Dilated Upon.

JUDGE GAYNOR WILL IS: UZ A MANDAMUS

Legal Aspect of the Brooklyn Strike Shows the Companies in a Bad Light-Writ to Be Either Peremptory or Alternate.

BROOKLYN, Jan. 24.-Justice Gaynor of the supreme court handed down his decision on the application of Joseph Loader for a mandamus to compel the Brooklyn Heights railroad to operate its cars in sufficient numbers to accommodate the traveling public on the Fulton street, Putnam avenue, Greene and Gates, and the Tompkins avenue lines. He signifies his intention of granting a mandamus, the form to be determined on the argument of counsel in court tomorrow.

Loader, upon whose application the writ of mandamus is issued, is a merchant who tant, because its duty is to run its road." alleges that his business suffers by reason of the failure of the company to operate its

Justice Gaynor's decision is as follows: "It is my duty to declare the law of this case. This railroad corporation is not in the position of a mere private individual or company carrying on business for private gain which may suspend business temporarily or permanently at pleasure. On the contrary it stockholders. It must not be forgotten here, though it may seem to be almost if not wholly forgotten elsewhere, that in its chief aspect it is a public corporation having du-ties to perform to the public which transcend any obligation which in its private aspect it owes to its stockholders. It has received franchises of great value from the state and had conferred upon it the state's transcendent power of eminent domain. In return it took upon itself the performance of public duties and functions in the performance of which it is in effect not an independent in-dividual or entirety, but the accountable agent of the state. Though the principles are old and inherent in the idea of the sov-ereignty of the people it would seem that in the recent rapid growth of corporate power and of the tendency to use public franchises for the aggrandisement of individuals first and for the service and benefit of the public second, they have come to be somewhat overlooked and need to be restated.

"They have often been declared by the highest courts of this state and the supreme court of the United States.

FIRST DUTY IS TO THE PUBLIC. "The duty of the company now before the court is to carry passengers through certain streets of Brooklyn and to furnish, man and operate cars enough to fully accommodate the public. It may not lawfully cease to the public. It may not lawfully coaperform that duty for even one hour. directors of a private business company may, actuated by private greed or motives of private gain, stop and refuse to employ labor at all unless labor comes down to their conditions, however distressing, for such are the existing legal, industrial and social con-ditions. But the directors of a railroad corporation may not do the like. They are ac-countable to the public first and to their stockholders second. They have duties to the public to perform and they must perform them. If they cannot get labor to perform such duties at what pay they offer, then they must pay more and as much as is neces-

"Likewise, if the conditions in respect pel labor they must adopt more lenient or just conditions. They may not stop their cars for one hour, much less one week or one year, thereby to beat or coerce the price or conditions of labor down to the price or conditions they offer. For them to do so would be a defiance of law and of government, which, becoming general, would in-evitably, by the force of example, lead to general disquiet, to the disintegration of the wisdom of our fathers in retaining at least some control of corporations to whom are given public franchises for the performance

The law of this case was too clearly stated by Justice Cutter to be misunderstood in an application similar to this a few days ago. That learned judge held that the company had made no adequate answer to the case presented against it, and only withheld the granting of the writ to give the company more time to conform to the law which he so clearly enunciated, probably in the reasonable scope that would suffice without a re-sort to coercive power of the people of the state lodged in the court. In addition, how-ever, I shall quote from a case decided upon by the supreme court in this city in 1883 after mature deliberation and which is authority which I am bound to follow even though I were not of the same view, and which, I need scarcely say, the corporation now before this court is bound to acquiesce in, and which I doubt not will certainly The case arose out of the failure of the New York Central & Hudson River Railroad company to receive and forward freight as a common carrier."

COMPANIES MADE NO ANSWER. "The circumstances of that strike were re viewed and the court said that the court in that case allowed a writ of mandamus to compel the corporation to do its corporate

That a private citizen has sufficient stand ing to make this application, which could un-questionably be made by the attorney gen-eral of the state, has heretofore been decided by this court and I must accept it as law and it being admitted that the company i not fully operating its lines of road, I feel i my duty to allow the writ prayed for, either in its peremptory or alternate form, unless a sufficient answer has been made in law. As I have said, the learned judge who heard the previous application decided that the answer then made was even insufficient to raise a question of fact and only refused the writ in order to give the company more time with an admonition to it that it should no longer delay. I do not think the present answer of the company is sufficient to pre-vent a writ from being issued. The claim of violence amounting to a prevention is not legally made out. Instances of violence done by other than former employes of the company are shown, but it is also shown that not only the police force of the city but over 7,000 soldiers are preserving order, and I cannot believe that this company is not protected in its rights, nor do I think any question of fact is fairly raised on that head. Besides, the persistence of the company in falling to run its cars except as is may gradually get employes to accept its terms, being in itself unlawful, as I have shown, must necessarily, by its bad example tend to public disquiet, if not to some dis order. In respect of the question of hours and of wages between the company and its employes, its duty was to have gone on and now is to go on with its full complement of employes, having the right gradually and from day to day to supersede its employes, it can be new employes who will work and the control of the contro it can, by new employes who will work on its terms, or to supersede them all at once when it has obtained a sufficient number of when it has obtained a sufficient number of new employes for that purpose; but in such a controversy it has not the right to stop its cars while it is thus gradually getting other men. If the people of the state were rurning these roads they would not thus incommode and damage themselves, and it must not be forgotten that this corporation is entrusted with the running of these roads for the accommodation of the people of the state. It remains for me to determine the shape of the writ, whether it shall be per-emptory or alternative.

