2

but turned half around and looked at the large clock on the wall.

The court room was filed when the judge read his decision. Prendergast apeared in-different for a time, but as the reading proceeded appeared ready to make one of his old-time scenes. Prendergast was ordered to stand up during the reading of the sentence. Judge Brentano said:

JUDGE BRENTANO'S WORDS.

"Patrick Eugene Prendergast, it rarely fails to the lot of the court to discharge so painfal a duty as devolves upon it in this case. You stand before the bar convicted of the murder of a fellow being, and it is cumbent on me to pronounce sentence on

You have had a fair and impartial trial, and you have been defended by c whose zeal and devotion in your behalf C*/335719(#1 the highest praise and compel the admiration of the court.

do not think I can be fairly subjected to the criticism that I did not allow you the widest lattitude in the presentation dence that in any way tended to establish the defense made for you, and you were given the benefits of all presumptions which given the benefits of all presumptions where the the law mays you are entitled to have. De-spite all this you have been found guilty in accordance with the well established princi-ples of law and evidence governing trials of

this kind forted if the verdict of the jury had established the fact that your act was that of a mentally irresponsible person, but the result of the trial denies the people that com-fort. The evidence did not establish that you were acting under an insane delusion which irrestatibiy impelled you to the commission of the act which you did not dis-cern to be wrong and over which you had not the power to exercise control. The jury has found that when you committed the act you fully understood it and its consequences and that you might have controlled your ac-tions if you had so willed, and that your own misguided will was the sole impulse to commission of the deed.

'No imaginary inspiration to do a personal wrong under a delusion or belief that some great public benefit will follow from it, when the nature of the act done, its probable consequences, and that the act is in itself wrong are known to the actor, can amount to that insanity which in law disarms it of criminality.

'Situated as you are I would not say anything for the more purpose of harrowing up your feelings or causing you unnecessary pain. The solemn and painful duty now de volves upon me to impose the sentence and judgment of the law, which is that you, Patrick Eugene Prendergast, between the hours of 10 o'clock in the forenoon and 2 o'clock in the afternoon of the 23d day of March, 1894, in the manner provided by statute of this state, be hanged by the neck until you are dead."

When the court passed sentence the prisoner moved forward a step or two and said: "I did not wish to apologize to the court, for I think I did my duty." As he concluded he was led away to his

cell in the jail by the bailiffs.

During the course of his remarks Prendergast was apparently in a very nervous con-dition. His hands shook and as he occasionally turned his eyes from the court and glared about the room it was evident his nerves were strung to the highest tension. Occasionally he would stop to glance at the paper in his hands to read the notes or points on his address, which he had evidently prepared in advance. Just before Judge Brentano began the delivery of his speech denying the motion for a new trial Attorney S. S. Gregory filed a motion for arrest of judgment. which was overruled. He ther isked for thirty days in which to file a bill of exceptions upon which to take the case to the supreme court. This was granted. Pren-dergast was sentenced to hang subsequently in less than thirty days. It was stated, how-ever, that if it became necessary the court could extend the time and fix a new date for the execution. It is probable that the bill of exceptions will be filed within ten days.

"Buff" Higgins is under sentence of death for the murder of Peter McCoy, and the date of his hanging is the same as Prenderto the several rental obligations. gast. If a change in the proceedings is not ordered the men will be hung at the same

time. During his speech Prendergast mumbled

ROCK ISLAND MAKES ANSWER

Protests Against Suspension of Bridge Contract as Asked by Union Pacific.

ITS GRIEVANCES AGAINST THE LATTER

Has Been Constantly Hampered in Use of Privileges Granted Under Contract-Cook County Suits-Increase of Switching and Other Charges.

The Rock Island road has filed its answer in the United States circuit court to the recent petition of the receivers of the Union Pacific to have the bridge contract set aside until such a time as an accounting can be had, alleging that the Rock Island has refused to pay the bills rendered to that com-

pany for the use of the bridge. The Rock Island denies the jurisdiction of the court to take the action prayed for because the merits of the case have been passed upon by a higher court, which has declared the contract valid, and the grantug of the present petition would only be a collateral attack upon that decision.

The answer alleges that the /contract sought to be set aside was not only for the use of the line of the plaintiff between Lincoln and Beatrice and the bridge and tracks of the Union Pacific company be-tween Omaha and South Omaha and the handling of freight for and out of the cities of Omaha and South Omaha, for which the Rock Island agreed to pay a reason able compensation no greater than charged others for the same services, but it also provided for the use by the Union Pacific company of the tracks of the defendant company then built between the cities of McPherson and Hutchinson, Kan. It also provided for the use by the Union Pacific mpany of the tracks to be built Rock Island between the cities of South Omaha and Lincoln, Neb. The answer sets forth that the defendant

did, after the rendering of the decree sus-taining the validity of the contract, enter upon and use the tracks of the plaintiff be tween the cities of Lincoln and Beatrice until the 8th day of May, 1893, when the respondent completed its own line between these two points and thereupon closed to use the tracks of the plaintiff; that during the time it used these tracks the respondent paid the rental stipulated in said contract. UNION PACIFIC REFUSES TO PAY.

