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THE BOYD-THAYER CONTEST.

Arguments Before the Supreme Court in the Quo Warranto Case.

ABLE EFFORTS MADE BY LEGAL LIGHTS.

Indications That the Supreme Court Will Hand Down Its Opinion in the Case This Morning.

LINCOLN, Neb., March 4.—[Special Telegram to THE BEE.]—The attorneys in the Boyd-Thayer contest, in which the naturalization of Boyd is questioned, argued the case before the supreme court today.

The attorneys for Governor Boyd had filed a demurrer to the information of Governor Thayer, which raised the following questions of law:

1. Whether Governor Thayer was entitled to continue in office as governor, even though Boyd was not a citizen of the United States.

2. Whether the lieutenant governor did not succeed to the office of governor by reason of the disability of Governor Boyd to hold the office.

3. Whether Governor Thayer's term did not expire by its own limitation and by his failure to qualify anew and give a new bond prior to the commencement of these proceedings.

Mr. Howe's Argument.

"The learned counsel for Thayer seem to have entirely overlooked the fact that one in the actual possession of an office under a prima facie title fills, absolutely and indisputably, all the idea of a successor elected and qualified. Whether the prima facie title shall ultimately prove to be the real title is wholly immaterial for this purpose. The successor is elected and qualified and the term is functus officio. This case without a parallel is to be decided under our own constitution."

The grounds constituting ineligibility to a state office were then cited by Mr. Howe. He continued:

"That Boyd is governor to all the world except Thayer is admitted. His acts are valid. It is impossible to have a governor in fact discharging the duties of his office and to have a prior incumbent holding on to his term and waiting for his successor to be elected and qualified. Boyd's term began, this being necessarily admitted by Thayer. When he admits Boyd's possession he must admit that his own possession ceased to continue. The familiar principle of corporation law that if the existence of a corporation has once commenced applies to this case.

"There is no statute in this state that makes ballots cast for and ineligible candidate void. In a long line of cases, English and American, it is held that ballots cast for a candidate known to the public to be ineligible are regarded as void, while that effect is not attributed to ballots cast for a candidate in ignorance of his ineligibility.

"In this state we have a statute, section 97, chapter 26, which reads: 'When a person whose election is contested is found to have received the highest number of legal votes, but the election is declared null by reason of legal disqualification on his part, or for other causes, the person receiving the next highest number of votes shall not be declared elected, but the election shall be declared void.'

"To this section we may look for the true intent and meaning of the law. There must be an ascertainment of the fact after trial upon hearing; the fact must be found and declared. Until then all presumptions must be indulged in favor of the prima facie title. Till then the election is not void, but voidable. Has Thayer any such interest in the office of governor of Nebraska as to entitle him to prosecute these proceedings?"

Mr. Howe then cited sections 1, 2 and 4 of the state constitution in regard to the qualification and election of state officers, ending with the words: "The person having the highest number of votes shall be declared elected."

This, Mr. Howe insisted, is the official notification provided by the constitution to be given the legislature of the persons elected to state offices, and those persons declared elected are to enter upon their duties after qualifying according to chapter 10 of the revised statutes. Mr. Howe declared that such persons are to hold office until ousted, either until he is ousted by mandamus of the supreme court or until his conduct is heard and determined by the legislature. Until they are officers de facto. There is no method pointed out by law for ascertaining the personal qualifications of a candidate prior to his election and induction into office. Under the constitution Thayer's term of office expired when his successor was elected and qualified in fact. The word "qualified" in the constitution has no reference to the eligibility of Boyd.

"Whether or not Boyd possesses the personal attributes, such as age and citizenship, rendering him eligible to the office of governor is a question which cannot, under the form of procedure described by the constitution, be tried and determined until Thayer has stepped down and out of office and Boyd has taken the oath, given the bond and assumed the functions of office and entered upon the performance of its duties. The constitution provides that in case of the death, impeachment, failure to qualify, resignation, absence from the state or other disability to the governor the duties, powers and emoluments of the office for the residue of the term or until the disability shall be removed shall devolve upon the lieutenant governor.

"In case Thayer's claim is just, he should have requalified within ten days. It is part of his case to allege that he has done so. Otherwise his office, if he has one, is vacant."

Mr. Webster's Argument.