"In one aspect of the "In one aspect of the case there seems to be an issue of fact presented, and, if such at issue be presented, the law does not permit me to decide it and allow a peremptory writ, but requires me to allow an alternative writ, which has the effect of reserving such issue

Diego: Beigie, for Hong Kong and Yoko-hama.

At Southampton-Arrived-Paris, from New York.

At New York-Arrived-Jahn, from Bremen, Mejestic, from I lyspool.

At Liverpoo.—Arrived-T.u.cnic, from New York.

STREET CARS MUST BE RUN of fact to be tried by a jury or by the court if so agreed upon. At one place in its answer the company avers that a reason why its employes would not continue working for it employes would not continue working for it as 'that it refused to run its cars as required by said employes in respect to the frequency with which cars could be run and the Dieneted Territory.

MUST BACK DOWN OR FIGHT

The Chinese took nine Japanese prisoners. Foreigners are leaving and a panic prevails. The telegraph station on Chen Chin island, between Che-Foo and Wel-Hal-Wel, has been abandoned. Traffic between the two towns is interrupted.

the number of cars to be run.

"The number of cars or trains which a railroad shall run is left to the sound discretion of its directors subject to review by the courts upon an application or writ of mandamus to make them run more if the public convenience repuire it. Its employes may not assume to determine the number of cars to be run. If, however, this allegation in the answer refers to the controversy in respect of what are called trips, then it has no force for the controversy is in its essence one in respect of hours and wages. I concur in what Justice Cullen said in the other case in that respect, namely: 'I do not regard the alleged attempt to abolish trippers as interfering with the running or management of the road; because I imagine the company would be allowed to run as many trippers as it chose if it would only men \$2 a day for running the trips. pay the men \$2 a day for running the trips. In that case I imagine there would be no So that this is really a question of wages. Each party has the right to obtain the best terms it can; and as was said in the freight handlers' case, if the company cannot get men at a price it thinks fair it is bound to get them at a price it may deem exorbi-

"Such was the disposition of that point by the learned justice. "The counsel for each side will be heard at 10 c'clock on January 25 as to what form of writ shall be issued."

CONTINUE TO CUT TROLLEY WIRES. Matters were comparatively quiet on the Third and Fifth avenue roads today. The wires between Sixty-fifth and Sixty-sixth street were cut off after midnight, and as a consequence the electric light's in the depot went out, leaving Captain Thorne and his has a dual relation; a public relation to the detachment of the Twenty-third regiment in people of the state and a private one to its total darkness. The wires were not repaired until 10 o'clock, when traffic was resumed and at midday thirty cars were running, as against twenty yesterday. The foreman said he was unable to operate a greater number, as some of the new men had been transferred to Green Point. During the night and early corning the full strength of the Twenty third regiment, with the exception of com-panies F, G and K, was placed on duty along the road to Fiatbush avenue. At 11 o'clock the police on duty at Twenty-fifth street and Third avenue had a lively time putting an end to a riot which had broken out there Ab ut eighty persons collected at this point and jeered the soldiers who were under arms there. The mob continued increasing until noon, when a stone was hurled by one of the crowd, striking a policeman. This was followed by several others, and then the police and militia charged. The mob rushed along the avenue and into the side streets. Many of them received bayonet thrusts from the militiamen, while the clubs of the police-men were used with telling effect upon the heads of the rioters. The police arrested John Tighe, Charles Burke and Stephen Gan-non. When conveying them to the station the crowd attacked them and endeavored to rescue the prisoners. After a desperate con-flict, during which more stones were thrown and blows struck on both sides, the three stone throwers were locked up. At Twentleth street and Ninth avenue the

over a mile. The feed wire on Twentleth street, between Seventh and Eighth avenues, was also destroyed. The wires at Fifteenth street and Second avenue were cut down early in the morning. A number of trolley cars stood at Ninth avenue, which were wrecked and rendered unfit for use.

ALMOST BURNED OUT A DYNAMO. namos in the depot was nearly successful. were attached to them, by which they were drawn down and grounded on the posts of the elevated road. The scheme was, however, discovered in time to frustrate the

The line men on the Atlantic avenue road struck. This act and the lack of passengers prevented the management from running the Seventh and Ninth avenues and Eleventh street cars at all today. Militia in the various depots expressed themselves as general disquiet, to the disintegration of the social order and even the downfall of the fairly well satisfied with their treatment, but social order and even the downfall of the fairly well satisfied with their treatment, but social order and ellow them to return to their homes.

At Fifteenth and Thirtieth avenues tw women hailed a Fifth avenue car. When stopped they boarded it. They then drew pistols from their shawls and ordered the conductor and motorman to stop work. men leaped from the car and left the invaders in possession. One of the crowd then started the car, jumping off before it gained much headway. When the car passed the stables at Twenty-fourth street it was traveling at a high rate of speed. One of the men standing there roticed the car was running wild and invasid started the car was running wild and invasid started. ning wild and jump a aboard the rear plat-form and soon had t at a standstill. One gang of strikers a tempted to pull the mo torman off his platform, but he fought then off. He was very roughly used in the scrimmage and had his jaw broken.

President Norton says so far as the At-lantic Avenue company is concerned, the strike is at an end, for he has all the motormen and conductors for whom there are men and conductors for whom there are places. There has, however, been some inconvenience on the lines by the cutting of wires. A new device to impede the operation of the railways was adopted at Bergen street and Troy avenue on the Atlantic avenue line, where switches were cemented during the night. New employes go about outside the militia line at their peril. One who disgulated himself in an old army coat was spotted by the strikers and badly was spotted by the strikers and

BROOKLYN, Jan. 24.—Superintendent Groundle of the King's County Elevated railway issued an order today directing an

HAD A FIGHT WITH ROBBERS.

