BOTH CASES STARTED WRONG

Supreme Court Passes on Home for the Friendless Litigation.

DENIES APPLICATIONS FOR MANDAMUS

State Should Proceed by Suit in Ejectment and Society Should Have Recourse to a Civil Action.

LINCOLN, March 3.—(Special.)—The supreme court this afternoon handed down decisions denying the writ of mandamus brought to compel the Society for the Home for the Friendless to deliver the home over to the state and also denying the writ asked for by the society to compel the Board of Public Lands and Buildings and the Board of Purchase and Supplies to pay over the money appropriated by the legislature for the support of the home. In both cases the court decided that the wrong kind of an action had been brought. This for the present leaves the society in possession of the home, but does not give them any state money for its support. The opinion denying the application of the attorney general for a writ to gain possession of the home is written by Commissioner Irvine and the syllabus is as follows:

In an application for a writ of mandamus the court will not try the title or right of possession to real or personal property and by allowing the writ make it subserve the purpose of a writ of ejectment or replevin.

In the opinion Commissioner Irvine says that the courts too often allow a writ of mandamus to serve as a writ of ejectment or replevin, and calls it an abuse of the remedy. He continues:

Yet that is the sole object of this proceeding. The respondent, as officer or agent of the society, is in possession of property of which the society claims the equitable title and the right of possession; the only relief demanded is that she be required to surrender possession of this property to the relator, the officer of the state, which itself claims complete title and right of possession. The issue must be tried in an appropriate action.

The opinion in the case of the Home for the Friendless to compel the payment of the state money is also by Commissioner Irvine, and the syllabus is as follows:

1. For the disallowance of a claim against the state by the auditor, the law furnishes an adequate remedy by appeal. Mandamus will not issue to compel the auditor to issue a warrant for a claim which he has disallowed, and this whether the reasons given by him for its disallowance are good or bad.

2. In a single proceeding several writs of mandamus, directed to different respondents, requiring the performance of different acts, cannot be granted.

As to the Board of Purchase and Supplies and the Board of Public Lands and Buildings, the application is dismissed without prejudice; as to the auditor, the demurrer is sustained and the writ denied.

FUNDING BONDS ARE VALID.

The court decided that no valid objection had been given to the registration of the $180,000 Douglas county funding bonds, and granted the peremptory writ to compel the state auditor to register them. The syllabus of the opinion is as follows:

1. Special provisions in a statute in regard to a particular subject control general provisions.

2. Under section 134, article I, chapter xviii, Compiled Statutes, 1897, a majority of all the votes cast at the election is sufficient for the adoption of a proposition to issue county funding bonds, where by their issuance the amount of the county indebtedness is not increased and the rate of interest is reduced.

3. Where the title to a bill is to amend a designated section of a law, no amendment is permissible which is not germane to the particular original section proposed to be changed. State against Tibbetts, 52 Neb., 228, followed.

4. The amendment to section 134, article I, chapter xviii, Compiled Statutes, made by the legislature of 1883 (see laws 1883, p. 191), is germane to the original section and fairly within the scope of the title of the amendatory act.

Judge Norval, in writing the opinion, after referring to the section 134 mentioned in the syllabus, closes with the following:

My associates are of the opinion that the addition of a provision to said section designating the affirmative vote required to authorize the issuance of such bonds, where the indebtedness is not increased by the issuance, and the rate of interest is thereby diminished, is germane to the original subject of legislation and therefore is not inhibited by section 11, article xxxiii of the constitution. To this conclusion the writer, with some misgivings as to its soundness, yields assent on the ground that a statute will not be declared invalid unless it clearly contravenes the fundamental law.

The application of the attorney of Frank E. Moores to amend his petition regarding the collection of certain moneys for fines, has been referred back to the referee by the supreme court. The court will not adjourn until tomorrow, when a decision on the application of Bartley for a rehearing is expected.

MRS. MARROW WINS.

An opinion is also handed down in the Gilbert against Marrow case. It is written by Judge Sullivan, the following being the syllabus:

1. When an order has been irregularly obtained against a party it is his duty to bring the matter to the attention of the court before proceeding to a trial of the cause.