General Webster then followed and spoke in brief as follows:

May it please your honor, I have heard it said many times, and again intimated today in this presence, that I am not prosecuting this litigation in good faith. It has been said by persons, among the by-ways and hedges, that I have received a princely fee from some corporation to carry on this proceeding. I wish in this manner, once and for all, to deny all such charges. What I have done and what I shall do in this case is in the interest of one whom I believe to be the only constitutional executive officer of this state. I am one of those persons who believe that we have a constitution, and we should obey it. This court is organized, and it sits here, by virtue of that constitution. I am surprised that learned counsel ask us to disregard the constitution, and ask the aid of this august tribunal to keep in the executive chair of this state a person forbidden by that constitution to occupy that chair, and do it upon the simple argument that possession is nine points of the law, and defy all the world besides on the simple proposition "what business is it of yours?" It is too much, in my mind, like treading the constitution of our state under our feet for the louves and fishes of individual ambition. How stands this case upon the records as presented? It stands admitted that the defendant, who is performing the functions of the office of governor, is not a citizen of the United States. By the constitution of the state he is forbidden to perform those duties, we witness the fact that the person so claiming to be elected governor, as set forth in the brief of my learned friend, as the choice of the people of this state, has not so far condescended from his high position to tell the people by what authority he claims to hold the office. On the contrary, he comes before this court with a motion or demurrer, disdaining to tell us that he is a citizen of the United States. I, for one, think it unbecoming the dignity of so high an office, to practice this sort of thing before this tribunal on this occasion. With this preliminary suggestion, let us approach more nearly the real question under discussion. Let us see how it is or how it may be, that counsel can come before the court and insist upon the proposition that the term of office of Governor Thayer has expired, merely as he puts it, upon the fact, that he stepped out of the executive chamber, or that another man stepped into it, whom the constitution of the state says shall not do it. That proposition, stated in other words, is simply, that if the executive officer of this state should happen, temporarily, to be out of his chambers, and a usurper should step in and hold the office for six weeks, as he puts it in his printed brief, that that fact deprives the constitutional officer of his title to the office and transfers it to a usurper. The discussion has gone so far upon the general doctrine, conceding that the constitution of this state forbids the defendant to occupy the office of governor of this state, that, nevertheless, in defiance of the constitution, he is such officer and that he holds that office upon the suggestion, that the election was voidable and not void. I believe it to be rather an immaterial question whether that election be void or voidable because the result logically must be the same. I suppose that what counsel means when he says the election is voidable, and not void, is that when this court shall have declared in its judgment that the defendant is ineligible to the office, that from that time it becomes void by reason of that judgment, but that during the interim his acts are not void. The way I look upon that question is simply this: When the result is reached and the judgment of the court pronounced, that the defendant under the constitution is forbidden to fill this office, that when that judgment is pronounced he does not fill it, he is ousted from the office by reason of the constitutional provision. Then we shall have reached the same result whether you talk about the election being void or voidable, or whether we start out with the statement that it was void from its inception. I cannot see how it materially affects the question under discussion. All lawyers will concede the proposition, that it has become crystalized into the law of this country, when a person is elected to an office, who is declared by the constitution ineligible to hold that office, that the election is a failure and I do not care whether you reach the result that it is a failure by the assertion that the election was voidable, or whether you reach that result by declaring that the election was void. You have simply got, what every law writer and every judge who wrote upon the question has said, that the election was a failure. How is it to be said that Boyd was elected, if the election was a failure. In the case in West Virginia the court said it seemed to be the universal law of this country that where the person who received the highest number of votes was ineligible to fill the office, that the person receiving the next highest number of votes was not entitled to the office, but that the election was a failure, and that there must be a new election, to elect a successor. The closing language of that court upon that question is, 'that there must be a new election to elect the successor.' Is it not apparent that we reach the same conclusion, and that so much time spent over the word void and voidable, as applied to an election, in a great measure is a waste of time. I dwell thus upon it because it is made the strength of the argument upon the other side, to lead to the conclusion that if the election was simply voidable and not void, that when this court shall have pronounced its judgment that the incumbent is ineligible to the office, that you have pronounced a judgment, which declares that the relator in this case has no personal interest in this controversy, but that the lieutenant governor is the only person concerned in it. Let me follow that line of thought a little further, before I come to deal directly with the sections of the constitution of this state which must solve the problem. What I have said touching a void election is not a new question. It is a proposition which has been debated by the wisest men of this country before my friend or myself had very much to do, if anything, with the practice of law.

Go back, if your honors please, to the earlier history of this country and take the case of Albert Gallatin. He had taken the oath of allegiance in Virginia in 1785 and afterwards removed to the state of Pennsylvania. In the year 1793 he was elected a senator from the state of Pennsylvania. His nine years of citizenship had not expired, to qualify him under the constitution of the United States to fulfill the office of a United States senator. When that case came before the senate of the United States the committee to whom it was referred reported the facts to the senate, accompanying the report with a resolution in which they recited the facts in the case and declared that the election of Albert Gallatin as senator of the United States by reason of his want of citizenship was void. Some senators arose in their places, as my friend does here, and sought to draw a distinction between the word void and voidable, and undertook to cause a division upon that question, and asked that the resolution be divided, and first to take a vote upon the resolution as declaring the elections. Let me call your honor's attention to the language: "Resolved, That the election of Albert Gallatin to be a senator of the United States was void, he not having been a citizen of the United States for the term of years required as a qualification to be a senator of the United States." After a division of the resolution after the word void, the vote was taken and the vote of the senators of the United States sustained the word void in the resolution, and afterwards the resolution as an entirety was adopted.