Members of the Gang. SUGARLAND, Tex., Jan. 24.-A bold rob

bery of the railway and express office here has roused the town. A band of masked men rode to the office and demanded of Agent Wyams the safe's contents. After a severe beating Wyams opened the safe and the robbers took \$1,500 in cash. A number of citizens undertook to intercept the robbers. A sharp battle took place, but the highwaymen escaped to the Brazos swamps. A posse started in pursuit, and returned with four men under arrest-Crane, Thompson Denton and Flowers. The posse is still scouring the country for others.

WASHINGTON, Jan. 25.-Secretary Smith has approved the application made by Col-

onel Cody and the manager of Barnum & Bailey's circus for permission to employ Indians in their performances. Colone Cody is allowed 125 Indians from the resercody is anowed to indicate from the reservations in North and South Dakota. Arizona, New Mexico and Oklahoma, and the other will have thirty Moquis, Apaches and Navajos in tens each from those reservations. The companies will be required to furnish bonds to cover all contracts made with the Indians.

COPENHAGEN, Jan. 24.-Mr. Andrews Peterson of Chicago has been appointed Darish consul for the states of Illinois, Indiana, Obio, Michigan, Wisconsin, Iowa, Nebraska, Montana, the Dakotas, Wyoming

At San Franci co-Depart d-U. S. S. Alert, for San Diego; U. S. S. Ranger, for San Diego; Belgic, for Hong Kong and Yoko-

Movements of Seagoing Vessels, January 24

the Disputed Territory.

DECLARATION OF WAR EXPECTED TODAY

Reply of the Central American Republic Will Be Submitted to the Mexican Cabinet This Morning-Colonel Bob Pate Tenders His Services.

answer was received this evening. The min-Guatemala's answer is to the effect the disindemnity is to be paid Mexico owes it to Guatemala. The prospects are that war will be declared tomorrow or next day.

in case of war he will be appointed to a prominent command.

out this republic has been wrought up to a points show a rising spirit of patriotism among the majority of the people and it is probable that other great popular uprisings will occur in many cities of this country.

Don Emilio de Leon, Guatemalan minister to Mexico, was outside his hotel when the recent students are seen to see the country.

recent students procession was moving, and had an excellent opportunity of viewing the feelings of the Mexican people on the in-ternational boundary dispute, and the firm stand taken by Mexico. A full report of the proceedings was sent by the Guatemalan representative to President Barrios at Guatemala, and it is said to have created a pro-found impression in Guatemalan circles. This city is quiet and orderly, although the effects of the patriotic storm are easily dis-cernible. The volunteer movement is rapidly spreading, and it would evidently be possible to raise 25,000 volunteers in this city alone within a day or two if the general govern-A telegram from Guatemala says that the Spanish minister in Madrid will not inter-fere in any way to pacify the question with Mexico. The indications are that Barrios, president of Guatemala, expected aid from Spain on account of his bold stand.

Spain on account of his bold stand.

NOGALES, Ariz., Jan. 24.—A Mexican
newspaper, Le Indepente, printed on the
Mexican side of the line, this afternoon
printed the statement that the Mexican consul in Guatemala City had been given his
passports by the Guatemalan government,
thus terminating the friendly relations existing between the two governments. It
also stated that the secretary of state of also stated that the secretary of state of Mexico, at the City of Mexico, had notified all consuls of this fact by telegraph. The Mexican consul here denied the truth of the strikers during last night cut down the statement and called upon the editors of the feed wires, return wires and support wires as far as Flatbush avenue, a distance of for his arrest on the charge of assault. They reiterate the truth of the statements pub-lished this afternoon and hold that the con-sul is endeavoring to misrepresent the facts.

> GUATEMALA MAKING READY. Impressing Men and Horses for Service in

the Expected War. The most serious attempt to prevent the running of cars over the Third avenue line was made at Sixty-fifth street and Third avenue, where a plot to burn out the dynamos in the depot was pearly successful. COMITAN, State of Chiapas, Mex., Jan. and camp quarters for a large body of men It was evidently the work of skilled elec- have been arranged for near this place. A few Guatemalans living in this

have quietly left for their native country and others who are disgusted with the course of President Barrios and the Guate administration have fled to Mexico rather than be pressed into an unwilling service. Reports from the other side of the porder are that Guatemala is using every effort to work up feelings of patriotism among the people in the hope of gaining large rein-forcements to continue its bluff against Mex-

CALLED HOME TO FIGHT.

SAN FRANCISCO, Jan. 24.-Consul Gen eral J. Diax Duran of Guatemah has been recalled by President Barries to take command of a military force in the war, which he believes to be impending with Mexico. He has received a dispatch from the Guatemalan War department confirming the war news, and stating that every able-bodied Guatemalan is needed by his government. formed by Guatemala, Nicaragua, Salvador and Honduras, with a joint force of 100,000 men, to march against Mexico.

Consul General A. K. Concey of Mexico, on the other hand, declares that there will not be war between Mexico and Guatemala over be war between Mexico and Guatemala over the existing boundary dispute, which he says can and will be settled by diplomacy. Corcey says the only chance of hostilities lies in the possibility of some hotheaded Guatema-lan officer firing on Mexican troops. If war should be declared Concey is confident that Mexico could easily defeat Guatemala, even if the latter country were able to form an alliance with the other Central American re-publics, which he considers unlikely. Concey publics, which he considers unlikely. Concey says that the Mexican army is in fine condition for the battlefield.

