OMAHA, TUESDAY MORNING, JANUARY 5, 1892.

HELD BACK THE DECISION.

Supreme Court Judges Fail to Announce Their Opinion Favoring Boyd.

THEY ARE HUNTING FOR THE LEAK.

Nothing Further on the Subject Can Be Expected Until the Investigation is Completed-Judge Maxwell on the Situation.

WASHINGTON, D. C., Jan. 4.- | Special Telegram to Tue Bes. |-The general belief hat the supreme court would deliver at noon day its decision in the Boyd-Thayer case ad the court room with interested spec Sators. Some time before the hour set for the opening of that body, ex-Attorney General Garland, counsel for James E. Boyd; Judge Dillon, the principal counsel for Governor Thayer; Sergeant-at-arms Valentine, of the United States senate; Dr. J. E. Summers, D. O. Clark and William Gwyer of Omaha, occupied seats and witnessed the opening proceedings. Senator Manderson, Congressman Bryan of Nebraska, and William M. Springer of Illinois, were also present, and the space occupied by the bar was filled by a more than ordinary number

of inwyers. The press associations and many special The press associations and many special correspondents were present waiting to verify the announcement which rumor sent out several days ago that the supreme court would probably give their verdict today in favor of James E. Boyd and ousting Gover-

Much Suppressed Excitement. There was much suppressed excitement

during the reading of various decisions by the associate justices, several of which were of much importance. Interest, however, centered on the chief justice, who it was expected would announce the decision in the Nebraska case and who, according to precedent, was the last to speak. It was considerably after I o'clock when Chief Justice Fuller concluded reading his opinious and the Nebraska case was not among them. There was general disappointment expressed and a universal concensus of opinion that the premature publication of the decision, which the court prepared some days days ago, had induced it to withhold its de-cision until after the investigation now in progress was concluded as to the source of the information furnished to the press last week. The decision cannot now be rendered until next Monday, the opinions of the court being only presented except on very rare occasions, on that uav.

The faiture of the court to make public its opinion in the Nebraska case is no indication whatever that the information that leaked

Should Never Have Happened. This evening's Star says in its news colis that it is possible the vote on the Nobraska case has been confused with the vote on the North Yakima case, which, by a strange coincidence, stood identically as was anticipated the governorship case of Nebraska would stand, viz.: Six to three in favor of appellant, the dissenting justices being two republicans and one democrat.

Editorially, however, the Star accepts the "pointer" as good, as, indeed, does every one in Washington. The Star says editorially: "The queerest news leak of the century, perhaps, is that of the decision in the Boyd case from Nebraska. It has probably never before happened that an important opinion of the highest court in the land, involving a question of the gravest importance was butlined days before its delivery from the bench. It ought not to have occurred. The like of it will probably not occur again. The members of the supreme tribunal are doubtless as much disturbed over the premature publication as any members of a government ever were on occasion where the matter divulged was not atteaded by dire consequences, and may be expected to take extra precautions hereafter."

Higher Value on Citizenship.

Today's Philadelphia Press has this in its editorial column: "If, as rumor claims, the United States suprame court will decide the Nebraska gubernatorial controversy in favor of Mr. Boyd, there will not be much criticism of the decision. Mr. Boyd received a small but un-urbationed plurality of the vote cast in 1890. the contest over his title has not had the indersement of all his opponents. The flaw in his citizenship could have been readily overlooked in his case, but the contest, how ever it may issue, will do no harm if it calls attention to the carclessness often exercised by aliens in obtaining the right to vote and places a higher value on American citizenship. If Mr. Boyd had not been the chief mover in the attempt to place a crank on the Nepraska supreme court bench last fall with the evident purpose of getting re venge on the court because it had decided against him, he would stand better with the country today. But the failure of that at tempt may have taught him a needful les-

Somebody Will Suffer,

The New York Sun says: "While no offi-cial information can be secured in regard to the report that the United States supreme court had by a vote of 6 to 3 decided the con-test between Boyd and Thayer for the gov-ernorship of Nebraska in favor of the former, it can be positively asserted that the also be said, in consequence, that there is serious trouble ahead for the person or perlous who gave out the information before the decision was formally rendered by the court. Chief Justice Fuller yestermay instituted an investigation, which is still in progress, with a view to ferreting out the guilty parties. The opinion of the court in case was reached last week, at which time the question involved was discussed at length, and a vote taken. It is learned on trustworthy authority that the notes of the opinion, which were dictated by the chief justice to a stenographer have not vet been transcribed. Each private secretary to the associate justices, as well as a page and messenger are usually the only persons who have access to the private rooms of the court and the investigation will extend to them. Since the premature announcement and pub-lication the chief justice has been in any-thing but a pleasant frame of mind, and innds to make the culprit suffer for his mis-

IN LINE WITH HIS DECISSON.

Judge Maxwell Talks About the Latest Phases of the Boyd-Thayer Case. FREMONT, Neb., Jan. 4 .- | Special to THE Her. |-Judge Samuel Maxwell, who has just added another long white judicial plume to hose which already decorate his big slouch hat, was at the Eikhorn depot this morning with his grip full of legal opinions which he had been crinding out in the quietude of his home during a brief adjournment of the aupreme court. He was at the depot to take the train for Lincoln to attend a session of court which opens today. He were a sort of self-satisfied I-thought-it-would-be-so expression on his face when a BEE representative asked him what he thought of the report from Washington on the Boyd-Thayer case.