Later in 1849 the same question again presented itself in the United States senate. General Shields, a man of great fame and reputation, and I may remark casually in passing, the only person in the history of this great government that ever filled the office of United States senator from three states of this republic, had been elected United States senator from the state of Illinois and proceeded to take his seat in the United States senate. It happened according to the record of his naturalization, that his nine years of citizenship would not have expired until the month of October, 1849, while he was proceeding to take his seat on March 4, 1849. So important was considered the question, that the senate declined to refer the case to any of the regular standing committees, but appointed a special committee, made up of the oldest senators, to consider the case. But, my friend remarked in passing, that was nothing more or less than a political machine, and that politics divided the opinions of the senators. He must have carelessly read the record of that case. Even the political friends of General Shields forsook him in that contest, and cast their votes with those of the opposite political faith. There was no political line drawn in the senate in that case, as I shall show your honors when we come to canvass the proceedings. In the selection of that committee, the celebrated Thomas H. Benton was made chairman and among the members were found such men as Senator Pierce, Daniel Webster and others of like repute. In that case the committee reported a like resolution back to the senate for its consideration.

"Resolved, That the election of James Shields to be senator of the United States was void, he not having been a citizen of the United States the term of years required as a qualification to be senator of the United States." Before transgressing upon your honor's time farther, I desire to dwell a little while upon what some of these senators said upon the discussion of this question. Let me put before you what brought on the debate. Senator Douglas sought to have the matter so manipulated that the governor of the state of Illinois might appoint a successor. To enable the governor to appoint a senator, it was necessary to create a vacancy in the senatorship, held by General Shields. If the election was void and General Shiel ds was never senator, the vacancy dated back from the retirement of his predecessor, and it would have been necessary to elect by the legislature. Your honors will see how important that question became. Every member of the legislature agreed upon one proposition, that General Shields could not hold that office, and that he was not a senator. It was contended nevertheless by Senator Douglas and Senator Foote that the election was simply voidable, and not void, and therefore there was some kind of a senatorial title vested in General Shields, and that such title as it was he could resign, and therefore create a vacancy. Thereupon General Shields wrote out a formal resignation and presented it to the senate, and lo and behold, the statesmen of that day said, "you have nothing to resign, you cannot resign," and for a day they refused even to allow the paper to be read in the hearing of the senate. During that interim the discussion went on over the effect of the election of a person to a public office who was forbidden by the constitution to hold that office. What was said upon that occa-

[CONTINUED ON PAGE 5.]

DIED TOGETHER.

Strange Suicide of Two Young Hebrew Theological Students.

CINCINNATI, O., March 4.—L. Frauenthal of St. Louis and L. Salinger of Philadelphia, two students at the Hebrew Union college in this city, were found dead in their room this morning.

The young men took their own lives according to a preconcerted arrangement. It is asserted by their fellow students that the young men must have been demented on the subject of hypnotism. Salinger for a long time had been a firm believer in it. Frauenthal formerly scoffed at it, but lately Salinger had won him over, and seemed to have complete control over him.

For some time past Frauenthal had been falling off mentally and physically, and frequently complained of pains in his head. They left a joint note, asking that their families be notified, but vouchsafing no explanation. Salinger was still alive when found, and said before expiring that they had agreed to die together. His diary had an entry, saying he was going to end his never ceasing pain.

FAVOR CLOSER REGULATION.

Resolutions Concerning Government Control Adopted.

WASHINGTON, March 4.—At the morning session of the convention of the state railroad commissioners a general discussion of the rate resolutions offered by the committee was had. The resolutions, as adopted, set forth that it is competent for congress and the legislatures of the various states to regulate within their respective spheres rates on freight and passenger traffic, subject to legal and constitutional limitations. It is within the power of congress and the legislatures to delegate the power of reasonable regulation of rates to boards of commissioners, and to make their findings upon questions to be heard, as conclusive and binding upon courts as the findings and acts of other administrative officers. That uniformity is desirable in congresional and state legislation on the subject of rates.

The next subject taken up was car-couplers. George Starbird, the representative of the Switchmen's Mutual Aid association, made a strong plea for uniformity in couplers. He had no particular type to recommend.

All who spoke upon the subject favored legislation looking to the introduction of some form of uniform coupler on freight cars.

On the convention reassembling this afternoon the committee reported a resolution, which was unanimously adopted, that a committee be appointed to urge upon congress the imperative need for action by that body calculated to hasten and insure the equipment of freight cars throughout the country with uniform automatic couplers and with train brakes, and the equipment of locomotives with driving wheel brakes, and to present and urge the passage of a bill therefor. A resolution continuing the committee on reasonable rates, with instructions to report to the next conference such further facts and suggestions in connection with the subject as may be deemed desirable, was adopted, as also was a resolution that the committee to whom the subject of automatic couplers and continuous air brakes was referred, should be requested to consider and report to the next conference of railroad commissioners upon the expediency of requesting national legislation upon the subject of lighting and heating passenger cars.

Blanchard's Plan a Failure.

