THE OMAHA DAILY BEE.

TWENTY-SECOND YEAR. OMAHA, SATURDAY MORNING, APRIL 1, 1893. NUMBER 283.

TO TRY THE HOUSE

ilroaders Working to Secure an Early Adjournment of the Lower Branch.

OULD LEAVE THE RATE BILL SUSPENDED

ate Amendments Could Not Then Be Concurred In or Changed.

KING UP TOM BENTON'S OFFICIAL ACTS

estigating Committee Has Started the Inquest on the Late Auditor's Records.

SCUSSING THE IMPEACHMENT SESSION

omment Heard Concerning the Proceedings in the Joint Convention—Articles Will Hardly Be Ready Today—Who Will Take the Offices?

LINCOLN, Neb., March 31.—[Special Telegram to THE BEE.]—The railroad crowd is ertile in resources, whatever else may be id of it, and tonight another scheme on its art has come to the surface. It seems that he lobbyists have despaired of carrying heir point in the senate, and that the scene f their operations will now be transferred o the house for awhile. The plan to force n adjournment in the senate next Tuesday oon without giving the maximum rate bill a hance to go upon it final passage does not romise well, as Senator Thomsen has declared that he would never consent to dodge he issue in that way. That leaves seven-een votes against the adjournment, no matter which way Senator Hale votes on the uestion, and filibustering would only postone the inevitable.

The new scheme is to force an adjournment of the house and thereby defeat the ill, as it has been amended in the senate. s adjournment would prevent the concurrence of the house in the amendments, thereby killing it, even though it should be passed by the upper house. The railroad engineers ave begun work in earnest along this line, s one of the Lancaster representatives as circulating a paper this afternoon for signatures to an agreement o adjourn, and tonight had secured thirty-two names. It will readily be seen that a signature to the paper is a ote against the bill, as the house must not djourn until after the bill comes back from he senate if the measure is to become a law. The roads are getting desperate, and it is tated tonight that two votes in the senate ould command six figures and no questions sked. The catechising would begin after he senator got back home.

Another Peculiar Ruling.

The ruling of the lieutenant governor in he joint convention this afternoon was uite in keeping with the former ones during the session for which he has become notorious. He held that the convention could ot go outside of itself to secure legal assistance to prepare the articles of impeachment, but that a committee of the convention could do that very thing. In other ords, he took the position that the subordinate was greater than the superior. He urther held that while the committee could ecure assistance of which the convention was deprived, yet the convention could dictate to the committee as to the individuals o be thus employed. This ruling is being enounced on all sides tonight, even y members who were not in favor f impeachment. Several constitutional wyers have expressed themselves on the oint, and without exception they have declared that the position taken was absolutely without foundation in law. It merely shows o what length the lieutenant governor would go in his eagerness to give the people he hot end of the poker, and assist the accused officials by throwing the drafting of the articles of impeachment to attorneys prejudiced in their favor rather than to those who would stand for rigidly drawn articles and an impartial trial regardless of consequences.

North's Appointment.

Again he showed not only a most unwarranted bias in that direction, but he was guilty of one of the most unparliamentary acts known to the history of legislative procedure when he appointed Senator North as member of the committee to draft articles of impeachment. Senator North not only voted against impeachment, but he had repeatedly declared himself as unalterably opposed to it, and apparently for this reason he was appointed. The joint convention had decided upon a certain course, and insisted on carrying it out, but the lieutenant governor deliberately attempted to thwart the will of an overwhelming majority by placing the execution of their wishes in the hands of one known to be not only unfriendly but positively inimical to them. It was a sample of the "fairness" of which he is wont to prate while posing as an ideal presiding officer over the most deliberate body in the state.

They're After Tom Benton.

The impeachment committee is hard after Thomas Benton, ex-auditor of state. The members have started to investigate the auditor's office, but have as yet been barely able to get inside the door, as the place is jammed to overflowing with stuffed vouchers, the like of which man never gazed upon before. There is a mass of robbery and corruption in sight that is almost appalling in its immensity, disclosing a field for investigation that promises the most startling disclosures and an almost endless amount of them. But it is not only in the matter of stuffed vouchers that the ex-auditor comes to have been an expert, as there is testimony before the committee to prove that he was aware of the frauds that were being perpetrated at the insane asylum, and that when the matter was called to his attention he told his informant not to mention him any more about it. He didn't want to know about it so if it was called to his attention he could say that he was ignorant of it. It is seen in evidence that he was in the habit of business and that he compelled one of his creditors of the state who had a claim for a little over $2,000 to give him $700 of it or the price of having it allowed and paid. It is expected to have matters in shape to submit the matter to the house tommorrow, in order to have the ex-auditor included in the list of impeachables.

May Not Be Ready Today.

It is stated tonight that it will be impossible to have the articles of impeachment in shape for adoption by the joint convention tomorrow, and that another recess will have to be taken until Monday. The articles of impeachment will specify in detail all the matters charged, and that they will cover thirty or forty pages of typewritten manuscript.