The answer sets forth that while the Union Pacific company insists upon the payment by the respondent of the rental u this piece of track, which it has ceased to use, the plaintiff company has persistently refused to pay to the re-spondent the rental provided in the said contract for the use by plaintiff of the tracks of the respondent, viz: the line between South Omaha and Lincoln and between McPherson and Hutchinson; and the respondent to the court that in so far as it has failed to pay the rentals demanded from it upon the line between Lincoln and Beatrice since it ceased to use the same, on demand of the Union Pacific Rallway company, it has only to done so because of like rentals due it under the contract, being continually from the date of the contract, except for a short time as to the line between McPherson and Hutch on, withheld from it by the Union Pacifi Railway company; and the respondent shows that as to rentals so un-paid by it, it is and at all times has been ready and willing to recognize its obligations therefor, when and whenever the Union Pacific Railway company shall recognize in like manner its obligations to pay rentals due from it as pro vided by the contract; and the respondent now, as a part of this showing, offers to pay to the Union Pacific Railway company or to its receivers, whatever balance, if any may be found to exist in an accounting

COOK COUNTY SUITS. The Rock Island admits that it has Cook county. cover the rental claimed by it from Union Pacific, believing that to be the best and quickest way to have its rights under the contract adjudicated, and that such action was in accord with the decree of the in passing upon the validity court . In addition claimed in the contract. amount th suit in Cook county, Illinois, there was now due the respondent as further rent also upon the property the sum of \$80,000. The Rock Island denies that the suit was brought in Illinois for the purpose of embarrassing the plaintiff, but was for the sole purpose of expediting the determination of the respondent's claim. The respondent admits that the line from Omaha to Lincoln was not completed at the time specified in the contract, but denies that the plaintiff was in any way hampered thereby and further that failure to set up this allegation in its petition brought to annul the contract, which had been adjudicated, worked and estopped to setting it up in this Rock Island · denies that The has refused to pay a reasonable compensation for the use of the tracks, bridges and terminals of the plaintiff, having paid the sum of \$3,750 monthly for that On the other hand, it is alleged that the Union Pacific has sought in every way to hamper the respondent in the conduct of its business, and has rendered to it exorbitant bills for the services rendered.

tials via the Soo line providing it receives a certain per cent of transcontinental busi-ness, is one of the serious problems which confront the association lines. The Bur-lington would undoubtedly be considerably ington would undoubtedly be considerably affected should such a disposition of the situation be made. As to the Santa Fe proposition to hold matters in abeyance until March 1, when they will outline their action, reminds me of the man who is allowed two meets a day and then goes into a fight to get a portion of the third. I doubt very much if the Santa Fe knows just what it will do and the time asked is for the purpose of devising some scheme to circumvent the Southern Pacific. My impression is that the Santa Fe and Southern Pacific will patch up their differences instead of inaugurating a war of rates. There will be a meeting of the transmissouri and northern lines next Tuesday to take up the Canadian Pacific situation, while the Atchison may be in a position to outline its future policy. The

LOW RATES TO THE WEST. Threatened War in Passenger Rates on Transcontinental Lines.

Burlington is sitting back and waiting for

developments."

CHICAGO, Feb. 24.-To the outsider it looks tonight as though extremely low rates for passengers would be the feature ere long in transe intinental circles. The continuation of the war "via Barstow" is simply this: That

the Southern Pacific says "no," and the Atchison proposes to meet this with an ultimatum, declaring that its rates from Chicage to Los Angeles will be kept at \$15 less than the direct rate to San Francisco. This, of course, will give the result the Atchison desires, namely, of giving passengers by their route the benefit of the short line to San Francisco by paying the \$15 local rate from Los Angeles to San Francisco. This reduced rate by the Atchison goes into effect March 1, and is expected to cause serious trouble, as the lines routing via Ogden will be compelled to make a like reduction in their rate to Loss Angeles, or be prepared to lose the south ern California business, which, at this season of the year, is no inconsiderable feature. In connection with the expected war of rates, General Passenger Agent Goodman to-

day issued a circular to connecting lines, in which he says, in part, that several nonths ago the Atchison and Southern Pa-ific entered into an agreement giving the former the privilege—subject to thirty days notice—of discontinuance , subsequently changed to ninety days, of routing via arstow and Los Angeles to and from San Francisco.

Pursuant to the agreement the Southern Pacific gave notice on November 23 of lesire to annul the agreement on March 1. Under the agreement the Southern Pacific claims for itself and its connections at Ogden and Portland the reciprocal rights to tickets at the through rate by direct lines from Chicago to Los Angeles through San Francisco, and vice versa. "This," says Mr. Goodman, "the Atchison denied and threatens if such right is exercised that it will re duce the through rates over direct lines by the amount of the value of the ride between Lathrop and San Francisco. The Southern

Pacific can see no good reason why the San Francisco passenger may, without extra charge, visit Los Angeles enroute to eastern states, while the privilege of visiting San Francisco from eastern states is denied Angeles passengers with-Los out additional expense, nor why the Atchison gives its passengers the privilege of visiting Los Angeles encompanies working via Ogden are denied the right of giving their passengers the privilege of visiting San Francisco enroute o Los Angeles, except at an additional

The reduced grain rates will be put into effect by all eastern lines Tuesday. The reductions apply not only to grain, but also to grain products. The idea that the reduction could be confined solely to terminal points proved to be a futile one, and the regular proportionate reductions will be made to intermediate points. The war on grain rates will undoubtedly have an effect on provisions within a short time.