Border Lands in a Ferment

TAPACHULA, State of Chiapias, Mex. Jan. 24.—The southern border is in a ferment over the impending hostilities between Mexico and Guatemala. More troops are being centered about the frontiers and a heavy movement of people is noticeable or every hand. Fugitives from Guatemalan soil are arriving here almost daily. They number many Guatemalan revolters from the Guatemalan interior, but are thus far for the most part native born Mexicans who have up a residence on Guatemalan terri Large parties are on their way from Quesaltenango, northern Guatemala, either afraid to remain in their homes or coming with the purpose of enlisting against the government which they leave behind.

Zaragoza Returning to Mazatlan. ACAPULCO, State of Guerrero, Mex., Jan 24.-The report that the armed Mexican corvette Zaragoza had invaded Guatemala and is lying off the coast of San Jose is untrue. The vessel was loaded with munitions and provisions of war for Mazatlan, for the supply of the Mexican troops tributary to the ports of San Binito and Santa Cruz, on the southern coast. Having now dis-charged its commission it is on its return to Mazatlan, where it will await further orders from the Mexican government for the trans-pertation of troops and supplies or any other duties connected with the Guatemalan did

Americans Offer to Help Mexico CITY OF MEXICO, Jan. 24.-A prominent American here has offered to organize an American legion to fight against Guatemala if war is declared.

The government has contracted for the purchase of 25,000 Mondragon rifles of the

Reported Japanese Repuise.

SEVEN JURORS SEQURED.

Reporter in the Ging Murder Trial Threatened with Contempt Proceedings. MINNEAPOLIS, Jan. 24.-Seven of the jurors in the Hayward murder trial have been secured, two more men being sworn in this morning in the persons of Farmers John Kimball and Nell MacNeall. The trial proper will probably begin next week.

There was quite a stir in court when the CITY OF MEXICO, Jan. 24.—Guatemala's trial opened today over the threat of Judge Smith to discipline several newspaper men ister of foreign affairs of Mexico says it will for stories printed about the examination of be presented formally to the cabinet and the Adry Hayward by the defense. The attorneys president at 10 a. m. tomorrow. It is stated for the defense arose and denounced the pubputed territory belongs to her, and if any porter of the Journal was summoned before the court to divulge the source of his information. He maintained that the information was reliable, but averred that he was Colonel R. C. Pate, the American horseman, under a pledge not to divulge its source, has tendered his services to the president, and Judge Smith was much vexed and said he would give the reporter until 2 o'clock to divulge it, intimating that a refusal would be ontempt of court,

With the immense demonstration of stu-dents in this capital the war feeling through-peared at Judge Smith's chambers, where he was closeted for a few minutes with Judge Smith and Assistant County Attorney high pitch. Reports from many interior points show a rising spirit of patriotism among the majority of the people and it is probable that other great popular uprisings will occur in many cities of this country.

Judge Smith and Assistant County Attorney Hall. The conference was not long, but it lasted long enough for Judge Smith to give the reporter a talking to. He was informed that reporters were admitted to courts of law in order that they might give the public than at any time since the tragedy. During the weeks of suspense her grief seemed to be pent up within her, and the final burst of pertunity to evolve sensational and fabulous tales. The reporter expressed himself as duly penitent and was greatly relieved when

Judge Smith forgave him.

With the adjournment of court this evening eight jurors had been secured to try the case of the state against Harry Hayward.

JAPANESE AT SHANTUNG.

Landing of the Marines at Yung Chang Near the Fortress of Wei-Hal-Wei. SHANGHAL Jan. 24 .- The Japanese trans-

far from Wei-Hai-Wei, the Chinese war port on the Shantung peninsula, at daybreak on Sunday, January 20. The Yaye Yama and other Japanese war ships then landed detachments of marines. The latter met with but feeble resistance from the Chinese troops, which were supported by six guns mounted ashore. The fire of these guns the guns of the Japanese war ships opened upon them. The Japanese landing was effected without any loss being sustained by the invaders and the four gups previously mentioned were captured by the marines landed from the Yaye Yama. Immediately afterwards the landing of the Japanese troops began and was nearly completed when the Yaye Yama left Yung Chang on Mon-day last, the weather being favorable to the

apanese operations.
Two English women, one German woman and one Chinese woman, who were found in charge of the Shantung lighthouse, were placed under the same pay as they had been receiving, and were instructed, in the interests of commercial and other traffic at sea, to keep the light burning as usual.

POLICE WERE CALLED IN.

irish Parliamentary party. The meeting was marked by serious disorders. The police were twice called in to interfere and stop turbers were finally ejected. Mr. Healy exhorted his hearers to respect the memory of Lord Randolph Churchill, who had been an honest tory and a good friend to Ireland. Mr. Healy denounced the Redmondites as having fallen into a state of putrefaction. He having fallen into a state of putrefaction. He compared to the English and Churchill, Attorney Staley, Dell Akin and Churchill Akin and Churchill Akin an the fighting among the audience. The distories from the Dublin seats in the House of Commons. Nationalist candidates should not be selected by caucus, but should be erally felt that should war ensue the frontier will be so overrun by troops and pillaging renegades that life will be a burden.

