

SUBMIT THE CASE ON BRIEFS

DONE BY THE SUPREME COURT.
Decisions Filled by the Highest Tribunal in the Land.

Oral Arguments in the Viaduct Case Denied the Attorneys.

EACH SIDE IS CONFIDENT OF WINNING

Connell Contends for Dismissal on the Ground that the Points Raised by Greene Have Often Been Passed On Adversely.

WASHINGTON, Jan. 4.—(Special Telegram.)—Messrs. W. J. Connell and C. J. Greene of Omaha appeared this morning before the supreme court of the United States,cocked and primed to orally argue the motion of Mr. Connell to dismiss and affirm the suit of the City of Omaha against the B. & M. Railway company, growing out of the failure of the railroad to repair the Eleventh street viaduct. The court, however, was not in the humor to hear western attorneys, notwithstanding their admitted ability, and Chief Justice Fuller intimated that the court would be glad to read the briefs, if printed, and take the motion under advisement, but that otherwise the motion would have to be passed. Both attorneys were prepared for this turn, although it has generally been the practice of the court to insist upon printed briefs, and within five minutes of the time of Connell's rising to address that body the court was engaged in hearing ex-Senator Edmunds on a motion for a writ of habeas corpus. Mr. Connell's brief recited the mandamus proceedings, now well known, and the verdict of the court in that case, in the district court and the supreme court of the state. The railroad company, alleging that certain constitutional questions were involved, carried the case up to the supreme court of the United States, and the city brought his motion to dismiss and affirm. Mr. Connell argues in his brief that similar cases have been passed upon so many times by the supreme court that it is useless to go into questions raised by the attorney for the railroad companies, that he had no longer open questions, and that further consideration of them would be unjustifiable. Mr. Greene raises the point in his brief that four great railroad corporations are operating trackless in the Sioux city, and that the city began proceedings against but two, which the attorney claims is an outrage, both upon the law and mathematics. He argues that the proceedings taken operate to deprive the company of its property and individual liability, and that the equal protection of the law, that enforces the general provisions of the city charter making it effective against the company will impair the obligations of the contract under which the viaduct was constructed.

Mr. and Mrs. Greene leave for New York tomorrow. Mr. and Mrs. Greene following shortly on their way home.

MAY REOPEN THE BANK.

The First National bank of Sioux City will likely resume business, if the conditions are carried, as reported by Comptroller Eckels. Deputy Comptroller Coffin returned from Sioux City yesterday, where he was in relation to the failed bank. Mr. Coffin stated he found decided signs of financial favor of resumption.

As to the Dakota National bank of Sioux Falls, S. D., a receiver will probably be appointed in the person of President George H. Tobin, who agreed to liquidate the bank at a sum, and the bank became bankrupt for some days, and so persistent has he been that Mr. Eckels admitted today that he would probably admit him.

John H. Kling of Chamberlain, S. D., is in the city, appearing before the commissioners of the general land office, concerning lands settled in O'Brien county, Ia.

W. B. Sterling, attorney for the Elkhorn in the city, in relation to a bill recently passed giving land grants to railroads for reservoir purposes, is here in evidence with the association of men in view as to the manner in which the lands shall be granted, and the compensation for the same.

Comptroller Eckels has approved the following reserve agents for northwestern national banks: Chicago—National Bank of Chicago; Chicago for Exchange National bank of Hastings; Commercial National bank, Chicago; for Nebraska National bank, Omaha; Iowa—Bankers National bank, Chicago; for First National bank, Council Bluffs; First National bank, Des Moines; for Kansas City—First National bank, Knoxville; Merchants National bank, New York; for First National bank, Nevada; South Dakota—Metropolitan National bank, Chicago, for First National bank, Pierre; Post office has been established at Chesterfield, Cherry county, Neb., with Amelia E. Waite as postmaster.

William A. Eversall was today commissioned postmaster at Belmont, Neb., and John H. McCarthy at McCurdy, S. D., and McElroy, who were appointed postmasters at Beemer, Cuming county, Neb., vice M. B. Sharp, removed.

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To Investigate Steel Plate.

WASHINGTON, Jan. 4.—Secretary Herbert and Assistant Secretary McArdle today conferred for several hours with members of the special board, headed by Captain McCormick, charged with an inquiry as to the defective structural plates of battleships that had been finally selected to employ dozens of British sailors, and also tested here in the inspection of steel at the mills. These will be paid from \$4 to \$6 a day and they will be selected after competitive examination by civil service methods, and the investigation will pursue the investigation initiated by the McCormick board and look into the quality of material supplies for other vessels than the Kentucky, Kearsarge and Illinois.

Cash in the Treasury.

WASHINGTON, Jan. 4.—The Treasury's statement of the condition of the treasury shows: Cash available balance, \$228,899,661; gold reserve, \$137,863,297.

Hold for Grand Larceny.

Youthful Plunder to the Police in Jail Waiting Trial.

Pete Carroll was yesterday bound over to the district court by Judge Gordon on a charge of grand larceny. The bonds were placed at \$1,000, in default of which Pete went up on the hill to await his turn in the higher criminal court. In times past Carroll has given the police more trouble than any of the younger criminals in the city. He has had a penchant for stealing small articles and while this propensity has never yielded him great sums of wealth, he has never failed to keep him behind the bars a large portion of his time. New Year's night Carroll attended the bootblacks' ball at Moran's hall on Harvey street, and while F. W. Marsh, a photographer, was making an observation of the building preparatory to taking a picture, Pete snatched a pair of glasses valued at \$100. The lenses were afterward recovered by the police from a saloon, where Carroll had hidden them.

