### DOWN TO BUSINESS AT ONCE

Texas Legislature Did Not Waste Any Time in Preliminaries.

Two Bills Introduced in Either House and Referred to Judiciary Committees-Dellas Attorneys Making a Fight Against Them.

AUSTIN, Tex., Oct. 1 .- In compliance with the proclamation of Governor Culberson convening the legislature in this city October 1 to take action on the prize fight question, which has been sgitated by the proposed Corbett-Fitzsimmons mil at Dallas, October 31, a quorum of both houses responded to the call today at high noon and were in working shape within thirty minutes, and at 12:30 promptly received a message from Governor Culberson. The governor confined himself solely to the prize fight question and reviewed at length the situation which has made the call necessary. He said that he regretted to call the members together, but as the question was wrangled over in the courts he deemed it advisable to stop further having the legislature enact law that would be clear and specific on this subject, and he desired it to go into imme-diate effect.

His message concludes as follows, after a careful review of the condition of the laws

So, in this instance, if no law exists, the b) in this instance, if no law exists, the ice does not give any assurance or come er any obligation that its legislation in the subject shall remain unchanged, these principles need not here be in-ed. By proclamation all persons have in given notice that the Corbett-Fitzsimworked. By proclamation all persons have been given notice that the Corbett-Fitzsimmons exhibition would not be permitted, and whatever has been done by its projectors was with full responsibility for the consequences. The public interests require that this exhibition especially should be suppressed. Discountenanced by Mexico and territories, outlawed and driven from every state, it is proposed to assemble a horde of ruffians and gamblers and offer to this state this commanding insult to public decency. Against it the instincts and pride of the people revolt, and your prompt and resolute action will spare them this ignominy and shame. It will recall to the great city of the state, inhabited by a manly and genome and assuring truth, now obscured by anger and misconception, for which it will hereafter thank you, this no part its material prosperity, no part of its social and intellectual and industrial prosperity, no part of its social and intellectual and industrial prosperity, no part of its social and intellectual and industrial prosperity, no part of its social and intellectual and industrial prosperity, no part of its social and intellectual and industrial prosperity, no part of its social and intellectual and industrial prosperity, no part of its social and intellectual and industrial prosperity, no part of its social and intellectual and industrial prosperity and its limits one of the most disgraceful of its social and intellectual and industrial prosperity and its limits one of the most disgraceful of its social and intellectual and industrial prosperity and

dishonor Texas.

Impelied by a sense of duty to use every executive power to avert this calamity, you have been called in special session, and the responsibility for the consequences is now divided with you. That you will meet it as becomes the representatives of the whole peciple, anxious and ready to protect the fair name of the state, is not doubted. TWO BILLS WERE READY.

As soon as the message was read, in com-pliance with its command, two bills were in-troduced in both houses. The respective bills in the two houses are identical. The one introduced in the senate by Senator Lewis of Baxter, and the one in the house by Representative Ward of Travis are gen-erally conceded to be the measures of the ad-ministration. The bill introduced in the house provides that participants in prize fighting or any pugilistic encounter shall be deemed guilty of felony and shall be punished by imprisonment of not less than one nor more than two years. It has the emer-gency clause. The second bill, introduced in the senate by Senator Simpson, provides a penalty of not less than five and not more than ten years, and further provides that any one who, in any manuer aids or abets a fight will be considered a participant and subject to the above named punishment. The emergency clause is also in this bill.

These bills were referred to the judiciary committee in either house and they are to take action thereon this afternoon. The believe alternoon appeared before them, howany one who, in any manner aids or abets a Dallas attorneys appeared before them, how-ever, to ask for further time, claiming that they could show that the proposed law was unconstitutional and clashing as well as confiscatory. In compliance with their request, both committees adjourned until mor ing at 9 o'clock, and nothing further was done by either house in the matter. As the matter now stands it is a political

FIGURES ON THE PROBABLE VOTE. are ninety-four members of cuse present and twenty-four rators. In the house it is nec-eary to get ninety-six votes to make the law go into immediate effect and twenty-one votes are necessary in the senate. In the house, at the present writing, there are fifteen out and out men against putting any emergency clause in the bill, while there are four who are doubtful. This puts the twothirds vote out of the question in the house with its present roster. In the senate there against the emergency clause and two doubtful, which places the bill in serious danger there also. If a vote was taken now, with only the present number present, there is little doubt that the emergency clause would be defeated. The administration forces do not propose to come to a vote on the mat-ter, however, until more of their men arrive and their absentees are expected by to-merrow afternoon at the latest. The Dallas people also want a delay to gather additions farces, so everybody is pleased to delay the game at present. Tonight a strong effort is being made to pull the twenty-two populists in the house over to the fight side.

LAREDO, Tex., Oct. 1.—It appears that the Florida Athletic club has doubts of its ability to pull off the great fight in Dallas, and this morning secured by telegraph an option on the amphitheater and arena used for bull fighting in New Laredo, Mex. This would seem to indicate that the fight will be pulled

row between the friends of Governor Culber-son and his personal opponents, of which he has quite a number in the legislature.

off there. The option is for one month, but further particulars could not be obtained. WILL STOP IT IF HE CAN. WASHINGTON, Oct. L.-Secretary Smith was asked today if he would take any steps to prevent the Corbett Fitzsummons fight tak-ing place in Indian territory, and replied that if an attempt was made to have fight take place upon any reservation which was directly under the control of the Interior department, and not set apart as a separate government, he most certainly would prevent He knew of nothing, he said, that would give the department authority to prevent the fight on lands controlled by the five civilized tribes, if the Indians consented. He added that it would call attention to the condition of affairs in Indian territory, and perhaps bring a pressure to bear which will bring about a change in the affairs there. If the Indians of the five civilized tribes, or any nation of them, should call upon the depayt-ment to prevent the fight, saying that the Indians as a nation objected to it, then the department would prevent it. He said that he did not know as there was any disposition to have the fight in the Indian country, but he had seen something to that effect in the

NEW YORK, Oct. L-The Corbett party started for Texas at 10 o'clock this morning. Corbett was accompanied by his manager. William A. Brady, Steve O'Donnell, John Donaldson, Joe Corbett, Jim McVey, Billy Delaney and Jim Daly, Corbett will stop at Washington and Atlanta curoute. He intends to reach San Antonio, Tex., by October 9. It is not because the correct of the corp. It is not known whether Jonn L. Sullivan will act as referee.