Rates on these commodities are already being cut by some lines and a general smash is looked for soon.

KILLED BY SLAVE TRADERS Another Added to the Long List of Africa's

Dark Tragedies. BRITISH TROOPS, LED INTO AN AMBUSH Bitte Disastrous Encounter with the Natives in

West Africa in Which Three Officers and Ten Spidiers Lose Their Lives-How it Happened.

LONDON, Feb. 24 .- Dispatches received here from the west coast of Africa say that the cruiser Raleigh, twenty-four guns, 5,200 tons, the flagship of the British squadron on that coast, commanded by Rear Admiral Frederick K. Bedford, and the first class passage. ber 2, 1872?" screw gunboat Widgeon, six guns, 805 tons, commanded by Lleutenant Commander Willlam J. Scullard, arrived yesterday at Bathurst, capital of the British West African olony of Gambia, and the rumor soon spread that the sailors had been badly handled in an encounter with the slavers.

It appears that landing parties had been sent ashore in order to punish Chief Fodisalah, a notorious slave dealer, who had been carrying off into bondage and severly illtreating the helpless natives of a number of villages along the part of the coast which he rules over. The British sailors landed in force and marched inland, where they met with a severe reverse, losing three officers and ten men killed and four wounded.

Dispatches from Bathurst received this evening say that the marines landed from he war ships and a detachment from a West India regiment are still missing, and

fears are entertained for their safety. The force of blue jackets which landed was composed of men from both the flagship Raleigh and the gunboat Widgeon. The landing parties went ashore fully equipped for a march inland and for remaining ashore for some time. Several machine guns were taken ashore in the boats and the landing parties carried provisions for four days and an ample supply of ammunition. A reserve force was left ashore at the landing place,

which was thoroughly protected by the guns of the cruiser and the gunboat. After the blue jackets and marines had anded the column began its march inland, but owing to the nature of the country which the naval detachments had to pass brough, swampy land, thick underwood and orest land, the advance party and the flankng parties were soon compelled to practically fall back upon the main column, which oushed forward in this manner for the inerior.

SAW FEW SIGNS OF SAVAGES. For a long time after landing and commencing the march inland little br no signs of natives were seen, in fact the coast in the neighborhood seemed to have been deserted. But when the British force had advanced well inland and were surrounded by a thickly wooded country with rising land on both sides the natives who had been hired to cary the spare ammunition, provisions and water began to desert and eventually the whole lot of them disappeared.

The British force, however, seems to have continued its march inland and to have been eventually led into an ambush, for fire was suddenly opened upon it from all sides and the sailors were routed before they were able to make any effective use of the machine guns. Chief Fodisalah is a most desperate slave

did not give a direct answer to this question, but said that it required a good deal of	GREAT NIGHT FOR RED HOTS
explanation. Sir Charles Russell persisted in his ques- tion and finally Mrs. Martin said that the scene had not occurred so far as she person- ally was concerned, but she added: "If the	New York's Fancy Given a Long Program of All Sorts of Sport.
Beecher scandal is to be introduced in this way it is, unfair to me and unfair to history." (Langhter.) Considerable ammsement was caused	FOR THE BENEFIT OF A FREE BREAD FUND
through the examination and cross-examina- tion of Mrs. Martin by the smart answers which she frequently gave the counsel. But Mrs. Martin was perfectly cool and col- lected throughout and insisted upon making	Pugs from Corbett to Dixon and Wrestlers of All Kinds, with Swordsmen and Strong Men, Mingle on the Stage.
elaborate repiles, which were often discon- certing even to such a distinguished cross-	

xaminer as Sir Charles Russell. Eventually Sir Charles Russell took up a lim Corbett would not be at the Madison book containing extracts from the speeches of Mrs. Martin, a book for which Mrs. Mar-Square garden until nearly midnight, because tin had written a preface, and asked her: "Can you point out a single sentence which repudiates, before 1881, the flithy he had to appear in "Gentleman Jack" in Harlem, but there was a crowd of 1,000 people around the garden doors soon after dark in Woodhull's Weekly of Novemthis evening, who wanted to see the cham-'Allow me to state how that work came pion and give him one more greeting. This wish was enhanced by the knowledge that

Jacksonville.

to be done," answered Mrs. Martin, beginning a long explanation. After her cross examination Mrs. Martin was re-examined examined at length, repeating the story of her life, her high aims and ideas. Mrs. Martin, during the course of her

re-examination, said that she never knew a publisher named Branker of New York, and added that she did not believe that such a person existed.

Witness said that she had never been in Rev. Henry Ward Beecher's house. John Biddulph Martin, husband of the plaintiff, was the next witness and after his testimony had been taken Sir Charles Rushis speech for the defense Eventually the case was adjourned until Monday.