" man't absolutely certain yet that the supreme court has confirmed my view of the case," said he, "but I am fully prepared to pelieve that the decision will be as outlined by the newspapers which purport to have been let into the secret of how the decision will be in advance offits being handed down. I course I have always thought my view of to case, as given in the opinion I submitted, yas the correct one and, if reports are true, the ground I covered most carefully and fully the ground I covered most carefully and fully the basis of my opinion, that is, the bling act by which Nebraska came into Union—is the one upon which the United States supreme court holds Boyd to be a citizen. I will confess that I scarched the records very carefully and did a great deal of work on that case. I went into it with my mpressions rather against my final decision

in the matter. But I examined it impartially and, as I thought, thoroughly, and I could only reach the conclusions which were submitted in my written opinion." "In what phase did you find the most con-

"In what phase did you find the most conclusive argument in line with your decision?" was asked of the venerable judge.

"The Nebraska enabling act was a very broad one. It was found to be identical in spirit and scope with the constitution of the United States, which starts out in its preamble with twe the people, etc. It is so with the enabling act which slindes to the people of the territory of Nebraska. The constitution made all bona fide residents of the colonies citizens of the United States; it simply nationalized the thirteen colonies. the colonies citizens of the United States; it simply nationalized the thirteen colonies. The enabling act provided, also, that the state of Nebraska should enter the union with all the privileges and immunities for itself and residents that were granted to the thirteen original states. The residents of Nebraska, when the territory was admitted became, ipso facto, citizens of the United States. The United States supreme court had twice rendered a decision to that effect and I could not understand to that effect and I could not understand why such decisions were not conclusive. But suppose there were living in Ne-braska when the state was admitted, persons who were subjects of foreign powers and did not wish to become citizens of the United States would not the admission of the terri-tory make them citizens, against their will? tory make them citizens against their will If they found in after yours that it would be convenient to deny their citizenship by such process, what then! Would they be con-sidered subjects of subjects of a country to which they had not sworn allegiance! "I hardly know where that would lead to, but it is certain that there would be little danger from possible complications of that

IT DOES NOT LOOK LIKE Our Relations With Chill Were Growing

kind which might arise. After the genera-tion living in the territory at the time of its

rdmission had passed away a case of that

kind could not exist."

More Peaceful Every Day. WASHINGTON, D. C., Jan. 4.-The correspondence which the president has promised to send to congress relating to the attack upon the Baltimore's sailors at Valparaiso will not be sent in tomorrow, in fact there is reason to believe that some days will elapse before the public will know officially just what has passed between the Department of State and Minister Egan on the one side and the Chillan imnister of foreign affairs and Minister Montt on the other. The unofficial announcement of the practical completion of the Judicial proceedings in Valparaiso and the intention of the Chillan legal authorities to which the three Chilling conauthorities to punish the three Chillans con-victed of participation in the assault, has given satisfaction here, and is generally re-garded as a distinct concession by the Chil-ians to the United States as showing that there will not in all probability, be any further undue delay in the disposition of the case. These tidings have, so far as can be learned, been officially made known to Sec-retary Blaine by Minister Montt, and it may

publication of the uncomplete correspondence. Will Speak on Reciprocity.

judicial authorities of his country.

be that the latter will await the sentence o

the convicted Chilians before he presents to the secretary the conclusions reached by the

matters on this promising condition, it is therefore unlikely that a disturbing element

will be introduced in the negotiations by the

A special car over the Pennsylvania road will leave here Wednesday afternoon for Boston containing a party of gentlemen who go there to attend the annual dinner of the Boston Merchants association, Thursday evening. The party will consist of Mr. Romero, the Mexican minister; Mr. Men-donca, the Brazilian minister; General Belot Persza, the Venezuciaish minister; Mr. Montt, the minister from Chill, and their wives, and Representative J. C. Burrows of Michigan and Mr. William E. Curtis, of the Bureau of American republics, Mr. Burrows goes at the request of Mr. Blaine, to make a

speech on reciprocity.

The secretary originally agreed to go, conditionally, but the health of Mrs. Blaine will prevent him. He has, however, written a letter, which will be read at the banquet.

The work of preparing for the Chicago ex-position has been actively begun in Costa Rica. The president has issued a decree directing the organization of a central bureau, with its headquarters at the city of San Jose, having branches in all parts of the republic, which has been charged with the duty of collecting and arranging the best possible exhibit of the resources and products of the country, as well as all articles of interest which it is desirable should be sent to the World's Columnia areasting. Parid o the World's Columbian exposition. David J. Guzman was appointed as commissioner in charge of this bureau, with a secretary and clerk for proceeding at once with the work.

Washington Notes.

Wasuington, D. C., Jan. 4.—Secretary Noble today rendered a decision in the case of the townsite of Kinglisher, Okl., against W. D. Fassett. The case involves the title to a quarter-section of land in the Kinglisher land district, embraced in homestead entry No. 5, made by Fassett April 23, 1889. The decision in effect confirms Fassett's title to all the quarter-section, he, however, to pay \$10 per acre for the forty acres occupied by townsite settlers under section 22 of the act of May 2, 1890. The costs of the contest are be apportioned among the parties inter-

Secretary Noble has appointed Thomas Nary of Gull River, Minn., and Charles Hayden of Chaplin, Minn., examiners and appraisers of Chippewa Indian lands in Min-nesota, under the act of January 14, 1889, with a view to their further sale.

with a view to their further sale.

The amount of silver offered the treasury department today aggregated 2,025,000 ounces, and the amount purchased was 564,000 ounces at \$0.95; 100,000 ounces at \$0.95; 200,000 ounces at ounces at \$0.9,520; 100,000 ounces at \$0.9,523 109,000 ounces at \$0.9,526.

The United States commissioner at Deming, N. M., recently decided that the "country whence he came" in the case of a Chinanan who entered this country from Mexico was Mexico, and ordered his return to that country.

