INTERSTATE ACT IN DANGER

Adverse Supreme Court Ruling in the Brown Case Will Nullify It.

SUCCINCT REVIEW OF THE SITUATION

War on the Joint Traffic Association Discloses the Fact that the Railroads Are Strongly Intrenched in Law.

WASHINGTON, Dec. 28.-Special to the Chicago Times-Herald: The interstate commorce law is approaching a crisis. The case to be filed in New York next week against the Joint Traffic association will make it or break it. The government will do its utmost to sustain the law. Thirty railway com-the senate everything he powersed about panies, owning and operating nearly 31,000 the traffic combination excepting his own miles of road and capitalized at \$1,000,000,000. are combined against it. The government is by no means certain of success. Much depends upon a decision in what is called the senate had "directed" the commission's agent. The grounds upon which these applications were made, and the commission's immediate investigation and prompt accomment; what companies had joined such the receipts and expenditures of the state Brown case, to be made early in January in the United States supreme court. This decision will determine for good the right of the commission to compel rallway men and shippers to testify. If the Brown case is lost the interstate commerce act is lost, and the commission is lost with it.

The absence of the attorney general from Washington today has prevented further action against the Joint Traffic association. The course the government will pursue was made known, however, to the Interstate Comommission before Mr. Harmon left. The letter sent yesterday to the general by Chairman Morrison, a copy of which was telegraphed to the Times-Herald last night, will be forwarded by Mr. Harmon to the United States attorney in New York. A copy of the joint traffic agreement, which was published in the Times-Herald this morning, will be sent also. In addition, the commission will supply the evidence it has gathered through the medius of a special agent, otherwise a detective, who was assigned some weeks ago to watch the movements of the railway presidents.

s this, Attorney General Harmon the district attorney the benefit of his views on the subject, and will instruct him to prepare a petition for an injunction. The traffic agreement which violates the law becomes effective New Year's day. It may not be possible to draw up the petition be-fere that time, but the agreement will not be in effect many days before the application is filed. The government expects to get a temporary injunction and to have the case set for argument thirty days shead, or at a date agreeable to both and to the court. Then the long fight will begin.

On account of the magnitude of the case and because some of the greatest corpora-tion lawyers in the world will be arrayed on the other side, it may be that the district attorney will not care to go into such a fight single-handed. In this case the attorney general or the commission may employ spe-cial counsel, just as the commission has done before when it felt that vital interests were involved. If special counsel are employed Judge Edmunds would probably be asked to assist in prosecuting the case. He has been employed before by the commission in cases of even less importance. The commission is short of money. It is not in a position to hire high-priced lawyers. But if the lawyers must be had to enforce the law, their fees will be found.

SENATOR CHANDLER'S VIEWS. Senator Chandler said to the Times-Herald correspondent today that he was very glad the Interstate Commerce commission had decided to take action against the trust, but, like Chairman Morrison, he was not hopeful ess in the contest against the roads.

He said: Every railway president who has affixed

He said:

Every railway president who has affixed his name to that agreement should be indicted, but I fear name of them will be indicted. The trouble is the courts have ruled that men cannot be compelled to testify where they are liable to be incriminated. I have no doubt that the supreme court of the United States will declare this agreement a violation of the interstale commerce law. The court cannot decide any other way, in my opinion.

I know the roads have redrawn their agreement several times. They have had the best legal talent in America. The railroads are able to hire the smartest lawyers in the country, and some of them they keep in congress. These shrewd lawyers have twisted this thing in and out, until they believe they have guarded every possible line of attack from the government. They believe their position is impregnable. But I say boldly that if the government's suit is pressed with vigor and sincerity it can be won in the court of last resort. When it is won, some way must be found to break up this gigantic trust, the greatest combination of capital the world has ever seen.

The traffic agreement breaks the interstate commerce law in that it violates section 5 of that act, which is as follows:

"It shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement or combination with any other common earrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof, and in case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offerse."

Now, let us look at the facts and see if the trust combination has not violated the foregoing section of the statute. If all these roads make an agreement that every one of the roads must make such rates as the board of managers recomments to them and then agree to maintain those rates and agree to of change them; if

one of the roads must make such rates as the board of managers recommends to them and then agree to maintain these rates and agree not to change them; if they agree also that in case of violation of the rates they will pay a penalty of \$5,000 for each offense, and in cases where the offensive act results in gross receipts exceeding \$5,000 to the offending company, the managers shall have power to compile a forfeiture of all such receipts, what is this but a pooling arrangement, pure and simple?

It should not be founded to the United States supreme court, and has been advanced and set down for hearing on January 5, next.

It will thus appear that for more than five years it has been impracticable to obtain evidence of the penal provisions of the act, the statute having provisions of the act, the statute having few convictions of no great importance have been secured upon testimony casual and accidental.

In the following paragraph Mr. Moreley, the contraction of the penal of the contraction of the penal of the contraction o

but a pooling arrangement, pure and simple?

It should not be forgotten that only the board of managers has the power to fix rates. Every company must maintain these rates "without deviation." If it wishes to out rates for the benefit of the public or any other particular class of shipments—if, in other words, the public is to be given some of the benefits of competition—then the offensive company shall forf-it at least \$5,000 and may forfeit the gross receipts from the articles of agreement. If \$5,000 or \$10,000 be taken from the earnings of one company it goes to the other companies, as we see by the articles of agreement, for in this unlawful contract it is stimulated that "such forfeitures shall be applied to payment of the expenses of the association, except that the offending company shall not participate in such application of its own forfeiture." Mark well this closing phrase. There is the milk in the occanut. "Shall not participate," indeed, Participate in what? In the expenses? Notor they are aircady retuiled to do that. But in the division of the forfeited moneys, which it is expected will be made between the other roads.

