement of the facts. Mrs. Rawson gets out of serving any more time in jail by the decision.

Nominations.

WASHINGTON, March 24.—The president today sent to the senate the following nominations: John F. Selby, United States attorney for North Dakota; Major Thaddeus H. Stanton, paymaster, to be lieutenant colonel and deputy paymaster general; Nalvin T. Spaulding, postmaster at Brainard, Minn.

The Weather Forecast.

For Omaha and vicinity—Fair weather.

For Nebraska: Colder, fair, northwesterly winds.

For Iowa and South Dakota: Clearing and fair weather, northwesterly winds, lower temperature.

FOR THE POSTAL TELEGRAPH

Mr. Rosewater's Strong Argument Favoring Government Control.

INTERESTING HISTORY RELATED.

Lines Built by the Military During the War Practically Given Away to the Companies—Rates and Profits.

Some Unwritten History.

The following is a portion of Mr. Rosewater's argument and the accompanying debate before the house committee on postoffices and postroads on the Wanamaker postal telegraph bill. Mr. Rosewater appeared before the committee in Washington, March 18. There were present Mr. Bingham, chairman; Mr. Evans, Mr. Montgomery, Mr. Beckwith, Mr. Blount and Mr. Turpin, comprising the committee; Hon. John Wanamaker, postmaster general; Hon. Cheadle M. Marean, manager of the Western Union telegraph company, Hon. James N. Tyner and others. The following is the statement of Mr. Rosewater:

Mr. Bingham—First give to the committee your name, together with your relations to the service.

Mr. Rosewater—My name is Edward Rosewater. I am now the editor and chief proprietor of THE OMAHA BEE. I was for thirteen years actively engaged in the telegraph service; for more than two years in the military telegraph corps, and part of that time in the field and for nearly a year in the war department. I was for seven years manager of the Western Union telegraph company at Omaha and for one year manager of the Atlantic & Pacific and Great Western lines. For more than twenty-five years I have been firmly convinced that the safety of this government demands the control of the telegraph system by one of the branches of the government—whether it be postal or otherwise, is not so material.

In 1871, on the first day of the session of the Nebraska legislature, of which I was then a member, I introduced the following resolution:

"Resolved, That the congress of the United States is earnestly requested to secure as early as practicable the full control of the present telegraph system by purchasing or leasing the lines now owned by the different telegraph companies, excepting only lines used and owned by railroad companies for the legitimate business of said roads.

"Resolved, That our representatives in the United States senate are instructed, and our representatives in the house of representatives are requested to vote for any bill designed to secure the object set forth in this memorial."

I am not here to advoc