Colonel James A. Biddle of the Ninth cavalry is on leave in this city and is tem-porarily stopping at 1716 N street.

Mother and Child Fatally Burned. CLAY CENTER, Neb., Jan. 4 .- | Special Telegram to THE BEE. |-A fatal gasoline accient occurred this morning at the residence of Frazer Frared, three miles southeast of this place. Their 3-year-old girl was playing this place. Their 3-year-old girl was playing about the stove and her clothes having caught fire, ran to her mother who was using gasoline to clean some garments, thus igniting the fluid There being no help near, the clothing of both mother and child was burned from their The child is dead and Mrs. Troxel cannot recover.

Emperor William and the Pope Berlin, Jan. 4 .- The emperor sent a very cordial New Year's message to the pope. In reply the pope said he desired to be always on friendly terms with Germany and wished the emperor every success in his struggle with socialism, the common enemy of religion and temperance.

Business Troubles. Boston, Mass., Jan. 4.—The Berks Bank Note company, with its factory in this city, is financially embarassed and an attachment has been placed on the plant by Frank W. Doxter. The company's indebtedness to him is said to be about \$20,000 for money advanced.

Garbott Fighting Against Extradition TORONTO, Ont., Jan. 4.—Henry Garbott, who was remanded for extradition by the court of common pleas of Texas on the charge of forgery, has appealed his case to the court of appeals, where it will have to again be fought out.

Eigin Watch Makers Still at Work Engin, Ill., Jan. 4 .- There is no strike yet among the employes of the Eigin National Watch factory. Forty finishers asked for more wages which was denied them this morn-ing. They are still at work.

IN THE HIGHEST TRIBUNAL.

Decisions Handed Down by the United States Supreme Court Yesterday.

IMPORTANT FINDINGS OF THE BODY.

Dillatory Attorneys Treated to a Surprise -Suits of Great Interest to the Public Acted Upon and Decided by the Court,

WASHINGTON, D. C., Jan. 4 .- The United States Supreme court today affirmed the decision of the lower court in the suit brought by the Pacific Express company against James M. Siebert and John M. Wood, auditor and attorney general respectively, of Missouri. By this suit the express company sought to restrain and enjoin the collection of a tax of \$2 on each \$100 of its receipts, levied by an act of the state legislature against the express companies doing business within the state. The company's bill attacked the constitutionality of the act, as an interference with the inter state commerce and declared that it violated the fourteenth amendment, giving equal protection to all, and was also contrary to the provision of the Missouri state constitution, requiring that all laws shall be uniform. The court, in an opinion by Justice Lamar, says that the contention that tax is levied upon interstate commerce is unsound. It says that the tax does not relate to interstate business, but entirely to state business, and is expressly limited to the receipts for business done entirely within the state, and that it was not the intention of the legislature to interfere with or tax interstate commerce in any way whatever. The other points raised, it also holds, were not well taken, for the reason that the tax applies equally to all companies doing an ex-

Yakama vs. Northern Pacific. A decision was rendered in favor of the Northern Pacific Railroad company in the mandamus suit brought against it by the territory of Washington ex rel. Hiram Dustin, prosecuting attorney of Yakama county, to compet the railroad company to maintain a station and stop its trains at Yakama City, the company having built a town of its own at Northern Yakama and refusing to stop trains at Yakama City. Justice Gray rendered the opinion of the court; Justices Brewer, Field and Harian

issented.
The bill set forth that Yakama City at the time of the building of the road, was the counsy seat and the largest town in that county, and that the object of the railroad company in refusing to make Yakama City a station was to ruin the town and enhance the value of the townsight of North Yakama, which it had located on unimproved lands belonging to the railroad company. Justice Gray, in the opinion of the court, says that a writ of mandamus to compel a railroad corporation to do a particular act in constructing its road, or buildings ov in running its trains can be issued only when there is a specific legal duty on its part to do that act and clear proof of a breach of duty. The establishing a station at the terminus of a road. The difficulties in the way of issuing a mandamus are much increased when it is sought to compel a road to stop trains at a particular place. The location of stations and warehouses for receiving and delivering passengers and freight in-volves a comprehensive view of the interest of the public, as well as of the corporation, and a consideration of many circumstances concerning the amount of business and convenience of particular locations, which are more appropriate to be determined by the directors of the company or, in case of the abuse of their discretion, by the legislature or by administrative boards entrusted by the legislature with that duty than by the ordinary judicial tribunals. Justice Gray says that the charter of the company does not impose any specific duty as to the mainten-ance and size of stations, and that to compet the directors to be controlled by the courts by writs of mandams in establishing sta-tions would be inconsistent with many previous decisions. The findings below, he says, show that the people living in the surrounding country considered as a com-munity, would be better accommodated at Yakama than at Yakama City. The com-pany denies the fraudulent intention charged by Yakama City, and it was not found by the jury. The fact that the town of North Yakama was laid out by the company on its wn land cannot impair the rights of the inhabitants of that town.

Justice Brewer Dissents. Justice Brewer rendered a vigorous ora dissent, which was concurred in by Justices Harlan and Field. He said that when the railroad built its line it found a city aiready established, the county seat, and largest place along its road for many miles. Every public interest required that the station should be established there. Instead, the railroad company went over four miles further along and laid out a town on its own land. No reason has been given for such a ourse. The railroad neglected and abandoned its public duty to subserve its private Any one who knows the process of ends. the railroad building knows it is a common thing to build up one town and put down another in this manner, if the established town offers an insufficient bonus for a station sometimes. The dissenting justices, he said, thought that the courts had sufficient power to restrain such proceedings.