Kentucky Midland Sold.

FRANKFORT, Ky., Jan. 4.—The Kentucky Midland railroad was sold this afternoon by order of court at auction and was purchased at the upside price of \$150,000 by the Atchison, Topeka and Santa Fe. It is announced that the purchasers represent contractors with prior liens to the first mortgage bonds amounting to \$50,000, and that this syndicate of preferred creditors is in negotiation for a private sale of the road to one of several larger companies.

Eight Men Still Missing.

JACKSONVILLE, Fla., Jan. 4.—Nothing further has been heard from the eight missing men of the steamer Commodore, although Cubans here still hope that the survivors will be picked up. The morning were Major Julio Rodriguez Diaz, Manuel Gonzales, Louis Sierra, Medorosa and Jesus Alvarez, all lieutenants. They had been on the steamer with the steamer Buffalo, N. Y. Those who wish to have it in handsome, substantial French cloth binding should send to cents additional (5 cents in all).

TOBACCO MEN AT VARIANCE

Lay Their Cause Before the Ways and Means Committee.

THINK TARIFF SHOULD BE INCREASED

CANNOT AGREE, HOWEVER, ON A RATE TO BE ADDED—INJURIOUS EFFECT OF THE WILSON BILL ON BUSINESS.

WASHINGTON, Jan. 4.—The tobacco schedule of the tariff was threshed over by the representatives of various tobacco interests today before the ways and means committee with great minuteness. Several branches of the business were represented, the native growers, importers, manufacturers using the native goods, those using Havana and those handling the Sumatra product. Between these classes there was much discord, no two of them being agreed on any schedule of rates and contradicting one another on questions and statements as to the effects of the present law, rates of labor and cost of production and manufacture. The National association of tobacco manufacturers was represented by a large delegation with its president, Moses Krahn of Cincinnati as spokesman. The association asked for a uniform duty of 52½ cents a pound on all imported leaf tobacco or not more than 55 cents on all unstemmed tobacco and \$5 a pound with 25 per cent ad valorem on imported cigars. Under any higher rates they declared their business would be ruined.

The principal representatives of the growers were Michael Tobin of Baldwinville, N. Y., and J. H. Van Dusser of Honesdale, N. Y. They asserted that the native growers had made no money under the Wilson bill and asked for rates higher than those of the McKinley act.

The state law of the state of Missouri holding railroad companies responsible for damage by fire caused by railroad locomotives was sustained in two decisions by Justice Gray, appealed to this court by the Missouri Pacific.

In the case of Justice J. Bushnell against Cyrus A. Leland, receiver of the State National bank, Wichita, Kan., the court reaffirmed in the decision by Justice White the right of a national bank receiver appointed by the Comptroller of the currency to examine the individual liability of the banks stockholders.

Chapman's Case in the Supreme Court.

WASHINGTON, Jan. 4.—In the supreme court today Elberton R. Chapman, the New York banker convicted for refusing to answer questions put to him by the Senate sugar trust investigating committee, was granted leave to make an application for a writ of habeas corpus. The court will hear arguments on March 22. The case is a test one. Chapman had pleaded guilty to the charge of contempt of court, to a judge, a deputy marshal accompanying him. The hearing of the argument was postponed so long in order to permit Senator Edmunds to spend the winter in the south. He asked the court to set the date at a time when the inauguration and the March winds would both be well out of the way.

Paper Offers to Foot the Bill.

WASHINGTON, Jan. 4.—The State department has been informed that Henry Delage, the New York Mail and Express agent, now under arrest in a Spanish prison near Havana, is likely to undergo a surgical operation is performed upon him.

He was arrested on a charge of having been in the city, appearing before the commanding officer of the U.S. troops occupying the city, and was accused of being a spy as well as a receiver of secret information.

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George J. Smith of New York protested against the advantages to the Havana tobacco users under the present law. In answer to a question Mr. Smith said he did not believe any cigars were made of American tobacco and Havana wrappers.

L. E. Neudecker of Milwaukee contended that a duty of 50 cents a pound would produce more revenue than the present rates. J. L. Ellison of New York, editor of the United States Tobacco Journal, stated that the cost of producing a pound of Sumatra tobacco was 24½ cents. The stories that cigar labor cost 7 or 8 cents in Sumatra were erroneous.

George Mitchellson of St. Paul, who owns tobacco lands in Connecticut, stated that there had been no money in tobacco for New England since 1884. The tobacco crop in Connecticut was worth \$200 acres in Connecticut.

Chairman Dingley said before the committee adjourned that tobacco, being a luxury, was a proper subject for revenue with much distrust among depositors and started runs on a number of city banks that were reputed not to be as strong as the depositors wished, three St. Paul banks, the Germania, the Allemania and the West Side, none of them national institutions, all closely associated, to-day closed their doors, one being in the hands of the state bank examiner, and the others making assignments.

During the time that had intervened since the closing of the Bank of Minnesota, two weeks ago, which created new distrust among depositors and started runs on a number of city banks that were reputed not to be as strong as the depositors wished, three St. Paul banks, the Germania, the Allemania and the West Side, none of them national institutions, all closely associated, to-day closed their doors, one being in the hands of the state bank examiner, and the others making assignments.

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