OMAHA, FRIDAY MORNING, MAY 8, 1891.

#### JURORS WHO WILL THINK.

They Are Not Wanted for the Eheedy Murder Trial.

OTHERS ARE RATHER HARD TO FIND.

No Prospects of Securing a Jury This Week-Errors in the Law -Other State

News.

Lincoln, Neb., May 7 .- | Special Telegram to THE BEE. ] - The fourth day of the Sheedy murder case has been a repetition of the other days-the examination of jurors as to their competency. The few men left on the first panel of 150 jurors confessed to having dallied with the evidence or the alleged confest'on of Monday McFarland. This had established in their minds an opinion which would require considerable evidence to remove, and they were accordingly challenged and let out.

Following the exhaustion of the first special panel the clerk began calling the names of those citizens who had been summoned on the second panel. Thereupon Strode jumped out and entered a longthy protest against the manner in which the venire had been drawn. He insisted that the county commissioners had not chosen the veniremen in the proportion established by law, in that a larger number were drawn from some precincts and a less number from others than provided by the statute. He also objected to the second special panels because the members had been summoned by registered letter. Both objections were overruled and exceptions noted. At this point Judge Field remarked, as there was slight prospect of completing the jury panel before Saturday morning, that all witnesses summoned to appear at bar would be excused from further attendance until that time.

The cander and rugged honesty of a man named Taylor brought to the stand claims admiration. He stated that he had formed a decided opinion, the result of reading the newspapers and canvassing the crime with

Could you," asked Mr. Hall, who was examining him, "notwithstanding the opinion render an impartial verdict, after hearing the verdict? I might."

"Are you not sure?"

"I can't say. At present I believe both defendants guilty and it would require evidence to convince me to the contrary.'

Sheedy whose bearing had been of the confident order, dropped her eyes and a shade f annoyance passed over her face. The wit-ess was excused. At 3 o'clock this afterson the defense had exercised fourteen and

the defense seven peremptory challenges.

The delay in getting a satisfactory jury is largely due to the tangled condition of the existing law. Several sections thought to have been repealed by the last legislature are being found to have been overlooked and therefore are in force. The compiled stat-utes of Nebraska 1881 was revised in 1885 utes of Nebraska 1881 was revised in 1885 and when so revised contained the amendments made in 1882, 1883 and 1885. In the revision of 1885 is found section 468, page 838. The statutes of the state were again compiled by Brown & Wheeler in 1889 and that compilation on page 951 contains section 669 L. Now both of these sections provide for causes of challenge to jurors. On the first day of the challenge to jurors. On the first day of the examination of jurors in the Sheedy murder case Judge Field was governed by section 667 L in the revision of 1889, which by the mistake of the compilers omitted section 468 of the revision of 1889, which by the mistake of the compilers omitted section 468 of the revisisn of 1885, although in force. Judge Field on the evening ( the first day discovered this omission and finding both sections in force, on the second day excused four jurors selected on the first day, who he found, on examination of their evidence, had founded their opinions on reading reports of testimony taken at the coroner's inquiry and on the preliminary examination. It seems that section 669 L does not diminish the er tes of challenge of jurors, but enlarges them, therefore it follows that many jurors who could qualify under either section can-not qualify when all the causes are inquired of under both sections. Hence the necessity to call into the jury panel so many jurors.

## Lincoln Odds and Ends.

Lincoln, Neb., May 7.—[Special to THE Bre.]—The case against E. W. Hutchinson has been continued until Morday morning to swait the result of the injuries inflicted on Mis. Greene. Young and Goodman, arrested Tuesday

the charge of stealing some money from W. P. Newell of Seward, were discharged last evening, Newell not showing up.

Officer Allen brought in a young man last oncer Anna brought in a young man last night who imagined that he was a lord of high degree, in fact proclaimed himself as the heir-apparent to the English throne. Captain Otto was a little suspicious of the truth of his story and marked him down as John Doe, a character well known in police history. This morning he acknowledged himself to be an impostor, and as Robert Aswell was given a dollar and costs, which he will

The damage case of the Misses Blair against the city was given to the jury this morning. The next case taken up in law court was that of William Watt vs Patrick

Dore, an action to recover \$55 commission for acting as agent of defendant.

The Bush & Hagerman canal company has filed articles of incorporation. The object of the association is to construct and maintain canals and ditches for irrigating and water power purposes. The capital stock is

The National Fraternity Building and Loan association of Butte, Mont., expresses a willingness to comply with the laws of Nebraska

d has filed its articles of incorporation with the secretary of state. The Dundy county irrigation company of Benkelman, Dundy county, has filed articles

of incorporation. The capital stock is \$5,000

Will Remain a Dry Town DAKOTA CITY, Neb., May 7 .- Specal Tele gram to Tue Bee, |- Dakota City has had no saloon for over twelve years, but yesterday there came nearer being a lincense granted than for a long time. James Willis had applied for a license and, with the required number of signers, submitted his petition to the town board. A remonstrance was also filed against the saloon. John I. Spencer, in behalf of the objectors, agreed to introduce evidence against the applicant showing that he had violated the law during the past year and was therefore not entitled to a license according to the law. The board heard a couple of witnesses and then granted the license. Mr. Spencer took an appeal to the district court and on account of this appeal the village clerk refused to issue the license. Willis then demanded either the license or his money which he had paid for the license, and upon being refused the former took the

#### latter, which was returned to him. Street Railway Sold.

Lincoln, Neb., May 7,-- [Special Tele-gram to Tue Bir ] - The rapid transit street railway, which connects West Lincoln with this city, has been purchased by the Lincoln street railway company. The latter will take possession in about thirty days. The rapid transit line has proved a losing investment for Mr. John Fitzgerald and be been sinking about \$1,000 per mouth in it.