If this is not an agreement to do exactly

which it is expected will be made between the other roads.

If this is not an agreement to do exactly that which the interstate commerce act save shall not be done, to-wit: to "divide not proceeds or any part thereof," I do not know what it is. In other words, the purport of the law is to secure competition between common carriers. Along comes the agreement which save there shall be no competition, and which places promium upon crime by saving that these who respect the law shall be compelled to pay a part of their carnings to the pool, while these who violate the law are to "participate" in the proceeds. This is the most monstrous proposition I have ever heard of COMMERCE COMMISSION'S DUTIES.

COMMERCE COMMISSION'S DUTIES. Chairman Morrison today declined to point out the section of the agreement which is said to violat, the law. He likewise refused to name the section of the interstate commerce act which is infringed. The attorne and the district atterney in New York will have to discover these points for themselves. It is generally conceded that the fifth section of the act is the one on which the fight will be based.

the fight will be based.

Chairman Morrison declin d even to diacuss the case which he has asked the attorney general to begin. He said:

Gur duty is technically performed when we notify the law officers of the government that there is a violation of the law. We are not required to prosecute the case. It is true that we have, in several instances, where we considered vital interests involved, employed lawyers out of our own administration fund to assist the government counset. This has been done because the district atterneys are generally burthed.

administration fund to assist the coverament counset. This has been dene because
the district attorneys are generally burdened with other work and are much be to
take up a big fight against corporations
without assistance.

It must be borne in mind that the men
who drew up the agreement now in question
are among the greatest lawvers in this
country. It is a great undertaking to begin a fight against them. I do not care to
say what we intend to do about employing
extra counsel in this case. Then h, as I
said, the commission's duty is technically
ended when it notifies the law officers of

violation, additional assistance is often a violation, additional assistance is often given. The commission has, perhaps, by reason of its relations with railroads, better facilities for gathering evidence than the law officers have. For this reason it is often possible for the commission to follow up a case and from time to time give the law officers valuable evidence. This is always done. The commission avails itself of every opportunity to assist the law officers in prosecuting cases, but it must be remembered that the commission itself does not onduct prosecutions. It does not passupon the legal question it does not specify how and where the laws are violated. It opinion, the laws are violated, and there its duties are ended.

You must excuse me from going into a

Von must excuse me from going into a discussion of the legal aspects of the case. I refused to discuss them with the United States sonate, and, while I would like to oblige the Times-Heraid, which has shown great enterprise in dealing with this important matter, I must respectfully decline to do it. My letters to the senate, all our correspondence with the railway presidents and a copy of the agreement itself, have been me public property, and every man has an opportunity to find the legal aspect for himself.

The truth is that Chairman Morrison gave opinion of its legal aspect and the evidence gathered by the commission's agent. agreement; who had signed the agreement; what is the mileage and capitalization of the companies involved; whether the agreement attempted to fix rates; whether it pro-vided a money penalty; whether it violated law; whether the Interstate Commerce commission has power to investigate the agree-ment; how the signers might be proceeded agains; what action the commission had taken; and, as a last direction, the commission was ordered to send all the papers in the case to the sinate

ANSWER TO THE SENATE. All of these directions were complied with but one. That one appeared in these words: That the Interstate Commerce commission directed to inform the senate whether said

In answer to this direction Chairman Morrithe attorney general, which amounts to an affirmative answer. This letter was written under the twelfth section of the interstate ommerce act, which in part follows:

commerce act, which in part follows:

And the commission is hereby authorized and required to execute and enforce the provisions of this act; and, upon the request of the commission, it shall be the duty of any district attorney of the United States to whom the commission may apply to institute in the proper court and to prosecute under the direction of the attorney general of the United States all necessary proceedings for the enforcement of the provisions of this act, and for the punishment of all violations thereof.

Mr. Morrison, in his letter of December 24

Mr. Morrison, in his letter of December 24 to the senate, which attracted no attention until yesterday, when he decided the traffic agreement unlawful, said:

In the summer just past it came to the knowledge of the commission that the principal railroad companies, common carriers between the western states and the Atlantic scaboard, were considering an agreement to form a joint traffic association. The

penalties are to be applied also appears in said paper.

In accordance with the recent decisions of courts any obstruction to the passage of interstate commerce or any combination, contract or agreement causing such obstruction, might be arrested by temporary injunction. By the terms of the tenth section of the act, the directors, officers, agents, receivers, trustees and lessees or persons acting for corporations which are common carriers, who willfully cause or permit to be made such a contract, agreement or combination, shall be indictable for misdemeapor and subject to fine, though the corporations themselves are not under the rulings of the courts, so indictable.

INTERSTATE LAW'S OBSTACLES.