Attorneys Taught a Lesson. That the United States supreme court is tenacious of its dignity both parties to one of the many drummers' tax cases from Tennes-see, have discovered. Two terms ago, the case of Charles L. Ficklin vs the Taxing District of Shelby County, Tennessee, was submitted under the rules on printed briefs. The court made an order subsequently set-ting saide that submission and ordering oral argument before a full bench. The case is one involving the legality of a drummer or, more technically, an agent's tax, for the purpose of doing business within the state Ficklin having been the representative of a firm outside the state. Some fine questions of constitutional law, and the extent to which of constitutional law, and the extent to which
a taxing act may go without becoming an interference with interstate commerce,
were necessary to a judicial decision, and the court, having previously
divided on somewhat similar questions, was
desirous of obtaining oral as well as printed
argument. When the day set for the hearter argument argument of the set of the se ing arrived, counsel on either side failed to appear. The court thereupon very promptly dismissed the suit for want of prosecution in the manner directed by the court. This rather astonished the attorneys, and Ficklin's counsel afterward came into court pegged its pardon, said no contempt or dis-courtesy to the court was intended, and that they were unaware that the court intended its order as a mandate. The court was then asked to reinstate the case on the docket. Chief Justice Fuller today announced that the court had decided to grant the request, and had set the case down for argument Jannary 25, after previously assigned cases.

Dismissed for Want of Jurisdiction.

Chief Justice Fuller today announced the Chief Justice Fuller today announced the decision of the supreme court of the United States, dismissing for want of jurisdiction the case of Richard Savier, plaintiff in error, vs. Cass county, North Dakota. This was an action to recover money paid by tax title purchaser to the county at a sale, on the ground that the United States had a lien on the lands, which were a part of the Northern Pacine land grant on which the railroad had the lands, which were a part of the Northern Pacific land grant on which the railroad had not yet paid the costs of survey, and that the lands therefore could not be sold for taxes. The court holds that there is a fature on the record to establish a federal question. The court reversed the decision of the supreme court of the territory of Dakota in a similar case, in which the Stutsman company was appellant against Charles S. Wallace.

pellant against Charles S. Wallace The court dismissed for want of juris-diction a case brought by the St. Paul, Minneapolis & Manitona Railroad company, against the county of Told, in which the company sought to have declared invalid a

tax levied against the company for lands on which it had purchased timber rights, the company contending that it constituted an impairment of contract under the charter. RAILROAD OFFICE ROBBED.

impairment of contract under the charter.

The court sustained a law of the state of South Carolina, which provided that the expenses of the state railroad commissioner shall be borne by the railroad doing business within the state, each road being taxed its proportionate share of the expenses of maintaining the commissioner, on the basis of mileage within the state.

In Favor of the Ferry Company,

The court reversed the decision of the cir-cuit court of the United States for the Southern district of Illinois in the case of the Wiggins Ferry company, appellants, vs. the Ohio & Mississippi Railroad company. The predecessor to the Ohio & Mississippi River company, which was the Ohio & Mississippi River Railroad company, made a contract with the ferry company to give it all of its ferryage, in consideration for the use by the railroad company of an island opposite the city of St. Louis. After reorganization, the railroad company began to divert its business to rival ferry companies. The court holds that the agreement between the ferry company and the railroad company constituted a contract which was binding on the latter as successor to the Ohio & Mississippi River company. The court directs that steps be taken to es-tablish the damages the ferry company is entitled to for breach of contract.

REMOVAL OF GRANT'S REMAINS.

The Question Will Cause a Contest Between Manderson and Hill,

WASHINGTON, D. C., Jan. 4 .- Ex-Governor Hill will scarcely enter upon his legislative duties before he will be called upon oppose the resolution providing for the removal of General Grant's body to this city. It was thought when Senator Plumb died the resolution would remain unacted upon since none of the other members seemed specially interested in it. It seems, however, that Senator Manderson of Nebraska has decided to father the resolution which is now on the vicepresident's desk. When the senate committee on Military affairs meets this week, Senator Manderson, who is a member of the committee, will ask his colleagues to make a favorable report on the resolution. All the members of the committee are men who occupied high military positions in the late war, either in the union or confederate armies and all these gentlemen, it would appear, favor the removal.

Senator Manderson advances the same argument for the transfer of the old hero's body to this city that Senator Plumb did. He does not believe there will be any material opposition in the senate outside of what may be made by the two New Yorks senators. In this belief he is somewhat mistaken. Senator Hiscock himself is favorable to the reso tor Hiscock almself is lavorable to the reso-lution and will no doubt vote for it. If he does not, he will do no more than make a mild protest against it, for he has not hesi-ated to say that the sentiment of the whole country outside of New York city is favorable to the resolution. But Governor Hill will oppose it quite as vigorously as if it were the most important legislation with which the state is identified. The contest between himself and Manderson, who will have charge of the resolution, will be watched

CRISP WILL NOT PRESIDE.

McMillin Will Probably Be Selected as Speaker Pro Tem. Washington, D. C., Jan. 4.—It is definitely settled that Speaker Crisp will not call the house to order tomorrow when it reconvenes. The speaker continues to improve in health, but his recovery is very slow and has not yet progressed far enough to make it safe for him to leave his room There seems to be, a general belief on the part of the democratic members that Mr. McMillin will be selected neaker are tem. Efforts will be made oday to ascertain the speaker's wishes in reference to his temporary successor and custom has made the speaker's preference almost the determining factor in such cases.