CHICAGO, March 4.—[Special Telegram to THE BEE.]—General Passenger Agent Smith of the Lake Shore has written a letter to Chairman Blanchard of the Central Traffic association saying in brief that the latter's plan for the stoppage of commission payments is a failure. In his letter Mr. Smith says the Grand Trunk and Niagara Falls Short Line are both paying commissions, instancing particular cases of recent occurrence where each line paid commissions in Kansas City. Mr. Smith also knows of several other roads which have said from the beginning that they would pay commissions. The Lake Shore went into the agreement in the first place with reluctance and now it proposes to have Chairman Blanchard enforce it or by non-action prove it a failure. The agreement is a cast iron one, and is signed by every central traffic and trunk line. It provides that any line in their territories paying any commission anywhere or any line outside of their territory paying a commission in their territory, or in territory to reach which their territory is crossed, shall be boycotted by every central traffic and trunk line. The agreement was forced on the lines by Chairman Blanchard, few if any of them believing it would stand the test. He refused to be seen today and it is not known what action he will take. Eastbound lines will demand an early decision, however, so that they can meet the competition. All of them agree that it is ridiculous to suppose that the Grand Trunk and Niagara Falls Short Line will be boycotted.

New Tourist Rates.

CHICAGO, March 4.—[Special Telegram to THE BEE.]—A conference of eastern and western lines today made a radical departure in rules regarding summer tourist rates. From points south of St. Louis to the seaboard rates have always been higher via Chicago than via St. Louis. It was agreed today that the rates via both gateways should be equalized. An interested line predicted at the end of the meeting that the result would be enough scalped tickets during the summer to alone pay the scalpers' expenses. The matter of rates via Chicago and via Mackinac to St. Paul was also discussed by the joint committees of eastern and western lines. It was agreed that the present rates discriminated largely against Chicago and four delegates from each committee were appointed to prepare a new basis. In spite of the vigorous protests of various lines which wished an earlier meeting it was decided today to hold the important lake and rail meeting on March 18 in New York.

Conductors Indicted.

CHICAGO, March 4.—[Special Telegram to THE BEE.]—The Cook county grand jury has indicted Joseph O. Stokeley and John McCurdy, formerly in the employ of the Eastern Illinois as a freight conductor, for undertaking to bring about a general strike of trainmen last fall and for the threats they made to tie up the road unless the company dismissed certain employes against whom they felt a grievance. The indictments have been returned within the last day or two. The company has steadily prosecuted the case. The penalty is a term in the penitentiary not exceeding five years and a fine not exceeding $2,000. The Eastern Illinois officials are determined to teach these men that they must not stop a whole railroad system to settle a petty grievance.

Young Sherman Very Ill.

NEW YORK, March 4.—[Special Telegram to THE BEE.]—The youngest son of General Sherman, named after his father and known among his friends as "Young Cump," is lying very ill at the Sherman home. He was overcome with grief over his father's death and contracted a severe cold at a time when his nervous system was greatly overwrought.

A Big Contract for Ore.

SALT LAKE, Utah, March 4.—[Special Telegram to THE BEE.]—The Bullion Beck and Champion mining company today made a contract with the Omaha and Grant smelting company for 1,000 tons of ore per month for one year, the ore to be delivered at Deaver.

Valuable Salt Lake Property.

SALT LAKE, Utah, March 4.—[Special Telegram to THE BEE.]—The city council has sold one of the public squares to James H. Bacon of this city, for $150,000, conditional that he build a railroad to Deer Creek, Nev., a distance of 200 miles.

LAST OF THE FIFTY-FIRST.

The Congressional Session Adjourns with All Appropriation Bills Passed.

VOTE OF THANKS FOR SPEAKER REED.

But it Was Passed by a Strict Party Vote—Speeches by the Speaker and the Vice President.

WASHINGTON, March 4.—When the fourth of March broke upon the capitol the corridors were almost deserted and the galleries of both houses were nigh tenantless. The senate had taken a recess just before daylight until 9 o'clock and the hall of the house was the scene of litter and confusion. There was an unusually large attendance of members, but it was also an unusually disorderly assembly. The speaker appeared to be the most serene in the vast hall saving certain representatives who tilted themselves back in their easy chair, or threw themselves upon ample lounges and were more or less advanced toward sound slumbers.

The sharp voice of the speaker rang out as clearly as ever calling for order, and in remonstrating with unruly members who sought to indulge in "horse play." As the day grew signs of life outside the hall of the house multiplied. Members who had stolen off for the night to their homes began to drop in quietly. The senate doors were reopened and the large class of people who take an interest in the congressional death struggle began to flock to the capitol and to seat themselves in the galleries and the last day of the session was fairly begun.

THE WIND-UP.

How the Senate Put in Its Last Hours.

WASHINGTON, March 4.—In the senate, after the passage of the house bill to supply artificial limbs to pensioners every three years instead of five years, the conference report on the bill for the reorganization of the artillery and infantry forces of the army was reported and agreed to. Mr. Hawley explained that the report provided merely for a change of organization and did not increase the army.