2. M. obtained a verdict in her favor, which was set aside without service upon her of notice as was required by the rules of the court. She made no complaint during the term nor until there had been another trial and an adverse verdict and judgment rendered against her. Held that she had waived her right to complain of the irregularity.

3. A party who seeks the vacation of a judgment after the term at which it was rendered must allege and prove that he has a valid cause of action or defense; and to entitle him to relief the court must be the judge that such cause of action or defense is prima facie invalid.

The order of Judge Scott vacating the orders previously made are reversed and the judgment for $4,000 in favor of Regina Marrow is reinstated.

Frank Maxfield against State. Error from Hamilton county. Reversed and remanded. Opinion by Norval, J.

1. An instruction in a criminal prosecution is not erroneous which defines a reasonable doubt as being such a doubt as arises from a candid and impartial consideration of all the evidence in the case, and which would cause a reasonable and prudent man to pause and hesitate in the graver transactions of life, and that a juror is satisfied beyond a reasonable doubt if, from a consideration of the entire evidence, he has an abiding conviction of the truth of the charge.

2. Mere non-direction by the trial judge affords no ground for the reversal of a criminal cause unless a proper instruction has been tendered and refused.

3. To justify a conviction of rape the truth must reach such a degree of certainty as to exclude a reasonable doubt.

4. A conviction of rape will not be sustained where the testimony of the prosecutrix as to the principal fact relied upon to sustain the charge is not only uncorroborated, but is so contradictory as to be self-destructive.

STATE HOUSE GOSSIP.

State Superintendent Jackson addressed the teachers of the Hastings schools Tuesday evening, principally on exposition matters. Tomorrow he will go to McCook, where he will spend an evening explaining the manner of preparing the educational exhibits for the exposition. On Saturday evening he will address the teachers' association at that place.

The Cuban Relief commission has received a donation of $72.75 from the citizens of Meadow Grove, Madison county, and a gift of 300 pounds of flour from H. G. Miller of Winfield.

The Danbury Creamery company filed articles of incorporation today, with a capital stock of $1,575. The stockholders are George B. Morgan, I. B. Dolph, W. H. Harrison, William Sandow and S. G. Bastion. The Curtis Milling and Elevator company of Curtis, Neb., also incorporated, with a capital stock of $25,000. The incorporators are A. G. Hagadorn, N. H. Johnston, W. H. Barton, Thomas Scott, M. Ramback and S. E. Johnston.

The Belmont Coal and Coke company, with headquarters at Omaha and branch office at Denver and other points, filed articles today, with a capital stock of $250,000. The stockholders are Theodore Mayer, S. S. Mayer and H. Metzler.

The Salem Evangelical church of East Lincoln has been made a sub-library, and twenty-five books per week will be furnished by the city library, the cost of transportation not to exceed $1. The people of East Lincoln had already established a small circulating library at the church.

The colored people of Lincoln are quite stirred up over the Cuban question, and a meeting is called for tomorrow night, when patriotic speeches will be made and appropriate resolutions passed.

Omaha people at the hotels: At the Lindell—E. D. Van Court, J. F. Robinson, W. M. Baright, John W. Parrish, Miss M. Butterfield, George A. Day, Joe Kelly, T. F. Crumm, I. J. Dunn, J. E. Douglas, W. H. Johnson. At the Lincoln—E. F. Jordan, Mr. and Mrs. Hartley.

HEARING GRAHAM IMPEACHMENT.

Defendant Questions Jurisdiction of the Council.

LINCOLN, March 3.—(Special Telegram.)—The city council commenced the impeachment hearing against Mayor Graham this morning. The council chamber was crowded with spectators and much interest is manifested in the city. Billingsby and Greene, attorneys for Graham, appeared and objected to the jurisdiction of the council to hear the case and the discussion of this question lasted all the forenoon.

As his defense Mayor Graham relies almost entirely on the point of the nonjurisdiction of the council to try the case. He holds that as mayor he is ex-officio member of the council and that as such he cannot bring an action against himself. The argument on the matter of jurisdiction occupied nearly all day. It is believed that the entire defense in the case will be on technical grounds.