Polk County Crops. STROMSBURG, Neb., May 7 .- [Special to THE BEE. |- Crop prospects were never better in Polk county. Corn is about all planted and all small grain is growing ulcety.

YORK, Neb., May 7 .- | Special Telegram to Tue Bes.] -A half interest in the weekly

Independent, an alliance paper, was sold to-day to Representative J. M. Gunnett, who will bereafter let the plow rest and devote his time to pushing fabers.

Found a Dead Man.

AURORA, Neb., May 7 .- [Special Telegram to THE BEE. ]-A telegram received yesterday evening by Coroner Chapman announced the finding of a dead body in Lincoln creek, nine miles northwest of Aurora. This morning the coroner, accompanied by County Attorney Whitmore, Coroner's Physician W. F. Gooden and Constable Gebhart, proceeded to the place for the purpose of holding an inquest. An examination of the body showed it to be that of Gust Norden, a Swede, aged eighteen, who disappeared on the night of February 7. The body was in a good state of preservation and an examination by Dr. Gooden revealed marks of violence about the head and the neck was broken. Young Norden left his brother's house on the evening of February 7, and proceeded to a neighbors where he and three others remained playing cards and drinking until 2 o'clock in the morning, when he started for home. A severe snow storm came up a few minutes after he left the house and it was supposed he had got lost and died in the storm. Searching parties have since been scouring the neighborhood, but no trace of him was found until the accidental discovery of the body yesterday. The verdict of the coroner's jury was that he come to his death from causes unknown. As the circumstances are somewhat suspicious an investigation

#### Stephenson on Trial.

NELSON, Neb., May 7.—(Special Telegram to THE BEE.)—The trial of Charles T. Stephenson who caused the death of a girl at Sur for two years ago by giving her poison in mistake for calomel, was taken up in court teday. A fury was secured and the lines of prosecution and defense stated. The defense is that the dead girl, Carrie Easty, was pregnant and her death was caused by attempting an abortion instead of from poison, and if a mistake in filling the prescription occurred it was neither careless, heedless or felonious.

#### Paying the Soldiers.

GENEVA, Neb., May 7 .- [Special Telegram to THE BEE. |- The members of company G, Nebraska National Guards all wore broad smiles this morning. Colonel Hotchkiss was here vesterday for inspection accompanied by the paymaster and the boys drew \$14.41 each for their services during the Indian campaign.
About 6 o'clock this evening the Geneva

iron and wind mill factory was discovered on fire but by good work by the fire companies its building and contents were saved.

District Convention. NELSON, Neb., May 7. - [Special Telegram to THE BEE.] - The district convention of the Woman's Christian Temperance union was held here yesterday and today. There was a good attendance from abroad and some fine addresses were made by Mrs. Jennie L. Ful-ton, county president, and Mrs. Putnam, dis-trict president. Rev. C. M. Shephard of Superior gave an illustrated temperance lecture this evening.

#### Talk About a Branch Line.

NEBRASKA CITY, Neb., May 7 .- [Special Telegram to THE BEE. |-Vice President S. H. H. Clark of the Missouri Pacific has notified Hon. Paul Schminke of this city that he a committee in Omaha next week in reference to building the branch road from Ne-braska city to Talmage. General Van Wyck has volunteered to accompany the party.

#### Objections Overruled. HARTINGTON, Neb., May 7 .- [Special Tele-

gram to The Bee. |-At a special meeting of the city council Editor Felber's objections to the issuance of a licence to Garver & Carack were overruled. Felber immediatel filed an appeal and the saloon will be closed until the November term of court. Some fine legal points are involved and it will be

#### A Small Court Docket. MULLEN, Neb., May 7 .- [Special Telegram

to THE BEE, |-The first term of the district court for Hooker county was held here today with Judge E. M. Coffin on the bench. There were only two cases on the docket and were soon disposed of. The judge and bar then spent the day in having a good social time. Ascension Day Services.

YOUR, Neb., May 7 .- | Special Telegram to THE BEE. |-The Knight Templars held appropriate services at the Episcopal church this afternoon, after which thirty mounted knights rode to the cemetery and the grave of their brother, J. C. Kingsley,

who was interred Sunday. Sutton Musical Talent. SUTTON, Neb., May 7 .- [Special Telegram to THE BEE. |- Tonight occurred the first of a series of concerts that take in all the musi-cal talent of Sutton. The idea originated with Mrs. Mattie Mey taking her fine class

## A RUNAWAY CAR.

Narrow Escape of a Passenger Train from a Terrible Wreck.

DEADWOOD, S. D., May 7 .- | Special Tele gram to THE BEE. |-At 9:40 o'clock this norning a B & M. box car which got out of the yards at Pluma station, traveled down the steep grade toward this city gathering speed as it moved, until running at the rate of fifty miles an hour it crashed into an engine of the Deadwood Central passenger train, which was just rounding a curve. The engineer. Charles Battenschlage, reversed his engine and jumped just in time to escape. In the crash he was struck in the back by flying timber. Mr. Battenschlage, as soon as the collision was over sprung again to his engine, and while scalded by escaping steam applied the air brakes and brought the train, which was already moving rapidly down the steep grade to a stop. His prompt and brave action probably saved the lives of half a dozen of the many passengers with which the train was crowded.