The house bill for the issue of the commission of Phillip C. Johnson as rear admiral in the navy and to deliver it to his widow was passed.

A message from the house proposing a further conference on the legislative appropriation bill was presented and read and Mr. Allison informed the senate in connection with it that the difference between the two houses related solely to the question of the annual compensation for the session committee clerks and clerks to senators. Unless the conferees should be otherwise instructed, he thought the senate conferees might be expected to recede substantially from those amendments.

At 4 a. m. Mr. Allison returned to the chamber and presented the conference report on the legislative bill, the senate receding from the amendments as to senators' clerks and session committee clerks, and leaving them still at a per diem compensation. The report was agreed to.

The conference report on the deficiency bill was presented and read. Mr. Hale said nearly all the terms in dispute had been arranged. There were still unsettled question as to the Pacific railroad claim, the payments to the widows of Chief Justice Waite and Justice Miller, the French spoliation claims and the claims of states for moneys expended in the late war and the war of 1812. While the report was being considered, Mr. Pasco called attention to the fact that although there was a motion pending to reconsider the vote on the copyright bill and to request the house to return the bill to the senate, the bill had been signed by the speaker of the house and had been laid on the table of the vice president. He asked, pending action on his motion, that the vice president should have his attention called to that motion.

The discussion upon Mr. Pasco's motion to reconsider the vote agreeing to the conference report on the copyright bill occupied the attention of the senate at intervals up to the hour of taking a recess. Mr. Pasco complained that notwithstanding his motion the bill had been hurried to the vice president and had received the vice president's signature and was awaiting the president's.

The idea of the bill being "railroaded" was angrily repelled by Mr. Pratt.

Mr. Spooner had seen the vice president, he said, and had learned that he had (not knowing of the motion) signed the bill and there the matter stood when the hour of recess came.

In the meantime the conference report on the agriculture bill was agreed to and the partial conference report on the deficiency bill was agreed to, a further conference being ordered.

At 6:15 the senate took a recess till 9 a. m., at which hour it resumed its session with the vice president in the chair.

Mr. Pasco's motion, made at the night session, to reconsider the vote agreeing to the conference report on the copyright bill and to recall the bill, was defeated.

A further conference report on the deficiency bill was presented and read. Mr. Stewart complained bitterly of the action of the conferees in rejecting the amendment to reimburse the states of California, Oregon and Nevada for expenses incurred in suppressing the rebellion, the claims for which there were judgments of the court, while provision was made in the bill for the French spoliation claims for which there is no judgment of the court.

Mr. Hale promised that the senate conferees on the deficiency bill would endeavor to secure as much as possible of the action of the senate on the bill. He consoled Mr. Stewart by assuring him the senate was committed to state claims by vote and by sentiment and that it was only a matter of time when they would be paid. In conclusion he promised the conferees would make a report in a very short time.

Mr. Sherman interposed a motion for an executive session. The galleries were cleared and the doors closed.

It was 10:45 o'clock when the doors were reopened. The clerk of the house appeared at the bar with a message announcing that the house had agreed to the conference report on the general deficiency bill. Immediately afterward Mr. Hale presented the same conference report to the senate and moved its adoption.

Mr. Stewart asked what disposition had been made of the amendments in dispute. He was informed that the house conferees were so firm in their resistance to these amendments that it became a question of giving up the amendments or giving up the bill. In consideration, mainly, of the large pension appropriation which the bill contained, the senate conferees receded from the amendments and the amendments were now out of the bill. The report was agreed to.

Mr. Morgan applied to be excused from further service on the committee on foreign relations, but the senate declined to accede to his request.

On motion of Mr. Edmunds, a committee of two senators was appointed to join a like committee on the part of the house to wait on the president and inform him that congress was ready to adjourn. Messrs. Edmunds and Gorman were appointed on the part of the senate.

Mr. Ransom offered a resolution, which was unanimously agreed to, tendering the thanks of the senators to the vice president for the courteous, dignified and able manner in which he had presided over the deliberations of the senate.

The house bill for the protection of the lives of miners in the territories was passed.

A resolution was offered by Mr. Mitchell instructing the judiciary committee to inquire and report as to when the laws relating to Chinese restriction expired; also when the Chinese exclusion act of 1888 shall expire. He explained that the object was to have new legislation on the subject before the existing laws ceased to operate. The resolution was agreed to.

At 11:30 Mr. McPherson, clerk of the house, presented to the senate the deficiency bill, enrolled and signed by the speaker, and it was immediately signed by the vice president and carried to the president.

Messrs. Blair, Evarts, Hampton, Ingalls, Payne and Spencer, six of the senators whose terms expired at noon, were in the chamber to the last and gave no outward manifestation of concern or regret at leaving the old familiar hall, although now and again one of their associates approached to say farewell.

