the reporter, and I has system.

The Clerk—That excern in after this sentence,

The Court—No, sir; it ment of the court find guilty. There was no the time, but it don't man the Clerk—I will put here.

WHAT THE LAWYERS SAY.

Judge Scott's Action on the Bench Saturday

Indignantly Denounced.

Following are expressions from members

of the Douglas county bar concerning the

action of Judge Scott in the contempt case

H. H. Baldridge-Aside from the merits

of the case it was a most disgraceful pro-

beeding. Howard B. Smith-I did not hear all of

the case, but I saw and heard enough to make me very tired. John C. Wharton-Like Mr. Percival, I

plain and unvarialsed manner, I have he hesitancy in saying that it was a judicial outrage.

W. T. Nelson—I never saw anything so disgraceful in a court of justice. It was simply a case where the judge acted as court, prosecuting witness, afterney and executioner. The acts of the court stand without a parallel in the history of jurisprudence.

H. D. McHugh—If a man is to be deprived of the benefit of counsel, as was true in this case, and if a man is to be deprived of setting up a defense to a charge filed against him, then the liberties gravanteed by the constitution of the United States are a delusion and a sanze.

W. J. Chair—It was simply a rape of the powers of the judicial bench and a proceeding which would cause even the carrot of Russia, to hide his head and blush with shame. The law books of the olden times fall to even mention such a high-handed outrage upon justice. It was the act of a man whose mind was so warped by prejudice that he closed his eyes against law, right and precedent, using his power to gratify his personal splean and hate.

Warren Switzler—If Judge Scott ever had any case of contempt against Percival, by his recent actions he has run it into the ground.

ST. JOSEPH, March 26.-Early this morn

ing one of the boarders at the Hosse house detected a strong odor emanating from one of the rooms occupied by Philip Somers, a well known druggist, the brother of F. L. Somers, one of the officers of the American Bigcuit trust. The door was burst in and Somers' dead body found to an advanced stage of decomposition. He had, it is supposed, ded from morphine or some morphine poisoning, but whether accidental or otherwise is unknown.

ADRIAN, Mich., March 26.—Rey. Charles O Reilly has been summoned to Paris by Mr. Justin McCarthy, leader of the Irish party in the English House of Commons, to testify to the owner-ship of the Irish parimentary fund deposited with Monroe Brothers, the Paris bankers, and which has been locked up ever since Mr. Parnell's death.

Family Troubles Made Bim Desperate. REESVILLE, Wis., March 26-James

this village murdered his wife and com-mitted suicide at about noon today. Fam-

ily troubles are ascribed as the cause.

against W. D. Percival:

will then com-

eupon—"
Ter the judghe defendant
ion taken at
y differance
at the close

WEAK ARMOR PLATE

Scoretary Herbert Sends to Congress the Story of the Homestead Investigation.

GROSS FRAUDS OF CARNEGIE'S MEN

Prepared for Inspection at Night Plates Known to Be Defective.

COMPANY WAS IN NO WAY RESPONSIBLE

Chairman Frick Knew Nothing of the Matter Till Notified from Washington.

HEAVY PENALTY EXACTED BY PRESIDENT

Ten Per Cent of the Contract Price Assessed as Damages-Superintendent Schwab Removed and Night Inspection Arranged at the Works.

WASHINGTON, March . Secretary Herbert tod y sent to the house an answer to the Cummings resolution calling for a statement of the details of the recent violation by Carnegie, Phipps & Co. of the contracts with the United States for the manufacture of armor plate for the navy. The secretary's answer is very lengthy, giving in detail the history of the progress and discovery of one of the most gigantic frauds known in our naval administration.

Some time last September the secretary received from James Smith of Pittsburg, attorney representing certain persons in the employ of the Carnegie Steel company (limited) of Pittsburg, notice that these employes had in their possession information which would be valuable to the government relating to frauds then being perpetrated by certain employes of the company, which they would give to the government for a sufficient consideration. The secretary agreed that if the information should lead to the recovery of money from the company to remunerate the informers from the sum recovered, but not to pay any expenses. Three of the employes and the attorney were carefully examined by the secretary, who was satisfied that their statements were not without foundation, and determined upon a thorough investigation. He was convinced that the men had no

feeling of hostility toward the company, had not been engaged in the strike and seemed to be influenced only by a desire to realize money. The attorney general found that the department might contract with these men and the contract was made agreeing to give them 25 per cent of the money recovered, in consideration of the fact that they would, of course, be dis-charged and blacklisted and that other employes from whom they would procure infor-mation would also lose their places. WHAT THE FRAUDS CONSIST OF. The secretary says at this point: "The

men had been gathering information for a long time. This they submitted to the de-partment in great detail. The allegations were that the company employes had failed to temper armor evenly and properly, had plugged and concealed blow holes, which would have probably caused a rejection of plates by the government inspectors, and had retreated, without knowledge of the inspectors, plates which had been selected for test, to make these plates better and tougher than the group of plates represented

The secretary tells how the naval in spectors at the works select one plate from each group, which is thoroughly tested, and upon the results of this test depends the ac-ceptance of the whole group. The in-formants stated that some of these plates, after they were selected by the inspectors at the works, had been secretly and without the knowledge of the government inspector retreated at night, that they were reannealed and retempered, so as to make them better and tougher than the group of plates of which they were supposed to be the leas