Western Pensions. Washington, D. C., Jan. 4 .- Special Tele gram to THE BEE. |- The following list of pensions granted is reported by THE BEE and Examiner Bureau of Claims:

Nebraska: Original - Alexander Fair,

John S. Winterbottom, Jonathan J. Totten. John S. Winterbottom, Jonathan J. Totten, Abner C. Fowler, George S. Sturgis, Riley Thornberry, Philander McKellips. Addi-tional—Edwin H. Foster, George W. Busby, Nowland Nash. Increase—Isaac E. Johnson. Reissne—Cyrus G. Gurnsey. Original wid-ows and children—Wealthy A. Fletcher, Elizabeth Downing, Margaretta Nieder-weiser, minors of John L. Brown. Tows: Original—Nathaniel G. Trenebard, Max Kreider, Andrew Wallace, Matthew J. Graham, Shadrach J. Woodson. Additional— Ephraim Hall, Jacob Waltz, Dantel P. Sher-man, James Carter. Reissue—Carr Hall. Reissue, etc.—William H. Burham. Origi-nal widows, etc.—Minors of Heorge W. Colville; Sisma Tunnel, deceasea; Lucy A. Bryant, minor of Frank D. Smith; Malachi C. Adkins, father; Phillip Heskathorn, father; Robert W. Armstrong, father; Margaret Mc. Dowell, mother. South Dakota: Original—James A. Withee,

Reuben Eastman, ELECTRICITY FOR FLOUR MILLS.

An Interesting Experiment Which is to Be Tried at St. Paul.

Sr. Paul, Minn., Jan. 4.-An event of interest to manufacturers and scientists is to occur here within the next two months-the erection of a great flour mill to be operated entirely by electricity. The structure is to be on the site of the St. Paul roller mill burned two years ago and is to be under the direction of Kingsland Smith of St. Paul. If the experiment proves a success, all of the great mills of St. Paul and Minneapolis, inthe experiment proves a success, all of the great mills of St. Paul and Minneapolis, including those of the Washburas and the Pillsbury English syndicate, will use electricity as a motive power. The water fail of the Mississippi is to be used only for the generation, of electricity. Kingsland Smith some years ago invented the roller process, which then created a revolution in flour making. He has been experimenting with electricity applied to a mill model for the past year and announces that he has solved the problem of manufacturing flour with "harnessed lightning."

He says: "I have become thoroughly convinced of its cheapness and its entire practicability in running even the heaviest flour mill machinery. Moreover, I think it will revolutionize the whom question of motive power, and in the next two years all the great manufacturing concerns will be run by great manufacturing concerns will be run by The Death Roll,

NEW YORK, Jan. 4 .- Captain William F Meeker of Newark, N. J., a famous scout on the Blackwater during the war of the rebellien and a body guard of Butler in this city at the time of the draft riots in the attempts to burn the city by southern incendiaries, died on Thursday at the national soldiers home in Virginia, aged 48. DECATER, Hi., Jan. 4.—General George W. Patterson, a brigadier general of patriarch militant, and one of the best known Odd Fel-

militant, and one of the best known Odd Fel-lows in this part of the country, died last night of paralysis, agod 48.

Grand Rayins, Jan. 4.—General Ebenezer Soraque has just died at the Masonic home here. He was once prominent in Masonic circles and was past grand high priest of the grand chapter, Hoyal Arch Masons, and justricus hast grand master of grand counilustricus past grand master of grand coun-cil of Royal and Select Masous. Misfortune reduced him from affluence to comparative poverty.

Posonto, Out., Jan. 4 .- Colonel Gilmore recently appointed deputy licutement gover-nor of Ontario, is donn.

Civy or Maxico, Jan. 4.—Jeaquin Garcia, the noted general who was General Junger's right hand man, died here Saturday night in abject poverty.

Constipation poisons the blood; DeWitt's

Little Early Risers cure Constipation, cause removed, the disease is gone.

Burglars Make a Successful Raid on the

Elkhorn Station at Norfolk.

CONTENTS OF THE SAFE SECURED.

Though the Agent Was Absent but Moment the Thieves Completed Their Work and Escaped with the Booty.

NORFOLK, Neb., Jan. 4 .- | Special Telegram to THE BEE. |- The Fremont, Elkhorn & Missouri Valley railroad safe was robbed at the junction this evening at 5 o'clock.

Four suspicious characters were loitering about town today, two of whom were arrested this morning charged with vagrancy but were released under promise to leave town. They went from the city to the junction and were waiting in the depot presumably for the train. While the ticket agent, G. B. Rock, was

absent, having gone to the engine house about twenty-five feet distant, being gone about twenty-five feet distant, being gone about three minutes, the office was entered and robbed. They gained entrance by climbing through the ticket window. The door of the safe was closed but not locked. They opened the door and broke the inside door of the safe off with a hatchet which they left in the office.

They secured \$130 in cash and a time check for \$35 signed by C. E. Fisher of Chicago, also a check for \$10.25 issued to George Dempsey of Norfolk.

George Dempsey of Norfolk.

The description of the men is as follows:
One about five feet six inches, about 28 years old, pockmarked, wears plush cap and blue black overcoat; second, five feet nine inches, light complexion, blue jacket and hair cut square vehind.

Nebraska's Death Roll,

NEBRASKA CITY, Neb., Jan. 4.—Special to THE BEE.]-Mrs. Susan M. Tailey died at her late residence, No. 309 North Ninth street, last night. Mrs. Tailey, at the time of her death, was the elgest resident of the county having located in this city in 1853. Mrs.

Tailey was 87 years of age. Word has just been received in this city of the death of John Remnitz, one of the pioneer German citizens of this place. He was the leader in German musical circles in this city twenty-five years rgo. He died at St. Louis. The funeral of C. W. Ireland of Syracuse, who died at Blair Saturday will be neld today. Mr. Ireland was a brother of Mayor Ireland of this city, and was one of the most preland of this city, and was one of the most popular and agreeable gentlemen of this county. He was well known in this city.

