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SWORN STATEMENT OF CIRCULATION. County of Douglas iss County of Douglas (25)
George R. Trachuca, secretary of The Bre
Publishing company, does solemnly swear
that the actual circulation of The Dany Bre
for the wees coding January 31, 1801, was as
follows:

Sunday, January 25...... Monday, January 26..... Monday, January 27 Tuesday, January 27 Wednesday, January 28, Thursday, January 29, Friday, January 30, Saturday, January 31

Average ... GEORGE B. TZSCHUCK. Sworn to before the and subscribed in my presence this list day of January A. D. 1891. N. P. FEIL, Notary Public.

Notary Public.

State of Nobraska.

County of Douglas, 188

George B. Tzschuck, being duly sworn, deposes and says that he is secretary of The Bre Publishing company, that the actual average daily circulation of The Daily Bre for the month of February, 1800, 19,750 copies; for March, 1800, 20,355 copies; for April, 1800, 20,564 copies; for May, 1800, 20,180 copies; for June, 1800, 20,369 copies; for August, 1800, 20,750 copies; for September, 1800, 20,750 copies; for Cotober, 1800, 20,750 copies; for September, 1800, 23,771 copies; for January, 1801, 28,466 copies.

Sworn to before me, and subscribed in my presence, this list day of January, A. D., 1801.

N. P. Fetta,

Notary Public.

Now we shall have a surfeit of gubernatorial messages.

THE Nebraska constitution is the Fitzsimmons of the fray.

THE report that Boyd and Burrows "speak as they pass by" lacks confirma-

THE call for "a thousand men who know how to die" is indefinitely suspended.

AND now the license inspector is to be given an assistant. Economy is marching on.

BRAZU, has taken passage on the good

ship "Reciprocity," J. G. Blaine, pilot. Welcome, Brazil. THE council majority might draw a

profitable lesson from the fate of the radicals in Lincoln. SOUTH DAKOTA wants irrigation, too.

it is a long time between rains. OMAHA's packing industry advanced at a 34 per cent gait last year. At present it is marching on at a speed of

In that state, as in western Nebraska,

48 per cent. EMPEROR WILLIAM offectually disposes of captious critics of his government. Official life depends on seeing little and saying less.

WEDNESDAY night's mass meeting at the national capital showed that Congressman Connell is still popular with "the men who work in shops" in the city of Washington.

THE legislature has at last admitted that the occupant of the executive chair is governor of Nebraska. The mills of the gods grind slowly, but they get there just the same-about pay day.

GENERAL THAYER remarks that the past two years have seen very lively building operations at the various state institutions. That is true, and for that reason there is no great demand for more extensive appropriations for such purposes this year. It is a good time to clip the wings of the salary raiders, instead of adding new wings to all the state institutions.

It is stated that John H. Powers has read the riot act to Senator Koontz for his speech at McCook, The senator need not be alarmed. He received vociferous evidence of the fact that his audience endorsed his sentiments, and he may have the satisfaction of proving that the applause with which his constituents greeted him found an echo in the heart of nearly all who read his speech. The discredit falls not upon the man who made the speech, but upon the purblind partisans who criti-

THE justice of the demand for a reasonable share of the county road fund of which the city pays four-fifths, is not to the fund is spent within the city limits annually, but the fact must not be overlooked that the improvement and maintenance of highways through the county is a source of permanent profit to the city. The main object in view is to make the amount apportioned by the county to the city do the greatest possigood. This result cannot be attained by the commissioners controlling the expenditures. Under the city laws one-half the cost of the grading is assessed to abutting property, whereas the taxpayers bear the entire cost of grading undertaken by the county, and the property owners on favored streets receive permanent benefits without cost. If the \$25,000 expended by the county within the city limits last | ion year was disposed of under city laws, it | tered amount of work. The city and county which the city's share of the road fund will be expended under city laws. This need not deprive the commissioners of control. They can designate the streets tablished, but the city should control the contracts and supervise the work, so a specific agreement as to what as to assess one-half the cost to abutting | shall be done with the proceeds property.

THE OUTGOING GOVERNORS MESSAGE Perhaps no legislature on record ever istened to a message from an ex-governor until the legislature of Nebraska did so yesterday. But the innovation was justified by the peculiar circumstances of the case, and the legislature and the public are amply rewarded by the tone and quality of General Thayer's suggestions.

The ex-governor very properly gives the first place in his message to a consideration of the destitution which exists in a portion of the state. He explains the measures adopted by the late administration for the relief of the sufferers and presents a careful estimate of the needs for the future. In his opinion an appropriation of \$200,-000, with an emergency clause, is required to meet the needs of the case. It will be observed that his estimate of the situation is somewhat less serious than that purporting to come from the relief committee, and more in line with the reports furnished by THE BEE's special correspondents in various parts of the state.