Deputies Will Succeed.

Governor Crounse conferred with Judge Walsley this afternoon with reference to the appointment of parties to act in the places of the state officers during the time that they will be suspended from office pending the result of their trial before the supreme court. The conclusion arrived at was that the deputies of the officials were the proper persons to assume the duties of the various offices, and they will be appointed as soon as the notices are properly served, and the offices in that way become vacant.

The best legal authorities have been consulted with reference to the bond of ex-State Treasurer Hill, and the opinion is that the absence of his signature does not affect the validity of the bond, as the courts have held repeatedly that where the name of a party appears in the body proper it is valid and binding without the signature at the bottom.

Senators on the Pen.

The senators took a whirl this afternoon at the penitentiary contract, and one would have supposed from hearing the discussion that few of the senators had ever heard before of the fact that there was a penitentiary in the state. They approached the object very gingerly and seemed disinclined to concur in the action of the house in abrogating the contract.

It seemed to be news to them that Mosher had left the state and would probably never return, or that Dorgan, the alleged contractor, is under no bond, but is drawing money from the state every month in the name of Mosher. It gradually dawned on the dignified body that the state might have to take control of the institution and operate the mechanical plant that has been built up there, and the senators will sleep over it and take another look at the prison situation tomorrow.

About the Adjournment.

The question of final adjournment bobs up with ever-recurring frequency, and the indications are now that it will come about the middle of next week, unless affairs take a new turn. The impeachment matter will not be disposed of before Monday, and there are nine bills ahead of the railroad bill, so that it can hardly be placed on its passage tomorrow, even if it is reached, which is far from probable, in view of a session of the joint convention. An attempt will be made to adjourn at noon tomorrow until Monday, but it will be vigorously opposed. It is given out that the senate will find enough reports and matters of that kind to keep from taking up bills on third reading again this week. What will be done with the general appropriation bill is uncertain, but it is asserted that the senate will accept the action of the house in rejecting their amendments without question if that will hasten the adjournment sufficiently to prevent action on the railroad bill. If the maximum rate bill, the general appropriation bill and the impeachment matter were out of the way a sine die adjournment would be agreed on within an hour. Strenuous efforts are being made to adjourn the senate Tuesday.

VOTED TO IMPEACH.

Routine Proceedings of the Joint Convention Yesterday Afternoon.

LINCOLN, Neb., March 31.—[Special Telegram to THE BEE.]—At five minutes of 4 the senate appeared in the hall of representatives to meet in joint convention. The crowd of spectators was larger than on yesterday, an unusual number of them being ladies. Roll call showed the presence of all the senators and ninety-six members of the house.

Senator Pope offered a communication from the four accused officials asking the adoption of the impeachment resolution in order that they be allowed a chance to be heard in their own defense. The communication reads:

TO THE MEMBERS OF THE TWENTY-THIRD LEGISLATIVE ASSEMBLY: The Board of Public Lands and Buildings has been charged before your honorable body with certain official neglect and malfeasance in office, and steps have been taken looking to the impeachment of the officers comprising that board. We are anxious to have a full, fair and impartial investigation of all charges which will be, or may be brought against us, where the star chamber method of investigation will not prevail, but where we will be permitted to know the accusation and face our accusers, knowing as we do such a trial can only result in our vindication.

We therefore respectfully ask that the resolution looking to our impeachment may be adopted, and such measures may be taken as will result in a speedy trial of the charges, and that we may be given an opportunity to refute the same, and be heard in our own defense; an opportunity which has been wholly denied us up to this time. We ask those members of the legislature who have conscientiously opposed the methods that have obtained in the partial investigation thus far carried one to withdraw such opposition and let the resolution pass and we only ask that judgment upon the case be withheld until we can produce our proof and be heard in our own defense.

A. R. HUMPHREY,
President of the Board of Public Lands and Buildings.

JOHN C. ALLEN,
Secretary of the Board of Public Lands and Buildings.

GEORGE H. HASTINGS,
Attorney General.

J. E. HILL,
Ex-State Treasurer.

It was received and made a part of the records by a unanimous vote.

The clerk was called upon to read the resolution of impeachment.

Changed the Charge to Misdemeanor.

Goss of Douglas called attention to the fact that the resolution charged malfeasance and moved that it be stricken out and the word misdemeanors be substituted.

Senator Stewart amended Goss' motion by inserting the words "or misdemeanors" after malfeasance.

Jensen objected, as the constitution did not provide for malfeasance.

Barry called attention to the fact that the original resolution was drawn by the three eminent attorneys who had received the evidence.

Stewart's amendment was defeated and Goss' motion was adopted a moment later.

Roll call was then ordered on the amended resolution ordering impeachment.

Burns of Lancaster, in explaining his vote, said he did not believe the evidence justified impeachment but in the interest of a fair hearing in the supreme court where star chamber methods would not prevail he would vote yea.

Elder did not believe in impeachment, as he preferred to have civil suit instituted, but he voted yea just the same.