HURON, S. D., May 7 .- (Special Telegram to Titk Ber. |- Today William Glasgow of Hull, England, sold to the New York land and irrigation company, through its representatives, C. W. Barringer and A. W. Wilmarth, 85,000 acres of land in the James river valley. This is the largest land sale ever made in this part of the northwest by private individuals. The company row has ever a hundred thousand acres of land in this le nundred thousand acres of inner in this lo-cality and is arranging to irrigate all of it by artesian wells. Practical Irrigationalists from Colorado will arrive in a few days to superintend the sinking of wells and putting

#### the land into shape for irrigating. Will Have a New Hotel.

DEADWOOD, S. D., May 7 .- | Special Tele gram to THE BEE. - The Deadwood board of trade was organized last night by the elecion of A. W. Coe for president; R. H. Driscoll, secretary, and A. R. F. Dawson corresponding secretary. The most important present work before the organization is the encouragement of a hotel project and work toward securing one suitable to the needs of the city is to be begun at once.

## Cincago, May 7.-The recent decision of

the treasury department requiring the restamping of all imported goods with the name of the city and country from which they came is being strictly constructed by Collector Clark and is causing importers much trouble. This morning he refused to deliver eighty cases of Havana cigars. They were stamped "Fior de Cuba," but it was held to be the name of the cigars and not of the brands, so they will have to be sent back unless the treasury authorities see fit to re-lease them. A case of imported rifles marked "London" is held because the word "Eng-

## GOULD CREATES A SURPRISE.

Traffic Manager Leeds of the Missouri Pacific Discharged.

VIOLATED THE TRAFFIC AGREEMENT.

He Pleads Guilty to Being Alone Responsible for the Missouri Pacific

Sugar Tariff Cut-Rail Notes.

New York, May 7 .- It was a somewhat jaded looking lot of railroad presidents that filed out of room 22 of the Windsor hotel this evening, where the meeting of the advisory board of the Western Traffic association came to an end. They looked like men who had passed through a crisis. Each, however, stoutly reasserted his allegiance to peace and harmony-with capital letters-and undying devotion to the cause of the association. The meeting was not without result. In the first place, a solid working quorum was secured and that is a good deal in the light of the heartburnings that followed the famous Chicago failure. More significant and in a manner picturesque was Mr. Gould's repudiation of the Missouri Pacific sugar tariff. with an incidental offer to resign the presidency of that road if any charges could be made and proven against himself. General Traffic Manager Leeds was found

guilty, and starts for St. Louis tonight to uch over the control of his department to S. H. H. Ciark, the manager of the Missouri Pacific. What will be done with Mr. Leeds or who will be his successor it is yet too early to fortell. As important almost as the disciptining of the Missouri Pacific were the terms of a resolution adopted by the board. They were: 1. That the life of the association be extended for a fixed term, say until January 1, 1896; 2. That the commissioner of the association prepare a plan for the reestablishment of joint agencies; 3. That the commissioners report on the advisability of the division by percentages of competitive

tonnage.
When Mr. Leeds was called before the board yesterday morning he was allowed to file the 150 pages of typewritten explanation that he had started to read the day before The statement was too historical, it was said, and possibly too directly aimed at some

others of the roads represented, to be profit-able reading for the board.

Mr. Leeds made a verbal explanation, however, and then retired from the room. The board found him guilty of violation of the agreement of January 9, announcing the ver-dict just before the noon recess. This left Mr. Gould only one course as the agreement distinctly provides for the dismissal of any officer guilty of violating its provisions. After a short interview with his superior, Mr. Leeds said he would start west immediately and would turn over his office to the manager of the road. He knew of no other provisions that had been made for him, he said, and especially denied that there had been any arrangement by which he should become general traffic manager of the Union

Pacific.

"I do not admit the justice of my sentence," said Mr. Leeds. "I issued the sugar tariff on my own responsibility, for reasons that seemed to me to justify that course. The board does not admit the presentation of these reasons and so I am found guilty. I did not make that tariff to get sugar, and, in fact, did not get it. That tariff is still in effect, and yet much more tariff is still in effect, and yet much more than half of the sugar tonnage goes over other lines that are supposed to have lived up

In the course of his talk, Mr. Leeds said that his object in cutting rates was not to get sugar, but to bring out something else. What that something else was he would not say, but they think it was to get up an in-vestigation of rates on the Missouri Pacific that would bring to light the fact that other roads in the association were cutting rates

Having thus steered clear of the rock that threatened to split it permanently, the board turned its attention to other matters. Most of the revolutions previously reported to be slated for consideration were taken up, though that of assailing the "long and short haul' clause of the interstate commerce act was left to the action of the Trunk Line as sociation. The following resolution was unanimously passed:
"It is the sense of this board that the life

of the Western Traffic association ought to be extended for a fixed period, say until Jan-uary 1, 1896, in order that reforms and econ omies may be established which cannot now be carried into effect owing to the uncertain ties attending the existence of the associa That the commissioners be directed to

prepare a plan by which so far as possible in-dependent agencies may be abolished and joint agencies established, to lessen the exense in the competitive business of members of the association. "That commissioners be selected to look

into the matter of division by percentages of competitive tonnage arising at such joint agencies and the routing thereof, and to sub-mit a report together with the plan referred to in the previous section to each member of the association.
"That without binding any member of the