WASHINGTON, Oct. 1.—James J. Corbett and party arrived in this city at 3:39 to-day and the champion went at once to National park where he and his brother Joe appeared in a game of ball. Corbett did no take any chances of being hit while at the bat. He injured one of his angers significant in catching a thrown hall. The party left at 10:30 over the Southern railroad for Atlanta, where Corbett appears in a sparring match temorrow night. From there he goes to New Orleans where another sparring ex-hibition will be given Friday night and then hibition will be given Friday night and then on to San Antonio, Tex., to go into training. Corbett said in regard to the calling of the Texas legislature that while he believed the governor meant to do right he was misinformed as to the brutality of prize fighting.

FITZ NOT ON THE DIVIDE. GALVESTON, Tox., Oct. 1.—A special to he News from Corpus Christi rays: The Pitasimmons party are now comfortably domfeiled in their commodicus training quarters on North Beach, and tomorrow the Australian on North Beach, and tomorrow the American will get down to hard training. Firs's training quarters are now located about two miles from the center of the city. Today he ran from his quarters down to the business

portion of Corpus Christi and ran back again. He said he merely did so for a little

exercise, a spurt of four miles being considered as nothing for him.

A telegram was received here today from Cincinnati stating that Corbett and party had made the assertion that Fitzsimmons had offered to divide the purse. Martin Julien de-nounced the assertion in the strongest terms. He says he will give \$1,000 if Corbett or any party would prove that any such proposition was made by Fitzsimmons or any man au-thorized to represent him. He stated fur-MESSAGE OF THE GOVERNOR RECEIVED ther that Fitzsimmons proposed to Corbett that the winner of the fight should take all

LIGHT CARD AT GRAVESEND TRACK Sir Excess Again Upset the Calcula-

tions of the Talent. NEW YORK, Oct. 1.—The card at Grave end today was very light. Four started in the first event, with Salvable an odds-on Intermission jumped to the front and held her advantage to the last quarter, where the favorite passed her, in company with Merry Prince, and won easily by a head. In the second race Galillee was the favorite, and with Sir Walter ran head and head to the last, when Sir Excess came up from behind and won by a head. With Galillee was badly scraped against the rail. Harry Reed was a topheavy favorite for the third race and won as he pleased from Irish Reel, who ran a good race for half a mile. In the fourth race Adelbert was the sirring played second and third. It looked as if a good race would result. The Swain, with only innety-two pounds up, took the lead at once and held it to the end. Rey del Carrers was the favorite in the fifth and won in commanding styll right and won in commanding styll right and won in the eighth in twelve seconds, the quarter in 23% and the half in 48% seconds. Carlb was the favorite in the last race and won it. Results:

Second, Yolley (4 to 1) third. Time: 1:10.

Second race, mile and a furlong: Sir Excess came (5 to 2) won, Sir Walter (8 to 1) second, Galilliee was formed at 2 o'clock and wended its way through the principal streets, which were jamed with thousands of spectators. Hundred or for the courty was concerned, as Judge of fall the special streets, which were jamed with thousands of special st and held her advantage to the last quarter, where the favorite passed her, in com-

ond, Candelabra (2 to 1) third. Times 2:1114.

Fifth race six furlones, Culver handicap: Rey del Carreres (7 to 1) won, Crescendo (8 to 5), second, Brandywine (15 to 1) third. Time: 1:15.

Sixth race, five and a half furlones: Carib (7 to 5) won, Belle Amie (4 to 1) second, King of Bohemia (3 to 1) third. Time: 1:10.

SLIPPED THE LEASH ON HOUNDS. Aberdeen Coursing Meeting Not

Favored with Good Weather.
ABERDEEN, S. D., Oct. 1.—The Abereen Coursing club's meeting began today. Last night the Palace stakes for sixteen greyhounds of all ages filled, and after the draw it was announced that the card would run through twice today. Weather fine and too hot. Hares were plentiful and ran strong. The proceedings dragged dreadfully, there being long and unnecessary delays between courses. In the first round the results were: Pearl, St. Louis, beat Ardgay, Indianapolis; Chartist, Minneapolis, beat Van Troump, Indianapolis, Valkyrie, Indianapolis, beat Major, South Dakota; Van Ollie, Indianapolis, beat Charming May, Fox Lake, Wis.; Longfellow, San Francisco, beat Nancy Cable, Illinois; Caliph, Oakes, N. D., beat Astronomy, Indianapolis; Rayen, Aberdeen, beat Recollection, Aberdeen; Lady Misterton, Oakes, N. D., beat Just Eclipsed, Indianapolis, In the second round Pearl beat Chartist; Valkyrie beat Longfellow; Caliph beat Van Oille; Rayen ran a bye, Lady Misterton being withdrawn, lame.