General Thayer's remarks on the subject of the Indian policy of the government will find a responsive echo in the hearts of all Nebraskans, and may well command the attention of the statesmen at Washington. Says the ex-governor of the Indians:

We feed them (those not civilized) and they defy us; we pay them money and they purchase Winchesters; if they rebel, they laugh at the army and say that they are starving that brings double rations on which they gor mandize and consume in three days that which should have lasted them ten, and then raise the cry of starvation, which is taken up and re-cchoed by humanitarians in the east, with never a thought for their white brethren, who have been robbed of their every possession. This is a true sum mary of the situation as to the Indians; we feed them and they fight us. The people are taxed to support them in idleness, while they look in disdair upon every kind of labor.

He urges that the Indians must be disarmed and rigidly confined to their reservations, and that, above all, the settlers on the frontier must be protected. He sums up the whole question, so far as it concerns the citizens of this state, when he says: "The onward march of civilization must not be stayed by the remnants of barbarism.'

It fell to the lot of Governor Thayer, in the last days of his official career, to render a most memorable service to the state in dealing with the destitution in one part of the commonwealth and the Indian disturbance in another. The people approved his acts in those matters, and they will very generally concur in his conclusions, as stated in his message.

Perhaps the most satisfactory feature of the message is its strong declaration in favor of a revision of the tax laws. The ex-governor urges that the assessment should be high and the tax rate low, rather than the reverse, and that the laws should be very severe in providing for the punishment of men who conceal their property and the assessors who connive at it. This is a suggestion that the legislature should speedily act upon. Nebraska has suffered a great dear from the present wretched system of taxation.

The message treats rather tamely of the railroad question. It correctly states the relations of the people and the corporations and the powers of the legislaure, but'it makes no very vigorous and definite suggestions of remedies.

General Thayer devotes considerable attention to two matters of very great importance to the state at this time, the encouragement of the sugar beet industry and the development of irrigation. In both matters he takes a positive attitude. He urges that if the good beginning already made in the manufacture of beet sugar is followed up Nebraska will become the leading sugar state of the union in the next ten years. He points out the advantages to be gained by irrigation, and asks the legislature to memoralize congress in favor of the passage of the measures donating public lands to the several states.

Among the other important recommendations of the message is one in favor of an appropriation of \$150,000 for the world's fair, the creation of a board of pardons and the establishment of an immigration bureau, and provision for farmers' institutes. The reports of the various departments are reviewed and their recommendations generally endorsed. The ex-governor closes with an earn-

est appeal for the avoidance of all rash legislation and the enactment of laws that will strengthen the credit of the state before the country.

The tone and spirit of the ex-governor's suggestions are admirable, and they form an agreeable ending to his four year's service in the executive chair.

THE COST OF FIGHTING INDIANS. A statement sent to congress from the the quartermaster general of the army shows that the cost of the Sioux Indian outbreak was at least \$2,000,000. But this is only the direct expense, and it is estimated that when all settlements are made the cost will probably reach double be questioned. Less than one-half of that amount. In any event it has been an expensive lesson. It remains to be seen whether it will be productive of

compensatory results. THE BEE prints elsewhere in this issue the principal portions of an address delivered before the Society of Friends of Philadelphia by Indian Commissioner Morgan which is a valuable contribution to the discussion of the Indian problem. The commissioner, whose interest and zeal in his work are most commendable, presents a clear and candid statement of the situation and points out the policy which he believes it to be the duty of the government to pursue in order to reach a thoroughly satisfactory solution of the A quarter of a miliproblem. Indians are widely scatfrom Maine to California, would have accomplished double the ranging in their condition from barbarism to a aggree of civilization comparauthorities should unite on a plan by ing favorably with the average white citizen. The nation has assumed and maintained a guardianship over these Indians, and entered into treaties with them which involve the government in to be improved and the grade to be es- certain definite obligations. It holds in trust for them \$23,000,000, under

interest. It is pledged to maintain a system of education that will enable the Indian youth to obtain such instruction proached with tenders of money in rolls Indian youth to obtain such instruction as will familiarize them with civilized ranging from \$100 to \$1,000. The evilife. It has undertaken to earry out a dence does not sustain the assertion of plan of allotment in severalty and teach the adults farming. It has covenanted to provide for them until they become self-supporting in a way becoming a wealthy and enlightened nation. It has promised to deal fairly and justly with short, the government is under pledge and compact to treat these people honorably and in good faith.