association to the adoption of the report of the commissioners it shall be solely for the purpose of saving time. When the reports of the commissioners shall have been re-ceived by the members of the association they shall be submitted without delay to the respective board of directors, with the object of ascertaining if it be advisable to enter into such plans and agreements as are contemplated in the foregoing resolu-The general impression at the close of the

meeting regarding Mr. Leeds' future in rail road circles was that he was offered some position by Mr. Gould equally as good as of freight traffic manager of the Mis Pacific. It was quite evident that Mr. Gould did not anticipate early in the meet-ing any such decision of the board regarding

the Leeds case. tually the first year's plan drawn up by Mr. Gould and Colonel John McCook and presented to the railroad men at the meeting at which the association was organized, but re jected for the one-year plan. At the close of the day's meeting (which adjourned sine die; all the members of the board expressed the opinion that the resolution as adopted would be accepted by the various roads and that the pian of estab-lishing joint agencies would be successfully

Mr. Gould said that he considered the adoption of a plan of a five year existence and the consideration of forming joint agencies the two most important things the board had done since its formation. He said he was very well satisfied with the work done by the board at this meeting. It was proof of great interest to all concerned. Sidney Dillon said that the lion and the lamb had laid down together. He had never attended a meeting that ended with such unanimity of satisfaction on the part of all present as this one. Mr. Dilion, however, eglected to say in what spirit the meeting referred to began. It was what many were anxious to find out, but none succeeded in ently satisfied with the outcome of the ference. He was well pleased with what had

## OPENED THEIR EYES.

The Wizard Makes a Statement Before the Presidents.

been done.

New York, May 7 .- The Sun, in its story of yesterday's meeting of the Western Traffic association, says: Mr Gould astonished those present by saving soon after the meet ing opened: "I have not come here to uphold any violations of the rules or to defend rate cutting. There seems to be no doubt

# WILL CATCH HER IF POSSIBLE.

that Mr. Leeds cut rates, contrary to the rules of the association. Whether he had sufficient provocation for the act it remains for you to decide, after hearing his statement, as I presume you will be willing to do. I believe that the only way to place the association on a sure basis is to abide by the letter of it and to deal with officers according to the rules. I have nobody to protect that is connected with the Missouri Pacific—not even myself. If any man has any charges Plans of the Federal Government Regardthat is connected with the Missouri Pacific— not even myself. If any man has any charges to make against me, let him prefer them, and if they are proven I will protect the agree-ment by resigning from the presidency of the road."

This unusual speech from so quiet a man as HAVE WE A CRUISER FAST ENOUGH?

This unusual speech from so quiet a man as Mr. Gould was received with applause, and, if anything, strengthened the feeling that all offenders should be guillotined, whether of high or low degree. Certainly Mr. Leeds' chances were not improved any. It was decided to postpone the Leeds case until the cided to postpone the Leeds case until the latter part of the session, but they had hardly begun to vote upon the matters that were taken up before it became evident that the Leeds offense must be disposed of at the start or nothing further of importance would be accomplished. Saknown to Mr. Gould, a quiet understanding, as if by a c aucus had been reached among a majority of the barret that every vole should be parely of of the board that every vote should be blocked until the penalty had been meted out to the openly offending road or the officer who had been guilty. So the only thing that passed was that four of the six commissioners was that four of the six commissioners should have the power to convene a hearing on any subject offered to them instead of a full board being required, as at present. But the meeting so called shall preserve a verbatim report of the proceedings and the same shall be passed upon by the full board before becoming effective.

The whole morning session was wasted in

becoming effective.

The whole morning session was wasted in attempted amendment of rules and finally some one in exasperation said: "Let's hear Leeds story and get it out of the way."

So a bailiff was sent to look up Leeds. A few minutes before he was jounging about the sofas in the corridors with a lot of manuscript in his hand waiting nervously to be called. But when he was wanted he could not be found high or low, and the meeting had to take up something else. Mr. Leeds turned up later in the afternoon and he treated the nagnates to nearly an hour's talk. He had not half finished when it was decided to connot half innished when it was decided to con-tinue the narrative this merning. Mr. Leeds made serious charges of rate-cutting, it is said, against the Buringten and Rock Island, but the cases antedated the organization of the Western Traffic association. He prom-ised to furnish something sensational today that fully justified his action. "Will Mr. Leeds have to go?" was asked of several of the presidents last evening. They

several of the presidents last evening. They remained close-mouthed and were probably more so because they were nonpiussed as to what course they would pursue against Mr. Gould than because there was any doubt in their minds about the justice of his dis-

#### Surprised at Chicago.

CHICAGO, May 7.-Not a little surprise was manifested in railroad circles today by the announcement from New York that President Gould had actually discharged General Traffic Manager Leeds of the Missouri Pacific for violation of the president's agreement in reducing the rate on sugar. The impression had prevailed for several days that Gould would manage to smooth over and by some trick would get out of the difficulty without incurring any penalty or being put to the necessity of disciplining any employe. One traffic official said this evening:

ploye. One traffic official said this evening:
"The result shows that Gould was in
earnest in his expressed desire to maintain
harmonious relations with his competitors.
He evidently has more plans, the carrying
out of which depends upon a continuation of
the agreement. After he his spun his web and got the other roads where they can't do any harm to his interests I il wager that he won't be at any pains to preserve peace. Leeds' so-called defense was in my opinion a blind, for he practically admitted that he alone was to blame and made no great offer to justify his action. I think it was a pre-arranged scheme to give Gould the opportunity of discharging him, and so making the great point with the other presidents, whose distrust of him had recently become so ap parent. Leeds will be taken care of."