Within ten minutes of noon, Mr. Allison asked and obtained leave to have printed in the Record a summary of the appropriations for this session. In the nature of things, he said, the statement could not be prepared in a few days. To a witty suggestion of Mr. Cockrell, Mr. Allison gave the reply: "It will be a fair, candid statement of the situation, whatever it is."

Mr. Edmunds reported that the committee appointed to wait upon the president in conjunction with a similar committee of the house had waited on him and had informed him that the two houses had concluded their business and were ready to adjourn, and that the president had replied that he had no further communication to make. Meanwhile the clerk of the house had brought over the joint resolution just passed to correct the error in the enrollment of the agricultural appropriation bill. The joint resolution was passed. It was the last piece of senate legislation of the Fifty-first congress, but it was of no force or effect, for before it could be sent back to the house that body had adjourned.

When no other business remained to be transacted, and when the clock had taken a three-minutes' step forward, at the touch of the old wizard's wand, the vice president arose and made his farewell speech, he said:

"I am admonished by the dial that the life of the Fifty-first congress is ended and that the hour of separation and farewell has again arrived. The record is made up and has gone into history. No one of us can be unmindful as we part of the fact that all are not with us who answered the first roll-call of this congress.

"I acknowledge with grateful sensibility the courtesy and kindness which, even in critical and complicated situations, the members of the senate have been accustomed to accord me and the honor conferred by the resolution just adopted in my absence from the chair. With the earnest hope that each member of this body may be blessed in every relation of life, I now declare the constitutional period of the Fifty-first congress having been completed, the senate stands adjourned without day."

In the House.

WASHINGTON, March 4.—At 2:15 the copyright bill passed the house and went to the president.

After the conference report on the copyright bill had been agreed to, Mr. Haugen of Wisconsin moved to suspend the rules and pass the senate bill for the erection of a public building at Eau Claire, Wis., with an amendment reducing the limit of cost to $75,000. The motion was defeated.

The conference report on the agricultural appropriation bill was presented, but the house refused to accept it and a further conference was ordered.

The conference report on the legislative appropriation bill was agreed to.

The conference report on the bill for the reorganization of the army was rejected. Mr. Cutcheon then moved a further conference, but this was rejected, thus defeating the bill.

Just as the gray light of dawn began to vie with the gas and electric lights illuminating the house, Mr. Cannon of Illinois called up the disagreeing report on the deficiency appropriation bill, the remaining points of difference being the appropriation for the payment of the Central Pacific railroad for the transportation of troops and for the payment of the French spoliation claims. The report was adopted and Mr. Cogswell of Massachusetts then moved that the house recede from its disagreement to the French spoliation claims amendment.

Mr. Butterworth maintained that the claims had no proper place on this bill and there was not a trace of justice in them.

Mr. Cogswell's motion was agreed to.

Mr. Holman, having changed his vote for that purpose, moved to reconsider.

Mr. Cogswell moved to lay the matter on the table, which carried.

Mr. Dockery offered a resolution directing the house conferees to insist on the disagreement to the Pacific railroad items. Adopted.

On motion of Mr. Cannon, the house insisted on its disagreement to all the remaining points in dispute.

Mr. Grosvenor of Ohio moved to suspend the rules and pass the senate bill appropriating $50,000 for the erection of a monumental building at Marietta, O., in commemoration of the settlement of the northwestern territory. Lost.

Mr. Burrows of Michigan having taken the chair, Mr. McKinley offered the following:

"That the thanks of this house be presented to Hon. Thomas B. Reed for the able, impartial and dignified manner in which he has presided over its deliberations and performed the arduous and important duties of the chair."

Mr. Mills demanded the yeas and nays, and the resolution was agreed to—yeas, 152; nays, 116—a strict party vote.

The republicans immediately burst into a volley of cheers, which only redoubled when Mr. Mills inquired whether that was part of the funeral services.

Mr. Cannon of Illinois submitted the conference report on the general deficiency bill, and while he was explaining the report the speaker resumed the chair. His appearance was the signal for an outburst from the republican side. Papers and records were thrown in the air, handkerchiefs were waved and for a few moments the chamber rang with cheers, but throughout the tumult the speaker was calm and with a few vigorous strokes of his gavel restored order.

Then Mr. Breckenridge of Kentucky, rising, paid a warm tribute of respect to the chairman of the committee on appropriations (Cannon) on the floor, in committee and in personal contact. He said Mr. Cannon had always earned the gratitude of the gentlemen on the democratic side. [Loud applause on both sides of the chamber.]

The conference report on the deficiency bill was agreed to, thus disposing of the last general appropriation bill.

Mr. Funston of Kansas moved to suspend the rules and pass the senate bill for the erection of a public building at Kansas City, Kan., at a cost not to exceed $150,000. In speaking to this motion Mr. Springer of Illinois congratulated the country that the era of treasury raids was now at a close. The republican party had but fifty-five minutes in which to put its hand in the treasury and squander the people's money.

The motion was lost, not receiving a two-thirds vote.