Ellis thought all official acts should be open to the closest scrutiny and therefore voted yea.

James denounced the methods followed to bring about impeachment and the maliciousness behind it, but voted yea to bring out a full hearing.

Why Kyner Voted No.

Kyner was the first to vote no. He alleged that he had not heard the evidence, and would not vote for impeachment even though the members asked it.

Lobeck insisted that the investigation should have been open to the public and the officials given an opportunity to cross-examine. He voted yea.

North voted no without any explanation.

Pope charged that there was no foundation for the proceedings as they had been inspired by malice, but in order to show the public the wicked malignity behind them he voted aye.

Rhea said it was all buncombe, and voted no.

Ricketts voted aye, but said he did so only because so requested by the officials themselves in order to give an opportunity to refute the charges which he believed to be baseless.

Scott of Richardson said the acts of the board were said to be excusable, but he doubted it, still he would vote aye.

Van Duyn did not believe in this way of doing business, but he would vote aye, as the officials requested it.

Cooley did not think the evidences sufficient to prove criminal negligence and would not vote them guilty until proven so.

These were the only explanations, and the vote was announced as follows: Yeas, 127; nays, 4. Those voting no were Kyner, Cooley, North and Rhea.

The resolution of impeachment was declared to be agreed to.

Preparing to Draft Articles.

McKesson moved the appointment of a committee of five to draft articles of impeachment and report the same to the joint convention tomorrow.

Casper offered as a substitute the appointment of a committee of three from each house, to consist of Van Housen, Howe, Barry, Stewart, Tefft and Thomsen, to prepare articles and conduct the prosecution before the supreme court.

The substitute was opposed by Sutton, Jensen, Lowley and Watson, while Barry and Porter defended it. The chair ruled it out of order on the ground that it was not germane to the question in that it touched on two entirely separate matters, one of which was the appointment of a committee to draft articles of impeachment and the other was the appointment of a committee to prosecute the impeachment cases before the supreme court. Barry then amended by providing that the convention should name the committee.

Howe sent up a substitute requesting Messrs. Deane, Pound and Green to prepare articles of impeachment and present them to the house.

Ruled Out of Order.

Barry accepted the substitute and then Lowley raised the point of order that no outsider could prepare the articles as the constitution required that to be done by the joint convention of some of its members.

The point was declared to be well taken.

Howe insisted that having gone this far and acted on the report of these lawyers, they could certainly act in a judicial capacity as attorneys for the convention, and could submit articles for the convention to act upon.

The chair insisted that the ruling was correct and Howe then appealed.

Casper demanded the yeas and nays.

Watson urged the members to vote to sustain the chair, and urged as a reason for so doing that the republicans in the house had not appealed from the decision of the speaker in appointing former committees in connection with the impeachment matter.

The chair was sustained by a vote of 70 to 56.

Colton then offered a substitute calling for the appointment of a committee of five, two from the senate to be appointed by the president and three from the house to be appointed by the speaker. It was adopted on roll call by a vote of 89 to 38.

Named the Committee.

The president asked when they should be appointed, and the convention demanded that they be named at once.

The lieutenant governor named Senators Lowley and North. North asked to be excused, and the president appointed Senator Mattes. Mattes at once insisted that he had objected to the excusing of North and the president held that North must serve on the committee. The speaker named Colton, Van Housen and Barry. The latter asked to be excused, as he had served faithfully on the impeachment committee, but strenuous objections went up from all parts of the house and he was required to remain.

Newberry offered a resolution empowering the committee to secure the services of the three attorneys who have up to this time been employed in the case, and Porter amended by changing the word empower to instruct.

This occasioned another outburst from the anti-impeachers, and Porter said that rather than needlessly cause any feeling he would withdraw the amendment. The resolution was then adopted without any further protest. The committee was instructed to report at the next meeting of the convention and a recess was then taken until 10:30 tomorrow morning.

BY SPREADING RAILS.

Serious Wreck on the Rio Grande—Many People Injured.

LEADVILLE, Colo., March 31.—By a spreading of the rails on the Rio Grande track at a point where the Colorado Midland crosses over it, distant about one-half mile from this city, train No. 4 left the track this evening and was badly wrecked. There were a number of injured, but no fatalities, and it is improbable, so far as can be learned at this writing, that any deaths will result on account of the wreck. The train carried 300 passengers, who were mostly excursionists from California.

The train consisted of four Pullmans and two baggage cars, all of which were thrown over an embankment. The passengers were tossed indiscriminately about, and as far as can be learned thirteen of them were injured, some of them seriously. The list is as follows:

E. R. PIKE, Chicago, cut in left thigh.

MRS. E. R. PIKE, bruised on head.

MRS. G. T. HEYWOOD, Sacramento, arm and head injured.

T. PERRY, St. Louis, shoulder dislocated and wrist sprained.

MRS. GUTHRIE, Oakland, Cal., injured in face.

T. N. NYE, New York, broken shoulder.

J. L. WALLACE, Mercer, Pa., knee cap badly injured.

ANNIE LYNCH, Cohoes, N. Y., seriously injured about body.