INTERSTATE LAW'S OBSTACLES. Mr. Morrison then goes into a long description of the obstacles in the way of the enforcement of the interstate commerce act, calling attention to the Counselman case, tried in Chicago in November, 1890. Charles Counselman, an extensive grain shipper, was subpoensed to testify and refused to do so, on the ground that such testimony would in-criminate him. Chairman Morrison's most pertinent reference to the legal obstacles was

In the western district of Peansylvania Theodore F. Brown was subposensed to tes-In the western district of Pennsylvania Theodore F. Brown was subpoensed to testify before the United States grand jury in relation to the alleged giving of rebates by E. P. Bates and Thomas R. Robinson, officers of the Allegheny Valley Rallway company. Brown, having refused to answer questions lest he should criminate himself, though required to answer by the court, was held for contempt by the United States district. Brown then petitioned the circuit court of said western district of Pennsylvania for a writ of habeas corpus, and on the hearing by said circuit court the ruling of the district court was sustained, and the act of February II, 1883, was held to be constitutional. The case was appealed to the United States supreme court, and has been advanced and set down for hearing on Interest it seems.

the case against the eastern railways, and Bulk's

This compact is the greatest railway traf fie agreement ever made. It involves systems proper—the Baltimore & Ohio, Chesaprake & Ohio, Erie, Grand Trunk, Lackawanna, Lehigh Valley, Pennsylvania, Vanderbilt and Wabish. It covers the territory from New York to Toronto, Chicago Louis, Louisville, Cincinnati and Wash ington and embraces practically every rail within a line drawn through those a. Within these systems are twenty one other railways whose presidents signed

The total mileage owned by the thirty lines is 16.333, but they operate by lease of other arrangement additional lines, which so far as the public is concerned, makes the total mileage controlled by this agreement 30,774. The capital stock of the thirty companies is \$948,651.010. The funded debt of these thirty lines amounts to \$1,155.013, 275, and their current liabilities to \$127, 525,677. This brings the total sum which the railways are supposed to be worth and are responsible for to \$2,212,189,962.

The integer of the railways in the arrangement of the railways in the arrangement.

ent is divided as follows:	ae a	gree-
Ov	Dod:	Oper-
altimore & Southwestern	817 817	29 (57.9)
Jersey Jesspoule & Ohio Jesspoule & Ohio Jesspoule & Frie Jesspoule & Grand Trunk Jerselmal, Chicago & St.	1.045 243 243	2.5
Louis claware, Luckawanna & Western office Grand Haven & Milwaukee, rise Hallway count Inputs & Indiana unit Truth Hallway Company of	1,686 194 189 543 436	1.50 70 180 1.763 1.763
Canada ato Shore & Michigan Southern chigh Valley schign Ceneral we York Control & Hutson River. on York Culcago & St. Louis	11,745 867 325 219	3,345 1,41 1,635 1,633 2,414 500

unsylvania Raffroad Company Iladelphia & Beading Iladelphia, Wilmington & Halffmore tsburg & Lake Erie org, Cheinnati, Chicago & St. 1,075 1,402 Hante & Indianapolis (Vandalia

YEAR'S WORK OF THE COMMISSION. Points Covered by the Various in

vestigations and Decisions. In its annual report the Interstate Commerce commission summarizes its year's work

Reli f has been granted to carriers from the operation of the long and short haut clause in several cases and the grounds for such re-lief in each case are stated. A controlling consideration in these special case of relief from the fourth section is that the longer distance rates sought to be allowed shall not be less than the earrier's cost of service in spect of the long r distance traffic public interest was given primary consideration and was apparently served by the is suance of the order of relief in each case tion thereon, demonstrate that upon a proper construction of the fourth section, all proper relief can be easily and timely afforded the carriers, and the public interest in the promotion of legitimate competition be sime time the general application of the robibliory rule in the first part of the secon will largely deter the carriers from inlulging in that reckless competition at longer distance points which is conceded by all parties to result in damage to the public interest and great diminution in net earnings

The basing point system in the south, under which the carriers name certain places as distributing centers and competing points, fix be directed to inform the senate whether said agreement constitutes a combination in restraint of trade and commerce under the existing laws of congress, or is a violation of the interstate commerce law."

In any or to this direction Chairman Morris. distributing centers and the other localities, on simply submitted a copy of his letter to is stated to have been uniformly condemned by the commission. The Social Circle case, now on appeal by the carriers in the supreme court of the United States, arose through rates made according to this method. The basing point practice was also a main subject of two decisions rendered during the year in cases arising at Cordele, Ga.
Some other decisions are described as

"Glass Rates to Southern Points;" onable Rates on Strawberries and Vegetaand "Reasonable Rates on Box Shooks;" "Relative Rates to Competing Lo-calities;" "Relative Rates from Competing Localities;" "Discrimination in Passenger "Discrimination in Passenger Rates to Ministers of Religion

Reparation to injured parties was awarded and also in two cases brought by the Independent Refiners' association of Titusville and Oil City. In the latter case the reparation awards amounted to nearly \$85,000.
"The separate and independent line the in the last three months said railroad companies or their officers have had usder consideration. As late as the loth institute association. As late as the loth institute subject was still being considered by said common carriers.

The extent to which said agreement binds or will bind, each of said companies to make and enforce such "rates and fars and freights as may be prescribed by the board of officers representing all the companies form the paper itself. The extent to which said agreement, in the event of its ratification, provides for collecting from each of said companies a money penalty, and upon what conditions and to what use and benefit such penalties are to be applied also appears in said paper.