W. Stephenson, Hinsdale, Ia., is judge and W. Angell, Oakes, N. D., slipper. dreadfully, there being long and unneces-

Yo Tambien Made a Poor Showing. CINCINNATI, Oct. 1.—The attendance was large, weather fine, track fast and good racing at Oakley today. Yo Tamblen made her first appearance since last spring in a purse race. She looks fairly fit, but failed to land inside the money. The Cameo stakes, a handicap for 2-year-olds, was the event of the day. It was won in a drive by W. Wallace's The Winner, well backed at 7 to 1. The stake was worth \$1,540. The meeting closes Saturday next and Latonia opens the following Monday. Results: First race, five furlongs, purse: Anna Lyle (4 to 1) won, Ferryman II (10 to 1) second, Robinson (4 to 1) third. Time: 1:02. Second race, six furlongs, purse: Imp. Star Ruby (2 to 1) won, Handsome (2 to 1) second, Handspun (7 to 5) third. Time: 1:1334. made her first appearance since last spring in a purse race. She looks fairly fit, but

Third race, six and a half furlongs: Squire G (20 to 1) won. Overella (6 to 1) second, Paul Pry (9 to 1) third. Time: 1:21 Fourth race, seven furlongs. Camericket. Paul Pry (9 to 1) third. Time: 1:21.
Fourth race, seven furions, Cameo stakes, handleap for 2-year-olds: The Winner (6 to 1) won, Ben Eder (8 to 5) second, Don Carillo (3 to 1) third. Time: 1:28.
Fifth race, one mile, purse: Grannan (5 to 1) won, Lobengula (even) second, Olive (9 to 2) third. Time: 1:414.
Sixth race, selling, five furiongs: Joe Clark (2 to 1) won, Helen Mar (f to 1) second, Elwyn (12 to 1) third. Time: 1:024.

Attendance Increasing at Sheffield. CHICAGO, Oct. 1.-The third day's meet of the Sheffield track produced some good acing. The attendance was larger than on any previous day. But two of the people's choices went over the plate. Colonel Wightman in the first race was the "good thing," he being backed from 8 to 5 to 5 Killarney ran his pins off in the first part of the race and won well in hand. Summaries:

Summaries:
First race, selling, three-quarters of a mile: Killarney (2½ to 1) won, Colonel Wightman (2 to 5) second, Margareta (6 to 1) third. Time: 1:23.
Second race, selling, five-eighths of a mile: Brametta (8 to 5) won, Sixty (3 to 1) second, Sorena (2½ to 1) third. Time: 1:07½, Third race, selling, deven-sixteenths of a mile: Atilier (7 to 5) won, Estelle (2 to 1) second, Character (36 to 1) third. Time: 1:11½.

Fourth race, selling, three-quarters of a nile: Queen Bess (4 to 5) won, Loudon (7 o D) second, Gunwad (7 to D) third. Time: Fifth race, selling, eleven-sixteenths of a nile: Lawyer (6 to 5) won, Julia (6 to 1) econd, Duillo (8 to 1) third. Time: 1:1514.

Mild Weather Brought the Crowd. TERRE HAUTE, Oct. 1.-Milder weather brought out a larger crowd for the second day of the fall race meeting. Two of the three events were won handily by the favorites, but in the third, the 2:20 trot, Queen Allen, who had been played a big favorite, had to lower her colors to Lady Wilton, who lowered her record two and one-fourth seconds. It came right off the reel for Ahnet to win the 3-year-old trot, Results: Three-year-old trot, purse \$1,000. Abnet won in straight heats. Time: 2:17%, 2:17%, 2:17%, Geddess was second in three heats. Lou Mitchell also started.

2:14 pace, purse \$1,500: Badge won the second, third and fourth heats. Time: 10%, 2:094%, 2:12%, Choral won the first field in 2:094% and was second. Phenol third, Zeiglar, Nellie O, Cuckoo and Be Sure also started. lay of the fall race meeting. Two of the

2:20 class, trot, purse \$1,500; Lady Wilton

won in straight heats. Time: 2:14%, 2:11%, 2:12. Queen Allen second, Anine third Catherine, Silena F. Queen Allah, Gabrielle, Killona and Margaret C also started. Kept the Bookmakers Busy.

DETROIT, Oct. 1.-About 2,000 people at-ended the opening at Highland park today and the seven bookmakers who drew, in had and the seven bookmakers who drew in had all they could do to handle the money. Two favorlies won. Colonel Jack Chim held the starter's flag. The track is one of the prettiest in the country and the Gentlemen's Driving club, composed of Detroit's solid business men, are the financial backers. Frank Stow, the well known turfman, is general manager. Results:

First race, selling, six furiongs: Marble Rock won. Chiquita second, Fakir third.

Time: 1:17. Cime: 1:17.

Second race, four and a half furlongs:
Miss Kitty won, Aurola second, Minnie
Pede third. Time: 0-374.

Third race, selling, one mile: J. W. Carter
won, Metropole second, Tippecanoe third.

Time: 1:444.
Fourth race, selling, five furlongs: Lady bolleful won, Del Coronado second, Atalanta third, Time: 1:644.
Fifth race, selling, unle and seventy yards: Halloween wen, La Flesta second, Tasco third, Time: 1:324. Results at Bay District. SAN FRANCISCO, Oct. L-First race selling, five furlangs; Detective won, Yreka selling, five furlangs: Detective won, Yreka second, Tamalpais third, Time: 1:0112.

Second race, five and a half furlongs, selling: Midio wen, Charlie Boots second, Treachery third, Time: 1:084.

Third race, six and a hulf furlangs, selling: Little Flush, coit, won, Jefferson second, Cleman third, Time: 1:08.