It was the duty of the Carnegic Steel com pany, also, to submit to the inspectors at the works, to be forwarded to the department, statements showing the length of time each plate had been subjected to the heating and annealing processes. It was the custom of the heaters at the Carnegie works to hand in statements showing this upon little slips of paper marked in pencil. These statements were subsequently copied and sent to the inspector to be forwarded. The Informants stated that under the direction of Superintendents Schwab, Corey and Cline the statements furnished to the government inspector were in many cases false, and they submitted many original memoranda, handed in by the heaters, which showed on their face in pencil marks that they had been altered. It was from these altered and false statements, the informants said, that the statements were made which were sent to the inspectors. The original memoranda were supposed to have been

destroyed, but they had been preserved and were sent to the department. - Captain Sampson, chief of the bureau of ordnance, was acquainted with the facts de-veloped, and calling to his aid Prof. Algeand Lieutenant Ackerman of the ordnance bureau, proceeded to make a thorough investigation. This investigation showed that the test plates had been plugged and re-treated and sustained the charges of the informants In a report to the secretary, the chief of ordinance and his assistants assessed the damages sustained by the government at 15 per cent upon the amount of armor delivered to the government and upon all preclusions.

premiums received. The secretary says: "In conversation with the informants I had carefully inquired whether the chief officers of the company. Mr. Frick and Mr. Hunsicker, had any knowledge or information of the fraud which had been committed. I was informed that the irregularities had occurred chiefly at night, and always when the government inspectors were absent, and that Messrs. Frick and Hunsicker did not visit the works at night I could find nothing whatever in the testi-mony of the informants to indicate that

either of these gentlemen knew anything whatever of these irregularities. CHARGES IN PART SUSTAINED. 'As soon as the report from Captain Samp son assessing penalties had been received the department telegraphed for Mr. H. C. Frick to come to Washington to see the secretary on important business, suggesting that he bring with him Mr. Hunsicker, who was more directly than Mr. Frick in charge of the manufacture of armor plates. The interview with Messra. Frick and Hunsicker was in the presence of Assistant Socretary McAdoo and Captain Sampson. I explained to them fully the whole transaction, stating who the informants were, the nature of the information acted on by the department, and placed in their hands the reports made by

the chief of the bureau of ordnance assessing the damages as well as certain written state-ments made by the informants. They were also informed that Lieutenant Ackerman, who had for a short time been an special duty at the works while this investigation was going on, had reported that his supplicions were aroused by certain evidences which he had observed, tending to show that the operatives were concealing facts from the observation of the inspectors, and that Lieutenant Ackerman's observations were made without any knowledge of the information received by the department from the employes as heretofore stated.

PRICK SATISFIED WITH THE INQUIRY "After fully acquainting Mesers. Frick and Hunsicker with the facts, I demanded satisfaction for the damages resulting from these

irregularities and informed them that they would only be allowed to proceed with the contract on condition of making full reparation. Messrs. Frick and Hunsicker both seemed greatly astonished at the statements made to them, and Mr. Frick thanked me for the care and fairness with which the in-vestigation had been conducted, and asked time for himself to investigate and consider, Mr. Frick not only earnestly dis-claimed, as did Mr. Hunsicker, any knowledge of the transactions, but mentioned the fact that he had been in some manner warned as to irregularities that were being committed by the employes on the armor and that he had thereupon written a letter to Mr. Schwab, who superintended the heating and tempering, cautioning him to the utmost care and diligence in faithfully ful-

filling the contracts. (A copy of this letter appears in the correspondence.)
"Messrs. Frick and Hunsicker promised, "Messrs. Frick and Hunsicker promised, after looking into the matter of these charges, to return, as they did a few days afterwards, bringing with them written statements made by Mr. Frick, Mr. Hunsicker and Superintendent Schwab. Mr. Carnegie returned with them, and they were also accompanied by Mr. Knox, attorney for the company. Mr. Carnegie was also heard at some length. These gentlemen then left, and 'he several statements were turned over to Captain Sampson, who subsequently made a report thereon.

a report thereon.

'A few days afterwards Messrs. Frick and Hunsicker again returned, and in an interview with them Secretary Herbert informed them that the department intended to approve the report of Captain Sampson assessing penalties at the rate of 15 per cent upon the armor they had manufactured for the government and premiums. Mr. Frick in-quired whether they had the right to appeal to the president, and was informed that they had and that the department would be glad in a matter of so much moment to have the president revise its decision. In stating to the officers of the company that I should approve the report of Captain Sampson, asessing damages at 15 per cent. I did not make any formal written decision, and therefore did not consider particularly the question as to when the damages should commence, or when they should cease, for the reason that theese gentlemen indicated at the time an intention to appeal to the president, and that the ultimate decision was to be his, not mine. The question, therefore, as to the exact amount of damages the department would assess had not been decided upon when the appeal was taken to

TAKEN TO THE PRESIDENT. "On the 20th day of December, 1893, Messra. Carnegie, Frick, Hunsicker, Knox, attorney for the company, and the secretary of the navy appeared before the president. Mr. Carnegie and Mr. Knox argued the questions involved at length. The president took the matter under advisement, considered the questions at great length, and upon a care-ful consideration of all the facts, decided that the assessment of damages ought not to begin until the 3d of Nevember, 1892, at which day our proofs of irregularities began, and they ought not to be assessed upon armor manufactured after the 16th day of September, 1893, the date upon which Mr. Frick had cautioned the superintendent to extra care. When the ultimate decision came to be made, I called to mind and stated to the president that our own proof tended to show that the irregularities at the works ceased about the time Mr. Frick had written his letter to Mr. Schwab. At this time the department had selected, according to agreement with the informants, a skilled

trusty steel worker, who was to go to the

Carnegie works and be shown the irregulari-ties in the work as it progressed. After this workman had been elected and instructed how to proceed, word came from the in-formants that it would be useless to send him, as the irregularities had ceased, or at least they were no longer apparent. The president having himself examined the question with great care, after a long conference with the secretary of the navy, made the ollowing decision:
"EXECUTIVE MANSION, WASHINGTON, Jan. 10, 1894.—To Hon. H. A. Herbert, Secretary of the Navy: Dear Sir—I have examined with care the report of the board appointed by you to investigate the alleged irregularities in the construction of steel armor at the Carnegie Steel and Iron mills and the assessment of damages sustained by the government on account of the deficiencies in the quality of the armor which was affected by such irregularities. I have also account the amined with care the report of the board

irregularities. I have also examined the evidence and the documents which form the basis of the government's claim for damages. I am satisfied that a large portion of the armor supplied was not of the quality which would have been produced if all possible care and skill had been exercised in its construction. I am of the opinion that under the terms of the contract between the government and the company this constituted default entitling the government to dam-