In accordance with the recent decisions of which denies comparison of aggregate

Kansus City, Mo., Lynchburg, Va., Milwau-kee, Wis., Walla Walla, Wash., Portland, Ore., San Francisco, Cal., Denver, Colo., At-lanta, Ga., Tupelo, Miss., Piedmont, Ala., and Buffalo, Syracuse and New York, N. Y. Some of the more important investigations are described in the report.

The investigation of informal complaints, of which a large number are received yearly occupies a large portion of the time of the commission and constitutes an important branch of its work. These investigations rethe formal investigation fails to result in a satisfactory adjustment, to consider the ad visability of taking formal action against the carrier in the light of facts brought out through this method of preliminary examination and correspondence.

sisting of correspondence, preparation and mailing of reports, opinions, orders and cir-culars, and the filing, examination and treatment of railway reports, tariffs, contracts and other documents, has been fully as great as in former years, and of the same

PREFERRED HER MODE OF LIFE. Frank Rogers Shoots a Lewd Woma

Who Refused to Marry Him. SISTERVILLE, W. Va., Dec. 29 .- At Cochransville, two miles below h re, last evening, Frank Regers, 20 years old, while wrist, and then, turning the pistol upon himself, fired two bull ts through his own heart. table houseboat, which are numerous along the river, both above and below this city. the boat and marry him. The girl refused and resisted his efforts toward familiarity. Finally Rogers pushed a revolver into her face and fir d, but she held the weapon aside and got the ball through the wrist. His his breast, one just above and the oth r lost in the Buffalo County National directly through the heart. The girl is in belonged to the temporary school fund. a critical condition.

Deaths of a Day.

SCRANTON, Pa., Dec. 29.—Rev. Kenneth A. Campbell, a Canadian Catholic priest ago abandoned ecclesiastical work on ac-count of ill health and came here to re-side, died of bromhitis today. The body will be taken to Orillya, Ont., where in 1889, Father Campbell celebrated his silver

jubilee.
CLEVELAND, O., Dec. 25.—Charles H.
Bulkley, president of the park and boulevard commission of this city, died today,
aged 51. He was prominently identified with
the business interests of the city, being part
owner of the Cleveland Plain Dealer, and
was for a time president of the Union ciub.
Mr. Bulkley had been in ill health for some
time.

Killed an Unwelcome Caller. CIRCLEVILLE, O., Dec. 29.-Edward Miller was shot and killed last night by Josephine Pursell, wife of a farmer living near here. Miller had been paying at living near here. Miller had been paying attention to Mrs. Pursell for some time, much against her will. Last night Miller went to the Pursell house in an intoxicated condition in the absence of Pursell. Being refused admission to the house, he broke down the door. The woman armed herself with a revolver and warned him to leave. She did not intend to shoot, she says, but the pistol was accidentally discharged and Miller fell dead, with a bullet in his brain. Mrs. Pursell came here today and gave hersef up. se'f up. .

Rievellat Sanger Married.

MILWAUKEE, Wis., Dec. 29.-Walter C. Sanger, the well known professional birider, and Miss Katherine Kobenberg of Chicago were secretly married Friday night by Rev. Father McGill. They were on their way to the river to skate with friends, when they quietly slipped away, were married, and later joined the skating party. Late last hight they announced their wedding to their parents, who, though they had expected the marriage, were surprised that they shalld have married without their knowledge.

Changes in the Western Association ROCKFORD, DI., Dec. 29 .- A deal is now on in the Western Base Ball association from Quincy to Peorla, and Manager Dugdale of the latter place will assume the Quincy franchise and take his team there. Both parties are willing, and President Hickey, at Cedar Rapids, was instructed to complete the details. The association will hold its next incetting in Rockford in February to arrange the schedule for the season.

BALANCE STATES

Treasurer Bartley Gives Some Data Showing Nebraska's Financial Condition.

INTERESTING INFORMATION FOR TAXPAYERS

Augmentation of Indebtedness Due to Several Causes with a Considerable Increase in Current Balnnce of Nominal Assets.

LINCOLN, Dec. 29 .- (Special.) - The loss of the state's guit against ex-Treasurer Hill and his boncamen, the final report of the State Relief commission, which had the distribution of \$250,000 of state money to the drouth sufferers, and the recent issue of the sugar bounty warrants has drawn attention to the condition of the state treasury. The state treasurer ordinarily makes his financial reis not due for a year to come. Treasurer Bartley, however, has furnished The Bee with the available data bearing on the pres ent financial condition of the state.

When ex-Transurer J. E. Hill retired from office, in January, 1893, he turned over to State Treasurer Bartley \$1,449,556.42 in cash and funds. Of this amount the sum of \$5,000 was in cash. The various funds are divided as follows:

General Temporary school Permanent university emporary library Hospital for insane apitol building school building building ormal ormal endowment Hbrary State library
Permanent saline
Institute feeble minded
Live stock indemnity
Warehouse inspection Total\$1,444,556.42

show that there is on hand in cash, bonds, securities and deposits in the state depositories the sum of \$4,115,728,65, or \$2,666,-172.27 in excess of the amount of cash and funds turned over to Treasurer Bartley by Hill. Against this latter sum, however, there is a larger indebtedness than existed in the time of Treasurer Hill. Within the four years the state has been a financial sufferer in company with so many thousand private interests. But it can be justly claimed that it has been in a far less pro-portionate degree. By the failure of the Capital National bank there was a direct loss of \$236,361.47. The sum of \$5,000 went with prospect of receiving something from the Buffalo county bank, and suit has already been commenced in the federal court against Receiver Hayden of the Capital National bank to recover a portion of the amount lost in the Mosher wreck. The last legislature appropriated \$250,000 for the relief of at times seems to realize the fate awaiting drouth stricked farmers; \$50,000 of this him. He is over sum is in warrants and \$200,000 in bonds. broken in health. Since the state falled to make any case the failure of the Capital National bank the following is a very fair estimate of losses