Fourth race, five furlangs, selling: Fanny Louise won, Kathleen second, Arctic third, Time: 1:0142.

Fifth race, one mile, selling: Agitator won, Unite Gles second, Ransom third. Time: 1:0142.

Princeton Eleven in a Bad Way. PRINCETON, N. J., Oct. 1.—The faculty f Princeton passed resolutions today prolithiting any student having conditions in his studies from playing on any athletic team it is found that six of the eleven men new on the foot ball team will be com-

elled to retire from the game until they have made up all delinquent work. Riggs, Sochran, Bannard, Suter, Ayres and Baird vill not be allowed to play, while the ma-ority of the second eleven will be compelled jority of the second eleven will be compelled to withdraw. In the practice today Cochran broke his nose. Armstrong bruised his knee and was carried from the field, and Captain Lea wrenched his knee and is out of the game at least for a week.

Defeats Recoming Monotonous LONDON, Oct. 1.-The St. James Gazette DEFENSE WINS: AN IMPORTANT POINT his afternoon, referring to the defeat of this afternoon, referring to the deteat of the Cambridge-Oxford cricket team by the Philadelphians, remarks: "These defeats of English athletes across the Atlantic are becoming monotonous. If there was one thing we thought we could do it was that we could play cricket. America is taking up that game, although it was never popu-ar there, and even at cricket they have contrived to beat us."

Pensy Wins the First Came, PHILADELPHIA, Oct. L.-The Univer ity of Pennsylvania won its first foot ball

known operas, the attendants, too, being in representative costumes. A tremendous crowd of people thronged the streets to witness the magnificent spectacle. Some idea of the magnitude of the crowds which surged through the down town streets during the day is given by figures made public tonight by the principal street car company of he city. The company reports having col lected in round numbers 225 000 fares. Thousands of people were unable to find modations on the cars and walked to and from their homes. The railroads coming into the city are doing an enormous passenger business.

Nominated on a Silver Platform. SHELBYVILLE, O., Oct. 1 .- The democrats of the Eighteenth congressional district nominated today Edward Lane of Madison to finish the unexpired term of the late Congressman Remann. Resolutions were adopted demanding the free and unlimited coinage of silver and gold at a ratio of 16 to 1, without waiting for the consent or action of any foreign government; endorsing the Wil son tariff bill and congratulating the country on the many evidences of returning pros

Know Why They Refused. Governor Holcomb and other members of the State Board of Medical Examiners have answered to the petition of Philip Leiber, who him a physician's certificate. The examiners walking this district, as they compose a Lancaster county body. They also say that they refused Leiber a certificate for good and suffi

Wants Pay for Broken Bones. George H. Spencer has begun a suit for damages against the Merchants Express company for \$7,000, for injuries received in a collision between one of the company's vans and the street car, of which Spencer was a motorman. The accident occurred on May 6, near the corner of Sixteenth and Buri streets. Spencer had a left arm and hip broken and was otherwise injured.

Oct. 1 .- (Special Tele-WASHINGTON. gram.)-Nicholas H. Dorsey was today commissioned postmaster at Brandon, Neb., and John Briscoe at Petter, S. D.

TELEGRAPHIC BRIEFS.

The Edward McGee college for girls at Woodville, Miss., burned Tuesday night. Ira P. Rankin, a pioneer millionaire o California, died Tuesday at San Francisco. The Eucharistic society of the Catholic hurch convenes at Washington Wednesday The condition of Senator Mahone Tuesday light was such as to give his physicians no ope of recovery. The grand jury at Brooklyn declined to

ndlet Charles W. Henry on the charge of murdering his father. Prof. E. Whitney Blake, lately professor physics at Brown university, died Tuesday t New Haven, Conn.

The condition of Harry Wright, the veteran ball manager, remains serious, though he has rallied somewhat. Rev. W. G. Capps of Mt. Vernon, Ky., has

been sentenced to two years in the peniten-tlary for the shooting of his wife. Louis E Eissel, a parachute jumper, was illed at Lima, O., Taesday, For reason the parachute falled to extend. A movement is on foot to revive the Committee of Seventy, which took such a prominent part in the elections in New York

last fall. Albert Wade, assistant cashier of the First National bank at Mount Vernon, Mont., has lisappeared. His accounts show a shortage of \$30,000.

Mr. Benedict's yacht, with Mr. Cleveland aboard, arrived at New London, Conn., Tues-day. It remained only a few hours and started eastward. It is announced that Chicago parties are ollecting arms and ammunition for the Cu-

bans and that already a considerable amount has been pledged. Mrs. Clara E. Buckalew and her niece, Miss Griggs of Monmouth Junction, N. J., were killed by the cars Tuesday, while attempting to cross the track.

Rev. Anthony Kozlowski, the deposed Polish priest of Chicago, threatens to bring suit against Archbishop Feehan for \$100,000 on ac-

count of his deposition. On application of the First National bank of Manning, Is., the Produce and Cold Stor-age exchange of Chicago has been placed in the hands of a receiver.,

The suit brought by the Whiteman Barnes Manufacturing company against the Crane & Steele Manufacturing company of Chi-cago, has been dismissed. The iron miners at Ironwood, Mich., have

been granted an increase in wages. Many mines in that section which have been idle for some time have resumed work. The proposition of the Syracuse, N. Y. Post for a reunion of the survivors of th first national republican convention has met

J. Vinton, a cattleman of Ukiah, Cal., was shot and killed by John Littlefield as the result of an old feud. Littlefield was sub-sequenty lynched by a party of cowboys. In the preliminary run of the new American liner St. Paul a speed of twenty-one knots was attained. Considering the fact the machinery was all new the results are consid-

ered remarkable. Captain Evans of the cruiser New York has arrived in Washington. He will command the cruiser Indiana when that vessel goes into commission. Captain Schley will succeed to the command of the New York.