"It is however, an exceedingly difficult matter to extract from the facts developed a satisfactory basis for the assessing of such damages; and inasmuch as my decision of the matter is final, I am naturally anxious to do justice to the company and to avoid presumptions against it not fully warranted. "The award of the board, although exhibiting an honest desire to meet the cas-fairly, does not satisfy my inclination to give the company all reasonable benefit of the indefiniteness of the proofs obtained.

"It appears that the first irregularities of construction were discovered about the 3d day of November, 1892. On the 16th day of September, 1893, some intimation of such irregularities reached the managers of the company, and a letter is produced whereby one of the superintendents enjoined greater care in the preparation of armor.

"I am willing to assume that the faulty construction began on the 3d of November, 1892, and was concluded on the 16th day of September, 1893. On all the armor manu factured for the government between thes dates I think 10 per cent from the price should be deducted.
"The amount so manufactured is reported

to be 2,647,937 tons, and its value \$1,494,894 Ten per cent of this value is \$140,489, and this amount, in my opinion, should be for

feited to the government.
"GROVER CLEVELAND, "Mr. Frick was notified and came again t Washington, and a settlement was effected according to the terms of the agreement The Caraegie Steel company (limited) paid into the Bank of Pittsburg, Pa., to the credit of the informants, \$35,121, and it credited vouchers for armor furnished to the government with \$105,360, which vouchers are now on file in the department. No money whatever passed through the hands

of the department. WAS CAREFULLY CARRIED ON.

"Throughout this whole transaction it wil be seen that every step was taken with care and deliberation and the department was very much gratified to find that it was the opinion of the officers engaged in making these investigations that, although a portion of the armor delivered by this company was not in all respects equal to the very best armor that could be manufactured, it is, under the new and improved processes which have been adopted, yet beyond doubt that the armor was all good and that in all cases the steel was of the best quality the nickel thoroughly and equally divided through the mass and defects resulting from blowholes, and the failure to ameal and temper in all respects as it should have been done, to have it the best that it was possible to make, nevertheless left the armor at least 5 per cent better than the

lowest limit of tolerance.

"It is true that some of the plates would probably have been rejected on account of larger blow holes than would have been tolerated. To secure plates absolutely free of these is next to impossible. They occur in cooling. The company is required to in cooling. The company is required to discard at least one-third of each cast, and small blow holes are not serious defects. the very high standard of excellence canded that causes many plates to be jected at the works which would probably pass the ballastic tests.
"The department is gratified to state that

all these irregularities occurred while the and before their heavy forging plant was placed in operation for the manufacture of the heavy armor of the battleships.

"It was strenuously and ingeniously argued (Continued on Third Page.)

THEY WILL NOT RE-ENLIST

American Officers in the Service of Peixoto Tired of Their Job.

BRAZIL'S NAVY NOT A DESIRABLE BERTH

Inducements Offered Them to Remain with the Nietheroy Not Accepted-Chances for a Naval Engagement Now Passed By-The Situation.

(Copyrighted 1894 by the Associated Press.) RIO DE JANEIRO, March 26.-As intimated yesterday by the Associated press, the government vessels in the bay here did not sail southward today, although orders had been issued for the vessels to do so. It is conjectured that the government had received information showing that the presence of the fleet is not required in the south although the officials refuse to make public any news they have received. They state however, that they expect the revolutionary novement in the south will shortly die from

inanition. It is apparent from the fact that the warships' crews were engaged today in moving the torpedos aboard them that the government expects no naval battie. In fact, with the overwhelming naval forces, the govern-ment would be able to pit against the insurgents, a sea fight is beyond the range of

The government has decided to erect further fortifications at several points command ing the bay.

Efforts are being made to re-engage Lieutenant Hall, executive afficer of the dyna-mite cruiser Nictheroy, Lieutenant Craven who had charge of the dynamite gun on board the cruiser, and Assistant Chief En-gineer Charles Stenstrom, but they manifest no disposition to re-enlist under the flag of the republic, and the government's efforts to induce them to remain will probably fail.

ANXIOUS FOR PEACE.

European Rulers Evidently Not Looking for Another War.

LONDON, March 26 .- A special dispatch to the Times from Paris, referring to Caprivi's recent utterances, which are interpreted as indicating that the emperor is preoccupied with the problem of reducing the military burdens of Europe, says: At a recent meeting of the Italian finance committee one of the members, Sig. Capelli, declared he had learned from an absolutely certain source that the emperor was pleased to see that Italy was reducing her army, and that Count Kalnoky, the Austro-Hungarian prime minister, had advised King Humbert that Emperor Francis Joseph was also pleased because of the lessening of Italy's

military expenditures.

The correspondent of the Times added that the king of Denmark, in conversation with a Spanish statesman a few days ago, said he Spanish statesman a few days ago, said he hoped to live long enough to see Europe commence military retrenchment. The king added: "The czar, my son-in-law, whose mission is one of peace, is quite ready to co-operate, and Emperor Francis Joseph has the chance, if equally disposed to do his utmost, to bring about this end. I have not retrieved to ready to Europera William on ventured to speak to Emperor William on this subject, because a young sovereign always dreams of winning new laurels, but I am sure King Humbert is willing to discuss the question of a reduction of military burdens, while your queen regent of Spain has proved her desire for a prolonged peace. I am sure, therefore, that Russia, Spain, Austria, and even Italy, are equally anxious for an unbroken period of peace."