Fellettonsty Commenced. to the state within the past four years:

While there has been no great change in the

facts or of the legal duties of carriers und r the law. Again, shippers are enabled, when figures in the office of the state auditor, as follows:

\$1,191,632,89 | 1893 1,171,524,48 | 1894 1,277,380,98 | 1895 1,240,964,66

These proceeds are based on what the levy would mathematically produce provided all was colleted. But all is not collected. There is an average loss of 15 per cent. This will cut the proceeds of 1895 down to \$1,016,935.31. The state levy for 1893, a portion of which alone has been collected, is \$1,219,486.74, and the levy for 1894, all of which is uncollected, amounts to \$1,257,008,22, less, of course, the 15 per cent deduction for losses.

ENOUGH TO PAY OUT. present banded indehtedness of the state is \$549,267.35. Of these bonds the state owns and holds in the treasury \$326,267.35, leaving in the hands of outside parties but \$123,000. On November 30, 1895, the amount drunk, shot Alice McClelland, formerly of of outstanding warrants was \$509,538.11. As all a brief and very acute attack of cancer. Pittsburg, through the right breast and left of the warrants outstanding are not yet regiated by the w of such indebtedness. It is estimated to be about \$700,000. This includes the actual legis-Miss McClelland was an inmate of a disrepu-table houseboat, which are numerous along \$81.095.50 and \$28,956.46, respectively. Treas urer Bartley estimates that the tax levy for Last night Rogers tried to induce her to leave the boat and marry him. The girl refused the sinking fund sufficiently to wipe out the and resisted his efforts toward familiarity.

Of the amount lost in the Capital National bank, the general fund suffered by \$52,416.69 the sinking fund by \$180,101.75, and the live second shot cuttered her breast. Rogers, the sinking fund by \$180.101.75, and the liv thinking the girl dead, fired two bullets into stock indemnity fund by \$3.843.39. The \$5.00 lost in the Buffalo County National bank PAST AND PRESENT CONDITIONS.

A comparative view of the financial con dition of the state at different periods in th past is of present interest. considerable repute, who three years cluding bonds, cash and securities, were \$956, o abandoned ecclesiastical work on acassets on hand in the state treasury, According to the national cen \$4.115.728.65 sus of 1890 the per capita state debt of seven ptates was as follows.

The per capita state debt of Nebraska at the present time is said to be a trifle less than 24 cents. . Fr-1850 the total state debt of Nebraska, slopes the sinking fund, was \$439,799, and the pper capita debt 97 cents. In 1890 the state debt, less sinking fund, was \$253,879. Since the census of 1890 the state debt has been increased by relief bonds and

warrants and tosses in state depositories t \$745,240.47. The assessed valuation and levy during

the past seven years is shown by the following table: Amt, of levy, Year. 1889 1890 levy, .0050 \$182,70a, .0051 181,770 .0055 185,139 111

Since the last report of the state treasurer \$70,000 worth of hends have been purchased for the school Oral. The securities in which this fund is invested are state and county bonds. Since the last report of the treasurer there has been some defaulting of interest, but it is estimated that \$15,000 will cover such default. In regard to the school land quite an amount of rents remain uncollected This is awing to the action of the board which, nearly a year ago, not and agreed to extend the term of reheal land rentals. It is the opinion of State Treasurer Barrley that by the 10th of January next nearly the whole of the uncollected taxes for 1893 and 1894 will have been paid into the treasury. A few of the counter that are the fathest behind in making their ceitlements with it state treasurer give as a reason for such delinquency the pr vailing hard times and the losses by drouth.

The business of warrant chaving at prediction that can be sufficient actions by drouth.

The business of warrant chaving at prediction autrounding it when warrants from 7 per cent interest. During the past year the rate has been cut to 5 per cent. During the 7 per cent interest period state warrants commanded a premium of 1 per cent, especially

Agriculture in January.

for large warrants, and some sold at even better figures than that. Since the rate of interest was reduced to 5 per cent warrant of an amount less than \$100 have been, as a of an amount less than \$100 have been, as a rule, discounted 1 per cent, and larger ones one-half of 1 per cent, while in exceptional cases they have been sold at par.

There is one item of state indebtedness.

which r mains in a rather peculiar condi-tion. This is the sum of \$40,000 in outstand ng warrants, for which no appropriation has been made by the legislature. The warrants vere drawn in favor of the Oxnard Beet mpany, and are for the payment of ne sugar bounty. The last legislature voted the bounty, but failed to make specific provision for its payment.

WHAT THE BALANCE SHEET SHOWS. A recapitulation will show the following ondition of the state finances.