Peter Crawford, a young man who was formerly a mail carrier in New York, has been asleep continuously now for eight months and all efforts to rouse him have proven futile. His condition was caused by t fall from a mail wagon.

At Lexington, Ky., 1.958 women registered to vote at the school election. Of this number 1.048 were colored. The white women did not begin registering until it was seen how generally the colored women were avail-ing themselves of the privilege.

The police of Chicago have been asked to look for John D. McIntyre, who came to that place as a delegate from Pennsylvania recent Irish convention. He to the recent Irish convention. He had several hundred dollars with him, and as he

JUROR CAUSED A SENSATION

THE OMAHA DAILY BEE: WEDNESDAY, OCTOBER 2, 1895.

Alleged Threats, Had Been Made in Case the Jury Failed to Convict.

4 112

Roll Call Book at the Medical College Admitted in Evidence-Testing the Accuracy of Pawnbroker Oppenheim's Memory.

SAN FRANCISCO, Oct. 1 .- After gatherng up a few ragged ends of testimony left over from last week the defense in the came of the season today from Swartmore over from last week the defense in the selection of an assistant to the general state of the season today from Swartmore over from last week the defense in the selection of an assistant to the general state over from last week the defense in the selection of an assistant to the general state over from last week the defense in the selection of an assistant to the general state over from last week the defense in the selection of an assistant to the general state over from last week the defense in the selection of an assistant to the general state over from last week the defense in the selection of an assistant to the general state over from last week the defense in the selection of an assistant to the general state over from last week the defense in the selection of an assistant to the general state over from last week the defense in the selection of an assistant to the general state over from last week the defense in the selection of an assistant to the general state over from last week the defense in the selection of an assistant to the general state over from last week the defense in the selection of an assistant to the general state over from last week the defense in the selection of an assistant to the general state over from last week the defense in the selection of an assistant to the general state over from last week the defense in the selection of an assistant to the general state over from last week the defense in the selection of an assistant to the general state over from last week the defense in the selection of an assistant to the general state over from last week the defense in the selection of an assistant to the selection of an assis Durrant case this morning began the building of an alibi for the young medical student from April 4 to 12 inclusive. The purpose of the alibi is to impeach the testimony of Pawnbroker Oppenheim and W. J. Phillips, but fust what we will do with Mr. Curtis or who testified that on April 12 Durrant tried and the property of the purpose of the alibi is to impeach the testimony of the purpose of the alibi is to impeach the testimony of the purpose of the pu Large Crowd Attends the Festivities in Kansas City.

KANSAS CITY, Oct. 1.—A grand flower parades, the first ever witnessed in the southwest, occurred here this afternoon as the initiative of the festivities attending to April 4 and 5, a struggle was precipitated to present the initiative of the festivities attending to April 4 and 5, a struggle was precipitated to present the initiative of the festivities attending to April 4 and 5, a struggle was precipitated to present the initiative of the festivities attending to April 4 and 5, a struggle was precipitated to present the initiative of the festivities attending to April 4 and 5, a struggle was precipitated to precipitated to present the initiative of the festivities attending to application of the present to present the pre spent in joilification and the event promises cloper college. The argument ended in a to his duties as general manager, given to be the finest that ever took place in this victory for the defense so far as the ques-

o the juror, "we will hang you."
The court said the offense bordered strongly
on a crime and cited McCoy to appear in

court at noon on October 3 and show cause why he should not be punished for contempt.
R. W. Maitland, the electrician who testified last week with regard to the construction of the sun burners in Emanuel church, was the first witness called. The testimony was of the same nature as that given last week and was intended to show the liability of the escape of gas under certain conditions.

TESTING THE PAWNBROKER'S MEMORY The assault on Pawnbroker Oppenheim's testimony then began. The defense called to the stand four witnesses, by whom it was pro-posed to test the accuracy of the pawn-broker's memory. Marvin Curtis, William Catheart, P. J. Neumann and Leonard Ev-erett, members of the National Guard and ignal corps, to which Durrant belonged, testified that they had taken various articles o jewelry to Oppenheim's store and attempted to pawn them. They described the manner in which they were dressed at the time. The descriptions in many instances did not cor-respond with the descriptions given by Op-penhelm when he was asked to tell how the men who tried to pawn the articles were dressed. Each of the four witnesses said he had subscribed money to assist in the de-

ense of Durrant.

The next step was to impeach the testi-nony of David Clark, the witness who asswered to the petition of Philip Leiber, who sisted Attorney Quinlan to fix the date upon brought suit against the board for refusing which he saw Durrant and Blanche Lamont walking toward | Emanuel church. Patten, Patrick Mulvaney and M. L. Mur-phy said that Clark's reputation for truth and integrity was Bad. On cross-examination Mulvaney and Murphy said they were preju-diced against Clark from the fact that they had had business difficulties with his father. The district attorney asked that the testi-mony be stricken out, but the motion was denied by the court

The building of Durrant's alibi in contradiction of the charge made by Pawnbroker Oppenheim 1 to begun with the testimony of Dr. A. alibi a lecturer at Cooper Asked if Durrant was presgiven on the morning of r referred to the roll call had no personal knowldefense tried to offset this by asking if he could give the name of any one of the fiftycome give the name of any one of the fifty-one students in the class who attended the lecture on the morning in question. The doc-tor recalled the names of a dozen students and said he believed he could remember more if he were given time to think the matter