Late this afternoon the arguments on jurisdiction were concluded and President Geisler of the council ruled that the council had no jurisdiction. An appeal was taken and the chair was overruled by a vote of 8 to 4. Graham's attorney then entered an objection to Councilmen Winnett and Woodward sitting in the case because they had expressed opinions regarding the guilt of the mayor and were disqualified. Affidavits were introduced to show that the two councilmen were prejudiced. President Geisler ruled that they could not sit in the hearing and an appeal being taken the vote was 9 to 4 against sustaining the chair. The president ruled that the articles of impeachment must be made more specific and the council again overrode his decision. An adjournment was then taken to tomorrow at 10 o'clock. The proceedings of this afternoon have established the fact that the council will not be able to muster the required ten votes to impeach the mayor. As it now stands the vote will be 9 to 5 and it is said the Graham vote will be increased to six on the final showdown.

TAKE UP THE KNIGHT ARSON CASE.

Jury Secured and Introduction of Testimony Commenced.

BLAIR, March 3.—(Special.)—The trial of George Knight, charged with setting the fire which consummed a large portion of the business section of the town of Arlington last year, is now on in the district court. The jury was secured in the afternoon and Judge Edward R. Duffie made the opening statements to the jury for the defense, and Attorney Frank Dolezal for the state.

Mr. Unland, whose building was occupied by George Knight at the time of the fire, was called as the first witness by the state.

Attorney J. H. Van Dusen conducted the cross-examination of the witnesses, and under the indictment Mr. Knight is only charged with burning the Upland building for the insurance money.

Attorney Dolezal attempted to draw out the witnesses for the state in relation to the other buildings that were burned, but the defense objected and a long discussion resulted.

The court finally adjourned for a short recess, and the judge and attorneys argued the matter in chamber. It resulted in another victory for the defense, and hence testimony will only be received concerning the fire in the Unland building, one of the seven buildings burned.

In this Judge Powell has decided directly opposite from Judge Baker in the former trial, and consequently the state's attorneys are nonplussed.

It is not yet clear how evidence may be introduced to cover the intent of Mr. Knight when no testimony is allowed concerning the buildings burned. The value of the forty witnesses here from Arlington will also be materially impaired by this decision.

Three witnesses for the state were finished when court adjourned.

BURGLARS TAP A POSTOFFICE.

Two Tramps Arrested with Stolen Property on Their Persons.

CALLAWAY, Neb., March 3.—(Special Telegram.)—On Tuesday night an attempt was made to blow open the postoffice safe at this place. The burglars gained entrance to the building through a rear window. They succeeded in drilling a hole through the top of the safe, but did not get it open. A brace, broken drill, monkey wrench and chisel belonging to a local carpenter were found on the floor and nothing missing from the office except a few loose stamps and pennies. It was ascertained that two trampish looking individuals were seen on Wednesday evening a few miles from town going toward Broken Bow. Postmaster Douglass swore out a warrant and sent Deputy Sheriff Savage and City Marshal Stevens in pursuit, and the two men were arrested and brought back and are now in jail here. The stamps and pennies were found in their possession, but they stoutly deny their guilt.

ARGUMENT IN THE POLICE CASE.

Discharged Men Urge Shortage in Funds Was Due to Overlap.

LINCOLN, March 3.—(Special Telegram.)—In the supreme court this morning the Omaha police case, involving the discharge of Shoup and other policemen, was argued and submitted. The attorneys for Shoup argued that the shortage of funds, on account of which the men had been discharged, was caused by using a part of the funds in meeting a deficiency of the year before, and that the men should not be made to suffer on this account. They also urged that a statute that allowed the discharge of men because of lack of funds, also allowed the men to inquire into the alleged shortage, and to show that it did not exist.

Gambling Must Stop.

GRAND ISLAND, Neb., March 3.—(Special.)—At the meeting of the city council last evening the committee on police and Board of Health introduced a report to the effect that all gambling houses in the city must close up and that the ordinance regulating the evil be hereafter strictly enforced at all times.