BACK TO HUNGARY.

Buda-Pesth Tomorrow.

TURIN March 26 .- After a service at the Evangelical church at 9 a. m. Wednesday the body of Louis Kossuth will be in state all day, and, accompanied by its escort of Hungarian officials, will leave for Buda Pesth on a special train at 8 p. m. The special train will be preceded by another train, which will convey to Buda Pesth the main body of the Hungarian delegates who have been in this city for some days past. The two trains should reach Buda Pesth on Thursday morning.

The committee representing the muicipal authorities of Buda-Pesth presented the condolences of the municipality of that city to delences of the municipality of that city to the relatives of the deceased patriot. The vice burgomaster, in addressing Kossuth's sons, recalled the deeds of their father, whom he described as the "Founder of

Modern Hungary," and thanked the soms for consenting to the interment of the remains in Hungary.

The sons of Kossuth have telegraphed to Premier Crispi, requesting the latter to thank King Humbert for his condolences, and to assure his majesty of their devotion

to the Italian royal family. WANT A PROVISIONAL GOVERNMENT. Demands of American Residents in the

Mosquito Reservation. (Copyrighted 1894 by the Associated Press.) COLON, March 26,-The American colony of the Mosquito reservation, through the United States cousul, formally demands from the Nicaraguan commissioner, Senhor Lacayo, the formation of a provisional government, in which the American colony shall be represented. The Americans desire to form part of a council which, it it proposed shall have the power of naming public offi-cials, organizing the police, making the laws and creating courts. The Americans also demand the withdrawal of the Nicaraguan troops and the autonomy of the Mosquito reservation. A delegation, headed by the United States consul, Mr. B. B. Sall, and Mr. Samuel Weit of Bluefields, should now be in Washington with the view of placing the matter before the president of the United States. The British man-of-war Canada is at this port awaiting a cablegram from the British admiralty and is expected to return

ST. PETERSBURG, March 26 .- The official organ of M. Witte, minister of finance, calculates that the concessions made by Russia to Germany in the new commercial treaty amount to 2,600,000 rubles, while the Russian agricultural export trade will alone gain by the German concessions 6,123,000 rubles. Besides this, free passage will be allowed into Germany of Russian goods amounting yearly in value to 47,000 rubles

Leith's Election LEITH, March 26.-Polling was opened nere today, where Mr. R. C. Munroc Ferguson, home ruler, is seeking re-elecrerguson, nome ruler, is seeking re-etec-tion to Parliament on his appointment as junior lord of the treasury. Mr. Munroe-Ferguson at the last election defeated Mr. W. A. Bell, liberal-unionist, by a vote of 5.788 to 4.055. Mr. Bell is again opposed to Mr. Munroe-Ferguson, and much interest is taken in the result.

Their "Pull" is of No Avail.

NEW YORK, March 26.—Andrew Scott famicson, the Gravesend constable

victed last week of perjury, was today sentenced in the court of over and terminer at Brooklyn to eighteen months in the penitentiary. The eighteen, indicted election inspectors of Gravesend were fonight called upon to plead and all pleaded guilty with the exception of Frank T. Clarke, who pleaded not guilty, and Patrick Tighe, against whom the indictment was dropped. The sixteen will be sentenced tomorrow. ST. LOUIS, March 25.-A special to the Post-Dispatch details a during robbery at

Agnes, Tex. near the Indian Territory line. Three men aroused B. D. Barnard, proprietor of a large general store, to purchase, they said, a shroud. Barnard got it for them, when they also got from him all the ciothing each could wear. Then

covering him with Winchesters, they com-pelled Barnard to loot his own safe of nearly \$1,000 and then bresk in the post-office for them and turn over to them all the cash and stamps. The robbers then rode away. A posso is in pursuit. ON A CHARGE OF CONTEMPT

OMAHA, TUESDAY MORNING, MARCH 27, 1894.

TRIUMPH OF WASTE.

Colorado's Governor Secures a Decision In Ills Favor. DENVER, March M.-Judge Glynn, sitting in the district court, today quasued the injunction issued by Judge Graham against Governor Weite, Mayor Van Horn and Fire and Pollee Commissioners Rogers, Barnes and Mullins, restraining them from

and Fire and Police Commissioners Rosers,
Barnes and Mullins, restraining them from
attempting to take possession of the olice
or interfering with the duties of the old
commissioners, Messix, Orr and Martin,
whom the governor rimoved, and dismissed the contempt proceedings, The
court holds that that section of the alleged
injunction under which the contempt proceedings were brought is void, and, consequently, there could be no contempt; that
Orr and Martin in endeavoring to hold
office by force after having been nounded
of their removal by the governor are violating the law themselves and are usurpers,
and that Mullins and Barnes have the right
to peacefully assume the offices to watch
they have been appointed at once.

Immediately after the decision was rendered, upon the advice of their attorneys,
Mullins and Barnes went to the city hall
and requested Orr and Martin to turn the
office over to them. This being promptly
refuse the new board met in the mayor's
office and organized. It immediately discharged Chief of Police Stone and appointed John F. Farley in his stead. The
lieutenants likewise were dismissed and it
is understood decapitations will begin in
the fire department tomorrow. Chief Stone
and his officers refused to recognize the
authority of the new board and the department is still under his control.

Attorney M. F. Taylor for Orr and Marin, claims that Judge Glynn's decision
does not settle the matter, but that the
case stands just as it did the day the appointments were made and before the injunction was granted. He has advised his
ellents, as well as Chief, Stone to ignore
any orders of the new board. If the old
board persists in its refusal to give way,
the counsel for the pew board will apply
for a writ of mandamus, by which means
the old members can be speedly ousted.