To a very large extent this has been done. The fact that 185,000 Indians are self-supporting and that 16,000 youths are being educated in the schools, is conclusive evidence that the government has not wholly failed to carry out its agreements. But it has not been uniformly careful and consistent in the performance of its duty. The service has not always been faithful and efficient, and there is reason to believe that it has not at all times been entirely honest. What the commissioner of Indian affairs demands is that the government shall keep absolute good faith with the Indians. Regarding the service he urges that it should be administered by one responsible head, that appointments should be made under civil service rules, and that the continuance of person in the service BHY should be conditioned upon the faithful performance of duty. He takes a decided position against transferring the control of the Inditus to the war department, believing that the civil authority is far botter qualified than the military to deal judiciously with the many details connected with the question of Indian civilization. The commissioner concludes with the gratifying assurance that there is no occasion for discouragement or impatience.

PROGRESS OF RECIPROCITY.

The country will learn with pleasure that the first practical result of the new plan of reciprocity with the southern countries of this hemisphere has been attained in an agreement consummated between the government of the United States and the government of Brazil, to take effect January 1 next. As soon as the policy of this country regarding closer trade relations with the countries of South and Central America was formally declared, Brazil made known her friendly interest in it and very shortly afterward her representative at Washington was instructed to enter into negotiations looking to an agreement or treaty on the lines proposed by the United States. It would seem that little or no difficulty had been found in reaching an arrangement satisfactory to the president and secretary of state and the Brazilian minister, and it is possible that the agreement can be ratified by the senate at the present session, while its ratification by the Brazilian government may be regarded as almost a matter of course.

The trade of the United States with Brazil is very much larger than with any other South American county, but it has been very one-sided. For instance, we imported from that country in the year ending June 30, 1890, merchandise to the value of about \$69,000,000, while our exports amounted to less than \$12,000,000, and this about measures the epancy against us in our commerc with Brazil for a number of years. Meanwhile Great Britain, Germany and France have been selling in the aggregate to the Brazilians a great deal more than they bought of them, and have been steadily making stronger their hold upon the commerce of Brazil, as they have upon the trade of all the South American countries. But with the advent of the republic, which the United States was prompt to recognize, came a more friendly commercial sentiment toward this country which has since been steadily growing, and under the operation of the reciprocity agreement just announced there cannot fail to be a very material enlargement of our export trade with Brazil if our mer chants and manufacturers make the conditions such as to command it. We cannot expect to wholly supplant the European countries which now send annually to Brazil merchandise of the value of upwards of \$50,000,000. We must look for a sharper competition than ever before from those countries to hold this trade. But if our merchants and manufacturers can go to the Brazilian market with desirable goods at satisfactory prices, can guarantee prompt delivery, and can offer equally favorable condi tions with Europeans, they will enjoy a decided advantage in the competition, and it ought to be practicable in a few years to make our exports to Brazil balance our imports from that country. At any rate there will be insured an iucreased demand from that country for

our agricultural products. The consummation of this agreement between the United States and Brazil ought to have a good effect in stimulating the interest of other South American countries regarding reciprocity, and it may be expected to. But none of them is so favorably situated as Brazil for entering into such an arrangement. The most important of them, the Argentine Republic, is so completely under bondage to European capital that it is likely to be many years before she can venture to make such concessions as reciprocity with the United States would require, while Chili, Uruguay and some of the others are not much better situated. Ultimately, however, they will fall into line, and the time may not be so remote as now seems probable. There have been intimations that Spain is disposed to enter into negotiations for reciprocity with her West India possessions, and it is officially announced that the government of Canada desires to negotiate. It will thus be seen that reciprocity is a very live and wide-reaching subject.

A FEW more sinecures with the right kind of a "pull" will be accommodated if they make their wants known to the council. Salary is no object while the funds hold out.

Accounting to an official declaration of a committee of members, the legislature of Colorado is beset "by lobbyists and principal of this money in their as corrupt as ever assailed a legislative

the investigators. It shows a sharp decline in legislative values. One need not go back to the memory of the oldest inhabitant on Clear creek to recall the flush days when legislators spurned a beggardly thousand, and held their them in regard to their lands, and in prices at a notch that made millionnires shudder. The decline to three figures marks the inreads of political competition in Colorado and the elevation of

Court Decisions. pot-hunting cheap Johns. Lincoln, Neb., Feb. 5. | Special to The THE council marched up the court

More Honors for John.

ously injured in the fray.

Albany Arms. Parisians have been informed by a local paper that John L. Sullivan is a son of Sir Arthur Sullivan, who will doubtless be overwhelmed with the new honor and write a new opera with puglistic accompaniment,

house hill and then marched down

again. But the road fund was not seri-

Farmer and Agriculturist.

One of the good things that came out of the Kansas senatorship squabble is the settlement of the relation of the "farmer" to the 'agriculturist." One of the Kansas sockless statesmen said in the recent caucus: "A farmer is one who worss a farm, while au agriculturist is one who works a farmer."