On motion of Mr. McKinley the speaker was authorized to appoint a committee of three members, to join with the committee appointed by the senate, to wait upon the president and inform him that the two houses were ready to adjourn unless he had some further communication to make. Messrs. McKinley, Payson and Mills were appointed as such committee.

Mr. Belden of New York moved to suspend the rules and pass the bill for the relief of Henry S. Rhodes. The yeas and nays were ordered, but were interrupted by the speaker with the statement that the enrolling of the agricultural bill appropriating $150,000 for the relief of destitute persons in the west had been inadvertently detained. He therefore asked unanimous consent for the passage of a joint resolution rectifying the mistake.

Pickler of South Dakota objected, whereupon Mr. Funston of Kansas vigorously exclaimed:

"Shame on you! Shame on you! You villain! You villain!"

But Mr. Pickler subsequently withdrew his objection and the joint resolution passed.

Speaker Reed then rose and said: "After two long and stormy sessions, in some respects unparalleled in the hundred years of the house of representatives, the Fifty-first congress will close with a completed record into the history of the country, and its work will follow. What we have done was in a large measure political. Whatever is political rouses the fiercest, most turbulent, most unforgiving passions of the human race. Political action can never be justly viewed from a near standpoint. Time and distance are needed for ripe judgment, and the verdict of history is the only verdict worth recording. To state, in language which would seem to me to be adequate, the achievements of the house would not be suitable to this time or to this place, nor is it in the least needful that I should here and now rekindle old disputes or fan the dying embers of the struggles of the past and gone. Whether we have disposed of questions of finance with wisdom and broad statesmanship, time will surely show. Whether, in the things we have done and the things we have attempted for the furtherance of human liberty, we were actuated by high and honorable motives will be visible to all the world at no distant day. Our actions are catalogued. All enumeration and praise by ourselves would be all in vain. If our deeds do not praise us, our words cannot. Confident as I am of the verdict of time on what we have done, I am still more confident that the highest commendation will be given us in the future, not for what measures we have passed, valuable as they are, but because we have taken so long a stride in the direction of responsible government. Having demonstrated to the people that those who have been elected to do their will can do it, henceforth excuses will not be taken for the performance and the government by the people will be strong in the land.

"Toward those who have opposed what the majority of the house has desired, we can have no unkindly or personal feeling. Whoever offers battle to old convictions and faiths must expect a battle and the vigor of the resistance must always bear the same proportion to the vigor of the onset.

"To the members on my left, with whom I am politically associated, I tender my most sincere and heartfelt acknowledgements. No man ever received more ungrudging and unflinching support, or from a band more patriotic. I am proud to acknowledge, in all that has been done, that I have been but one in the multitude and that the honors of the Fifty-first congress belong to you alone. I now declare this house adjourned without day."

Nebraska, Iowa and Dakota Pensions.

WASHINGTON, March 4.—[Special Telegram to THE BEE.]—The following have been granted pensions:

Nebraska: Original invalid — Theodore Burrow, William Glass, Charles Israel, William H. Bates, William T. Weil, Jeremiah Murphy, Franklin Kelley, George W. Frazee, Washington Klingman, Francis Rogers, Clinton Day, Joseph T. Petit, Richard J. Tussey, Edward Orton, Thomas Perdue, Jacob L. Rine, John Nelson, John Schubert, John R. Winter, Charles W. B. Roberts, William J. Perkins, Caleb Phillips, David A. Gore, Francis A. Sutton, Herman Tietze, Peter D. Starr. Increase—James K. Rinehart, John H. Butler. Reissue and increase—Jonathan W. Adney, Albert W. Utter. Original widows, etc.—Sarah E., widow of William H. Austin.

Iowa: Original invalid—Daniel Fidrick, Carl Barinsky, Conrad C. Scott, Peter Ommen, Moses Chase, Luman P. Pierce, James F. Vernon, John H. Darling, George R. Hall, Daniel Mullen, William A. Crandall, Nelson R. Winn, Robert W. Lynn, Jerome Lawrence, Christ Wentze, David Horton. Increase — Thomas N. Williamson, Daniel Perdue, Montgomery Clark. Reissue and increase—Amzi G. Hicks.

South Dakota—Christian Oleson, Augustus P. Osgood, John W. Parker, Horace P. Jones, William W. Eastman. Reissue—Isaiah P. Nickell.

The International Railway.

WASHINGTON, March 4.—The international railway commission met today and arranged preliminaries for mapping a survey of the proposed railroad. William T. Shunk of Pittsburg, formerly connected with the Pennsylvania railroad, was selected as the the organizing engineer, and he will have general charge of the surveying work. Other civil engineers will be selected to assist him, and he is also promised the co-operation of local engineers in each of the countries through which the proposed road is to pass.

There will be three surveying parties, including the military party, already assigned to Central American states. The other two parties will be under the immediate direction of Mr. Shunk, and will work respectively north and south from a central point in Columbia.

The principal difficulty anticipated in the survey is crossing the Andes in Columbia. Mr. Shunk's experience in mountain railroad engineering will be especially valuable in that connection. It is estimated it will take eighteen months to complete the survey with the present force.