Other railroad men take a more generou view of the matter, although it is hard to salary will go on just the same after he has left the Missouri Pacific. The report that he will be given a position on the Union Pacific is not credited at all, because the greement provides that when an employe is he shall not be employed by any company in the association. It is believed that Gould's action will have a good effect in restoring a measure of confidence in the Western Traff association and perhaps in leading to the adoption of a stronger and better agreement.

Another Long Island Rhode. NEW YORK, May 7 .- Austin Corbin's longplanned railroad is to have a competitor The New York, Brooklyn & Long Island railroad company has filed its corporation papers under the general railroad act at Al pany. It is said the capital stock of \$1,000, 000 has been put up by a syndicate. That some railroad scheme in connection with Long Island has been in contemplation by the Vanderbilts has been an open secret for some time. It was believed that they were after the Long Island railroad stock that was re-cently sold by Corbin's old friends and his partners, Maxwell & Graves. But the stock became the property of Charles Pratt, the Standard oil magnate who died so suddenly in his office on Monday evening. The Van-derbilt people annonneed at the time that they were not bidders for the stock and did not want any interest in the Long Island not want any interest in the Long Island railroad and wouldn't take the road if it was offered to them on a silver salver. Chauncey M. Depew said the New York Central had no use whatever for the Long Island road, as it secured all the business to give the Cen-tral by reason of natural conditions. The organization of the new company, however, shows that there was a deeper reason for not securing the old road than any that was mentioned at the time the block of stock was for

The recent transfer of the Union and Long Island ferry companies to the Collins people has an intimate relation to the new railroad The Union ferry company control the Fulton street, Wall street, Catbarine and South ferries, and the Long Island ferry con-trols the James street and Thirty-fourth street ferries. These ferries will be impor-tant adjuncts or feeders to any road on the island, and it is proposed to connect them very closely with the new one to be built. The proposed route of the new road has been carefully studied and practically decided on, though the full survey is still to be made. But little can be learned as to the route further than that it will saddle the Long Island road to all important points on both the north and south shores. It will make close connections with the Brooklyn elevated roads, thus catching all the ferries besides those mentioned and that bridge. It is not impossible that the new road will ultimately have a direct connection with the Central by way of the proposed East river tunnel or one of the new proposed bridges.

## Failure of the Boycott.

CHICAGO, May 7 .- A little uneasiness is ap parent among the officials of some of the eastern roads on account of the complacent manner in which the Chicago & Alton takes its punishment. The management of the Alton road still contends that the beycott is not interfering with its business, and so long as the present condition of things continues the conservative policy of the road will not be departed from. It is intimated that several of the eastern roads are quietly accepting its tickets and carefully concealing the fact from the board of rulings, It is certain that the Alton people take a more reseate view of the situation than anybody else just now and are showing profits of increased passenger business, not only in the crowded condition of their trains, but in their statements of their earnings. According to the statements the increase in passenger earn-ings as compared with the corresponding period last year averages about \$500 per day.

A COMING CONFERENCE. It is now stated that the committee ap-CONTINUED ON SECOND PAGE.

The Recapture of the Rebel Ship Will Bring Up Important Questions

ing the Etata.

of an International

Character.

Washington, May , 7. - Attorney General Miller this afternoon made public the substance of the correspondence that has passed between the officials here and the authorities at Wilmington and San Diego, Cal., relating to the insurgent vessel Etata and the schooner Robert and Minnie. He refused to give out for publication the full text of the correspondence. The information given by the attorney general agrees substantially with that received in the press dispatches from those two points. The representations upon which orders were originally given to the collector of customs at Wilmington and subsequently to the United States marshal at Wilmington and San Diego to delay the Robert and Minnie were made to Secretary Foster and the attornev general by the Chilian minister, were to the effect that he had information that the neutrality laws were being violated.

The telegrams received by the attorney general indicated that the steamer Etata, escaping from San Diego with the deputy marsnal on board, had sent him ashore at a point on the coast about eight miles below the

The Etata is a Chilian insurgent vessel of iron build. She carries four cannon and 100 men. The telegrams mentioned a proba-bility that the Robert and Minnie would go to San Clements island, there to transfer her arms and ammunition to the Etata.

The attorney general refused to indicate what further steps he had taken in the mat-ter since the escape of the two vessels or to discuss the probability of any international complications arising in connection with the matter. The attorney general had several conversations on the subject with the secretary of the navy during the day and this gave color to the story that efforts were to be made to recapture the Etata.

"Can you take the vessel on the high seas without violation of law!" a reporter asked Secretary Tracy.
"Yes, sir," replied the secretary, emphati

cally.
"Will you do it," asked the reporter.
"I have no enswer to make to that," replied the secretary. "You can't skin a hare before you catch him."
This seems to summarize the present situation. The Francisch be cantured if

ation. The Etata will be captured if possi-ble, but she has a large start of any pursuer. Probably the new cruiser Charleston is the only naval vessel in these waters that would be able to cope with the audacious and well armed Etata. But the Charleston is at San Francisco. A day would be required to coal her and then she would start from a point several hundred miles north of the place that the Etata left, so that practically the Chilian vessel has at least three days' start of her pursuer. The navy de-partment officials will not say whether or not the Charleston is to go in chase, but it is known that they have been canvassing the possibilities.