A report gained currencey this afternoon
that Governor Waile flew into a passion
when he learned that the new board had
appointed Farley chief, of opolice, and declared he would remove his latest appoin clared he would remove his latest appointees. The governor denied the story.
Late this afternoon Commissioners Orr and Martin took an appeal from Judge Glynn to the supreme court, on the ground of error in dissolving the injunction of Judge Graham. Upon the promise of Attorney Ward for Barnes and Mullins that no attempt would be made by the new board to proceed to business or make appointments, the court refrained from issuing a writ against the new board and merely granted a stay until Wednesday, when a decision will probably be given.

POSTMASTERS IN TROUBLE.

Canceled Columbian Stamps for a Consideration-A Peculiar Case.

ST. LOUIS, March 26.- Two more arrests have been made by the United States authorities in the Makeel Columbian stamp case. The arrested men are Postmaster Charles Kyle of Bolton, Ill., charged with receiving bribes, and G. E. Goodsell, stenographer for Mekeel, charged with conspiracy to bribe the postmaster. This is in addition to the case in which warrants were recently issued against C. H. Mekeel of the Mekeel Stamp and Printing company, and H. L. Scott, charging them with bribing Postmaster Baker of Shriwsbury. Mo., who is also under arrest, to cancel, and so increase the value to collectors, of Columbian stamps of large denominations. The men arrested are alleged to have made an agreement with several fourth class postmasters to cancel such stamps and to return them as a reward for putting extra business in their way, half of the commission allowed postmasters by the government. thorities in the Makeel Columbian stamp government.

LOST IN THE BAX OF FUNDY.

I'wo Vessels Supposed to Have Gone Down with All Hands in the Narrow Straits. ST. JOHN, N. B., March 26.-It is feared that at least two schooners went down in he Bay of Fundy during Friday's severe Parisboro on that day for this port with a full cargo of coal. The schooner Greville Baird reports being in company with the Star and also the Marie Delphine Friday of the island of Haute. It was blowing a hard gale from the southeast. The Greville put into Quaco for harbor and nothing has since been heard of the Star and Delphine. Both vessels have had plenty of time to reach here since and the captain of the Greville fears both have gone down with their crews, all of whom belonged to Nova Scotia. Parisboro on that day for this port with a Scotia.

Movements of Sea Going Vessels March 26 At San Francisco-Arrived-Keweenaw from Wellington. Cleared-Schooner Melancthon, for Cook's inlet. Departed— Umatilla, for Victoria; Ella Rohloffs, for Karluck.

At Seattle—Arrived—George Curtis.
At Tatosh—Passed—Leahy, for Naniamo
John Ena. for Port Townsend; Monserrate
for San Francisco; Ivanhoe, from Seattle for San Francisco. At New York-Arrived-Gellert, from Hamburg; Venetia, from Stettin.

Ordered to Be Prepared for Sea. VALLEJO, Cal., March 26.-Late this afternoon telegraphic orders were received afternoon telegraphic orgers were received by Captain Howison, commandant at Mare island navy yard, from the secretary of the navy, directing that the United States steamship Mohican and gunboat York-town be prepared for sea immediately. The receipt of this news created consider-able sitir among naval officers, as it was not anticipated that such orders would be promulgated before April 1.

Mrs. Nagle and Her Attorney. CHEVENNE, Wyo., March 26.-Mrs. Emma J. Nagle has begun suit in the dis-Emma J. Nagle has begon suit in the district court of Laramie county to recover from W. R. Stoll 350 shares of stock in the Ogaliala Land and Cattle company of a par value of \$35,000. Mr. Stoll was attorney for Mrs. Nagle in her suit for divorce, and claims to have a lien on the stock for professional services, and will at once institute a suit against Mrs. Nagle for \$25,000 alleged to be due him.

California National Banks WASHINGTON, March 26.-Additional reports from national banks under the rehave been received from the thirty-three banks in California, exclusive of those in San Francisco. These banks make the following showing: Loans and discounts, \$10,235,013; lawful money reserve, \$2,480,538, of which \$2,052,589 was gold; individual de-posits, \$2,91,911; average reserve held, 38,11 per cent.

They Will Hang. JACKSON, Miss., March 26.-The supremount today affirmed the decision of the lower courts sentencing Henry Singleton and Horace Smith, the negro convicts found guilty of brutafly murdering fellow prisoners in the state penitentiary, to death. The court fixed the date of the execution for Wednesday, April 25. The board of supervisors has directed that the execution take place in the prison yard.

Will Take Part in the Election. ST. JOSEPH, March 26.-The A. P. A. has taken a hand in the local elections here, having issued a ticket with the name of all Catholics left off. The ticket is headed, "American Citizens," and on it are the names of all candidates, except those to when the society is opposed. Both the democratic and republican candi-dates for mayor are left off.

Will Be Given Another Trial. NEW YORK, March 26 .- Dr. Henry C. F Meyer, charged with poisoning Ludwig Brown in this city in 1892, in order to realize upon insurance placed upon the life of the latter, will have a second trial, beginning Thursday, April 12, his first trial in January having resulted in the disagreement of the jury.

'Ordained a Colored Man-BOSTON, March 26.-Roy, Oscar Lieber Mitchel, M. A., was ordained to the priest-hood of the Episcopal church here today. He is a young colored man, and is the first of his race to be ordained, and is the first Episcopal church in New England.

WASHINGTON, March 26.—The cash bal ance in the treasury at the close of bush ness today was \$134,288,000, and the net gold

Judge Scott Determines to Go Gunning for

ORDERS AN INFORMATION PREPARED

the Editor of The Bee.