Rev. Plink-Plunk on Pride.

New York Herald, "Pride, deah brendern, am a sin wich doan pay, no mattah how ya look at it. I know an ole niggab once dat wuz so proud dat he neb bah looked at anything but the sky; one day he stepped on a banana skin an' landed on his back so hard an' heavy dat his spine waz all shook out oo joint, and now he moves along, wif a stick in each hand, doubled up like a boy in de green apple season, an' spends his time countin' de cracks in do sidewalk."

How it Works.

San Francisco Chronicle. The laborers employed by the government at Hare island and Skibbereen showed small common sense in striking for higher wages, As this work was given to them for charity, the natural inference of the British goverament was that the men who were displeased with their pay could not be in sore straits. Hence they will have no work at all, which was probably the result aimed at by the men who inspired the strike. The professional labor agitator may always be counted on to do the wrong thing.

Had Enough of Congress.

There are a good many important matters in the way of general legislation before congress, such as the bankruptcy law, the copy right bill and others upon which it would be well to have action, but the first and most important question is to attend to the necessary business of the country, the appropriation and other bills for the maintenance of the government so as to avoid the necessity of an extra session. The country has had more than enough of congressional interference with its business for the past year and would be glad to escape any more for as long a time as possible.

PASSING JESTS.

Iron tonic doesn't make a "bar," Though sometimes, when it's "fixed". For you to take, it isn't far From liquors they call "mixed." -Pharmaceutical Era

Indianapolis Journal: Said the red-headed voman, "I want to git a divorce from my

"On what grounds!" asked the lawyer.

"Grounds! Eh-Oh, Lord! I danno. I "posed you would fix all that. You call ourself a lawyer, don't yel" "How is your father?"

"He is enjoying very poor health."
"I am glad he enjoys it; most people

Washington Post: The debating societies have taken up the Indian question. This is another sure sign of peace. Philadelphia Ledger: The Georgia man

sympathize with the country at large. knows what it is to have a silver coinage dis turbance in his midst, so to speak. Buffalo Express: Grin-See a dog fight? Barit-No; the dogs only stood off and yelped

at each other. Grin-Ah, a bark mill, as you Billville (Ga.) Banner: Major Jones laid a fine cabbage on our table this morning. All

we need now is a pound of meat to season it Epoch: Husband-I don't think much of

hat Bramble girl. Wife—Well, you had better not. PERSONALITIES.

A story is going the rounds to the effect that McConnell of Idaho paid \$16,000 for his sixty days term in the United States senate. J. Lewis Isenberg contemplates starting a weekly paper in Pueblo, Col., to be devoted to "the Christian welfare of the suffering Indian, hell, fan and general news."

The paralytic condition of the widow of John B. Gough is pathetic. In the pride of her vigorous womanhood she stood bravely at her husband's side when but for such support he would have fallen to rise no more. There is talk in Boston of asking the presi dent to appoint General Banks United States marshall again, now that Cleveland's appointee, Mr. Lovering, to whom Banks sur rendered it, has resigned the office to accept

a place on the governor's staff. a place on the governor's stan.

The most charitably disposed person could not say that Miss Braddon, the famous novelist, ever wears nice clothes. She likes solid colors and affects velvets. Her gowns have many furbelows about them. She wears large diamond eardrops of an evening, Miss Braddon is a first class housekeeper Gourmets like her dinners mightily

John O. Dominis, the husband of the nev queen of Haytı, is athin, weak, but withal, genial person. Bord in Massachusetts and educated in Honoldia, Governor Dominis has been a perpetual office-holder, and a more good natured governor never lived. his wife, the heiress apparent, says is the law and Mr. Dominis, when an edict goes forth from the matrimonial bureau, puffs his cigar and says, "I guess it's all right."

True to His Word.

"John bring Mr. Wiggles a whisky cock "No Slatrack, old fellow, I can't. I prom-sed my wife never to touch another drop of whisky in my life."
"Oh! all right, John, bring Mr. Wiggles a

gin cocktail. Too Big a Contract. St. Joseph News.

"Soaks got arrested for disorderly conduct again last night and wanted me to bail him

"Hardly. I told him I hadn't got the per-petual suction pump that was needed to bale

Try it Yourself. St. Joseph News.

him out."

"I wonder you don't enter the prize ring," said Mrs. Wings to Scales, her grocer.
"Me, Mum? Lord, what would I be doing that for?" "It only occurred to me that you might

compete for the light-weight champlonship. Tried on the Dog. Atchison Globe,

The mystery why a brown haired dog in North Atchison so suddenly became yellow haired has been explained. Its mistress bought a bottle of blonding and experimented

THE STATE CAPITAL.