The capture of the Etata raises important questions of an international character. The Alabama claims, which cost the British government \$20,000,000, arose in a similar man-ner through the equipment of a confederate vessel in an English port and the supplying of men, guns and ammunition to her by British vessels. As the Etata has been seized by the United States at San Diego she was technically United States property discharged, and is therefore to recapture on the high seas by a United States man-of-war or to confiscation if she ever enters a United States port. So far a is known there is no charge of conspiracy against either the Etata or the Robert and Minnie. They are charged with violation of the neutrality laws, which forbid the fitting out in the United States of vessels for war upon a country with which the United States is at peace. Incidentally the 'egal determination of the force in charge involves the question as to whether the Chilian in-surgents are to be recognized by the United States (as they have been by Great Britain) as belligerents and to the settlement of this question the state department officials are

already applying themselves.

San Francisco, Cal., May 7.—From ircumstances surrounding the case the Etata is nothing more or less than a privateer in the service of the Chilian rebels. Deputy Marshal Spaulding's story of the escape is as follows: "Nothing unusual occurred until Wednesday, when a boat containing First Mate Nelson, the surgeon with a medicine chest and two passengers came to us. As soon as the passengers landed from the boat they had a short conversation with the captain. I was at that time in the dining room. Five minutes later I round to my surprise that the steamer was under full head of steam and making for the occan. The captain came in a minute later and invited me to his cabin, and a second later he was joined by some of the passengers. They exhibited tevolvers and asked me if I was armed. The captain, acting as spokesman, said: 'Well, I have contraband goods on board, and this is life or death with me.' Then pointing his finger to his throat, he said: 'See, this is what it means.' I was so dumbfounded that I could

means. I was so dumbfounded that I could not answer. He then called two of the Chilian crew who stood guard by the door, each armed He then told me not to be alarmed, but that if I went out of the cabin during his absence he would not be responsi-ble for what would happen, telling me if I attempted to give a sign or jump overboard he would not be responsible for the result. About this time 1 noticed them lifting out of the hold four steel cannon, which they placed in position on the upper deck, after which they were loaded in my presafter which they were loaded in my presence. Returning a few minutes later the
captain said: 'I have spoken to the pilot
and instead of putting you off at Point
Lomax, in one of our boats, we will get a
boat from a pilot at the last point. He
then led me out of the cabin, followed by his companions, each taking
their revolvers. Around on the deck were 100 Chilians, all armed to the teeth having a repeating rifle and most of them dressed in uniform. The captain gave a saucy laugh and said: 'See, we have changed into a man of war.' I looked at the pilot and said: 'Are you going to guide the ship out?' The captain spoke up and said 'No'—exhibiting a revolver—

This gains to guide it. The relief said. This is going to guide it. The pilot up and said: I guess I am in for it. this time we were near the entrance of the harbor and the captain gave orders to pu over a ladder and also to the pilot to ste down and, escorting me to the ladder, said 'You must excuse me for putting you to this annoyance.' Then I was lowered over the and the Etata passed out of the bay

leading north. "Making inquiries from the boatmen found that I was to be landed two miles from the town. I protested vigorously at being made a prisoner during the passage out of the harbor and leaving the ship while in the possession of the cov-ernment, but they paid no attention to my protest and kept me a prisoner until they arrived at the point where they let off. I will go directly to Valparaiso and would like to have you write me there if you feel so disposed, said the captain, giving his name and address. They stated that the big war ship Esmerald accompanied the Etata as far north as Cape St. Lucas, and is awaiting the return of the latter vessel between here and there to take on provions and coal. It was learned further that Captain Mauzenas is only employed to navi-gate the ship and the real commander is a native Chilian and he gave all orders."

The Alta California has positive informa-tion that the United States steamer Charleston will sail for San Diego tomorrow in pursuit of the Chilian ship Etata, Secretary Tracy

# telegraphed special orders today and the Charleston left Mare island today and anchored off San Francisco Instead of tak-

ing her usual anchorage behind Gost Island out of sight. Her estensible purpose in coming down is to go outside and try her guus. The officers and men have been ordered to be on board at So'clock tomorrow morning.

The United States man-of-war Omaha arrived this morning from Asiatic station.

Says She is Balmaceda's Vessel. SAN FRANCISCO, Cal., May 7 .- The Chron icle states that it has information that gives ground for the statement that the steamer hovering around the entrance to San Diego is the armed transport Imperial, now in possession of Balmaceda's party. She left Valparaiso to intercept the Italia on ber return

yoyage to Iquique. The Imperial is very low, 200 tons, and is said to be capable of steaming sixteen miles an hour.

Senor Casonova, former Chilian consul, said yesterday: "It will be found that British money is the mainstay of the insurgents against our government. The British want against our government. The British want to obtain control of the nitrate deposits and President Balmaceda wishes them to be worked for the benefit of the Chilian govern-

Cruiser Charleston on Hand San Francisco, May 7 .- The United States cruiser Charleston came down from Mare island navy yard and is now unchored in the

#### KILLED IN A MINE EXPLOSION. Four Miners Meet Death Near

Clarksburg, W. Va. Clarksburg, W. Va., May 7.—This morning at the Ocean coal mines, two miles northwest of this city, owned by William Black, a terrible explosion of gas occurred. Seven men had descended into the mine and about forty more were waiting to descend when the catastrophe took place.

A rescuing party started immediately after the explosion and three out of the seven men were gotten out alive.