Amendments Promised in Percival Contempt Case Privately Countermanded by the Judge-What Attorneys Say About His Action on Saturday.

When the criminal section of the district court convened yesterday morning standing room in the large room was again at a premium, it having been previously announced that several attractions would be upon the boards. Cunningham R. Scott, the honorable judge

of the criminal division, was on hand as usual and presided. The routine matters had been disposed of, after which the honorable court called to the county attorney. That gentleman had left the room for an instant and his assistant stepped to the front. This did not satisfy the honorable judge, who stated that he wanted to see the county attorney in person. A bailiff was sent after the official, who soon thereafter returned and in his usual meek and unoffending way took up a position before the honorable court. The crowd expected something and it did not have to wait any great period of time; for up spake the honorable judge of the criminal court and said: "Mr. County Attorney, I want you to file an information against Mr. Edward Rosewater, editor of The Bee, charging him with contempt, and citing him to appear and show cause why he should not be dealt with accordingly,'

ment of the court find the time, but it don't may the time the court finding the of contempt: "Defendant the word contempt there, where it says: "The ji the court is that the defendant sufficient is contempt of court." Now, then, add: "Defendant excepts."

Later in the day it was called to the attention of the interested parties that the honorable court had instructed Clerk Moores not to make the changes which he had ordered at the morning session of the court. This was investigated and was found to be true.

During the noon recess of the court the honorable judge of the criminal division visited the effice of Clerk Moores, where he instructed that gentleman not to make the changes ordered at the morning session. Last night in speaking of the matter, Mr. Moores said that Hon. Cunningham R. Scott visited his office and theretold him not to make any changes in the record by adding or inserting the words. "Defendant excepts."

Clerk Moores further stated that at the morning session of the court the judge told him, in the presence of Judge Duffle and a large number of other parties, to hisert the words and that he intended so to do until the order was countermanded by Hon. Cunningham R. Scott. He knew of no reason for Scott giving the second order, as the command was peremptory and was given without any reason.

Judge Duffle, in discussing the matter, said that he was convinced that it was a trick by the honorable judge of the court and was for the purpose of bolstering up a record that was perforated with and by errors. In other words, ne said that it was another attempt to keep the defendant from getting into the supreme court with the complete record of the alleged hearing at which Percival was convicted by Seott without allowing him to defend. If the certified record could go before the supreme court as Scott would like to have it, Percival would have no show as it would indicate upon its face that the case went by default and the The county attorney informed the honorable judge that he would do that very thing, but asked for information concerning overt acts that Mr. Rosewater might have committed. He did not get the information just then, though the honorable judge of the criminal court said that he would secure the alleged contemptuous article before the warrant of arrest was ready to be placed in the hands of the sheriff.
PRIVATELY COUNTERMANDED

PRIVATELY COUNTERMANDED

When the morning session of the district court convened yesterday the journal of the criminal court was read by Clerk Moores. The clerk had read that portion of the record referring to the case wherein W. D. Percival, The Bee reporter, was convicted of contempt. This portion of the record failed to disclose the fact that both Judge Duffie and E. W. Simeral, who appeared for Percival, objected to the findings of the honorable judge and his lecision in finding the defendant guilty without there being proof that he was the author of the article of which the judge complained.

It will be remembered that at the trial, when the court, without testimony, found Percival guilty, his attorneys 69.1 an answer, in which he justified. At that time the honorable court refused to consider the answer and ordered it stricken from the hies, after which the following interesting dialogue was participated in by the attorneys for the defendant and the court.

'Ar. Simeral—I have filed an answer—The Court—I don't want to hear from you, Just wait. I don't want to hear from you, Just wait. I don't want to hear from you, Just wait. I don't want to hear from you, sir; you keep still. Are you ready for trial?

Mr. Percival—My attorneys are looking after the matter—
The Court—I am talking to you. I ask

Mr. Percival—My attorneys are looking after the matter—
The Court—I am talking to you. I ask if you are ready for trial?
Mr. Percival—I suppose I am.
Mr. Kaley, county attorney, was called and was sworn as a witness for the state, and examined by the court.
Mr. Simeral—If your honor please, in the case of the state of Nebraska against Washington D. Percival, I have an answer here, sworn to by the defendant, which I have already filed in court, and I desire to read it to the court. to read it to the court. The Court-You can't read it and it will

be stricken from the files.

Mr. Simeral-Will your honor please note an exception.

Judge Duffle-If your honor please, I have investigated this pretty thoroughly—
The Court-I won't hear you, sir,
Judge Duffle-If your honor please—
The Court-I won't please; I have already told you, and that is the end of it. I know what this is, and I know how to handle it.

Noticing that the journal of the court stricken from the files

know what this is, and I know now to handle it.

Noticing that the journal of the court failed to disclose that objections had been made to the findings of the court. Judge Duffle, in behalf of Percival, entered the legal arena, where the following proceedings were had:

Judge Duffle—In this matter I should like your honor's record to show an exception to the ruling upon the admission of this written evidence—this answer which was offered, and I should also like it to show an exception to the court's finding the defendant guilty of contempt.

The Court—You are entitled to that. Mr. Clerk, you may enter an exception to the judgment of the court finding the defendant guilty of contempt.

fendant guilty of contempt.

The Court—You are entitled to that, Mr. Clerk, you may enter an exception to the judgment of the court finding the defendant guilty of contempt.

Judge Duffle—And are we entitled to the other matter?

The Court—What is the other matter?

The Court—What is the other matter?

Judge Duffle—The other matter was that we had here in writing an answer which we wished—we have, in other words, appeared here to show cause why we were not to be held for contempt of court. Now I spent a great deal of time in preparing this showing, and it was offered to the court, and the court refused to allow us to make the showing and ordered it stricken from the files.