MRS. GEORGE WILSON, Chicago, head hurt.

J. E. HEYWOOD, St Cloud, Minn., back and head injured.

MRS. H. MARTIN, from Europe, several bones broken.

H. H. HIGGINS, president American smelter, Leadville, face and neck badly cut.

FRANK W. OWENS, attorney, of Leadville, badly cut about head and body.

KIRBY SMITH'S FUNERAL.

Touching Services Over the Remains of the Last Confederate General.

NASHVILLE, Tenn., March 31.—At 1:30 this afternoon, in the little cemetery at Sewanee, the remains of General Edmind Kirby Smith were buried with church and military honors.

The body lay in state in St. Lukes hall and was carried from there to St. Augustine chapel, and escorted by the procession which formed when the special train arrived bringing delegations from bivouacs from over the state, companies of state troops; members of the legislature and the governor's staff, and hundreds of citizens. The services were held in St. Augustine chapel and were conducted by Rt. Rev. C. T. Quintard, bishop of Tennessee, assisted by many clergymen. About 1,000 clergymen were in attendance. The chancel and coffin were elaborately decorated with flowers. During the procession the body was under the escort of the military and the dead march was played by the band.

Rev. Mr. Gaylor, chancellor of the University of the South, pronounced a glowing eulogy. Colonel Baxter Smith of Nashville was commander-in-chief of the bivouacs and soldiery, and the funeral was under the direction of the Confederate Association of the South.

Prominent men from all parts of the state and the south were in attendance during the obsequies, and the sorrow evinced was general and outspoken.

BOUGHT BY THE BURLINGTON.

Deadwood Central Line and Rolling Stock Changes Hands.

DEADWOOD, S. D., March 31.—[Special Telegram to THE BEE.]—The Deadwood Central Railroad company today transferred all its lines to the B. & M. road, consisting of twenty-seven miles of narrow gauge track, rolling stock, round houses and all rights of way, including the Lead City and Ruby basin ore branches. The purchase price was $240,000. The B. & M. will at once complete the narrow guage system to every mining camp in the northern hills centering at Deadwood.

Played at Hanging.

SIOUX FALLS, S. D., March 31.—[Special Telegram to THE BEE.]—This afternoon John Finstad, the 14-year-old son of Ole Finstad, one of the leading citizens, accidentally hung himself. Young Finstad and a number of playmates had rigged a temporary gallows in his father's barn, by which they would play at hanging, leaning forward with their feet on the ground and heads through the noose and seeing how long they could endure the strain. Young Finstad late this afternoon went alone to the barn to practice, and his feet slipping, fell and strangled. An hour later the body was found dangling.

EDUCATORS IN SESSION

Interesting Meeting of the North Nebraska Teachers Association.

BEST METHODS OF WORK DISCUSSED

How the Interests of Those Who Preside Over the School Room May Be Advanced—Oratorical Contest Prize Winners.

FREMONT, Neb., March 31.—[Special to THE BEE.]—The morning's exercises of the North Nebraska Teachers association began with a soprano solo with violin obligato by Mrs. Parsons. Invocation was offered by Rev. N. Chestnut. "Nature Study in Public Schools" was the subject of a lecture by Prof. Charles E. Bessey of the State university in Lincoln. He commenced by saying: "If the benefits of science are to be enjoyed by the people at large it must be done by putting science into the public schools. Of the several hundred thousand pupils in the schools of Nebraska, not more than 10 per cent will reach the high schools and not more than 1 per cent will reach the colleges. Every man and woman should have some understanding of the world they live in. They should know something of the matter, force, plants, animals, rocks, soil, etc., about them. In our public schools there should be some instruction in regard to these matters. Such instruction must not be from books. The plants, animals, rocks, soil, etc., must be studied themselves. Take common plants and examine them directly; learn how they grow and how they live."

Signs of the Times.

Prof. A. W. Norton, president of the State Normal school of Peru, was introduced, and among other things, said: "Among the great throng of new faces constantly passing I am glad to note the countenances of those whose hearts and aspirations I know because they are teachers. I thank you cordially for the generous welcome accorded me. I assure you I am one with you in spirit and work. Perhaps no more interesting topic upon which to dwell for a moment could present itself than the impression made by the educational condition of the state upon a newcomer. Like all other interests of the state, this is characterized by the vigorous young life supporting it. Judging by the various educational bodies I have had the pleasure of addressing, there are no fossil teachers among you."

Prof. Dan Miller, superintendent of the Fremont schools, read a paper on the "Teacher's Manner in School." He gave in a humoristic manner the pedantic faulty characteristics of the crank teacher, saying that crankiness exhibits itself in various forms. The man with a mission is always a crank. The people whom he meets are dolefully stupid and perversely ignorant because they will not see that his is the mission of superlative importance. The crank is usually a vigorous "kicker," and usually succeeds in attracting attention. In Iowa, if a patron of the schools and a fault finder, his neighbors elect him a member of the school board, just to see what he will do. If the crank is a teacher or superintendent of schools he is frequently given an opportunity to air his ideas and cranky notions in teachers associations.