Chosen in public convention. Should the latter course be followed he would go so far as to sink his prejudices. Upon leaving the hall Mr. Healy was greeted with groans far as to sink his prejudices. Upon leaving the hall Mr. Healy was greeted with groans by a large crowd that had assembled outside.

mber of policemen escorted him to the railroad station. Insane Man Opened Fire FONTAINEBLEAU, Jan. 24.-Much itement was caused today by the murder of a nun on a train coming from Paris. The train was running along as usual, when suddenly a man in one of the coaches drew a revolver and began firing at his fellow passengers. One of the bullets struck the nun, inflicting a wound that soon proved fatal. Three other passengers were wounded before the chambers of the revolver were empty. The man was arrested. The only explanation of his action is that he is insane. of a nun on a train coming from Paris. The

BUDA PEST, Jan. 24.-A mob of unem through the principal streets today and were through the principal streets today and were dispersed by the police. Later the rioters reassembled in large numbers, and upon their refusal to disperse the police charged upon them and a hand-to-hand fight followed, during which several people were hurt and many arrests were made. During the time of the disturbance the police blocked the streets leading to the Hungarian Diet.

Squandered the Bank's Funds LONDON, Jan. 24.-At a meeting of the shareholders of the National Bank of Wales at Cardiff, which bank was purchased in at Cardiff, which bank was purchased in 1893 by the Metropolitab bank for the sum of 1119,000, the liquidator announced that an examination of the accounts showed a de-flict of 155,868. Large sums had been squan-dered in bourse speculations. The balance sheets had been altogether fallacious. A resolution to prosecute the officials was adopted.

BERLIN, Jan. 24.—The Volkeblatt, an anti-semite journal circulating in Manheim, Heidelberg and Frankfort, has been confis

LONDON, Jan. 24.—A dispatch to the Standard from Vienna mys that Mme. Patti been canceled. Prince Ferdinand's Position Shaky

important events are imminent in Bulgaria. Prince Ferdinand's position is shaken and united action of Zankoff and Stambouloff is probable. LONDON, Jan. 24.-A dispatch to

Prazition Minister Recalled. MONTEVIDEO, Jan. 21.-The Brazilian ninister to Uruguay has been called homby his government owing to his attitude on the frontier incidents.

Voted General Amuesty. CHE-FOO, Jan. 24.—Advices received hers day voted general amnesty to political of-from Wei-Hai-Wei report that the Japanese fenders and the session was then closed.

RECOGNIZED HER HUSBAND

Wife of Barrett Scott Views the Remains and Identifies the Body.

SADDEST SCENE OF ALL IN THE TRAGEDY

Widowed Wife and Fatherless Child Con vinced of the Fate of the Man They Loved-Pinns for the Funeral This Afternoon.

O'NEILL, Neb., Jan. 24.-(Special Telegram.)-One of the saddest scenes connected with the tragic history of the Barrett Scott case occurred today, when the body was taken from the morgue, where it has laid since it was taken from the river, and brought to the family residence and into the presence of the bereaved ones who had not gazed upon his face since New Year's eye. Ever since the body was discovered Mrs. Scott has been determined to see it, but her request was not granted until today. She said that she would never be entirely satisfied that it was the body of her husband, except through the evidence of her own eyes The casket was brought into the front parlor and the sorrowing wife was only for an the weeks of suspense her grief seemed to be pent up within her, and the final burst of sorrow seemed to relieve in some measure the tension at which her nerves had been

maintained.

There is only one subject in which she seems to take enough interest to rouse herself from her grief, and that is the conviction of her husband's murderers. After the first passion of grief at the sight of the dead face had subsided her friends urged her to be a heavy to the start of the sight of the dead face had subsided her friends urged her to be a heavy to the work of justice. keep a brave heart, as the work of justice was yet to be accomplished. This considera-tion seemed all potent, and she was icd into a discussion of the evidence, into which she entered with a good deal of spirit. The grief of the 9-year-old daughter, Fan-

maintained.

port Sabuma-Maru, which returned to Ujina yesterday, reports that she left the Gulf of Talien-Wan on Saturday last, January 19, with other Japanese transports escorted by war ships, and arrived off Yung Chang, not the state of the System of Sabuma-Maru, which returned to Ujina hie, was almost as touching as that of her mother. At first she would not believe that they would not kill my papa," she said, and with childish innocence she believed that the childish innocence she believed t rufflans would not break their promise. When she was assured that the casket really contained her papa's body her grief was pitiable. She demanded to see him, but was removed from the room, as it was feared that the terrible sight would be too much for her

ARRANGEMENTS FOR THE FUNERAL The funeral will be held at the Methodis was answered from the Japanese boats and church at 2 o'clock tomorrow. It was the the Chinese were eventually dispersed when first intention to hold the service at the rink, but Mrs. Scott was very anxious that the funeral should be held in church, and her wish was finally deferred to.

A brief discourse will be given by Rev. E. E. Hosman, pastor of the Methodist church, and the Odd Fellows ritual will be read at the grave. A number of Masons and Odd Fellows from other towns came in on the evening train to attend the funeral. A on the evening train to attend the funeral. A large number will arrive from the west on the morning trains, and farmers from the neighboring counties are already beginning to come in.

to come in.

The special trains that had been scheduled have been abandoned on account of the post-ponement of the services, but notwithstanding the attendance will probably be sufficient to fill the little church several times

While little else but the funeral is thought Disturbance at a Meeting Conducted by
Timothy Healy.

DUBLIN, Jan. 24.—Timothy Healy tonight
addressed a meeting in the town hall at
Vication on the supplies of disputes in the Kingston on the sunbject of disputes in the they knew. It is now positively known that Irish Parliamentary party. The meeting was cution who actually saw the shooting at Parker and who claim to have recognized several of the lynchers.