The Colored Party to the Civil Rights Case Makes a Compromise.

HOW WARNER OBTAINED HIS WHISKY.

Schmitt, the Grover, Goes on the War path-Why Gilbert Blue is at L.b. erty-Interesting Supreme

BEE.]-Mr. Green, the attorney for the col ored man, H. C. Pfeiffer, in the civil rights case, takes excentions to the comment made by a prominent legal light that the case was dismissed from lack of successful prosecution. Mr. Green says that Duncas, the owner of the hotel, rather than suffer a possible fine of \$200, paid the costs of the suit -\$9-and gave a heating salve of \$20 to the colored man to whom he refused lodging. Pfeiffer was willing to accept this money compromise and dropped the prosecution. It is said that Pfeiffer hat a good case against Duncas, and the case attracted considerable attention among the colored people in the state. Duncan is said to feel elated at getting off as cheaply as he did.

STOLE UNTAXED WHISKY. Herbert Warner of Madison county has got into trouble with Unche Sam through some alleged very shady actions, and is now a cul-prit in the United States court. The offense was committed at the Meadow Grove distillery. It appears that Warner, in league with Van Buren Lewis, the proprietor of the di-tillery, broke into the establishment at high and took away several barrels of distille spirits on which the tax had never been paid The fraud was detected and Lewis, the dis tiller, was arrested and convicted in Omaha He is now awniting sentence. It is alleged that in the present case Warner was acting under Lewis' instructions. Some legal minds assert that Warner's offense was burglary. Today Henry Stone of Talmage wa micted of \$25 and costs by Judge Dundy fo Today selling liquor in Gandy two years ago with

SCHMITT ON THE WAR PATIL.

If there is any person in town who is both-ered to death by being guyed by friends and treated coolly by acquaintances it is Car Schmitt, the genial Tenth street grocer, and yet he is not responsible for it. It all hap pened in this wise: On Sunday night gambling den was raided, and in accordance with a time-honored custom every gambler arrested gave an assumed name given were published, and ever since then Schmitt has been bothered to death. It has even nurt him in a business way. Mr. Schmitt is naturally very indignant, and is letermined to find out who the fellow was who brought his name into disgrace, and when he finds him there will be music in the

HAS A DEPENDENT FAMILY. Gilbert Blue was arrested about a month ago on the charge of passing counterfeit money. Since then he has been in the Douglas county jail awaiting trial. As he has a wife and six children dependent on him, Ben Baker, the kind hearted United States district attorney, today decided to allow Blue his freedom and he gave him his personal recognizance to appear for trial.

SUPREME COURT. The following opinions were handed down last evening:

South Omaha vs Cunningham. Error from Douglas county, Attirmed. Opinion by Mr. Justice Maxwell.

1. In an action by an executrix against the city of South Omaha for causing the death of the testator by negligently leaving Twenty sixth street unguarded at a point a short dis tance north of the intersection of said street with Twenty-seventh street, the testimony showing that Twenty-seventh street runs in a northwesterly direction where it intersects Twenty-fifth street, and that for a considerable distance north of the intersection the pace between the two streets is but a few feet in width and that the excavation was made on Twenty-seventh street, near the intersection of said streets. Held, that the questions of fact are fairly submitted to the

If a person make an excavation the line of a public street that one lawfully passing along said street may accidentally fall into it, it is the duty of the person make ing such excavation to erect barriers as a proection against such accidents, and if he fails o do so and a person falls into such excava tion and sustains injuries, he will be liable for such neglect.

3. Intoxication when relied on as a defense nust be pleaded. Under a general denial the only proof admissable is to establish or dis-prove the facts stated in the petition. Kochler vs Dodge. Appeal from Hall ounty. Affirmed. Opinion by Mr. Justice

Norval 1. Where a person borrows money and gives his note therefor, which specifies on its face a lawful rate of interest, a verbal promise of the borrower made at the time the note is given, to pay a rate of interest in excess of that allowed by law, will not itself

make the transaction usurious.

such case if the verbal agreement is carried into effect, at the time the loan i made, or subsequently thereto, by the bor ower paying the unlawful interest, or if the lender in pursuance of the arreement has be any shift or device reserved or received in terest in excess of the legal rate, the transa tion will be tainted with the vice of usury. 3. The defendants executed and delivered their four promissory notes for a loan of money, which by their terms bore interest at the rate of 10 per cent from date. At the time the loan was made the defendants ver-bally agreed to pay for the use of the money, interest at the rate of 18 per cent per annual. The notes were extended from time to time after due, the defendants paying interest. thereon from date at is percent. Finally the notes were renewed by taking the notes in suit, but no credit was given for the interes hat had been paid in excess of the legal rate

Held that the renewal notes were subject to he plea of usury.