COUNTY COMMISSIONERS.

Application to Operate a Ferry Over the Missouri-Other Business.

The county commissioners met at 2 o'clock yesterday afternoon.

The bonds of the American National bank, Union National and National Bank of Commerce, the two former in the sum of \$100,000 each and the latter in the sum of \$200,000, for the security of county deposits, were approved and the banks designated as county

lepositories. The contract for printing the tax receipts was awarded to the Omaha Printing com-

pany. Petitions of A. F. Pickering and J. W. Clark for a refund of taxes were rejected for the reason that the board had no jurisdiction

The South Omaha Brewing company was granted a license for a saloon on West Jodge street. The bond of the Midland bank in the sum

of \$20,000 as a county depository was re-ferred to the committee on finance.

over this, if nothing else, A good go was looked for when Tommy Ryan of Chicago, the champion welter-weight, and Billy Vernon, the Haverstraw, M. M. Marshall applied to the board for an exclusive license to operate a ferry at a point where Sixteenth street extended had the better of the touching in the total, would intersect the river, setting forth that such a ferry would decrease the distance of but in justice to Vernon it should be said he sparred with a broken thumb. Iowa farmers in that neighborhood to Omalia at least ten miles. The petition was referred in a broadsword contest with F. S. Costello of Brooklyn, Prof. Zarlimi, the Italian, havto the committee on bridges.

The committee on finance reported the following preamble and resolution, which was ing failed to show up. Ross easily scored five body blows in succession. assed by a unanimous vote:

Whereas, The committee on finance has observed that it has been the custom in the unty treasurer's office to cancel certain x receipts after collecting the same and

tax receipts after collecting the same and refund to the payer the money so paid, which is contrary to haw, but also tends to confuse the record; therefore be it Resolved, That the county treasurer be instructed that from and after February 28, 1891, no allowance will be made for deduc-tions made after the funds have come into his hands, but that the same shall be sub-mitted to the board for adjustment, and if refunded shall be done by warrant drawn on the proper fund. ter, but after a bit took courage and hit the featherweight champion of the world a on the proper fund.

moving incessantly during all the three minutes and 6,000 tongues urged the Brook-The county clerk was instructed to no lyn boy on. Loeber did very well, but when tify the treasurer that the bonds of the following banks had been approved by the the round was over he was breathing hard. board as county depositories; United National, Merchants National, Ne-States braska National, Union National, American owner, well known on the west coast of Africa. His force was reported to have is in the sum of \$100,000, except the last, which is in the sum of \$200,000. The treasurer vas instructed to at once deposit the county funds in these banks in proportion to the amount of the bond filed. The treasurer was also instructed to require the banks to make out a monthly statement, a duplicate of is to be filed with the clerk. demanded from the champion, but The rules were suspended and the monthly would only bow. The men sparred four friendly and short rounds, during which appropriation sheets were passed. Board adjourned to meet at 2 p. m. Tuesday, Feb-

	team in the country,
a Long Program of Iport.	JOPLIN, Mo., Feb. 24.—Frank Woodard, a colored pugilist of Joplin, and W. B. Johnson, white, from Colorado, fought early
FREE BREAD FUND	this morning in the Indian Territory near Baxter Springs, Kan., for \$100 and the gate receipts. The men are heavyweights. The fight was Johnson's from the begin-

third round.

op notchers in their respective classes, in

of St. Louis. This bout appeared to be on the level. Leonard was the aggressor and

he cleverer. He had the St. Louis man

Two 105-pound New York lads, Jack Levy

doft several times, but he could not accom-

and Casper Leon, went through three tire

some rounds, and then the kangaroo did his act with Tully. There was laughter

N. Y., lightweight, were annuonced. Ryan

Duncan C. Ross, clad in armor, engaged

George Dixon got a rousing reception when

Brooklyn. They created the first rousing

enthusiasm of the night. Loeber looked scared and acted so when he took the cen-

ouple of times and the mob at once lost its

head. Loeber was cheered and told to go in vigorous terms, and he did try in the second

round and got more cheers. The third round

was at all at mixing it up. Four arms

things went off smoothly.

WCOY AND RYAN MATCHED.

Well Known Middleweights Will Meet at

Creston Next Month.

CRESTON, Ia., Feb. 24.-(Special Tele-

Kid Buldwin Signed.

blish a fall within the ten minutes limit.

have been a big crowd.

An adjourned meeting of the Omaha Kentage. nel club will be held February 26, 8 p. m., NEW YORK, Feb. 24 .- It was known that

in room 212 Brown block, for the purpose of adopting amendments to the constitution and by-laws and considering a reorganiza-Club members and others interested tion. in a good bench show the coming fall are especially requested to attend.

Kennel Club Meeting.

The negro was knocked out in the

materially since those days, but is yet

plenty good enough for any minor league

- 1

THE NORTHERN LIGHTS.