Columbus, Neb., Jan. 4.—[Special to The Bre.]—Mrs. Patrick Murray, wife of a pioneer resident of this county, died this morning. Mr. and Mrs. Murray located in Platte county in 1856, and Mr. Murray was prominently identified with the Indian troubles in Platte county's early history.

Mrs. Murray suffered a stroke of paralysis. Mrs. Murray suffered a stroke of paralysis several weeks ago, from which she never re-

several weeks ago, from which she never recovered.

West Point, Neb., Jan. 4.—[Special to
The Bee.]—Archibald Robertson, who for
many years farmed south of West Point, and
who had a large acquaintance in Cuming
county, died at Wobster, S. D., New Year's
day, of cancer in the stomach. The deceased
was a thrifty and intelligent Scotchman. He
came to this country nigetory years ago and came to this country niaeteen years ago and eight years ago removed to South Dakota. His remains were brought to this city Saturday and interred under the Masonic auspices. He leaves a wife and seven children, most of whom are grown.

Enjoined the Paving.

BEATRICE, Neb., Jan. 4.-[Special Telegram to THE BEE. |-County Judge Bourne has granted a temporary injunction against grading, paving and curbing Market and North Sixth streets. The petition was asked for by J. H. von Steen and J. E. Abell, who claim that the original petition for paving these streets was signed by a number of parties who did not own property on the streets in question, and that agents signed the petition without the authority of their principals. The case has been carried to the district court and the city given leave to The date for hearing has file an answer. The not yet been fixed.

For Cutting Off an Arm. FREMONT, Neb., Jan. 4 .- (Special to THE BEE.]-An interesting case has just been tried at North Bend, in which Dr. Blair of that place brought suit against the Fremont Hemp and Twine company to recover \$75 for professional services in amputating the arm of Frank Kelley about a year ago. Kelley was injured in the machinery of the company in their tow mill at that place, and Blair brought suit against the company on the ground that it is responsible for damages done to an employe. The doctor won his case n the justice's court, but the case will be appealsd to the district court.

It Broke His Leg. NEBRASKA CITY, Neb., Jan 4 .- [Special to Pus Bee. J. V. Critchfield, a packing house employe, received a kick from a steer recently, but aside from the pain caused by the blow was apparently uninjured. Satur-day he slipped and wrenched his log a little, and when a physician was called in he found that Mr. Critchfield's leg was broken. It had been broken by the steer, and the fact was unknown until the doctor was called in and examined it.

He Kept the Trimmings.

NEBRASKA CITY, Neb., Jan. 4,- [Special to THE BEE.]-The police of this city are on the lookout for a man named Wells, who is charged with having stolen a horse from Charles Bacon, who lives two miles west of the city. The horse was stolen Saturday night, together with a fine saddle and bridle Sunday night the horse was returned, but the saddle and bridle are still missing. Wells was seen in Auburn yesterday. A reward of \$25 is offered for his arrest.

Nebraska Mortgages. PONCA, Neb., Jan. 4 .- [Special to THE BEE.] -The following mortgages were filed and released in the clerk's office at this place during the month of December: Farm mortgages filed, \$22,444.50; released, \$13,520; city mortgages filed, \$1,385; released, \$900; chat-tel mortgages filed, \$34,033.50; released, \$22,-

Alliance Officers Elected. CLAY CENTER, Neb., Jan. 4 .- [Special to FIE BEE. |- The Clay county alliance held its regular quarterly meeting here today

with only a fair attendance. A. P. Randall was elected president and N. O. Alberts secretary. An effort is being made to start a paper at this place in the interest of that New Church Society. BEATRICE, Nob., Jan. 4 .- [Special Telegram to THE BEE. |- A new church society, the Second Presbyterian, was organized in this city yesterday. Rev. C. H. Brovilette is

the pastor. The new society starts out with a membership of thirty-five and is located in West Beatrice. At the Point of Death, NEBRASKA CITY, Nob., Jan. 4.- | Special to THE BEE. |-Mrs. Josiah Rogers, the widow of Hon. Josiah Rogers, whose death was reported last week, is lying at the point of death at her home in Syracuse. She has not been informed of her ausband's death.

Daniels-Authors.

NEBRASEA CITY, Neb., Jan. 4 .- | Special to THE BEE. |- Charles H. Authors and Miss Mary Daniels, both of this city, were united n marriage by Judge Eaton yesterday. Behrendt Bound Over,

PHEMONY, Neb., Jan. 4 .- Special to THE Bes. j-Charles Behrendt was taken before County Judge Hunter this afternoon at 4 o'clock to answer to the charge of murder-

ing his brother Julius near Scribner on the night of December 24. After the information was read, further preliminaries were dispensed with and the prisoner was remanded

to jail without bail to await his trial at the next term of the district court, which convenes February 1.

NERRASKA CITY, Neb., Jan. 4.—|Special to The Bee. |—Mrs. Eilen N. Pinney has begun an action to secure a divorce from her husband, Nelson R. Pinney. The parties are highly respectable people, Mr. Pinney being an old captain on the Missouri river years ago. Mrs. Pinney also asks for the custody of her two children. The divorce is asked

In the Divorce Court,

on the ground of cruelty.