RULED OUT HIS OWN QUESTION. The prosecution next attacked the re-inhility of the roll call. Before the district tiorney had hardly reached the point of he subject, however, Judge Murphy took hand in the examination. He asked the witness whether in his experience as an in-structor at the college he had known of instances where students had answered at roll call for other students who were not present. The defense at once interposed an objection, and the court was placed in the predicament of having to rule on its own question. The judge said that while he might permit the question to be answered if it should come from a proper source, be would ustain the objection for the present. Then District Attorney Barnes asked the same question and the defense interposed another objection. Attorney Dickinson argued that while it was possible to call into court every student who attended the lecture and ask each one if he answered at roll call for Dur-rant, it would be unfair to east suspicion upon the particular roll call in question by any practice or custom that might have obtained at another time. The court said that it believed the question proper and th evidence sought competent, but for the sake of safety sustained the objection.

With Durrant's whereabouts on the morning of April 4 accounted for, the defense attempted to show where the defendant was the next day. George A. Merrill, an instruc-tor at the Lick School of Mechanical Arts. said that Durrant called upon him at 1 o'clock on the forenoon of April 5. Asked i Durrant made known the object of his call the witness replied in the affirmative, but he was not permitted to tell what Durrant said. Before court adjourned Attorney Dickin-son called the attention of the court to the large number of threatening letters that were being received by himself and Attorney Deuprey, and asked that the jurers be in-structed to turn such letters over to the court, should they receive any. The judge said he received a great many letters of the

same kind. GIBSON IS SARCASTIC. Rev. John George Gibson, paster of Emanuel Baptist church, was seen today. He was very ascenatic and answered all ques-tions with irobical frankness.

"Were you surprised at his charge against Not at all. His accusation is in harmony with all the actions of the defense from the beginning. You surely think I am very beginning. You surely think I am very simple if you gop cose I have been in ignorance of the work going on in the underground rail-

"To you think the defense will spring some surprises?" at his a greed question, but I don't care to answer if in public. I think I can smell a rat as well acany other person. I hope the rat, for his own sake, will choose the right momas become out of the hole. When he appears the cat will not have a bell on its neck.

"Your handwarding is soing to fence in this

"Yes: Mr. Desprey says so. He knows what he is talking about. He is just as sure of my tandwriting as he was of Dr. What is your opinion about the handling

of the case? "In thete days when analogy does duty for logic it is positively refreshing to know of at least two lawyers who are intelligent enough to think the people do not see any difference between a bluff and a fact." 'Don't you think they are working faith-Yes; they are piling up exceptions that

are crushing the rightcomness out of their case. Every technicality is a curse thrown into the face of the friend they profess to defend. No witness has done so much against W. H. T. Durrant as the actions of his attorneys. I would rather be hanged than saved by such means as Mr. Desprey and Mr. Dickinson are employing." rying of eggs. "What do you think of W. H. T. Dur rant?"

Whatever people's opinions are, there are has completely disappeared foul play is sus-pected. few but think that he deserves a wealth of them, being advised to return to work, said: "Not much! I'll get married first."

wisdom."

CHANGES ON SOUTHERN PACIFIC. New General Manager Surrounding Himself with His Own Friends. SAN FRANCISCO, Oct. 1 .- W. C. Curtis,

He is our statistician. His future occupa-tion will be left to Mr. Kruitschnitt. The selection of an assistant to the general mana-

necessary to establish a maintenance of department. Up to the present time Gen-eral Manager Kruttschnitt has, in addition system, which on the Pacific system is looked after by the maintenance of way department. Mr. Kruttschnitt's new duties as general manager of both systems make it that some of his present duties be handed over to others, so a maintenance of way detion which was quite as unexpected to the prosecution as to the defense. Juror I. J. Truman informed the court that last Thursday during the moon recess of the court he was approached by H. J. McCoy, general was approached by H. J. McCoy, general system. Mr. Mahl is a son of William Mahl, second assistant to the restablished on the Atlantic system. Mr. Huntington says that J. H. Mahl has been appointed engineer in charge, a position corresponding to that held by W. C. Curtis on the Southern Pacific system. Mr. Mahl is a son of William Mahl, second assistant to the restablished on the Atlantic system. Mr. Mahl is a son of William Mahl, second assistant to the restablished on the Atlantic system. Mr. Huntington says that J. H. Mahl has been appointed engineer in the Atlantic system. Mr. Huntington says that J. H. Mahl has been appointed engineer in the Atlantic system. Mr. Huntington says that J. H. Mahl has been appointed engineer in the Atlantic system. Mr. Huntington says that J. H. Mahl has been appointed engineer in the Atlantic system. Mr. Huntington says that J. H. Mahl has been appointed engineer in the Atlantic system. Mr. Huntington says that J. H. Mahl has been appointed engineer in the Atlantic system. Mr. Huntington says that J. H. Mahl has been appointed engineer in the Atlantic system. Mr. Huntington says that J. H. Mahl has been appointed engineer in the Atlantic system. Mr. Huntington says that J. H. Mahl has been appointed engineer in the Atlantic system. Mr. Mahl has been appointed engineer in the Atlantic system. Mr. Mahl has been appointed engineer in the Atlantic system. Mr. Mahl has been appointed engineer in the Atlantic system. Mr. Mahl has been appointed engineer in the Atlantic system. Mr. Mahl has been appointed engineer in the Atlantic system. Mr. Mahl has been appointed engineer in the Atlantic system. Mr. Mahl has been appointed engineer in the Atlantic system. Mr. Mahl has been appointed engineer in the Atlantic system. Mr. Mahl has been appointed engineer in the Atlantic system. M second assistant to the president in New

J. J. Ryan, who is at present filling the of master mechanic of the Atlantic system, has been made superintendent of motive power and machinery.