Every for 1891, uncollected......\$
Part of 1892 levy, uncollected......\$
Amount on hand in cash, bonds, securities and deposits in state 4.115,728 69 depositories \$5,022,736,91 \$ 549,267.35 700,000.00 2.784,684.60

Oxnard sugar bounty warrants. Total Total \$6,022,736,91 The balance in the state treasury November

1894, was but \$1,121,387.34. In his re-t to the governor Treasurer Bartley delucted the amounts remaining in the Capital National and Buffalo County National banks, both broken depositories, which was \$241,-361.83, leaving a total of \$889,025.51, balance in the state treasury November 30, 1894. Applying the same course to the present condiion of the state finances the following result Nominal balance in state treasury,\$1,938,784.9

Gain since November 30...... \$ 817,733.94 WORKING TO SAVE WALKER'S NECK

Dawson County People Petition the Governor in His Rebalf.

LEXINGTON, Neb., Dec. 29 .- (Special.)-The fate of Walker, the murderer, still hangs in the balance. He is sentenced to hang January 12. A petition was circulated and extensively signed asking that his sentence be commuted to imprisonment for life in the belief that Walker is now insane. Gov-The books of the state treasurer now ernor Holcomb in a letter to Attorney Leek how that there is on hand in cash, bonds, acknowledges the receipt of the petition as he was upon the bench when Walker was convicted, and in accordance with the finding of the jury he was obliged to pass sentence of death on him, assures Leek that the petition will have his most careful consideration. A counter petition has been extensively signed by residents of Farnam, where the crime occurred, protesting executive clemency. case hange upon the sanity or insanity of Walker, as his murder of Stevens was de liberate and evidently premeditated. No the failure of the Buffalo National bank of a person could have been found to have Kearney. Both of these were state depositions. Tressurer Bartley says there is a the belief of Walker's insanity. Many persons express the opinion that a commission should pass upon him, as in the Dobney case in Nance county. Warden Leidigh, who had Walker in charge at the penitentiary

against the bondsmen of ex-State Treasurer Hill for the recovery of the amount lost by

at times seems to realize the fate awaiting

CHADRON, Neb., Dec. 29 .- (Special.)-Upon the convening of the district court porters of New York and Philadelphia. leave to present a series of resolutions highly rate of levy during these seven years, it will be noticed that from 1889 to 1893 there was a steady increase in the valuation, and that Fifteenth district expires on the 9th ult. branch of its work. These investigations result in many cases in summary relief to complaining parties. Shippers and conglegees in the valuation, and that in 1893 it touched high water mark. From the are also, without trouble or expense to them, timely advised when their complaints are founded upon misapprehension of the state fell \$11,295,330.93 below the valuation of 1889.

be noticed that from 1889 to 1890 there was a stary decline was a stary decline are founded upon misapprehension of the state fell \$11,295,330.93 below the valuation of 1889.

be noticed that from 1889 to 1890 there was a stary decline was a stary decline until 1895. Clerk of the Court B. H. McGrew also came by fire at daybreak this morning. Loss, about \$30,000 or \$40,000. The buildings about \$30,000 or \$40,000. The buildings are founded upon misapprehension of the \$11,295,330.93 below the valuation of 1889. that he was especially glad that no difficulties between the court and newspaper men, re-

porters and attorneys had marred his official career. Immediately following this the judge dwelt at some length upon the motion for a new trial for Arthur Morrison, the murderer of A. V. Harris at Crawford, finally granting the same on account of a certain juror, J. B. Smelser, having expressed an opinion previous to the trial. These two occurrences coming up made the day one of the most part of the notable in the history of the district court were replace

W. C. T. U. WORKER DEAD Mrs. W. C. Rogers of Springfield

Passes Away Suddenly. SPRINGFIELD, Neb., Dec. 29 .- (Special 30, 1836; came to Nebraska in October, 1865, past twelve years she has resided at this place with her husband. She is well known throughout the state, through her connec-tion with the Wemen's Christian Temper-ance union, having be a connected with that organization since its birth, and at the time of her death was state president of the Demorcest Medal bureau. Her immediate r latives are Mrs. J. M. Frazzur, sister, and J. M. Elwell, nephew, of this county, and two brothers and two sisters, residing in New Jersey. The funeral will occur from helate residence at 11 o'clock Tuesday next. NEBRASKA CITY, Dec. 29.—(Special.)— Miss Hattle Shelden, old at daughter of Ed-ward Shelden, died this afternoon, after a

BURIED THE VICTIMS TOGETHER Charles Van Buskirk and Maud Bond

victims, Charles Van Buskirk and Maude Bond, killed by train No. 2 Saturday morning occurred here today. It was the largest procession ever witnessed here, notwithstanding the cold, disagreeable day. The coroner's jury's verdict at the inquest held Saturday attached the blame for the accident to the

carelessness of the railroad company.

HYANNIS, Neb., Dec. 29.—(Special Telegram.)—The functal of D. A. Thurston occurred today and was largely attended. Mr. Thurston died suddenly from heart failure He was an old soldier and among the first settlers here. Mr. Thurston leaves a wido and eight children.

Small Failure at Nickerson. FREMONT, Dec. 29 .- (Special.)-W. H. Bruner, dealer in general merchandise at Nickerson, filed chattel mortgages on his stock of goods yesterday to secure his croditers. His assets are about \$3,000; liabilities about the same, all accured by mortgages. Mr. Bruner's fallure was caused by a fire at his store Christmas morning. It is hoped that arrangements can be made by which his basiness can be continued.

The Wenney's club hald the continued.