For the past two nights the northern heavens have been furnishing a rare treat James J, was to put up his hands at the for the lovers of celestial phenomena in a same time that Charlie Mitchell presented magnificent display of the aurora borealis. his, in a scene that was, according to the The first symptoms of the weird but beautiful management's promise, to be a reproduction illumination make themselves manifest as of surroundings in a certain recent scene at early as 8 o'clock in a faint golden tinga along the horizon. From this until far into The show had been arranged by the New the night the phenomenon fluctuates with in-York World to augment that paper's free creasing and decreasing brilliance, at times bread fund, and a fine program had been reaching an intensity of light that to many rranged. Boxing bouts comprised the might be quite startling. Waves of filmy najority of the numbers, but the strong men, light chase each other spasmodically to the such as Attila, who has given Corbett the very zenith, at times blending into one points on how to get strong and stay so; broad glare, and at others darting upward in lurid, tremulous shafts and bars of multiwrestlers like Muldoon and Polhor and Hugh farious color. It is a grand and interesting Leonard and Prof. B. A. McFadden of St. Louis, and broadsword scrappers like Duncan spectacle, one at which the lovers of solar C. Ross and Prof. Zarlimi, were on the bill. Among the others announced were several science can gaze by the hour without growing weary of the sight.

This auroral exhibition yet remains to be clearly accounted for, although there are duding the kangaroo, who was down to spar fom Tully, his dusky Australian compatriot everal very plausible theories advanced. It is seen at its greatest luminosity in the high to there was no reason why there should not atitudes of both the north and the south, Reason or not, the big, brilliantly lighted but the display which is attracting attention In this part of the world just now comparea well in point of the variableness of its correna held nearly 5,000 persons at 8 o'clock, Of course all the "regular" sports were there. Muldoon and Roeber wrestled in uscations and intensity with that in the extreme south and far north, and is a repeti-Graeco-Roman style for ten minutes with-out scoring a fall. The next was catch-astion of the remarkable phenomena as seen catch-can between Hugh Leonard, instructor at the N. Y. A. C. and Prof. B. A. McFadden in this latitude last fall.

As to the origin and cause of the northern As to the origin and cause of the dorthern lights, as the aurora is commonly called here, the most plausible is that of elec-tricity. It is claimed that it is created by the passage of electric currents through highly attenuated air at considerable distance from the earth. Telegraphic com-munications are affected so frequently by electric currents upon the wires during the continuance of an aurora that messages for time cannot be sent. Occasionally, too this auroral manifestation is so strong and continuous that it can be utilized in dis atching communications by wire from one point to another. Lately it has been authoritatively asserted that a maximum of in ten years, and a short-lived period of marvelous brilliancy about once in sixty years. Some physicists associate these periods with the variations in the sun's spots and with the planetary rotations. For-merly, it was the commonly accepted belief that this wondrous and beautiful spec-tacle was simply the reflection of the light from various planetary bodies on the vast area of ice and snow of the extreme polar regions. This, however, has been found to

be an untenable theory, as the farther north you go, the greater the power and brilliancy of the illumination. In any event, it is a scene of grandeur to be enjoyed by all atudents of nature, and as it is revealing itself at the present time may not be seen again for a long series of years.

PERSONAL PARAGRAPHS.

Jesse Williams of Loup City is a Dellone E. W. Wright of David City is an Arcade guest.

F. A. Patterson of Stockham is at the Arcade.

F. M. Crow of Lincoln is quartered at the

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his words so that he could be scarcely understood, and he was unsteady on his feet and swerved from side to side like a drunken man. His voice was sometimes loud and clear, but often it sank into an inarticulate grumble

Judge Brentano was much affected by the awful duty imposed upon him, and he seemed to suffer much mental pain while Prendergast was delivering his speech. Only by great effort did he retain sufficient con his emotions to utter the solemn words put into his mouth by the law, and with a trembling voice he finished his address to the condemned man.

WING'S CLOSING ARGUMENT.

Trial of Dan Coughlin is Now Nearing Its End.

CHICAGO, Feb. 24 .- Ex-Judge Wing be gan the closing argument for the defense in the Coughlin trial today. The court room was thronged with spectators, and the address was a notable one. Judge Wing viciously attacked the methods of the prosecution, and referring to the incident of the former trial, when ex-State's Attorney Longenecker called Mrs. Thomas Whalen up at midnight for a severe examination, said that Whalen should have shot the assailant down in his tracks.

During the afternoon there was somewhat of a sensation when Judge Tuthill sharply called Attorney Wing to order for reflections on the original trial court. It was a reference to Martin Burke, one of those convicted with Coughlin, and who died in penitentiary last year. Attorney Wing speaking of him said: "Gentlemen, Martin was murdered. I should hate to Burke charged by the Great Judge of all with the murder of that man as are the men who tried and convicted him.'