4. A corporation is not chargeable with the mowledge or bound by the acts of one of its officers on a matter in which he acts in half of his own interests and deals with orporation as a private individual and in no vay represents it in the transaction.

5. When a negotiable note is purchased after maturity from an innocent holder for

value, the purchaser takes it free from all equities and defenses that existed between he original parties to the paper,
6. An exception to the rule is where the payce becomes such purchaser. He is not within the protection of the rule applicable to innocent holders.

7. If a negotiable note is endorsed and transferred before due as collateral security for a loan of money then made, the pickinger, who receives the paper without notice of any defense, is a holder for value in the usual

ourse of business. Schuyler vs Hanna. Appeal from Richardson county, Affirmed. Opinion by Mr. Justice Maxwell.

1. One H., a resident of Falls City died in August. 1881, leaving as heirs surviving him is widow, one daughter, a son named Ru dolph and the three children of a decease son. He was possessed of a considerable estate including the homestead in said city n which his widow continued to reside un her death in 1885. Shortly after the death of his father, Rudolph and wife conveyed the interest in the estate of his father, including the komestead, to a trustee, who afterward conveyed it to the wife of Rudolph. After the death of his mother Rudolph conveyed a one third interest in the homestead to a trust who conveyed it to his sister who brought a action against the wife of Rudolph. X hel first under section 17 of the homestead law of 1879, that the heirs of the persons whose perty had been selected for a homestead. a vested remainder therein subject to the life estate of the surviving husband or wife. 2. It is the present capacity of taking effect in possession, if the possession were to be come vacant, not the certainty that it ever

will become vacant while the remainder continues which distinguishes a vested from a contingent remainder. Quick vs Sachsse et al. Error from Douglas county. Affirmed. Opinion by Mr. Jus-tice Maxwell.

1. A bill of exceptions must be authenti-cated by the judge before whom the cause was tried or in case of agreement by the clerk of the district court, and the judge has authority under the statutes after the expira-tion of his term of office to sign such bill. 2. Under a general denial in the answer

the question at issue is the truth of the facts stared in the petition. Facts in the nature of confession and evidence must be pleaded

State vs Chichester, Exceptions from Gage county. Exceptions overruled. Opinion by anty. Exceptions r. Justice Norval.

Held, that illegal voting at a village elec-tion is not punishable under the provisions of sections ISI and 182 of the criminal code. Beer vs Thaver. Reargument ordered.

State vs Nebraska distilling company. good and submitted on motion to modify de

The following cases were argued and sub mitted: Hobbs vs. Hunt; McCagne vs. Gracter: Gaslin vs. Gracter; Patrick vs. Paulson, George P. Ray, esq., of Pheips county and F. L. Perter of Harlan county were admitted to practice. The following causes were argued and submitted: Swift'vs Crawford, or nction; First National bank of Lowrey, on motion; Brecher vs Treitchke Osborn, va Carrield; flughos vs Coburn Hayward vs Ramge; Murphy vs Omaha Kaufhold vs Anson, dismissed Court adjourned to Tuesday, February 10, at 9 o'clock a.m., when the causes from

the fourth district will be called. ODDS AND ENDS. George McMillan, the teamster arrested or the charge of cruelty to animals, was tried before Justice Foxworthy and discharged there not being evidence enough to convict

him of the charge.

Representative J. N. Moan left this after

noon on an important business trip to Sloux City, Ia., and Augusta, Ga. He will return on Wednesday.

ATTACK ON GENERAL MILES. A Minnesota Man Charges Him with a

Brutal Indian Massacre. MINNEAPOUS, Minn., Feb. 5. - The Evening Journal has published an interview on the recent Indian trouble, in which, after a defense of the Indians in the recent serimmage by a prominent Dakota man whose name is withheld, Gus Beaulieu, a resident of St. Paul, and widely known among the Indians of the northwest, says : "The whole truth of this and business will come out some day. I think it was two months preceding the Caster massacre that General Miles and his soldiers rushed in upon an Indian village in Montana and shot down every man, woman and child in it, without morey. There were between two and three hundred Indians killed. The village, being far from the telegraph, information of the horrible affair was not known until after the Custer massacre and then, of course, the public mind was so occupied with the Custer musacre that

After speaking of the breaking of treaties, Beaulieu said: "The Indians throughout the entire northwest are collecting facts regarding the Mile outrage in Montana and the failure of th

no attention was paid to the previous massa-

ere of Indians.

government everywhere to keep treaties Certain chiefs will be designated to go t Washington to present their wrongs and grievances and, more especially, to expose the whole truth in regard to the outrage committed before the Custer massacre.