WILL WORK WITH SECRECY men are in fail and the backbone of the gang is broken that the nature of the evidence that is now in the possession of th prosecution will be made public. The situa-tion is such that in their opinion the utmost

secrecy is necessary until their plans are fully worked out. The Frontier, Sun and Tribune, all local weekly papers, are out today and agree in denouncing the crime and demanding the conviction of the murderers. The editorial n last week's Beacon Light, in which Edi or Kautzman urged the farmers the business men who participated in the search for Scitt's body, comes in for general condemnation. Even the Tribune, which is also of the populist persuasion, denounces Kautzman in the most vigorous terms, and warns the better element of its party from onger following the leadership of the friends of the lynchers and murderers. The tier devotes a couple of c to editorial comment on the including an appeal to refrain

further violence, no matter what the provo done according to the letter of the law. PRISONERS NOT GREATLY WORRIED The four prisoners are still in the county jail, but their mood has undergone a decided change since they appeared in court the other day. The continued conferences with their friends have evidently had a reassuring tendency, and the worried look has been succeeded by a smile. They were all in consultation with their attorney when a

Bee reporter visited the jall, and seemed particularly cheerful. They were introduced to Treasurer Irey of Deuglas county, who is in O'Neill to attend the funeral, and Mullihan jocosely remarked that this was a poor place for county treasurers to come to. The other three prisoners returned to their consultation with Attorney Harrington, but Mullihan remained and chatted pleasantly for some minutes. He referred to the fact that he was a member of the Grand Army of the Republic, and said that he still carried six bullets which he received while in the secret service of the union army Major Paddock and was also acquainted with Postmaster Clarkson and Major Fursy of Omaha. He was disposed to make light of his present predicament and his chief anxiety seemed to be on account of the money it would cost him to get clear.

STRAW PAPER TRUST BROKEN.

CHICAGO, Jan. 24.—Foreclosure proceed-ings against the Columbia straw paper company were begin in the United States circuit court today. The Northern Trust company filed a bill and asked for the appointment of a receiver. Similar foreclosure proceedings have been begun in nine different states in which the company has mills. Inability to meet interest payments on \$1,000,000 in bonds is set up by the bill as the reason for the proceedings. The company was organized in January, 186, with a capital stock of \$4,000, 000, and the incorporation was taken under the laws of New Jersey. Most of the paper mills in the central states were absorbed by the new company and a promising business was transacted for some months. To the panic of 1853 is ascribed the first trouble of the corporation. It is expected that the bond and stock holders will meet soon to dis-cuss a plan of reorganization. filed a bill and asked for the appointment of

stock held as security by the latter parties for loans made to Ritchie, consisting of Canada Copper and Central Ontario railway mining shares, is all ordered sold to satisfy the claims against Ritchie. The decre is against Ritchie at every point.

message was received from Captain Graham, one of the boat's owners, saying that the Chicora is lost with all on board. The message was received by Andrew Crawford, one of the Chicago owners of the steamer. It was from St. Joseph, Mich., and read: "Chicora lost beyond doubt with all hands."

Mr. Crawford said that Captain Graham

might have been. That Captain Stiner did his duty and guided his boat to the best of his knowledge I have not the slighest doubt. "The second mate. Bennie Stiner, was an son of the captain."

tion company returned with a party of searchers this afternoon. They found great pieces of mahogany from the Chicarch's cabin; life preservers and part of a barrel of flour and other evidences of a complete wreck. No other evidences of a complete wreck. No effort has yet been made to find any of the

Coming Thick and Fast in the California

first ballot of the day was as follows: Wil-son, 27; Allen, 15; McMillan, 10; C. I. Helm, 1; Rogers, 23; Manning, I; Ankeny, 27. Sen-ator Helm, a strong Ankeny man, nomi-

ico. If persuasion fails, it is given out that when the government needs men

will press them into service. Nearly every horse for one hundred miles from the border has been secured by one means or an other already, and a strenuous effort is being made to secure more. The uncommunicative policy of the Guatemalan government is having a disastrous effect on the public order and many alarms are constantly felt by the residents of the frontier, fearing an invasior of the mounted Mexican rurales. It is gen-

Suatemalan Consul at San Francisco Or

cated by the authorities, owing to its hav-ing published an article entitled "Ode to Agam," which was regarded as a parody on Emperor William's song of Aegler,

became chilled when leaving a concert in this city and has since kept to her bed. She is suffering with pharyngeal catarrh. Her engagements at Leipsic and Dresden have been canceled. BERLIN, Jan. 24.-The Frankfurt Zeitun publishes a dispatch from St. Petersburg saying that the Pan-Slavists declare that

Times from Shanghai says that the Japan cse have now surounded Wei-Hai-Wei. The Chinese declare that Wei-Hai-Wei has a garrirson and supplies sufficient to enable the town to withs and a prolonged attack.

CHICORA A COMPLETE WRECK.

No Question that She Went Down with All on Board.

CHICAGO, Jan. 24.-Late this afternoon

had undoubtedly received positive proof of the boat's loss some time this afternoon. So far as known Joseph Pearl of the drug firm of Howard & Pearl of St. Joseph was the only passenger on board.

The loss of the vessel, exclusive of the cargo amounts to \$160,000, and the cargo of thirty

eight carloads of flour was valued at \$20,000.