"I don't think you are entitled to say that, Judge Wing," broke in the court, stopping the flood of the attorney's wrathfu "Those men were tried and eloquence. convicted according to the laws of the coun try, and I canot sit here and have the ings of my brother judge condemned in this Judge Wing, though surprised at the in-

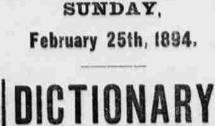
terruption of the court, replied quickly: "But, your honor, the supreme court of the state reversed the decision under which O'Sullivan and Burke died in prison." "I know that," said Judge Tuthiil, "but there are many such instances as that. The supreme court held that there was error in the record and that's all there was to it The case was tried by Judge McConnell fairly and honestly, according to his ideas

of the law, and you have no right to ques-tion the integrity of the court." "But," said Wing, "will your honor hold that Martin Burke has pleaded guilty in this case, as Mr. Scanlan has contended?"

"No. I have nothing to say about that, replied the court. "No," repeated the attorney, "whether

Martin Burke stands before you guilty or not is neither here nor there. We ask you to decide whether or not Daniel Coughlin is Martin Burke has gone who guilty. Patrick O'Sullivan has cannot help him. gone where you can help him

Mr. Wing then resumed his argument and had not concluded when court adjourned.



One Sunday and Three Weekday coupons, with 15 conts in coin, will buy one part of The American Encyclopedic Dictoinary Send or bring to The Bee offica. Mail should be addressed to

Dictionary Department.

INCREASED THE CHARGES.

The Rock Island also alleges that the Union Pacific company, in pursuance of the lesign to hamper the former in the conduct of its business, has steadily increased the charges for the services performed as fol lows:

TEAM TRACK FREIGHT. Differ *3.2 lon1, 20 ton: $\frac{6.00}{5.25}$ 4.5 HOUSE FREIGHT. 6.00 5.25 Fifteen tons FREIGHT TO INDUSTRIES. Conl, 20 tons ... 2,00 4,00

TO CONNECTING LINES. 1.00 2,00 3.00 The answer states as a reason for the delay in the payment of the bills of the plaintiff that they were not presented for

several months and when they were presented for payment they contained nur errors, the correction of which caused the

The answer then goes into detail to show how other charges for use of warehouses deputs and switching had been increased at different times to a figure considered by th defendant as exorbitant. In the face these increased charges the responde lleges that the Union Pacific company has continued and is now performing like ser lce for the Wabash road for the price charged the respondent in August, 1891. EXORBITANT SWITCHING BILLS.

The Rock Island also claims that the Union Pacific has rendered to it bills for money paid connecting lines for switching the respondent's cars which were in excess of the amount paid for such services by the Union Pacific railway. The only reason for the failure to prompt-

ly pay the bills of the Union Pacific com-pany was a belief that they were excessive and discriminating against the respondent, and it now says that if the court will, on this hearing, investigate the charges an determine whether the same are, and in not, what would be reasonable charges for th services, it will at once pay the same, an thereafter promptly pay all like charges approved by the court.

Citations are made to numerous bill in dispute between the two companies and in case they fall of adjudication in this ion the Rock Island proposes that they be referred to arbitration as provided by the original contract between the two com panies.

Attended the Passenger Powwow.

Messrs. Francis of the Burlington, Lomax of the Union Pacific, and Budeanan of the Elkhorn, returned yesterday from Chicago, where they were in attendance upon the Western Passenger association meetings. Mr. Francis, talking of the situation, said that there was little new that had not been exploited by the newspapers. "This de-mand of the Canadian Pacific to maintain its differentials from Port Arthur and its conclusion to abandon its claims for differen-

FORECLOSURE WILL FOLLOW. Denver and Gulf People Not Likely to Re-

tain Their Lines. The information given in The Bee that ex-

Governor Evans and Receiver Trumbull of the Union Pacific, Denver & Gulf were rainbow chasing after new lines of rails in Colorado afforded a subject for talk at Union Pacific headquarters, some of the officials were even going so far as to question the ability of the gentlemen to build anything, let alone connecting lines. There is, however, another side to the

question which must be borne in mind in consideration of the existing difficulties beween the two systems The Colorado Central, which includes the Julesburg branch, it is admitted, will be in

default of its January interest about the 1st of August, and as the holders of the first mortgage bonds need their money it will not surprise any one to see a bill in foreclosure filed and a petition for a new receiver pend-ing foreclosure proceedings. In the Denver & Gulf petition it is admitted that the road cannot pay its interest obligations, so that when default takes place, which will occur six months after the January interest fell due, the law department of the Union Pacific will proceed to come into its own through bill of foreclosure. The Colorado Central bonds draw 7 per cent, the amount of

stock isued being about 53,000,000, interest payable in January and July. In view of the fact that the Union Pacific is the largest payable holder of these securities, is easily dis-cernable what the result will be. The Union Pacific, Denver & Gulf carries

a consolidated mortgage of about \$16,000,000, interest being due in Decembers, which has not been paid, and as default will occur in July, undoubtedly the same course will be pursued, and when the leaves begin to urn, Messrs. Evans and Trumbull will find themselves like Othello, with occupation

BEFORE THE SUPREME COURT.

Those Western Union and Union Pacific Contracts to Be Passed Upon.