The Court—It was not stricken from the files, judge; that was not done. On reflection I did not strike it from the files.

Judge Duffle—Your honor ordered it stricken from the files, but it was not stricken from the files.

The Court—I know I did. I ordered it stricken from the files, but it was not stricken from the files.

The Court—I know I did. I ordered it stricken from the files, but it was not stricken from the files, but it was not stricken from the files.

The Court—I know I did. I ordered it introduce it in evidence.

Judge Duffle—But it was not received, because it was stricken from the files, but it was not stricken from the files in have treated it as on file, because the defendant sought to introduce it in evidence.

Judge Duffle—But hink it does, but the record of the court itself would govern, so far as the proceedings are concerned—so far as the proceedings are concerned—so far as the proceedings in the court are concerned.

The Court—I do not so understand it. I think his record should control as to what transpired during the trial, except the filing of pleadings and papers. That all goes on the shorthand reporter a note, the same as what the witners swears to, and the rullings of the court upon the admissibility of evidence, I make no note on my docket of that; the reporter takes that at down, and takes the objections and

The Court-I certainly do.

Judge Duffle-The reporter is here to take down these things, which enter into a bill of exceptions and which is certified to by the court. Now, our court makes its own record, and I think this should appear in the record, in connection with the judgment.

own record, and I think this should appear in the record, in connection with the judgment.

The Court—I don't so understand it. I understand that any paper that is offered in evidence during the trial of a case is not to be noted by the court, but goes in the record of the reporter. That is his business; that is what his official duties are. I would not have a record large enough if I was to take down everything, and hence we have a reporter to take down notes, the rulings of the court and exceptions. I den't see but what you have got all thiseverything. If you had on the trial presented any question—any question, I should feel very different about it; but I am satisfied that the record taken by the shorthand reporter shows absolutely and correctly what was done.

Judge Duffle—It would not show and it could not be offered to the supreme court as showing, the finding of the defendant guilty by this court.

The Court—It could not?

Judge Duffle—That has to be in the record of the court.

The Court—It would not show the judge—The Court—It could not show the judge—The Court—It would not show the judge—The court—The Court—It would not show the judge—The Court—The C

Judge Duffie-That has to be in the record of the court.

The Court-It would not show the judgment of the court, nor the sentence, it would not show the arraignment; that is not a part of the trial.

Judge Duffie-Before the record is completed I would like the privilege of submitting a record to you.

The Court-I will not change that Judge Duffie, it will be signed as it is; I will not change that; I shall not stuff the record; I cannot do that.

Judge Duffie-I am not asking you to do that, your honor.

The Court-I know you are not, judge, but that is what I cannot do. If everything that comes up during the trial-one

thing here and another there—if it is in-sisted that that should — into the record of the court, then you id have a part of the duties of the re, the court and another — reprformed by the reporter, and I has a part that system. AT IT IN THE COURT

Union Pacific and the Gulf Lock Horns Before Federal Judges.

ARRAY OF LEGAL TALENT PRESENT

Question of Court's Jurisdiction Speedily Settled by Judge Caldwell.

READY TO PROCEED RIGHT TO BUSINESS

Abandonment of Julesburg Branch and Interest Payments Fully Discussed.

DIGEST OF THE ARGUMENTS PRESENTED

Gulf's Allegation that Union Pacific is Not Insolvent but Making Money-Claims of Telegraphers Allowed by Arbiter Clark-Other Railroad News,

When Judges Caldwell and Sanborn of the circuit court of the Eighth circuit, comprising ten states and four territories, entered the grand jury room in the federal building, which had been temporarily converted into a court room, they faced an audience that represented larger interests than ever before assembled in a court room in this city.

There were present President S. H. H. Clark, E. Ellery Anderson and Oliver W. Mink, receivers of the Union Pacific, drawn thither to hear and participate in the motion of rehearing in the case of the receivers of the Union Pacific Railway company against the Union Pacific, Denver & Gulf company. Representing the several companies were Judge J. M. Thurston, Willard Teller, Judge John C. Cowin, who had intended to represent the government, but who with lightning facility changed to the Union Pacific when Judge Caldwell ruled that the United States was not a party to the suit. For the Gulf road there were present Henry W. Hobson and A. E. Pattison of Denver. Representatives of the labor interests of the Union Pacific were also present, while the attorneys for the different organizations had seats in one corner of the room, where they carried on an interested conversation until the appearance of the court. These attorneys were T. H. Harper for the firemen, Fulton Gault for the engineers and George L. Hodges representing the general forces of labor. There were also a number of local legal lights interested in the hearing of the case, which promises to become famous in the railroad world because of the contentions made on both sides relative to the operation of the Julesburg branch of the Union Pacific system and the rights of receivers to abrogate

make me very tired.

John C. Wharton-Like Mr. Percival, I stand mute.

George E. Pritchett-I went to the court house hoping to see Scott fine the reporter and every one connected with The Hee. I came away feeling that Percival should be applauded.

Silas Cobb-Without easting reflection upon the court as a court I consider that Mr. Scott's conduct as a man at the Percival hearing on Saturday was a damnable outrage on the bar of Douglas county. The man went into an insane passion while delivering his outbursts of fury, and was anything but fair to the attorneys who appeared for the defendant.

W. W. Morseman had no hesitation in saying that the action of the court was without precedent in his experience. "I know but little about the case," he continued, "except through the published account of the proceedings. I was in the court room when the court refused to allow the answer of the defendant to be introduced in evidence and I am sure that there is no rule of law or precedent by which contracts at will. QUESTION OF JURISDICTION Attorney Hobson, after an intimation froin the court that it was ready to hear anything in the case of Oliver Ames second and others against the Union Pacific, Denver & Gulf, stated that he did not know what court he was addressing, in view of the fact that the receiver of the Union Pacific, Denthe answer of the defendant to be intro-duced in evidence and I am sure that there is no rule of law or precedent by which such a ruling could be fairly or reason-ably justified. According to the published statement of the proceedings Judge Scott told one of the attorneys that his 'clatter' annoyed the court. This was when the at-torney in question was only making a reasonable insistence on the rights of his client. If this is true, as stated, the language used to an attorney was grossly and inexcusably insulting."