The Weman's ciub held its regular meeting yesterday afterneon. The program consisted of a number of papers on pattery and dec-rated china, and was one of much interest. All the papers showed careful study and prepara-tion, and were well received. The election of officers of the club occurs at its next meeting

Ciny County Agricultural Society. CLAY CENTER, Nob., Dre. 29.—(Special.—The Clay County Agricultural speicty held its annual meeting here Friday, with a very small attendance. The following are th officers elected for the ensuing year: President, B. W. Campbell; vice president, S. McKelvic; secretary, L. F. Fryar; treasurer,

ANNEXATION THE SOLE OBJECT. Miss Kate Field Has an Interview

with President Dole.

CHICAGO, Dec. 29 .- In the Times-Herald of tomorrow will be printed an interview with President Sanford B. Dole of Hawaii, had by Miss Kate Field. The interview is elabrate, filling several columns, and touching closely on the Hawaiian policy on international questions. Although it does not ap pear in Miss Field's letter, the talk was had in the presence of Mr. Dole's cabinet, the members of which subscribed to their chief's phinions unreservedly. Miss Field cailing his titention to the fact that his government had been said to be characterized had been said to be characterized by an instance desire to perpetuate itself in office. Mr. Dole said: "The fact that the government is working for annexation to the United States is a good denial of that charge. Annexation may deprive us, or some of us, of office. In the higher offices are men to whom it means personal sucrifice and business loss by Senator Lodge on the Monroe doctrine, to discharge their duties. It is stored.

imply a pretense. "We are working in good faith, and I lieve the people appreciate the fact. As to the form of annexation that would best meet our requirements, it is difficult to say. A probability be a slim attendance, with anterritorial form of government, unmodified other adjournment with Monday, the file of from the form obtaining in the United States territories, would scarcely be suitable. Probably the best course would be to gradually develop from our present system, the federal authorities of course having from the beginning jurisdiction over custom houses, post-offices and federal courts. Our own government should not be limited by the United might be reported in s States law concerning territories. A new day, and if it should system would have to be invented to suit our the senate would occur. conditions; much the same as is the prac-tice of England in establishing a new colony. There is no set system. Each new colony is organized as the necessity of the case demands."

for the appointment of the list which Senator Mitchell will offer, embracing the republican and populist assignments as made by

General Appraisers Raise the Valua-

tion on Large Consignments NEW YORK, Dec. 29 .- The Spanish steamship Constita Madre arrived at the port of New York in June last, from Seville, Spain, with 300 casks of fine olives, consigned to Lawrence Johnson & Co. of Philadelphia. The goods were entered through the New and, while commenting upon the peculiar York customs house for immediate trans-position in which it places him, inasmuch pertation. The involce by the shippers and portation. The invoice by the shippers and the value fixed by the importers were accepted by the local appraisers at Philadel-phia. On the same steamer were private ad-vices to Colonel Cross, special treasury agent in charge at the port of New York, to the effect the olive crop had been unusually short in Spain, and that while the prices were greatly advanced in New York and Philadelphia, importers were bringing in goods under the old valuation. Collector Kilbreth and Collector Read of Philadelphia ntered simultaneous appeals from the ision of the local appraisers on Baveral thousand casks of olives imported last sum-mer by Lawrence Johnson & Co. of Philadelphia, and by E. Sanchez, Austin, Nichols & and other leading importers of New

General Appraiser Sharp decided the case in favor of the importers. Both collectors appealed to the board of general appraisirs. ind for two weeks past a special board has been hearing testimony in the case. The board brought in its decision yesterday on him. He is over 60 years of age and the Lawrence Johnson & Co. importation. The valuation was advanced 30 per cent, and the importers must pay 60 per cent on the additional value of the olives, as assessed by the board. The fines in all of the cases will amount to thousands of dollars. The decision will affect nearly all the leading im-

the members of the Dawes county bar, asked Fire and Cyclone Determined to Wipe it Out. EMPORIA, Kan., Dec. 29.-The three

largest business buildings in Hartford During the course of his remarks he stated and McGregor & Reed's hardware store The Masonic and Odd Fellows' lodge roor was also burned, including about \$1,000 worth of lodge property. The fire engine refused to work. The opera house might have been saved but for this mishap. Last spring Hartford was visited by a cyclon which destroyed a large part dence portion of the city and killed an wounded a number of people, and only a couple of years previous to that disaster fire destroyed nearly the entire business part of the place, including buildings which

were replaced by those burned this morning FUSION ON A NATIONAL TICKET

Kansas Populist Makes a Proposal to the Silver Forces. TOPEKA, Kan., Dec. 29.-Walter N. Allen. former democrat, who has been acting with Telegram.)-Mrs. W. C. Rogers passed away | the populists since the farmers' alliance took at her home in this city this afternoon after a hand in Kansas politics, is cut with a proposition for the populist national convention to make no nomination for vice president, but to adjourn and appoint a commit and settled at Bellevue, where she resided many years. She was highly ducated, and her whole life has been spent in religious, temperance and charitable work. During the Hand-Allison act of 1878, which permits particularly the second of the exception clause of the Hand-Allison act of 1878, which permits particularly and the second of the exception clause of the Hand-Allison act of 1878, which permits particularly against the ties to a contract to stipulate against the payment of silver. He suggests that it is a conference of anti-Claveland and of reform forces, and that all former party prejudice be laid aside. He says he has been assure that such a conference would be largely at tended. Mr. Allen has written letters to politicians throughout the country on the subject.