York Wants a Sugar Factory. Youn, Neb., Jan. 4.—[Special to The Bes.] -The York County Agricultural society at its meeting on Saturday evening appointed three men, Robert Armstrong, J. B. Brooks and J. F. Harrison, to go to Grand Island, investigate the sugar beet question thoroughly in its practical bearings and report in two weeks. If a factory can be secured York

BEATRICE, Neb., Jan. 4. - Special Telegram to THE BEE. |- Pat O'Hallen, white,

Reform School Candidates,

and Bert Walker, colored, two youthful incorrigibles, were apprehended yesterday stealing a couple of grips from the Rock Island depot and were today examined before Judge Bourne and ordered sent to the reform school at Kearney. Corn for Russia,

YORK, Neb., Jan. 4 .- | Special to THE BEE. |-At a called meeting of the farmers on Saturday evening a committee of three, J. Gardner, W. G. Eastman and Abe Nichols. was appointed to go through the county and arrange for a car load of York county corn for the starving Russians.

First of the Season

Nonrolk, Neb., Jan. 4 .- | Special Telegram to THE BEE. |- This evening at the Masonic temple occurred the first leap year ball of the season, many being present from adjoining towns. About 100 couple were in attendance. It was the most enjoyable in the history of Norfolk society.

DISTINCT GAIN FOR SHERMAN.

The Fight for the Ohio Senatorship Drawing to a Close. COLUMBUS, O., Jan. 4.-The senatorial contest this morning shows hopeful evidence of an early solution. One by one the doubtful assemblymen are being forced to yield to public pressure or the clamor of their constituents and declare themselves until the list is becoming so small the result can soon that be safely declared. Last night Senator Parker of Cuyanoga declared irrevocably for Foraker, and this morning Senator Rawlins of Clark comes out for Sherman. This is a dis-tinct gain of one for the Shermanites, tinct gain of one for the Shormanites, as Rawins had been constantly claimed by both sides. The Shorman people this morning insisted they will have the support of Senator Lampsom, president pro tem of the senate, but the Foraker people also claim him, while the senator himself still maintains his position of uncertaints.

uncertainty.
Senator Sherman, on being questioned, said: "I have received assurances that Lampson will cast his vote forme."

Strong efforts are being made by the Fora-ker men generally to induce labor organizations throughout the state to declare for Foraker and against Sherman.

A little excitement was occasioned this morning by the claim of the Foraker people that the Sherman forces were endeavoring to secure the vote of Representative Pudney of Cleveland through the influence of Chauncey M. Depew, who, they said, had consented to take a hand in the fight for Sherman. It was discovered this meant that Pudney would be denrived of his position as attorney of the tions throughout the state to declare for deprived of his position as attorney of the Lake Shore & Michigan Southern railroad company at the town in which he resides if he falls to vote for Sherman. The Sherman people denounce this statement as malicious and state that neither Depew nor any

other corporate representatives are endeavor-ing to coerce men into supporting Senator Sherman. The two houses of the general assembly met at 10 this morning and organized by electing Senator Lampson of Ashtabula as president pro tem of the senate and Representative Lavin Huron as speaker of the house. The regular caucus nominees for the minor positions are resulted to the senate of the morning to the senate of th tions were also elected. In his message to the general assembly Governor Campbel confined himself to a renewal of such sug gestions and recommendations as were made by him to the sixty-ninth assembly and no acted upon by that body.

Sherman republicans made no attempt to sent George Iden in the Iden-Gaumer contes this morning, so the anticipated conflict be-tween the Foraker and Sherman forces in the senate did not take place, and the only dispute over the question was wnether the case should be referred to the regular committee on privileges and elections, when appointed, or to a special committee, consisting of Nichols and Carpenter, republicans, and Forbes, democrat. The latter was the proposition of the republicans, and it prevailed by a strict party vote. As the remultican graphers of the committee are the republican members of the committee are both Sherman men there is no doubt they will report in favor of seating Iden without Foraker senators refuse to indicate what course they will pursue in case th committee reports in favor of seating iden.

WILL HELP ORGANIZE THE SENATE. Independent Republican Member of Nev

York's Legislature Declares Himself. ALBANY, N. Y., Jan. 4.-The doubts as to the position Rev. Dr. Edwards, who has been elected to the state senate -from the Thirty-second district, would take as to the organization of the senate have been set at rest. He has been marked in the lists as an "independent republican," and anxiety has

existed as to whether he would sit with the

democrats to organize the senate, or whether, if the republicans absented themselves to

prevent a quorum, Dr. Edwards would join them. A correspondent last night put the question to him "Will you go into the republican caucus!" was asked. "I shall not attend either the republican or democratic caucuses," was the reply.

"Will you take part in the senate organiza-"Yes; I believe my duty to my constit uents and to the public requires me to be in the sent to which I have been elected. The senate must organize to transact public business. If it did not do so, incalculable harm would come to the state. The matter is far too important for any delay, which at the most would be but temporary. I was elected to represent no clique, and shall be perfectly independent in my course this winter. If republican measure appeals to my sense justice and propriety, I shall support it. will adopt the same consistent coarse toward democratic measures. I will not support any bill which my conscionce does not approve."

GARZA SURROUNDED BY TROOPS.

The Mexican Revolutionist Reported to Be in a Bad Box.

LAREDO, Tex., Jan. 4 .- It is stated here that the Mexican revolutionist, Garza, is surrounded in the chapparral in the extreme northeastern corner of Zanata county, by United States troops and rangers, and that it is almost impossible for him to escape, either to the northward or in the direction of

Sr. Lovis, Mo., Jan. 4.—Sly, the suspected Glendale express robber, has been identified as the perpetrator of the postoffice robbery at Station C, November 24.

Another Job Credited to Sly.

Russia Wants a New Loan. Panis, Jan. 4. - A Russian financier arrived in this city yeaterday, commissioned to nego-tiate a new loan with pankers here as speedily as possible.

HE KNOWS HOW IT IS DONE

Lice Brewer Explains How Railroad Corrations Occasionally Defeat the People.