All Have Hobbies to Ride.

Continuing he said: "I, myself, have taken part in several association prior to this one. As others see me, I wonder if we are not more or less all cranks. I presume we all have hobbies and sometimes ride them. In a certain sense this is crankiness. If the committee in assigning this subject to me thought I would criticise the manner or actions of any of the teachers before me they were mistaken. These teachers come to visit us in our own home. I, in a measure, am host and I shall not criticise their acts or manners while they remain my guests."

He then discussed the teachers manner of speech, of disciplining, of conducting recitations, manner of caring for the school room, including his own and his pupils, desks, and his personal manner and habit of dress. In his closing remarks he said: "If we are not skeptical as to their utility, let us emulate these viruses and when our present contracts shall have expired by limitation and we go forth upon our annual search for new fields of labor, the pupils and parents that we leave behind will rise up and call us blessed."

The afternoon exercises were opened by a very able paper by Charlotte M. White of Wayne. W. K. Fowler, jr., of Scribner read a paper on "Position in Community and Work Outside of School." In summing up he said: "There are two extremes: One, the teacher talking 'shop' on every conceivable occasion; the other, dropping all thought of work from 4 p. m. to 9 a. m. If the teachers would devote a certain time to this purpose, say 8 to 8:30 a. m., or 4 to 4:30 p. m., they would accomplish much more, in fact, probably all that was necessary.

How Teachers Work.

It has been contemptuously said that teachers work but six hours in the day, five days in the week and eight or ten months in the year, while the mechanic, the tradesman or the farmer works from eight to fourteen hours in a day and six or seven days in a week. A teacher should be physically strong and robust and thereby mentally so. Teachers should be sociable. Morally teachers are expected to walk upright, to be models of morality and good manners. We want no better testimonial of the position of the teacher in this community than is evinced by Fremont's kindly and courtly treatment of all. Fremont believes in her school ma'ams and swears by her schools."

A general discussion was had on the subject by D. V. Stevens, Misses Clark, Gercke, Biglow, Grimes, Scott, Hornberger, Finfrock, Reese and others.

The following named persons were elected for the ensuing year: President, County Superintendent Charles S. Coney of Stanton county; vice president, Mrs. J. A. Hornberger of the Norfolk schools; secretary, Miss Jennie A. Harney of Wayne; treasurer, County Superintendent Miss Mary Schroer of Dixon county. The next annual meeting will be held in Columbus.

This evening Miss Charlotte M. White of Wayne read a paper on the "Moral Opportunities of the Teacher." The piano solo by Mrs. T. W. Miller of this city was appreciated. State Superintendent A. K. Goudy of Lincoln made a very interesting and instructive talk on the work of the teacher and the importance of that work.

Those present then went to the High school building, where the teachers of the city schools and the pupils of the High school gave them a reception and banquet. Good music was furnished by the High school orchestra. The following resolutions were adopted:

Whereas, We, the teachers of North Nebraska, in annual association assembled, having been greatly benefited in this convention, would beg leave to present the following resolutions: That we extend our thanks to the citizens of Fremont for their hospitality, to the Congregational Church society for the use of its building, the High school teachers and students for their royal reception, to the hotels and railroads for their liberal concessions, to the officers of this association and the various committees for their untiring efforts in our behalf, to Prof. Clemons for so kindly placing his piano at our disposal, to Congressman Bryan for his masterful address, to J. H. Miller and County Superintendent D. V. Stevens for printing gratuitously the programs of our exercises, to State Superintendent Goudy for honoring us by his presence and favoring us with his instructions, and to all others who have contributed to the success of our gathering.

Christian Endeavor Workers.

HASTINGS, Neb., March 31.—[Special Telegram to THE BEE.]—This morning the first annual convention of the Christian Endeavor societies of the Sixth district held its first session in the Presbyterian church. The district secretary, Sarah Jeannette Busnell of Hastings, who has been largely instrumental in the formation of the district association, acted as chairman pro tem until the selection of F. F. Caruthers of this city as permanent presiding officer. After a devotional service led by C. R. Cook of Lincoln and a song service, L. G. Gills of Hastings welcomed the 150 delegates to the Queen City, Rev. D. W. Curtis of Clay Center responding. Following this Mr. Cook of Lincoln conducted a model social. The meeting closed with an informal "yet acquainted" session.

THROUGH A SEA OF FLAMES.

Terrible Experience of a Hastings Woman in Chicago.

HASTINGS, Neb., March 31.—[Special to THE BEE.]—News has been received in this city of an accident which befell a Hastings lady in Chicago. Mrs. W. E. Barnes, wife of a prominent merchant, is studying vocal music in Chicago. The other day while she was sitting at a piano in her room the landlady entered and began cleaning some of the furniture with gasoline. An open grate caused the vapor to explode, and a gallon of gasoline was ignited. Mrs. Barnes rushed through the flames to the door, but after reaching a place of safety thought erroneously that her sister, Mrs. Frank Hollingsworth, was in the room, and rushed back to save her, thus going three times through the flames. Her hair caught fire and in extinguishing the blaze she badly burned her hands and face.