A Vigorous Dental. Crucago, Feb. 5. - Captain Huggins of General Miles' staff, after carefully reading

the Minneapolis dispatch, said : "That massacre story is absolutely natrue Nothing in which General Miles was engaged ever occurred that could remotely suggest it. In all the numerous occasions where General Miles has captured Indians it time been really astonishing how few were killed or wounded. At this time the only affair that I remember in Montana, where considerable killed by troops, was several years before the Custer massacre and General Miles bac nothing whatever to do with it,"

An Ohio Miracle.

SPRINGFIELD, O., Feb. 5 .- [Special Tele gram to THE BEE.]-Mrs. George Tyree has been suffering with consumption and spina trouble caused by a fall. To all appearances she died. An undertaker was summoned when the woman rose and said: "I've come

back to be baptized." She insisted on being immersed, and being unable to go to church, the metallic caske in which she was to have been buried was filled with water and she was lifted into it. Then, raising up in her coffin, she cried, "Glory to God!" She was laid back on her bed, apparently much strengthened, and her physicians new hold hopes of her recovery.

Republicans Attacked by Soldiers. BARCELONA, Feb. 5. -At a penceful demostration in favor of the republican leader, Salmeron, the crowd was charged by a troop of mounted gendarmes. They fired their pistols and carbines right and left, wounding several persons more or less severely. The government will be asked to order an inquiry

into the conduct of the officer in charge of the gendarmes.

A Wichita Bank Fails. WICHITA, Kan., Feb. 5.—The First Arkan sas Valley bank, the oldest in southwestern Kansas, posted a notice this morning that owing to an impossibility to make collections and the stringency now prevailing, payment was temporarily suspended. The assets are said to be more than sufficient to pay all lia-

bilities, which are about \$125,000.

A Bridesmaid Dies t the Altar. JEFFERSONVILLE, Ind., Feb. 5.—[Special Telegram to THE BEE. - Miss Lizzie Sticker of Sellersburg, went to Cincinnati to attend the wedding of a friend as bridesnaid When the ceremony was about to take place Miss Stickan was seized with hernorrhage and before the horrified guests could summor assistance she died.

Rich Tin Find.

SANANTONIO, Tex., Feb. 5 .- The largest and richest vem of tinknown to the mining industry of the world has been discovered in the old Dallas mine shaft, near Durango Mexico. The owner and discoverer of the yein is John Pershmaker of San Francisco. He will begin operating it immediately.

An Alliance Stock Association. WICHITA, Kan., Feb. 5.-A number prominent alliance mes organized here today the Wichita Live Stock association with capital stock of \$100,000. Complete contro will be taken, so far as possible, of all ship ments of stock here by alliance men.

NEW YORK, Feb. 5 .- The house of bishop the Episcopal church of America has selected Rev. Henry C. Swentzell of Scran-ton, Pa., as bishop for the missionary jurisdiction of Japan.

A New Bishop for Japan.

LITTLE ROCK, Ark., Feb. 5.—It is said that consequence of a shortage in the state treasury the treasurer has refused to pay the nembers of the legislature, as no funds are available.

Unsalaried Lawmakers.

Nine Children Furned to Death. Moscow, Feb. 5.—The orphan asylum i his city burned tast night. Nine children perished in the flames and a number of others were so badly injured their lives are dis-

A Girl Pauper Cremated. WATERVILLE, Me., Feb. 5.—The city poor

nouse burned this morning. One inmate, a girl of fifteen, was burned to death. Thir teen escaped.

CONGRESSIONAL PROCEEDINGS

Senator Ingalls Defines His Position on the Closure and Elections Bills.

AN APPROPRIATION FOR PENSIONS.

The Eight-Hour Bill Considered in the Senate-Senator Dawes Proposes an Amendment - At Odds on Appropriations.

Washington, Feb. 5 .- Among the bills reported to the senate and placed on the calentar was one for an increase of the pension of the widow of General Custer to \$100 per_ month. Mr. Ingalls, rising to a question of privi-