The following were instantly killed: JOSEPH FEATHERS, aged fifty, Conwilliam DOUGHTERTY, aged thirty-

ve, Bridgeport. NATHAN GAINS, aged thirty-five, larksburg. CHARLES WELSH, aged twenty-three,

larksburg. Feathers' body was recovered, but the others could not be reached. The mine took fire and is burning furiously. Had the ex-plosion occurred fifteen minutes later forty ives would have been sacrificed.

#### WRECK ON THE PANHANDLE.

An Express Messenger Killed and Three Postal Clerks Injured.

Columbus, O., May 7 .- A disastrous wreck ccurred on the Panhandle railroad four miles west of Tennyson, O., at 11 o'clock this morning, being a collision between the limited mail No. 7 west and passenger No. 10 east. Daniel Longnecker of Columbus, baggagemaster on No. 10, was instantly killed. Longnecker was literally crushed to death,

Longnecker was literally crushed to death, dying almost instantly.

Express Messenger Marvin was badly bruised and Postal Clerks C. D. Rogers, Samuel Crouch and — Miller, all in the first car, were more or less injured internally as well as bruised about the body and limbs.

#### THE COLD SNAP.

It Has Never Been Equaled in Signal

Service History. WASHINGTON, May 7.- The signal office special bulletin today says the cold weather prevailing over the country for the past three or four days has been of unusual severity, extent and duration, and has been accomcanied in some sections atures for the season and later frosts than ever previously recorded by the signal ser-The temperature will probably rise slowly from this morning over the whole country, and severe frosts are not likely to again occur this season.

LOUISVILLE, Ky., May 7.-Reports from points throughout central and northern Ken tucky show that last night's frost was much more destructive than Tuesday night's damaged, also early gardens. Wheat and corn have been somewhat hurt.

Missouri Fruit Injured. St. Louis, Mo., May 7,-Dispatches from many points of this state indicate that fruit and garden truck were badly injured by the

Sleighing at Norfolk, Conn. NORFOLK, Conn., May 7.—There is sleigh ing here.

## BROKE THE RECORD.

Close of the Sleep Fasting Contest in

San Francisco. San Francisco, Cal., May 7 .- The sleep fasting contest, which began a week ago with twenty entries, ended in C. Woodruff, the only contestant who remained awake, being forced by the management to retire this morning. He had been without sleep for 158 hours and 45 minutes and when finally obliged to close his eves was pronounced by the physicians to be in danger of becoming maniac. It is now believed he will his reason. He broke the record of 140 hours and 20 minutes, which was made in Detroit. Woodruff received \$100, and Jackson and Harris who remained awake over ninety hours \$50 and \$25, respectively.

Minister Swift's Remains Arrive. San Francisco, Cat., May 7 .- The steame Belgic arrived this morning from China and Japan bringing the remains of the late United States Minister Swift who died at Yokohama in March last.

The remains of Minister Swift were received by a committee of citizens headed by the mayor, Colonel Shafter, First infantry, U. S. A., and a number of officers and a bat-tery of light artillery. The casket containing the remains was placed on a caisson and conrepeat to the mortary chapel of Trinity church, where they will lie in state until Sunday, the day of the funeral.

At a meeting of citizens, which was held in

Mayor Sanderson's office today, it was de cided that the funeral should take place at 2 o'cleck next Sunday afternoon, the interment to be in the Masonic cemetery funeral will be conducted with imposing

## Keystone Bank Muddle.

PHILADELPHIA, May 7.-It is now estab ished beyond a doubt that all the money which has been taken irregularly from the Keystone bank is not embraced in the operations of John C. Lucas. Transactions which have occurred since his death have come to light that strongly tend to confirm the asser-tion freely made, "that when the money was gone they said just charge to the Lucas account." It is openly charged that in this manner large amounts of money were taken and tracks of its disappearance buried Lucas' deficit.

Insane Police Officer's Deed. Cuicado, May 7 .- Officer Hugh Burns who has been on the polise force a long time, has been acting strangely since the death of his wife a few weeks ago. This morning he went home and without warning drew a revolver and fatally shot his twelve-year-old daughter. He was arrested and tonight is violently insane. He is a brother of State Representative Borns.

Bank Reports Called For. WASHINGTON, May 7 .- The comptroiler of the currency has issued a call for reports of national banks at the close of business Mon-

## UDGE MAXWELL'S OPINION.

ief Resume of a Most Extensive Legal Document.

Y HE HOLDS BOYD TO BE A CITIZEN.

Naturalization Acquired Through the Admission of Territories Into the Union-Governor Thayer Still Making Appointments.

Lincoln, Neb., May 7 .- [Special Telegram to Tun Ben. | - The dissenting opinion of Justice Maxwell in the Thayer-Boyd contest

would fill almost two pages of The Bee. The judge reviews at length the arguments presented on each side, and then, after treatng on one or two minor points, he in brief expresses himself thus concerning the en-

bling act:

The first section of the act admitting the state of Nebraska into the union reads: "Whereas, on the 21st day of March, 1834, congress passed an act to enable the reories of Nebraska to form a constitution," etc., "that the constitution and state government which the PEOPLE of Nebraska have formed for themselves be and the same is hereby accepted," etc.

Congress thus construed the word "people" as a synonym with the word "inhabitants."

It will be observed that the act admitting Nebraska into the union contains provisions which are exceedingly comprehensive.