A carload of Missouri Pacific officials passed through Hastings yesterday afternoon, and took agent Baird of this city with them to Prosser, the present terminus of the line. Rumor has it that the visit has some connection with the proposed extension of the line to Kearney to meet the Kearney & Black Hills road.

Court reporter J. S. Logan has finished the bill of exceptions in the case of Powers against Baily, alias Bishop Bowman and Eschel against Bishop Dubbs, in the Evangelical church fight. The record is very voluminous, being fully two inches thick. This case was decided in favor of Dubbs, but will be taken to the supreme court to provide a precedent. Judge Hastings in Nickolls county decided a similar case for the Bowman-Eschel faction.

Experiment of a Nebraska Farmer.

GENEVA, Neb., March 31.—[Special to THE BEE.]—L. C. Putnam, a prominent farmer in the southeastern part of this county, has successfully started plowing with three gang plows hauled with his Huber engine. This is the first experiment of the kind ever tried in this county and the decided success which he has made of it promises a revolution in the plowing business in the near future.

Yesterday the ladies of the Women's Christian Temperance union here were made happy by closing a saloon after having followed their case through the county, district and supreme courts. The latter held that the city ordinance under which the license was granted was defective and repealed the license.

Union Pacific Freight Wrecked.

GRAND ISLAND, Neb., March 31.—[Special to THE BEE.]—Seven cars which had been standing on the side track in the east end of the Union Pacific yard moved down the grade on to the main track last night and shortly after they had stopped about a mile east of the city freight No. 28, under Conductor Goodrich, ran into them. The engine was badly damaged, several cars being considerably demolished and two cars of Oregon lumber badly torn up. No injury was done any of the crew. It is supposed that boys unfastened the brakes on the cars and they moved down the grade unknown to any one.

Elected New Officials.

FREMONT, Neb., March 31.—[Special to THE BEE.]—At the annual meeting of the North Nebraska High School Oratorical association the following officers were elected for the ensuing year: W. R. Jackson of Ewing, president; D. C. O'Connor, vice president; W. K. Fowler, jr., secretary and treasurer.

The fourth annual contest of the society was held in Love's opera house this evening. Eva O'Sullivan of West Point was awarded the first prize in the oratorial class, Clara Manville of Dodge the first in the dramatic and Ella Miller of Fremont the first in the humorous class.

Must Have a Mill.

HARDY, Neb., March 31.—[Special to THE BEE.]—The people of Hardy and vicinity are determined to have a flouring mill. Over $2,000 has been raised as a bonus in the last two days, to be given to the party who will build, equip and operate a fifty-barrel mill for a term of years. There is no better point for a mill in the state, there being a largely increasing acreage of wheat in this vicinity each year. This is surely a plum to the man who accepts the offer.

Syracuse Band Concert.

SYRACUSE, Neb., March 31.—[Special to THE BEE.]—The Syracuse Cornet band rendered a fine program at the opera house last night. The hall was crowded to its utmost capacity with a very appreciative audience. The selections were all of a very high order and their rendering reflected great credit upon their leader, Mr. C. E. Clark, who is also musical director of the Nebraska State Band union.

Springfield's New Pastor.

SPRINGFIELD, Neb., March 31.—[Special to THE BEE.]—Rev. Alford J. Fleming, long pastor of the Baptist church at Broken Bow, has accepted the call to the Baptist church at this place, and begins his work tomorrow. He removed his family here this week. Mr. Fleming is an earnest, able and experienced minister and came from the Baptist seminary at Louisville, Ky.

Disposed of by the Sheriff.

HASTINGS, Neb., March 31.—[Special Telegram to THE BEE.]—The Hastings Electric Light and Power company's plant was sold today to D. M. Leland for $15,000 by sheriff's sale. This does not nearly represent the amount invested in the plant.

Perished in a Prairie Fire.

CURTIS, Neb., March 31.—[Special Telegram to THE BEE.]—Mr. Lawrence, a farmer living fourteen miles southeast of Stockville, was overcome by the heat of a prairie fire yesterday and perished.

Death of a Fremont Lady.

FREMONT, Neb., March 31.—[Special to THE BEE.]—The mother of S. B. Calson and Mrs Theron Nye died last night, aged 83. The funeral will occur tomorrow.

DISTRICT ATTORNEYSHIP.

Nebraska Democrats Are Endeavoring to Have Mr. Baker Removed from Office.