WASHINGTON, Feb. 24 .- An important ase involving the validity of contracts between the Union Pacific Railroad company and the Western Union Telegraph company and their bearings upon the charter of the railroad and subsequent acts, was docketed in the supreme court today. The United States is the appellant in the case, which comes from the circuit court for the district of Nebraska and has additional interest be cause it was decided in the first instance by Justice Brewer, now of the supreme court. Atlantic and Pacific Telegraph company was the original line along the Kansas di vision of the Union Pacific, but was bought by the Western Union. The questions at issue are the right of the Union Pacific under its charter to give exclusive rights to the Western Union and the obligations of that company to perform the government service free. It is claimed the Western

inion cannot impair the validity of the contracts between it and the Union Pacific Judge Brewer's order, which was passed in October, 1892, declared the contract void and ordered the Western Union to vacat offices on the Union Pacific. Afterward he circuit court of appeals decided that the contracts were binding, except that part giving exclusive rights to the Western

which was held to be repugnant to the act of congress of 1888. ATCHISON UNDER ADVISEAMENT.

Judge Caldwell Tells His Intentions While the Case is in Progress. ST. LOUIS, Fut. 14 .- The argument of

the application in the federal court here for the separation of the Atchison, Topeka & Santa Fe and St. Louis & San Francisco railroad systems and the appointment of separate receivers for the latter system was this morning, and was com-Before the noon recess, however, pleted. Judge Caldwell in making some general re-marks to counsel intimated very strongly that the application would be denied and the receivership allowed to stand as at presconstituted. BEL .

On the conclusion of the arguments Judge Caldwell took the case under advisement.

been small in numbers and to have been only armed with primitive rifles. Consequently the British landing parties were thought to be amply able to cope with the force of the slaver.

This afternoon the Admiralty department made public a cable message from Admiral Redford on board the flagship Raleigh at Bathurst, dated yesterday, practically confirming all the stories circulated in regard to the disaster to the British force. Admiral Bedford said that the landing force was under the command of Captain Edward H. Gamble and that the carriers, by their desertion, caused the loss of all the spare ammunition taken ashore for the use of the landing parties and that in addition the

carriers caused the loss of all the water supply which had been taken inland. Admiral Bedford further reported that the

sailors, upon reaching signs of a native habitation, pushed forward and captured two villages which were defended by stockades The sailors occupied these two villages throughout the following night, placing the machine guns at points of vantage and thus making themselves practically secure from attack. But the loss of the water supply parks and supply of ammunition made Captain Gamble decide to return to the shore with the intention of re-embarking his force This movement was commenced early the next morning and the column was on its way back when the sallors were suddenly attacked on all sides. The fire which was directed upon the sailors was so severe and

the slavers were so well concealed in the bush that the blue jackets fell on all sides and began to retreat hastily, while carrying the wounded and dead along with them so far as possible.

FIRST OFFICERS KILLED. Lieutenant William H. Arnold of the navy and Lieutenant of Marines Francis W. Hervey were the first two officers killed, and Sub-Lieutenant Francis W. Meister and ten

men soon shared their fate. Lieutenant R. E. Boyle was dangerously wounded and L'eutenant Herbert J.

Savill was seriously wounded. Captain Gamble, Surgeon W. R. Hite, Midshipman Arthur Chambers and forty blue jackets were slightly wounded during the retreat.

A dispatch from Bathurst received late this evening seems to intimate that news of a still greater disaster to the British army may shortly be expected. It is stated that a detachment of the soldiers engaged, as well as a detachment of marines, are still away on land, and grave fears for their safety are entertained. The West Indian detachment is commanded by Colonel Corbett, and Captain Westmoreland is in command of the marines. The natives at Bathurst express the opinion that the entire missing force has

been destroyed. The soldiers and marines still in the bush ara said to number about 200 men. The British admiral is taking steps to send reinforcements to the British column.

VIVACIOUS VICTORIA.

Mrs. Martin's Witticisms Baffle the Counsel on the Other Side.

LONDON, Feb. 24 .- In the queen's bench division of the high court of justice today the case of Mrs. John B. Martin, formerly Victoria Woodhull, against the trustees of the British museum was continued before Baron Pollock.

Sir Charles Russell, the attorney general, this morning continued his cross-examination of Mrs. Martin. During his crossexamination Sir Charles asked the witness a number of questions in regard to the Beecher-Tilton trial and questioned her as to the truth of the story published in the Woodhull-Claffin's journal to the effect that Rev. Henry Ward Beecher dropped on his knees before her as she was seated on a IN WINTER'S GRASP

ruary 27.

Severe Snow Storms Raging in New Mexico Pittsburg is (old.

CLAYTON, N. M., Feb. 24 .- The most se vere snow storm of the year is raging than Griffo. throughout northern New Mexico. The storm commenced yesterday, continued all day, and last night settled down in earnest. At present the range is covered with eight inches of snow. \$5,000 to the end desired, dissolved.