The constitution and state government "is hereby accepted, ratified and confirmed, and said state of Nebraska shall be and is hereby " admitted into the union upon an equal footing with the original states in all respects whatsoever."

whatsoever."
I have been unable to find such strong language in an act admitting any other state into the union, and the language is much stronger than that admitting the state of It is necessary now to inquire how the origi-

Texas.

It is necessary now to inquire how the original states were admitted into the union. The preamble to the constitution of the United States declares that "We, the property of the United States, in order to promote a more perfect union " " do ordain and establish this constitution for the United States of America."

Whoever, then, was one of the people of either of these states when the constitution of the United States was adopted, became ipso facto, a citizen—a member of the nation created by its adoption.

On April 30, 1802, the inhabitants of the eastern division of the territory northwest of Ohio were authorized to form a government for themselves, a constitution and state government. The population consisted partly of citizens of the United States and partly of foreigners. The inhabitants then, who were authorized to form a state government for themselves, must have been all the real inhabitants of the country, citizens or foreigners, and after the admission of the state into the union, must have equally participated in all its advantages, because if a party only were entitled to its benefit, all the inhabitants had not formed a government for themselves.

Louisiana was admitted into the union

ants had not formed a government for themselves.

Louisiana was admitted into the union under the treaty of Paris, which stipulated that "the inhabitants shall be incorporated into the union of the United States and admitted as soon as possible, according to the enjoyment of all the rights, advantages and immunities of citizens of the United States."

The government has a right, by treaty, or by the admission of a new state, to naturalize, and such naturalization is equal to the other.

The government has a right, by treaty, or by the admission of a new state. to naturalize, and such naturalization is equal to the other.

February 2, 1819, Spain ceded Florida to the United States by treaty. This treaty is the law of the land, and admits the inhabitants of Florida to the enjoyment of the privileges, rights and immunities of the citizens of the United States.

The fourth section of the act of congress of April 14, 1802, secures to the Infant children of persons mutualized the benefit of their parent's naturalization, provided such children were at the time living in the United States, It matters not whether the naturalization be effected by act of congress, by treaty, or by the admission of new states. The provision is allke applicable.

Texas was admitted into the union or "an equal footing with the original states in all respects whatever."

It will be observed that the proceedings admitting Texas into the union were somewhat similar, although not as full, comprehensive and complete as the act admitting Nebraska. The position which has been sometimes broached that the citizens of Texas must submit to the laws of naturalization before they can become citizens of the United States is proposterous. No such doctrine was ever admitted or applied to the citizens or inhabitants of Louisiana or Florida—countries acquired by purchase. Much less is a applicable to the citizens of a state which by voluntary treaty or legislation becomes incorparated into the United States. And if the citizens of Texas cannot be deprived of their franchise as citizens of the United States, neither can citizens of Nebraska be stripped of their luminities and privileges pertaining to the crizens of the United States, neither can citizens of the United States, neither can

state.

The writer has spent considerable time in the consideration of the present case and has examined every case pro and con bearing upon the question, and is forced to the belief that the defendant is a citizen.

## CAMP RUMORS.

Stories About Senatorships Set Afloat at Lincoln. Lincoln, Neb., Mag 7 .- [Special Telegram

to THE BEE. |- The latert reason assigned for

Chief Justice Cobb's actions in helping oust

Boyd is that he wants to be a United States senator and by helping Thayer in as governor he will secure this appointment. As is generally known, Secretary of War Proctor will probably step out of President Harrison's cubinet soon and Senator Manderson of this state will be elevated to that post-This will leave a vacancy in the senate and as the legislature will not be in session at that time the governor will have the power

of appointing a successor to Manderson.

Boyd would doubtless have appointed democrat, but Thayer and Cobb ruled it oth It is declared that Thayer wanted the job of senator himself, but was afraid to resign in favor of Tom Majors for fear the blueshirted statesman would appoint somebody

Another Colonel Created. Lincoln, Neb., May 7 .- | Special Telegram to THE BEE. |-Governor Thayer has attempted to pour oil on the wounded soul of Smith Caldwell, the disappointed aspirant for the oil inspectorship, by appointing him aide-de-camp on his staff with the rank of

colonel. Caldwell is anxiously inquiring whether this includes the usual half pay of retired officers. Bank Examiner Appointed. LANCOLN, Neb., May 7 .- | Special Telegram o THE BEE |- W. S. Garber, late secretary of the board of transportation, was chosen today by the state banking board for the posi-

ion of bank examiner to fill the newly made vacancy. Carnes for Oil Inspector. LINCOLN, Neb., May 7 .- | Special Telegram to THE BEE. |- Edward C. Curnes was ap-

pointed state oil inspector this afternoon by Governor Thayer.

THE WEATHER FORECAST. For Omaha and Vicinity-Fair; warmer. For Missouri and Iows-Fair; warmer; outherly winds.

For North Dakota-Showers; cooler; winds becoming northwesterly. For South Dakota and Nebraska-Generally fair, except showers Friday in western portion; cooler by Friday night; winds becoming northwesterly. For Kansas-Fair; slightly warmer, except

cooler Friday night in western portion; south winds. For Colorado-Showers; slightly cooler, except stationary temperature in extremawestern portion; west winds.

Big Dakota Farm Land Sale.

HURON, S. D., May 7 .- Today was consummated the largest single private sale of - farm lands ever made in South Dakota. William Glasgow of Hull, England, sold 85,000 acres of land in the Jim River valley to the New York land and irrigation company of Huron. The price paid is so large that bankers decline to publish it.