WASHINGTON, D. C., March 31.—[Special Telegram to THE BEE.]—THE BEE'S correspondent ascertained today that up to this time no formal charges had been preferred at the Department of Justice against District Attorney Baker, but that it was understood from information and notice received that formal charges would be preferred, probably by T. J. Mahoney. It is alleged that Baker has made a practice of encouraging the dismissal or conduct of causes before the federal courts of Nebraska in such a way as to augment his receipts from the office of district attorney. The democrats of Nebraska are determined that Baker shall not serve the full term of his commission, which would keep him in his office till next January. Some excuse must be given or cause assigned for removal, and it is the understanding at the Department of Justice that Mahoney and other aspirants for the office are formulating charges which may be the basis of Baker's removal.

Mr. Mahoney Talks.

Mr. T. J. Mahoney was seen by a BEE reporter in reference to the subject of the above dispatch. Mr. Mahoney stated positively that he had not preferred charges against District Attorney Baker and that if such charges had been made he was not a party to the action. He said further that the alleged irregularities cited as a basis for charges of misconduct grew out of a time-worn practice in the federal court Mr. Mahoney said that Baker's predecessors, both democratic and republican, had adhered to the practice of calling a jury and securing a verdict in minor cases which some lawyers hold to be wholly unnecessary and for the purpose of making fees. Every jury thus empaneled entitles the attorney to a $10 fee. Most persons arraigned have preferred a verdict of acquittal at the hands of a jury rather than have their cases "nolled," which may leave the way open for a revival of the case in the future, or is considered an unsatisfactory disposition of such cases. Mr. Mahoney said that should this practice be prohibited the emoluments of the office would be cut down to such an extent that no competent attorney could afford to accept the position of district attorney. He had called upon Mr. Baker, with whom the rumor that charges would be preferred was discussed. He asked Mr. Baker to advise him in case he concluded to resign, so that he (Mahoney) might get his application papers in shape and on file in the department at Washington.

TANK CAR TURNED OVER.

Costly Fire in the Missouri Pacific Yards Caused by an Accident.

An oil tank car tipped over in the north yards of the Missouri Pacific early this morning and an explosion followed. In a moment the tank was a mass of flames, which spread rapidly to other cars containing stock.

Two cars containing pigs, two with cattle and one filled with merchandise were totally destroyed.

Cattle in two other cars on a side track were badly singed and many of them will die. The total loss will not be less than $10,000.

The residence of C. A. Abercombie, 2810 Dodge street, was partially destroyed by fire last night. About 10 o'clock passers-by saw flames in the back part of the building. At first the fire was confined to the rear of the building, but before the flames could be checked they spread rapidly through the roof of the residence portion and considerable property in the living rooms was destroyed by water.

The family were absent at the time and are unable to account for the fire as there had been no fire in the furnace for two or three days.

Mr. Abercombie is insured for $1,000, but this will hardly pay his loss on household goods. The building belongs to the Byron Reed estate and is insured.

About a half hour after the fire department left the fire in the attic broke out again. Sparks from the burning rafters had fallen between the walls and the front roof was soon ablaze.

Prompt work by chemical No. 3 held the fire until the hose lines were laid in.

The total loss on building and contents will probably amount to $2,000.

TELEGRAPHIC BRIEFS.

Domestic.

Jim Bailey of Jellico, Tenn., Thursday night killed Dock Gorman. Gorman had been intimate with Bailey's wife.

Two men were killed by a snowslide yesterday on the Denver & Rio Grande between Durango and Silverton, Colo.

Postmaster Hance and two members of his family had a narrow escape from death by asphyxiation Thursday night.

The Japanese exhibit and the women who will erect the village on the World's fair grounds have arrived in Chicago.

The Chicago police force during the World's fair will be increased by several hundred men. Already selections are being made.

Bob Tatton was to have been hung yesterday at Tahlequah, I. T., but was granted a thirty days respite by Chief Harris.

A Kansas City, Mo., man has invented an air ship, which he says is a success and which will be on exhibition at the World's fair.

The directors of the General Electric company of New York declared the regular quarterly dividend of 2 per cent, payable May 1.

Delegates from spinners, loom fixers, weavers and card room unions have organized the Textile Trades council at New Bedford, Mass.

A large fire is raging in the forests between May's Landing and Millville, N. J. Thousands of acres of valuable timber have been destroyed.

A delegation has called on Governor Lewelling of Kansas and urged him to call an extra session of the legislature to provide railroad legislation.

In a speech before the locked out clothing cutters of New York President Gompers of the Federation of Labor announced the officers and members of the Knights of Labor.

Chicago Board of Trade men do not seem to think that Phil Armour and his combine will be able to break the May wheat market. Armour denies that he is in the combine.

Three robbers at Palmer, Wash., knocked a storekeeper insensible, robbed his store and were about to escape when discovered. One was killed and the other two captured.

The American Press organization, for the gathering and dissemination of news, filed articles of incorporation at Trenton, N. J., yesterday. The capital stock is $2,500,000.

Twenty-four Chinamen were arrested by a deputy marshal and taken before Commissioner McGuerin at Kalamazoo, Mich., yesterday, charged with being unlawfully in this country.

The reported arrest of the president of San Domingo by a French naval officer and the causes leading thereto is discredited in New York by those informed on affairs in that country.