= FILD BE REGULATED BY THE COURTS.

Acknowledged.

2 th a Majority of the Supreme Bench red the Company, the Logic of the Western Jurist was Generally

> WASHINGTON BUREAU OF THE BEE, 1 513 FOURTEENTH STREET, WASHINGTON, D. C., Jan. 4.

In the supreme court today Associate Justices Brewer, Hurlan and Field laid down some law which will attract widespread attention, especially in the far west. It was provoked by the case against the Nortuern Pacific Railroad company from the state of Washington. The railroad company, some time after Yaxama City was established, withdrew its station from that point and located it some four miles distant, where is established the city of North Yakama. The object of the company was, of course, to create a boom for its own town lots. The first city established brought suit by the

county attorney to compel the railroad to

maintain for the accommodation of the peo-

pie a station at Yakama City and in the sulk was successful. Was successful.

The company appealed to the supreme court, holding that the greater number of its patrons were accommodated by the station last established and that it was not in the interest of the public that the station first. established should be maintained; also six of the members of the court took this view of the case and overruled the decision of the court below, but Associate Justices Brewer,

Harian and Field dissented. Justice Brewer's Logic.

In announcing the ground taken by the dissenting justices, there was great carnestness shown in the manner and words of Justice Brewer, who was appointed from Kansas and is therefore familiar with the manner in which railroad companies in the west strike down cities in which they are not, in a landed way, interested for the purpose of building up their own towns to sell corner

and inside lots, Mr. Brewer's voice arose high above the din about the court room as he intimated in unmistaxable language that the position as-sumed by the inajority of the bench—that a railroad company has a right to locate it's own stations without regard to the interests of the people—was neither justified by law nor common decency. He said he was very familiar with the motives which prompted railway companies in the far west to tear down a thriving town in order that they

might build up another town upon ground owned by them.
"I hold as due the two justices dissenting from this opinion," said Justices dissenting from this opinion," said Justice Brewer, feelingly, "that the supreme court of the United States, if not the courts of the states, has the right to compel a railroad company to locate and maintan a station where the interests of the public demand it. I held further, that it is a violation of the law and a moral crime, for a great corporation and pub-lic servant to destroy the property of others

for their own interests.

Illustrated the Case. "I hold that the supreme court of the United States has the authority, as an illustration of what the dissenting justices stand upon, to force a railroad company to main-tain established stations wherever the interests of the public demand them, even to the detriment of the company's interests. For instance, should a railroad be constructed from Evansville to South Bend in the same tate, via Indianapolis, and it should the company to go four or five miles out of the latter city to locate its station, the su-preme court has the authority to compel it

establish and keep up a station in the city of Indianapolis."

Three or four of the most eminent lawyers in the country, including two ex-attorne generals, who heard the statement of Mr Brewer, said afterward that it was good law and should be enforced. To make the Yakama City case plain, it should be added, at the time the Northern Pacific withdrew its station and established a rival city there was no town at all on the second site and therefore it was a case of a corporation de-

stroying the interests of public and private property. South Omaha's Federal Building.

Senator Manderson will tomorrow introduce a bill in the senate appropriating \$100,000 for the purchase of a site and construction of a public building in South Omaha, Senator Manderson told Tim Ben correspondent today that he took this step without much hope of ultimate success in this congress, but at the solicitation of his friends there, and he felt it would do no harm to introduce the bill and push it, even though there was little hope of its final adoption. The senator said that precedence was given public building bills for cities where terms of the United States court are held, and that inasmuch as there are pending of that character for Nebraska and the lower house of the present congress was strongly democratic and on record in opposition to public building bills and every other kind of public enterprise, the chance of adoption of the house were very few; how-

ever, he would push it through the senate and give it some prestige at least.

Other Bills to Be Introduced. Senator Manderson will introduce other bills as follows: To refund to the state militia of Nebraska the large amount of camp and garrison equipage and stores burned at Milford, Neb., last year; to make payment to Samuel J. Haynes the money erroneously and by mistake paid on his comestead entry; creating a board to revise and modify laws relating to the granting of pensions; granting an increase of pension to Henry Martin; making blindness come within the feature of the present pension laws, which continue permanently the pen-sion to the orphans of soldiers who are permanently disabled, after they arrive at the age of 16 years, the present laws not recognizing blindness as being as "utterly beipless and permanent disability" when sustained by the orphans of the soldiers.

Miscellaneous, Assistant Secretary Chandler today affirmed the decision of the general land commissioner, dismissing the protest against final proof submitted by Lute and accepting proof in the preemption declaratory statement contest of D. W. Lute against James B. Tridle, from the North Platte district. He also affirmed the decision in the pre-emption filing case of Nels M. Promhus against Fred A. Basford, from Huron, S. D. The decision is in favor of the appellant and cancels the original entry.

RICH HAUL BY HIGHWAYMEN.

They Hold Up a Stage in Montana and Rob the Passengers. HELENA, Mont., Jan. 4.-A stage coach be-

tween Bonner Ferry and Kootenal station, in Missoula county, near Idaho, was held up last night by three men who went through the passengers and secured a quantity of jewelry and some money. The heaviest loser was Ed L. Huntley of Chicago, a traveling man for a wholesale clothing house in that city. He lost a watch and diamonds which he says were worth \$13,000. Huntley which he says were worth a 13,000. Finitely had been traveling in Flathead county and thinks the job was done on his account. There were three feet of snow on the ground, and the stage was on runners. About 6 o'cleck, in tall timber, the masked men stopped the coach and presenting their revolvers made the passengers, four men and two women hold up their hands. Contrary to the established precedent the women were robbed as well as the men.

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