PITTSBURG, Feb. 24 .- This was the coldest day of the winter, the mercury dropping to 3 degrees above zero. Great inconvenience and some suffering was caused by a shortage of natural gas in the resident district of the city. Notwithstanding the extreme cold weather several thousand unemployed men applied for work in the

GRENADA, Miss., Feb. 24.-A heavy snow storm, the first of the season, has been pre-vailing here all day. Business is at a standstill. Great suffering will result to MEMPHIS, Feb. 24.—A heavy snowstorm

apanied by intense cold, has been prealling all day and night in Memphis, and still continues. Reports from the surrounding states are to the effect that the storm Cattle and fruit trees are sufis general. Much damage has been don SAN ANTONIO, Tex., Feb. 24 .- The drouth and cold weather are causing the death c cattle by the thousands in the lower Rio Grande counties. During the past few weeks

there have been shipped from Alice station n the San Antonio & Aransas Pass railway 15,000 hides of cattle which died from starvation and exposure. Several thousand hides have also been shipped from other points on that road.

BURNED CARRI GES.

Bad Electric Wires Cause a Fire in Sutphen's Repository.

Fire broke out at 9 o'clock last night in the basement of Sutphen's carriage repository, 2018 and 2020 Farnam street. The dense smoke that poured from the basement windows when they were broken open made it impossible for some time to find the seat of the fire, but finally it was found that it started in the northwest corner of the base ment and ran along the celling to the front Mr. Sutphen had about \$14,000 worth of stock in the basement, on which there h \$10,000 insurance. His loss was about \$2,500. The building, owned by G. M. Hitchcock, was damaged to the extent of about \$250

Chris Hariman says he has no doubt that was caused by defective electric light wiring.

To Succeed B. H. Payne,

ST. LOUIS, Feb. 24 .- A. A. Heard has been appointed assistant passenger agent of the Missourl Pacific railroad to take the place of Mr. B. H. Payne, who has resigned to accept the position of analstant general pas-senger agent of the Union Pacific. Mr. Heard has been chief rate clerk of the Missouri Pacific.

Can Care for Itself.

ST. ALBANS, VL. Feb. 24 .- Officials of the Central Vermont railway today emphatic ally deny the reports that the road is likely to pass into the hands of a receiver or absorbed by the New York Central. They state that the Central Vermont is able to take care of itself.

Rallway Notes.

Tourist car berths will be raised from \$ to \$5 March 1 to all Pacific coast points from the Missouri river. The increase in rates, however, will bring with it much better service, the intention being to up nolater the cars and put tollet rooms in them for the comfort of travelers.

the round was over he was breathing hard, while Dixon retired to his corner easily and smillingly. But the shouters were happy. Corbett, in pink shirt, white knicker-bockers and blue stockings, now mounted the stage and the crowd received him roy-ally, but no more cordially than it did Mitchell, who fought with him. When the men were introduced they were again Arcade. George T. Bancroft of Madison is at the cheered about equally, and John Kelly, the Jacksonville referee, and Snapper Garrison, Merchants. the timekeeper, also came in for a whack S. S. Smith of North Loup is stopping at of the applause. A speech was many times

the Arcade. Jim C. Strathern of Alma is among the Ar-

cade arrivals. C. Kimp of Silver Creek was at the Mer-Mitchell was scarcely able to touch Cor-

bett, at close quarters. The Englishman was repeatedly advised to "get an ax," but cer yesterday. T. P. Black of Overton stopped at the Millard yesterday.

Bert E. Beits of Lincoln is registered at Between the rounds Burt Burns yelled at that Walter Camphell, the Philadelphia 132-pounder, had offered to spar young Griffo and would bet \$100 that he weighed no more the Merchants. George A. Brown of Cozad was a Millard

arrival vesterday. George Le Perry of Ord put up at the Del-

han Griffo. Griffo would not bet. I vas also announced Fitzsimmons had chal lone last evening. langed Peter Jackson and Parson Davies had replied that he would match Joe N. W. Green of Lincoln patronized the

Arcade yesterday. 'hoynski against Fitz for \$5,000, or against "Denver" Ed Smith for the same amount. After that the big house, which had yielded S. Burrows of Lindsay patronized the

Mercer yesterady., R. W. Grant of Beatrice was a Millard arrival last evening.

Mr. S. G. Joyce has gone on a business trip to New York City.

J. A. Fort of North Platte stopped at the Mercer yesterday.

Frank P. Ireland of Nebraska City was a gram to The Bee.)-Harry McCoy of Bur-Paxton guest ytsterday.

lington and James Ryan of Seattle, Wash., J. Wesley Tucker of Valentine registered have an agreement for a fight to a finish on at the Millard yesterday. March 10 for a side bet of \$250 and a purse J. G. B. Hildebrand of Lincoln registered

of \$500, hung up by the Creaton Athletic at the Mercer yesterday. sociation. Queensbury rules will govern the contest, which will be fought with five-ounce W. M. McCall of Grand Island stopped at the Merchants yesterday. gloves and will be held in the opera house.

L. A. Day and W. T. Moran of Nebraska City are stopping at the Dallone.

4 -

"Kid" Baldwin, the noted little catcher, Hon. John C. Watson of Nebraska City has been signed by Manager O'Rourke of registered at the Paxton yesterday. Mrs. W. T. Murphy and Mrs. M. J. Meager the Omaha base ball team. The time was when there wasn't a better backstop in the of Superior were guests at the Paxton yes land than Kid. Of coarse, he has gone back terday.

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