W. P. Rippey, the old man who shot John W. Mackay and then shot himself, has been indicted by the San Francisco, Cal., grand jury for an assault to commit murder. His bail was fixed at $5,000.

In the United States circuit court for New York Judge Lamb authorized William C. Lane, as permanent receiver for the United States Rolling Stock company, to sell all the securities, land and patent rights belonging to the company and now in his possession.

The French steamer La Normandie, which arrived in New York yesterday, reports that on Monday last she spoke to the Thingvalla line steamer Hekla disabled in mid-ocean. The Hekla had made repairs and was proceeding on her course at the rate of eight miles an hour.

A peculiar cow disease has broken out in St. Louis county, Missouri, which is giving the farmers and others who own cows much concern. The disease makes its appearance in the cow's tail and causes a sort of paralysis, which, if not properly handled, will result disastrously to the animal.

The notorious French anarchist Mattieu is living incognito in New York City. He came to this country by the Bremen steamer H. H. Miller, his name appearing on the passenger list as Gustave Becker, but he was recognized as Mattieu. It is not known how he left France and embarked at Bremen.

Mrs. Lizzie Baldy, 45 years old, is under indictment in New York City charged with having fleeced a number of New Yorkers out of money. Just after the election Mrs. Baldy opened an office in Broadway and advertised herself as a sort of broker in government offices. She caught many unwary people.

Based on the price coal has been bought at the mines during the past month, which was $2.58 2-10, the Schuylkill, Pa., Coal exchange has fixed the rates of miners' wages and mine laborers at 3 per cent above the $2.50 basis for the last half of March and the first half of April, a reduction of 2 per cent on the previous month.

A. R. Sutton and his confidential bookkeeper, William M. Boecher, were arrested yesterday afternoon at Louisville, Ky., each on ten charges of forgery. Thus the climax in the celebrated whisky forgery case of A. R. Sutton & Co. was reached and a court of inquiry will say whether the two men are guilty.

Lillian B. Potter of Chicago has instituted suit in the circuit court against Mrs. Kate W. King, John W. Babcock and A. G. Loomis for $50,000 for slander. John W. Babcock is at present congressman from the Third district of Wisconsin and A. G. Loomis is connected with the Juneau bank at Manston, Wis. Mrs. Kate King was before she was divorced, the wife of Edward King.

Foreign.

The authorities of Costa Rica have discovered, in time to nip it in the bud, a plan to inaugurate a revolution.

McManus & Sons, bankers of Chihuahua, Mex., have suspended, with liabilities of $1,000,000. The cause of the suspension was land and mining speculations.

Ex-President General Manuel Gonzales of Mexico is seriously ill and not expected to live. He is enormously rich, his estates amounting to over 2,000,000 acres of some of the best land in Mexico.

Sir George R. Dibbs, premier of New South Wales, who recently became bankrupt, and who, after giving up his estate to his creditors resigned his seat in Parliament, has been reelected to Parliament without opposition.

NULL AND VOID ON ITS FACE

General Leese's Opinion of the Present Mosher-Dorgan Prison Contract.

WITHOUT CONSTITUTIONAL AUTHORITY

Acts of the Legislature Extending the Contracts Were of the Special Nature Prohibited by the State Constitution—The Opinion.

This morning THE BEE gives space to the opinion of ex-Attorney General Leese on the penitentiary contract. It was given in response to a request from the committee appointed by the house to examine into the status of the contract. It is terse and to the point:

TO THE HONORABLE COMMITTEE ON PENITENTIARY—Gentlemen: I am in receipt of your communication as follows:

The committee on penitentiary desires its attorney to look up the law and the facts and inform this committee whether, in his opinion, the so-called contract between the state of Nebraska and one W. R. Stout, since assigned to one C. W. Mosher, and by him said to be assigned to one Dorgan, is now a good contract and binding on the state of Nebraska, and what steps are now necessary to be taken to annul said contract, provided it is shown that the spirit and provisions of said contract are being violated by those holding the same, or whether or not said contract is a valid contract.

In answer thereto I have the honor to submit as follows: That under section 19 of article v. of the constitution the Board of Public Lands and Buildings is given the general supervision and control of all the buildings, grounds and lands of the state. "The state prison * * * shall be subject to such rules and regulations as may be provided by law.

That for the purpose of carrying into effect the above constitutional provision the legislature by an act approved February 13, 1877, passed an act entitled: "An Act Establishing a Board of Public Lands and Buildings of the State of Nebraska, and Defining its Duties." In section 17 of said act provisions were made for such board to advertise for sealed proposals, for the leasing of penitentiary, penitentiary grounds and convict labor. (Session laws of 1877, page 188.)

Gave Stout the Contract.

In pursuance of said act the Board of Public Lands and Buildings, after duly advertising for such sealed proposals, did, on the 23d day of September, 1877, award to W. H. B. Stout the state penitentiary and all the grounds, yards, shops and outbuildings connected with the same and all property thereunto belonging, for a period of six years