The President Signs Bills.

WASHINGTON, March 4.—The president, accompanied by Secretaries Proctor, Rusk, Wanamaker and Attorney General Miller arrived at the capitol shortly after 9 this morning and went immediately to the president's room where he commenced to examine and attach his signature to the various measures demanding his attention. The president remained at the capitol until both houses adjourned.

He signed the copyright bill, the legislative, deficiency, Indian, consular and diplomatic, sundry civil, pension and agricultural appropriation bills; the joint resolution providing for the organization of circuit courts of appeals; the act amending the laws in regard to timber culture; the act incorporating the National Conservatory of Music of America; the act for the protection of the lives of miners in territories; the act to commission P. S. Johnson rear admiral in the navy and ninety-two private pension bills.

Given Early Effect.

WASHINGTON, March 4.—Commissioner Groff of the general land office today sent to all registers and receivers of the United States land offices the following telegram:

"The timber culture and pre-emption laws are this day repealed. Allow no further entries thereunder of claims hereafter initiated."

Dick Berlin Succeeds Broatch.

WASHINGTON, March 4.—[Special Telegram to THE BEE.]—The president today nominated Richard S. Berlin of Nebraska to be a member of the Missouri river commission, vice W. J. Broatch, resigned.

Defeated the Brussels Treaty.

WASHINGTON, March 4.—The Brussels treaty for the suppression of the African slave trade and the traffic in spirits and fire-arms was defeated in the senate executive session this morning.

SOLD HIS CHILD.

Two Hundred and Fifty Dollars the Price of a Little Girl.

NEW YORK, March 4.—[Special Telegram to THE BEE.]—Michael Murphy and his wife, Nora, live in Hoboken. They have five children, four of whom are Murphy's by his first wife. The other child, twelve years old, is Mrs. Murphy's by her first husband. Mr. Murphy objected to the presence of her child in the house and decided to get rid of her. The couple answered an advertisement in a New York paper requesting a child for adoption. A man, whose name Mrs. Murphy does not remember, offered Mrs. Murphy $250 for the child. The offer was accepted. The negotiations, however, had been overheard by Margie, Mr. Murphy's eighteen-year-old daughter. She was very fond of the child and determined to try and frustrate the plans of her father and stepmother. She laid the matter before Recorder Mcgeoghue, but he was powerless to act as the mother was the legal guardian.

A CRAZY NEBRASKAN'S DEED.

He Disappears from Home and Turns Up Insane in California.

SHOOTS TWO MEN AND KILLS HIMSELF.

Several Women Have a Narrow Escape from a Burning Building—Fatal Accident at Blair—Voted Bonds.

BADGAD, Cal., March 4.—Edward Noah of Stella, Neb., became crazy in a passenger train here and drew a pistol and shot two men. Their wounds are not dangerous. Noah then jumped from the train, ran into the brush and cut his throat.

STELLA, Neb., March 4.—[Special Telegram to THE BEE.]—Edward Noah has been a resident of Richardson county for fifteen years, coming here from Iowa and locating near Falls City. He moved near Stella about five years ago. He has always been a straightforward, honest farmer, showing no idiosyncrasies, only that of a very quiet man, hardly ever speaking unless spoken to. His sudden disappearance a few weeks ago was shrouded in mystery until a member of his family received a letter from him stating that he was on his way to California. Nothing farther was known of him until the news of the above described tragedy was received.

Narrow Escape from Burning.

BEATRICE, Neb., March 4.—[Special Telegram to THE BEE.]—The house of R. R. Douglas, traveling commercial agent of the Burlington railway, at 609 North Fifth street was totally destroyed by fire early this morning. The fire was discovered by Miss Anna Peter, who occupied an upper room. She was awakened by a falling picture, the hangings of which had burned away. The fire was directly beneath her room and she barely had time to gather her clothing together and escape to the yard in her night robes. Mrs. Douglas, her child and a sister occupied a lower room and were entirely cut off from escape through any part of the house save by a door, long unused, which opened out of a closet into the rear of the lot. They were still unaware of their danger when Miss Peter reached their window, and after repeated pounding awakened them. Just as they awakened the flames burst into the room. With a cry they rushed to this door, in which the key fortunately remained, and were soon on the outside. It was bitter cold and snow covered the ground, the women and child suffering intensely. Mr. Douglas was out of the city. The house was owned by J. T. Carson of Auburn and was valued at $2,500; insurance, $1,000. Mr. Douglas' loss is about $1,500; insurance, $800. The fire is supposed to have originated in the carpet by a spark from the stove, as a coal oil lamp was broken on the floor near the stove early in the evening.

Plattsmouth Wants the Shops.

PLATTSMOUTH, Neb., March 4.—[Special Telegram to THE BEE.]—The board of trade held an enthusiastic meeting tonight and deliberated upon several very important propositions and undertakings. One of the most important prospective events on which action was taken was in regard to making an effort to secure the location of the new machine sh