Thornwell Fay has been appointed assist-

ant general superintendent Mr. Huntington said that General Passenger Agent S. F. B. Morse of the Atlantic system would remain in New York for the

Condition of the Oregon Company NEW YORK, Oct. 1 .- President Smith of the Oregon Improvement, company has issued a circular to the stockholders defining the financial position of the company, with reference to the default in interest today for the half year on the second consolidated 5 per cent bonds. The total assets when the present management assumed control amounted to \$580,630, of which sum \$22,669 was in cash. Since July 1 there has been received \$58,000 from San Francisco. The only debt now owed in New York is the \$107,310, due the sinking fund. There will be due on December 1, next, \$437,610, against which there is now in hand \$58,000. Mr. Smith states that the net carnings in the nterval will merely pay the first mortgage and the sinking fund requirements. From \$287,500 to \$352,500 will be needed for repairs to steamships and coal mines. It is not believed that in the fiscal year ending November 30 that the fixed charges wil have been earned. These amount to \$660,

Refused to Better the Rate. CHICAGO, Oct. 1 .- For the third time in the last three months the western roads refused today to make any further reductions in rates for the Atlanta exposition than 75 per cent of double locals. The only road that voted in favor of a further reduction was the Illinois Central. All the other roads declared that they were not selling any tickets to the exposition and to make rates for it was but affording an opportunity to demoralize their general business without pur-pose. The action of today's meeting may

600 in outstanding bonds.

be taken as final in the matter.

General freight agents of the western roads held a meeting today and appointed a committee to prepare and submit a plan port to another meeting to be held temor

Judge Hanford Maintains His Position TACOMA, Wash., Oct. 1.-Judge Hanford late this afternoon appointed G. W. Dickleson, assistant general superintendent of the Northern Pacific railroad, general officer of the road for Washington, with instructions to report directly to the court. An order has on issued by Division Superintendent Mc directing that all employes obly the rders of General Officer Dickinson and al oney be turned over to him. Judge Han-ord's action is a result of the resignation the receivers, filed with him yesterday, and today's appointments is supposed to b pending the appointment of re coivers for this circuit tomorrow or soon. The appointment was made after a heavy day's court business. Judge Hanford left this evening for Seattle.

Incorporated a Railroad Company. SALT LAKE, Oct. 1 .- A special to the Pribune from Cheyenne says articles of incorporation were filed there today for the California, Idaho & Montana road, which proposes to construct a road from Butte, Mont., to San Francisco. The capital stock is \$30,000,000. The incorporators are Moritz Lipman, New York; Theodore Voorhees, Phil-adelphia; H. M. Dickey, Chicago, and Denver and Butte parties.

TRIED IT ON.

The Experiment More Successfu Than Expected. A man once read a Sunday paper and in i

he found a list of "Things Worth Knowing." "I will save that," he said, and he cut i out and stuck it in his hat. "I may not be able to remember all these

things," he said, "but I will have them on my head, If not in it."

That afternoon a friend came with a high terping horse and an exalted cart and took im to drive, relates the Chicago Tribune When they had gone a long way from hom-the horse balked. The friend got out of the cart and patted the horse's nose, and rubbed his legs, and talked to him in a low, confidential tone; but the horse smiled wickedly and refused to move. Then the friend used the whip flercely upon the obstinate animal, but the horse whisked his tail and would not start. So the friend became very angry and talked to the horse as a stepfather to his child, and he borrowed a board from a neigh-

boring fence and used it as a crowbar and then as a goad, but without result. "We might start him with gunpowder," said the friend, and he went to a farmer's house to borrow guapowder. The farmer borrow guapowder. had none. The man took off his hat to mor his fevered brow and found the list of things

worth knowing. "I have it," he cried, as he read from the 'To start a balky horse drop a pebble in his car."

So he found a nice, irregular pebble and dropped it into the borse's ear. Then he tepped back to watch the result. The horse started. He took with him a pars of the harness, but he left the cart behind, and though it is perfectly correct for the cart to be behind the horse, two miles behind him far too much. As the man watched the horse rushing wildly down the road, shaking his head and waving his tail, he admitted this. Then he looked at his friend, and from him to the cart. Lastly he tried to tear the paper out of his hat and throw it away, but the paper stuck fast. So he brew away the hat and went home without

"For," he said, "I am afraid it will tell me some way to get home without walk-

Will Do an Egg Business. The Ferguson company has filed articles of incorporation with the county clerk, the ncorporators being T. S. Ferguson, S. H. Walker, Mor-is Palmer, E. L. Lomax and Herman Schaeffer. The company starts out with a capital steck of \$1,000,000, and will engage in the manufacture and sale of the Ferguson appliances for the candling and car-

Girl employes at the Helena cracker factory are on a strike and their desperation may be inferred from their conversation. One of

the hour of trouble to have as his best RECOMMENDED SOME CHANGES, Annual Report of the Superintendent

of the Naval Academy.

WASHINGTON, Oct. 1.-The annual report of Captain P. H. Cooper, superintendent of the Naval academy, shows that during the year past twenty-six cadets failed to pass engineer of the maintenance of way depart- the examinations and were permitted to rement of the Southern Pacific company and sign, no vacancies being caused by death or assistant to the general manager, may drop dismissal. The superintendent urges that the one of his titles when Julius Kruttschnitt limit of age permitted by law for the enleaves Houston, Tex., and comes to San trance of cadets is too great, and it should Francisco. At least that is what Collis P. be established between 15 and 17 years. In Unless Checked. Huntington says, and Mr. Huntington is in a position to be well informed.