Andrew Crawford, the principal owner of the Chicarch, said this afternoon: "There was no insurance and the loss to the company is about \$125,000, but our regret is the loss of life. It is dreadful to think that so many lives have been lost. Captain Stiner was a particularly fine felolw, able and cour-teous. He had been with the company twenty odd years and knew the lakes as well as any captain in the service. I do not blame him for the wreck, and yet is seem as though if he had studied his barometer Monday morning he would have known the storm was coming. The storm signals, I have learned, were not displayed in Milwaukee for three hours after the boat had left that port. I calculate the Chicaron must have been within ten or twelve miles of St. Joseph when she was caught in the ice.
"What happened then will probably never
be known. However, it is easy to say what

SOUTH HAVEN, Mich., Jan. 24.—J. S. Morton of the Graham & Morton Transporta-

TERRE HAUTE, Ind., Jan. 24.-The Vandalia officials at the general offices of the company firmly believe the Chicora to be lost. The boat carried fourteen carloads of freight consigned to the Vandalia for eastern CHARGES OF CORRUPTION.

ator Helm, a strong Ankeny man, n mated George Turner of Spokane before next ballot. In the succeeding ballots of of Wilson's votes went to Allen. The ballot taken gave the following-vote: keny, 25; Wilson, 7; Allen, 24; Turner McMillan, 5; Rogers, 23; Wallace, 6; Injur. 1

ning, 1. Debating the Contest Bill NASHVILLE, Tenn., Jan. 24.—In the house today a resolution to open and pubhouse today a resolution to open and pub-lish the returns of the gubernatorial election next Monday was defeated. A resolution re-questing Senators Harris and Bate to use their influence toward having United States senators elected by the people was adopted. The gubernatorial contest bill was then taken up, and by resolution twenty-four hours was given for debate and the debate

SALEM, Ore., Jan. 24.—The legislature met today in joint session to vote for United States senator. The ballot resulted in the following vote: Dolph, 44; Moore, 19; Lord, 2; Bennett, 8; Hare, 19; Moody, 4; Williams, 1; Kincaid, 1. Necessary to an election, 45. There was no choice.

BOISE, Idaho, Jan. 24.—Shoup gained two votes on the ballot today. Result: Shoup, 20; Sweet, 19; Claggett (pop.), 15. WHITE COW'S STROKE FOR LIBERTY

Sloux Equaw Overturns Tribal Traditio and Lands in Jail. CHAMBERLAIN, S. D., Jan. 24.—(Spe-cial.)—That the female members of the great Sloux nation are advancing toward civilization cannot longer be denied. It is well known that it is customary for the squaws to do all the manual labor, such as gathering and chopping wood, caring for the ponies of their indolent warrior husbands, keeping the tepes or house in repair, etc in addition to performing the usual house in addition to performing the usual household duties; but White Cow, a Sioux squaw, probably having read some of the arguments of the white agitators for the "emancipation of the sex," decided to change Sioux custom, and is now in jail in the western part of the state on the charge of committing a murderous assault on her husband, Charging Elk. With the evident intention of following the advice of her white sisters, she refused to longer submit to the usual drudgery imposed upon her by her liege lord, and on being expostulated with somewhat forcibly, flew into a rage and commenced to carve him with a knife, stabbing him twice in the arm and once in the ribs. She now wishes to commit suicide and it is necessary to watch her closely to prevent her carrying her wish into execution. Her attempt to alter the custom of hundreds of years has proven a dismal failure.

Charged with Embezzlement.

Felegram.)-James Waring was arrested tolay for the embezziement of \$1,000 whi township treasurer. When he settled in 1833 he gave notes signed by the sheriff and others to cover the shortage. He defaulted on the notes. He says the ex-sehriff had him arrested for political reasons. He will

have a hearing tomorrow. Accident Policies Must Be Paid at Death. KANSAS CITY, Jan. 24.-According to decision rendered in an insurance case i ley is collectable in case of suicide by the holder. The case is that of Mrs. Mary A. Logan against the Fidelity and Casualty company of New York to collect \$2,500 on an accident policy held by her son, who committed suicide in 1893. Mrs. Logan's law-ver's pointed out the Missouri statutes, which provide that life insurance must be paid on the death of the insured, no matter what the cause of death. The company's lawyers argued that this law applied only to straight life insurance, not to accident insurance. Judge Scarritt decided that the law applied to all classes of life insurance and ordered a verdict returned against the company. cy is collectable in case of suicide by the

company.

NEW YORK, Jan. 24.-Gold to the amoun the new company and a promising business was transacted for some months. To the panie of 183 is ascribed the first trouble of the corporation. It is expected that the bond and stock holders will meet soon to discuss a plan of reorganization.

Decision is Against Ritchie.

CLEVELAND. Jan. 24—In the United States circuit court today a decree was filed in the case of Samuel C. Ritchie against James H. McMullin and ex-Senator Payne, Stevenson Burke and others. The \$2,780,000 has been withdrawn from the

MONEY TO PAY THE FREIGHT

Nebraska Senate Adopts the House Bill with Half the Appropriation.

FREE SHIPMENT IS DISCONTI UED

Burlington Declines to Haut Any More Retief Trains Un ess Paid-Immense Work of the State Commission in Distributing Supplies.

LINCOLN, Jan. 24 .- (Special Telegram.) --The senate late this afternoon, after a three hours' discussion, in which much feeling was engendered, passed the house relief bill for the benefit of the drouth sufferers, but cut the appropriation from \$100,-000 to \$50,000, adding a proviso that the money could be expended in the payment of freight. The senators from the western and northern counties, following the example of their colleagues in the house, protested bitterly against a reduction in the amount. In their addresses in committee of the whole they drew touching pictures of the distress existing in the frontier counties. On the other side the republican senators persisted in regarding the whole subject as a simple, cold-blooded business proposition. Bauer, one of the populist senators, voted with the majority, while Rathbun of Furnas county and Akers of Scotts Bluff voted with the populists for the larger amount. The one valid reason advaried by the majority for cutting down the appropriation was that with the large volume of supplies pouring into Nebraska from all parts of the union the necessity of a large appropriation with which to buy fuel, clothing and provisions was avoided and the only urgent demand for the present at least was the necessary amount of cash to be used in paying the freight charges on the immense amount of supplies now in

sight. MONEY TO PAY FREIGHT. The one striking feature of the debate this afternoon was the continual insistence upon the part of so many senators that money must be supplied at once for the payment of freight. The bill, as it now stands, permits the payment of freight. one of those strange coincidences quently noted in commercial circles where thrift dominates sentiment, the B. & M. today officially informed the State Relief commission that it would transport no more supplies on a free basis. General Manager Holdrege addressed the following letter to

Coming Thick and Fast in the California Legislature.