Charles Offutt—The proceedings of last Saturday were lamentably unfortunate. ver & Gulf was not a party to the record of the Nebraska court, but was a party to the records in Colorado and Wyoming. He also stated that he desired to raise the question as to the jurisdiction of the court, whether the court was sitting as the circuit court of Nebraska, in which event the receiver was not a party to the court. He then went on to language used to an attorney was grossly and inexcusably insulting."

Charles Offutt—The proceedings of last Saturday were lamentably unfortunate. No friend of law and order can think of them without regret. And this I say without regard to the truth or falsity of the article alleged to have been written by Percival. If the article was false, Judge Scott's remedy was by an action for damages for libel, because the comment was on a case which had been disposed of when the article was written. Justice Brewer of the supreme court of the United States, when on the supreme court of Kansas, in deciding in re Pryor, 18 Kan., 76, said: "After a case is disposed of a court or judge has no power to compel the public, or any individual thereof, attorney or otherwise, to consider his rulings correct, his conduct proper, or even his integrity free from stain, or to punish for contemplany mere criticism or animadversion thereon, no matter how severe or unjust." Judge Scott could profit by the language of the noted Judge Breese of Illinois, who, delivering the opinion in the contempt case of one Stuart, in speaking of the power of courts to punish therefor, said: "It may be so frequently exercised as to destroy that moral influence which is their best possession, until, finally, the administration of justice is brought into disrepute. Respect of courts cannot be compelled; it is the voluntary tribute of the public to worth, virtue and intelligence, and whilst they are found upon the judgment scat, so long, and no longer, will they retain the public confidence."

Pat O. Hawes—I have a number of cases before Judge Scott and for that reason I do not think that it would be wise for me to express my opinion. I think that the proceedings in the Percival contempt case, however, were the most ridiculous that I over witnessed.

H. W. Pennock—To state—the facts in a plain and unvarnished manner, I have no hesitancy in saying that it was a judicial outrage.

W. T. Nelson—I never saw anything so disgranceful in a court of justice. It was state that three cases were pending, and he did not know which one the court desired to take up. He stated that an order was made in the circuit court of Nebraska which was purely ex parte, giving the receivers the branch. Subsequently Mr. Trumbull filed a petition in the courts of Colorado and Wyoming asking that the order of Judge Dundy be set aside. Later the case came on for ing in which the attorneys for the Union Pacific appeared. A decree was entered. Then came the Union Pacific receivers and filed a petition for a rehearing. "We do not stand here," said Mr. Hobson, "in the circuit court of Nebraska, but contend that and Wyoming, and we object to appearing be

fore your honors as circuit judges of Ne. Judge Caldwell then asked Mr. Hobson as to his understanding of the case to which Mr. Hobson replied.

The reply was not very satisfactory to his honor, for Judge Caldwell didn't do anything but hit the Gulf a blow by remarking that "this court has competent jurisdiction to pass upon this question whether sitting in Ne-brasks, Wyoming or Colorado. Judge Dundy's court is the court of primary juris-

Mr. Hobson, somewhat taken aback with the unexpected ruling, then sought to show that there was not a foot of road of the Union Pacific, Denver & Gulf in Nebraska, but that its entire system was comprised within the states of Colorado and Wyoming. Judge Thurston stated that the order made by Judges Hallett and Riner compelled the Union Pacific to psy a certain proportion of the earnings of the company to the Union Pacific, Denver & Gulf on the basis of a constructive mileage of 3 to 1. Mr. Hobson took exception to Mr. Thurston's statement and stated that the order compels the Union Pacific to operate trains over the tion entirely in abeyance. He then cited a case wherein Judge Caldwell issued one order. Judge Bent another, and that to harmonize matters Judge Brewer was called upon in order that there might be no differ-

Judge Caldwell, in explanation, stated that the case was not similar in that Judge Brewer and at Leavenworth in chambers and was not holding a regular session of his court. He further stated that the circuit court of Nebraska was in regular session and that the circuit judges would session and that the circuit judges would make any orders necessary, and would make it operative all over the circuit. "Your suggestion is that we sit in these districts," and Judge Caldwell to Attorney Hobson, "We will consider the questions here and will make what orders are necessary in the other districts. We do not think it necessary to become circuit riders in this case. In a circuit that comprises ten states and four territories, having almost four times as much business as any other circuit in the United States, it becomes necessary for the court to expedite mattern. You were informed that the court would sit in Omaha March 26 for the purpose of taking up the metion for a rehearing. You were also informed to be ready to go ahead in these arguments?" to which Mr. Hobson assented.

"Very well, then we will go ahead with the motion for a rehearing in this case," replied his here. Ledge Caldwell.

wery well, then we will go shead with the motion for a rehearing in this case," replied his honor, Judge Caldwell.

Mr. Hobson again sought to have the court state its jurisdiction whether it was sitting as the circuit court of Nebrasha or the circuit court of the Eighth circuit, but the judges would not commit themselves at this time and Mr. Hobson sat down when Judge Caldwell stated that the court would take up the motion for a rehearing.

well stated that the court would take up the motion for a rehearing.

At this moment Attorney Hodges, representing the forces of labor, asked if the court intended to allow the receivers appointed to arbitrate the wage question to file papers, stating that a disagreement had resulted, in which event he wanted to also file an answer. Judge Caldwell inth-