Rose Costanza is Dead. Rose Costanza; the Italian woman was so badly burned about her right limb and on the right side of her body on Chris mas afternoon, died at it o'clock last eigh at the St. Joseph hospital. The body will be removed this morning to her late red dence at Nineleenth street and Poppletor The woman kept a fruit and caudy stand Sixteenth and Case streets. While she

Interred at Benkleman.

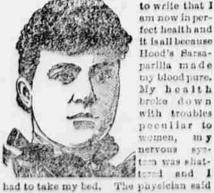
BENKLEMAN, Neb., Dec. 29.—(Special Telegram.)—The double funeral of the two burned and had inhaled much of the flames Burns Thought to Be Bad. Burns was arrested

hall last night on suspicion of being a men

ber of the gang which assaulted Office

Madsen at Thirteenth and Williams streets on Christmas night. Makes the Blood Pure

This is the secret of the cures by Hood's Sarsaparilla. Read this: "Iam so glad



with troubles peculiar to women, my nervous syn-

there was little hope for me. A neighbor told of wonderful cures by Hood's Sarsa-parilla and I decided to try it. When I had taken 3 bottles, I could sit up and now I am perfectly well and strong.

Hood's Sarsaparilla has done all this for me." Mrs. C. F. FADERER, La Platta City, Colorado.

Hood's Pills dure habitual constlution. Price Do. per box.

GIVE COMMITTEES A CHANCE

Senate Likely to Adjourn Until Thursday After Its Reorganization.

MAY NOT GO TO WORK EVEN THEN

Pretty Fair Day's Work Laid Out for Monday-Lodge Booked for a Speech on the Monroe

Doctrine.

o discharge their duties. It is simply a refer the bond bill to the finance committee lander to say this desire for annexation is and then adjourn over until Thursday, unless the house can be prevailed upon to adjourn over until the following Monday. In case of a session on Thursday there will in all other adjournment until Monday, the 6th of January. The adjournment over to Thursday is almost certain, unless a financial debate federal should be unexpectedly sprung. Some of the m mbers of the finance committee have expressed the hope that the revenue bill might be reported in some shape by Thursday, and if it should more or less talk in

The organization of the committees will proceed through the adoption of a resolution In reply to a statement by Miss Field that she had been told that if the United States did not annex the Hawaiian islands they would be offered to England, Mr. Dole said; "Our sole policy is annexation to the United States." Other parts of the interview relate to the parts of the interview relate to the property of the interview relate. States." Other parts of the interview relate to the domestic and political affairs of the islands. Profit-sharing is taking the place of contract labor and other business and social improvements have been established.

DISCHED THE OLIVE IMPORTERS.

WATCHING THE BOUNDARY CASE.

Venezuela Sends a Special Commis-

sioner to the United States. WASHINGTON, Dec. 29.—General Targe Uslar, special commissioner to the United States from Venezuela, is here with his family. He is commander of one of the nve army corps of Venezuela, and was appointed commissioner to come to the United States and watch the boundary negotiations. President Crespo will, General Uslar says, as soon s President Cleveland announces the Vene zuelan commission, appoint a commission of five of the most representative citizens of the South American republic to come to the United States and convey to President Cleveland the thanks and appreciation of the good will shown by the United States government in its announcement of the intention to fearlessly enforce the Monroe doctrine. This committee has not yet been appointed, though the gentlemen who will serve on it

Petrel Ordered Home for Repairs.

WASHINGTON, Dec. 29 .- An order has een sent to the admiral commanding the Asiatic station detaching the Petrel from his squadron and directing that it proceed to San Francisco. Arriving there it will be put out of commission for overhauling, Its relief, the Boston, is now at the Mare Island, California, navy yard. It has been put in first-class condition and will start on its long voyage across the Pacific in a day or two. The Petrel will not await its arrival, however, but will start for home as soon as it can be prepared for the trip. It is the evident policy of the administration to maintain a strong fleet on the Asiatic station until the disappearance of all signs of further trouble among the countries of the Orient.

Ask that Reynolds Be Held. Captain King received a telegram from twenty miles south of here, were desroyed the authorities of Mason, Mo., last night, by fire at daybreak this morning. Loss, saying that they wished Reynolds, the man who was recently caught in this city with a large number of knives in his possession, held until an officer from that town about

AMUSEMENTS.

THE CREIGHTON TEL. 1531-Paxton & Burgess, Mgrs. Tonight at 8:15.

THE TORNADO

MATINEE NEW YEAR'S. Matinee Prices-Lower floor, 50c; balcony, 25c, Night Prices-Lower floor, 50c, 75c and \$1.60; Coming, Jan. 2-1-Frank Mayo in

CREIGHTON. RETURN ENGAGEMENT, FRANK

PUDD'NHEAD WILSON, THURSDAY, FRIDAY, SATURDAY. JAN. 2-3-4.

ONLY MATINEE SATURDAY. S NEW YEAR

Monday, Tuesday, Dec. 30, 31, and Jan.1 MATINEE WEDNESDAY.

"Age Cannot Wither, nor Custom Stale," The Great Laughtes CHARLEY'S FUNT Nakata

Management of CHARLES PROHMAN. What More Do You Want? "It is replace with wholesome amusement, quick movement and sense at jodity." Heraid, Jan. 8.
1911(1878-First floor, 20s. 75s and 21.02; balcony, 25s and 15s. Matthew prices: First floor, 10a 291 75; balcony, 25s and 59s.