SACRAMENTO, Cal., Jan. 24.—The legislature today considered the proposed investigation into the alleged corruption of the San Francisco police department. The attorney general was directed to draft a law granting authority to nonpartisan committees to investigate the police and also the San Francisco election trauds. The committees to investigate the police and also the San Francisco election trauds. The committees to investigate the police and also the San Francisco election trauds. The committees to investigate the police and also the San Francisco election trauds. The committees to investigate the police and also the San Francisco election trauds. The committees of the list of the supplies in excess of the requirements of the people who can fairly be said to be in need. With the supplies now in the hands of local committees, I believe that all cases of want can be taken care of for at least a few weeks. Under the circumstances of local committees, I believe that all cases of want can be taken care of for at least a few weeks. Under the circumstances would it not be weeks. Under the circumstances would it not be weeks, at least, to enable your commission, by a careful presonal canvass of all western counties, to enable your commission, by a careful presonal canvass of all western counties, to enable your commission, by a careful personal canvass of all western counties, to enable your commission, by a careful presonal canvass of all western counties, to enable your commission has now progressed so well that the post before the committee that the state was being and punish for ontempt. Chairman Timothy Guy Phelps of the committees of the people who can fairly be said to be in need. With the supplies now in the hands of local committees, a few weeks. Under the circumstances of want can be taken care of for at least a few weeks. Under the circumstances of want can be taken care of for at least a few weeks. Under the circumstances of want can be taken care of

have given the supplies, nor to the railroads donating the transportation.

If you should hold all supplies now at Lincoln until a careful canvass can be made perhaps the distribution for the remainder of the winter could be limited to a few families in each county, who may really need further assistance. In the meantime, as far as the B. & M. Railroad company is concerned, we must discontinue free shipments. Yours very truly, G. W. HOLDREGE. Representative Brady, chairman of house investigating committee, stated this evening to The Bee that with the other members of the committee he spent the greater part of the afternoon at the general head-quarters of the State Relief commission at the Brace block. A cursory examination of the beads revealed the commission as the back revealed the commission as the back revealed the commissions. the Brace block. A cursory examination of the books revealed the cnormous proportions of the relief work. Chairman Brady, him-self the leader in the movement for an investigation, estimates that fully \$1,000,000 worth of 'fuel, clothing, food supplies, seed grain and cash will pass through the hands of the State Relief commission before it makes its final accounting to the secretary of state. Mr. Brady expressed himself as being very well satisfied with the system of checks and accounting in use by the officers of the commission. Several members of the investigating committee feel that the distri-bution of supplies has not been accomplished in as speedy a manner as might have been possible, and the delay has worked a hard-ship in many quarters. The committee will

resume its labors tomorrow. Chairman Nason authorizes the statement that in the past sixty days the commission has distributed more than 200 cars of supplies, that 100 cars are now on track within the limits of the state, and that 400 cars more are offered and enroute.

A committee from the Omaha city council, consisting of Sol Prince as enairman, F. S. Kennard, from the Fourth ward, and John Lemly, fr m the Second ward, held a con-ference with the members of the house committee on cities and towns this afternoon with regard to amending section 66 of the new Omaha charter so as to permit the voting of bonds to the amount of \$200,000 for

SENATE ENGAGED ON RELIEF. Bills Passed by the House Subjected to a Lengthy Discussion

LINCOLN, Jan. 24.—(Special.)—The first thing the senate did this morning after the monotonous reading of the journal of yesterday's proceedings had been concluded was to make the relief bill a special order for 3 o'clock this afternoon. Then for forty minutes reports from standing committees were listened to and a large number of new bills were introduced. The first, second and third reading of bills took up the

balance of the forenoon session. The first two committee reports received were from Senator Mitchell, chairman of the committee on miscellaneous subjects, and the bills included in the reports were Nos. 48 and 59, the two measures proposed by the State Sportsmen's association. No. 48 was favorably reported and placed on the general file. It provides for the protection, preservation and propagation of birds, fishes and wild animals in the state, and prohibits the killing of the same during certain seasons. The other bill, providing for the appointment of a fish and game warden, was indefinitely postponed. Smith, chairman of the committee on

labor, reported back to the senate the arbitration bill, senate file No. 93, with some amendments, and with the recommendation that it be passed. The bill is an act to provide for the amicable adjustment of grievances and disputes that may arise between employes and employers. From the judiciary committee Pops made large number of reports. Senats file No.

 introduced by Crane, fixing the salaries of county officers, was recommended for passage. In equaties having more than 75,000 population county judges are to receive fees of their offices to an amount not exceeding \$3,000.

Senate file No. 38, by Hahn, for the protection of Mongolian pheasants, was precommended for passage and placed on

recommended for passage and placed on general file.
Senate file No. 7, by Crane, to legalize irregular records made under authority of the law of 1891 relating to probate courts, was recommended for passage. Senate file No. 67, by Pope, amending

the statutes relating to officers fees, was