lege, made a statement is regard to his atti-tude on the closure rare and the election bill, which he said had been the subject of conmont, of consure and of animalversion, He had been opposed, he said, unalterably opposed, to the adoption of the closure for many reasons sufficient and satisfactory to himself. There were these present who knew that, many months ago, white occupying the chair in the absence of the vice-president, he resisted many urgent importunities and many strenuous solicitations to co-operate in that direction by meth-eds which he then believed and now believed were revolutionary and subscrive of the funciamental principles of constitu-tional government. He had not since seen any occasion to change or modify his convic-tions. He was now and always had been in favor of a just and impartial election law, directed alike against force and fraud, nonpartisan and applicable equally to-all parts of the nation. The mea-sure under consideration, however, did not, in partisan and many of its details, receive the sanction of his judgment. It appeared to be cambrons, complicated, obscure in many of its provisions and difficult of application. In order to guard against the enactment of any such measure into a law in his absence and with out amendments which he regarded as essential to prevent dangers distinct than those which it was in-tended to obviate, he had reserved the right to yote in his absence with the resublicans who favored the consideration of other important measures unless these modifications were made. He had no arrangement, agreement or understanding, express or implied, direct or indirect, remote or contingent, to have his vote counted against the passage of the election bill, and in that statement he was convinced by the senator (Adlison) from Iowa. He was as ready now, as he had always been, to proceed with its consideration. He had been a republican since the party was born. Since that period he had never esponsed a cause which he believed to be wrong because it was popular and had never refused to advocate a cause which he believed to be right because it was

Mr. Allison deemed it due to himself to say that on every occasion when he had an op-portunity he had stated distinctly that he had no pair with Mr. Ingalls on the vote respect-

Ing the elections bill.

The pension appropriation bill was then taken up. It appropriates for pensions for the year \$133,173,000; for expenses, \$1,872,000. In course of the discussion Mr. McPherson inquired whether the amount appropriated would be sufficient for the year. Mr. Allison would be sufficient for the year. Mr. Allison believed it would be, but admitted that there might be a deficiency of \$5,000,000, \$6,000,000. 88,000,000 or \$0,000,000. On the other hand here might be a surplus, but he thought it more likely there would be a re-ficiency. Mr. McPherson asked how many applications had been made under the act last year. Mr. Allison gave the number up to January 10 as 529,000, of which only

Mr. Quay moved to add to the provision as to fees a proviso that it shall not apply to any case now pending where there is an existing lawful contract. This was agreed to. Mr. Cockrell moved to insert a proviso that, hereafter, no fee or compensation for any pension attorney or agent be retained out of any allowance for pensions. There was a long discussion upon the amendment, which was finally disagreed to on strict

8,000 or 9,000 had been yet allowed.

Mr. Cockrell offered an amendment providing that, hereafter, no pension shall be allewed or paid any officer, non-commismed officer or private in the army, mavy or marine corps, either on the active or retired list. Agreed to. All the commit-tee amendments having been agreed to, the tee amendments my me and offering the amendment of which he had given notice, to insert the free coinage bill as a part of the

pension appropriation bill.

The senate took up the house bill to provide for the adjustment of accounts of laberers, workmen and mechanics arising under

the eight-hour law. Mr. Dawes gave notice of an amendment in May of a substitute requiring payment for over-time, notwithstanding any agreement to

the contrary. The bill was then laid aside informally until tomorrow.

Among the bills taken from the calendary and passed were the following: House bill to authorize the construction of a tunnel under New York bay; a house bill for the construction of three Indian Industrial schools in Wisconsin, Minnesota and Michigan, the cost not to exceed \$30,000 each. The executive ses-

House. Washington, Feb 5 .- The house, on motion of Mr. McKinley of Ohio, ordered that during the remainder of the session the house

shall meet at 11 a.m. The house then went into committee of the whole on the sundry civil appropriation bill. When the paragraph providing for expenses of the interstate commerce commission was reached Mr. Anderson of Kansas offered anamendment directing the commission to inquire into the facts relating to the Western Traffic association. After some discussion, a point of order was raised against the amend

ment. Sustained. The world's fair paragraph having been reached, it was agreed that the debate should be postponed until tomorrow. Mr. Bland of fered a silver free coinage amendment to the paragraph providing for the recoinage of gold and silver coins. Mr. Dingley raised a point of order against the amendment. Pending de-cision the committee rose and the house ad-

A Chicago Romance.

Cricago, Feb. 5.—[Special Telegram to THE BEE.]—Frank Picha and William Patterson both loved a woman named Maud Williams, and Patterson threatened to shoot Picha en sight. Patterson met Picha in front of the People's theater and, drawing a re-volver, shot him squarely in the breast. Picha was taken to the county hospital, but while lying on the operating table this morning, he jumped up, rushed past the nurses and attendants, and, with the blood streaming from his breast, ran to his room on State street, where he fell exhausted. Mand, who occupied a room in the same building, there upon took morphine and is caying at the county hospital. The physicians say Picha's adurance is the most remarkable in their experience.

to THE BEE. |- A fire was discovered in the postoffice building between 1 and 2 o'clock this morning, which centered in the United States marshal's office. It was speedily subdued, but the offices of the marshal, clerk commissioner were completely gutted No damage was done to the mails.

Fire in Denver's Postoffice.

DENNER, Col., Feb. 5 .- | Special Telegram

Highest of all in Leavening Power .- U. S. Gov't Report, Aug. 17, 1889.