"Mr. Curtis is an excellent employe," said President Huntington. "Mr. Curtis, I might say, is a very aluable man to the company. by which the consent of the academic board is necessary for re-examination. He recom-mends also that the selections for the various corps in the navy be made at the conclusion of the four years' course at the academy, and that the surplus graduates may then be dis-charged, doing away with the additional course of two years affoat. Appointments should be made one year in advance of ad-mission in order to afford proper opportunity for preparation of the candidate. The super-intendent says that the appliances for the practical training of cadets are insufficient, and as seamanship cannot be taught alone by precept he asks for two new practice

> Postoffices Raised in Rank. WASHINGTON, Oct. 1.- The following fourth-class postoffices became presidential today and the postmasters in each case, extoday and the postmasters in each case, except one, were appointed. The exception is Daniel Maddan, vice M. J. McNamara, Cudahy, Wis. The others are: Arkansas, Mammouth Hot Springs; Colorado, Victor; Idaho, Wardner; Illinois, Mount Olive, Rosswille; Indian Territory, Claremore, South McAlester; Iowa, Lisbon; Kansas, Cherokee, Oskaloosa; Mississippi, Pass Christian; Missouri, Platte Civ; Ohio, Oak Harbor; Texas, Als Platte City; Ohio, Oak Harbor; Texas, Al-bany, Baird, Bellville, Forney, Gidding, Meri-dian; West Virginia, Montgomery.

Ex-Senator Mahone Better. WASHINGTON, Oct. 1.—Ex-Senator Manorning and his condition is encouraging as mpared with his extremely critical state last night. The area of the paralysis has not extended and to some slight extent has abated. The general has recovered power over the muscles of his tongue, but is not yet able to speak. He remains conscious, and this morning when his son, William Mahon, jr., arrived, his father recognized him and extended his right hand. The left side and limbs continue completely paralyzed.

News for the Army. WASHINGTON, Oct. 1 .- (Special Tele gram.)-Captain Carroll H. Potter, Eighteenth infantry, is relieved as member of the board of survey, appointed March 13, 1895, and Captain Alfred C. Markley, Twenty-fourth infantry, is detailed as member of said board. Major Joseph P. Sanger, inspector general, is Joseph P. Sanger, inspector general, ordered for duty with inspector general. Captain Phillip Reade, Third infantry, granted leave one month; Captain Douglas M. Scott, commissary of subsistence, one month extended; First Lieutenant Augustus C. Macomb. Fifth cavalry, ten days extended. Coming to Inspect River Work.

WASHINGTON, Oct. 1 .- General Craighill, chief of engineers, has gone on a tour of inspection of the government works on the upper Mississippi and Missouri, leaving Colonel McKenzle in charge of his office. Iowa Bank Can Do Business.

WASHINGTON, Oct. 1 .- The comptroller of the currency has authorized the First National bank of Britt, Ia., to begin business with a capital of \$50,000.

ASKING FOR A CONTINUANCE.

Attorneys for Ish Are Anxious to Have the Case Go Over. Another motion has been filed in the district court by the attorneys of Ish, asking for a continuance of their client's case, principally on the grounds that one of the important witnesses for the defense is ill and will not be able to attend the trial within two weeks. This witness is Ish's mother, who, it is alleged, is at present confined to her bed. In support of the motion is attached an referred to the roll call of equalizing lumber rates from Chicago and the Mississippi river to Missouri river points on cross-examination the and points beyond. The committee will redefendant's attorneys must attend a murder trial in Dixon county, which has been con-tinued once, and for which another continu-ance cannot be obtained. The hearing was continued until October 14.

Says French Did Not Act Fair. In Judge Blair's court a jury was listenin resterday to arguments in a suit brought by M. Atkinson against Egbert E French for the recovery of the value of a stock of goods. The plaintiff claims that prior to June 29, 1887, she was the owner of a stock of millinery goods valued at \$11.604, against which there was a debt of \$4,000. On the date mentioned she entered nto a bargain with French for the transfe of the goods, French promising to give her in return property in Central park, aggregat-ing in value the difference between the value f the goods and the outstanding debts. The daintiff alleges that she kept her part of the bargain, but that French did not kee

Bank Workers Defeated in Court. County Judge Baxter Monday refused t grant a writ of habeas corpus in the cases o Harvey L. Barnes and Frank Foster, the two bank swindlers who are now being held in this city for the authorities of Kansas City, where the prisoners are wanted for beating the Union National bank out of \$700. A writ was to have been asked for again yesterday on other grounds, but the attorneys of the prisoners dropped the case.

Now He Wants His Pay. Harvey Landface is trying to obtain a judgment of \$1,750 against the American Fire Insurance company in Judge Hopewell's Several years ago Landface owned a factory building in Albright which he in-sured with the defendant company. The SUTTON building burned down and the company refused to pay the insurance. Minor Matters in Court.

H. B. Claffin & Co. of New York have be-gun suit against Singer Bros. of the bankrupt New York store for \$5,363 for debts incurred Darius Wood and others have filed an apolication for a receiver for the property owned by the American Bank and Building associaon at Fifteenth and Farnam streets. The criminal section of the district couwas not in session yesterday, Judge Scot

having gone to Malvern, Ia., to attend the funeral of his mother-in-law, who died or last Sunday.

Clara E. Corliss has filed a petition of d vorce from her husband, Frank, on the grounds of cruelty and desertion. The couple were married in December, 1872, and have a

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