The city council of Grand Island will this year adopt the meter system in its public water service, every customer, of whatever extent, having to put in a meter for the measurement of the amount used. It is believed by the city council that this will so distribute the use of water over the twenty-four hours of the day and save enough of the waste that the present water supply will be sufficient and that the city will not have its annual drouth in August and September.

Shelton Items.

SHELTON, Neb., March 3.—(Special.)—Last evening when on their way home from school two boys named Harriman and Boyce, living four miles north, got into a quarrel. Young Harriman, who is not yet 16 years old, struck Boyce, his junior, with a heavy piece of congealed sand and cement in the head and knocked him insensible. Harriman is now under arrest and an attempt will be made to send him to the reform school.

The news published exclusively in The Bee in regard to changing the postoffice at this place from fourth-class to third-class has been read with much interest, as this office was one of many which went back during the depression and is now showing the effects of better times.

Fairbury Woman's Club.

FAIRBURY, Neb., March 3.—(Special.)—The literary department of the Fairbury Woman's club held a department meeting last Tuesday, March 1, Mrs. A. J. King, the leader in the chair. As usual a very pleasant afternoon was passed. The subject for the day, Alaska.

Sugar Factory for Auburn.

AUBURN, Neb., March 3.—(Special.)—The Commercial club of Auburn held a well attended meeting last night to discuss the matter of building a beet sugar factory. After discussing the matter in all its phases it was resolved to form a stock company with a capital stock of $600,000, and to build a factory. A committee of five, consisting of Colonel J. M. Burress, W. H. Kelligar, J. C. Killarney, J. W. Kerns and A. M. Engels were appointed to solicit subscriptions for stock and sugar beet contracts.

Missouri Valley Items.

MISSOURI VALLEY, Ia., March 3.—(Special.)—Carl Oleson, who was killed in the yards by the switch engine Monday night, was buried this afternoon under the direction of the order of the Danish Brotherhood.

James P. Hansen's 6-year-old boy swallowed a little tin whistle Sunday. So far the doctors have not been able to remove it and the child is in a critical condition.

The local lodge of Knights and Ladies of Security held an election last night. Ed Madsen was elected president and H. W. Wilber secretary.

George W. Norton, late treasurer in the freight department here, moved his family to Sioux City today, where he has been promoted to chief clerk in the freight department of the Sioux City & Pacific.

Shortage Discovered.

HAYES CENTER, Neb., March 3.—(Special.)—J. M. Gilchrist, the expert accountant, filed his final report. He found W. F. Hudson, county treasurer, $291.50 more short, making him short $513.70, besides the amount that the state examiner found him short, which was $96, making the total shortage of Hudson $609.70. The amount that Mr. Gilchrist found short in the county records was: Treasurer, $1,939.41; clerk, $481.92; total, $2,419.33. Mr. Gilchrist's salary amounted to about $400.

Tecumseh Items.

TECUMSEH, Neb., March 3.—(Special.)—District court in and for Johnson county is in session in this city and Judge Stull is presiding. No grand jury was called, but the petit jury is in service.

William Carr has let the contract for the erection of a two-story brick building on his lot on the west side of the public square here. The frame building has been moved off the lot and the work already commenced.

Platte County Mortgage Record.

COLUMBUS, Neb., March 3.—(Special.)—Following is the record of Platte county's mortgage indebtedness for the month of February, 1898: Forty-eight farm mortgages filed, $59,617; twenty-seven released, $25,086; eight town and city mortgages filed, $6,500; same released ten, $6,125; ninety-four chattle mortgages filed, $21,730.20; same released, 105, $23,487.02.

Schrader the Healer.

SILVER CREEK, Neb., March 3.—(Special Telegram.)—Schrader, the alleged divine healer, was in town today and spoke at the hall tonight. He said some thought he was Christ, but he was frank enough to admit that he was not. He goes to Omaha tomorrow morning.

Injuries Prove Fatal.

HARVARD, Neb., March 3.—(Special.)—The injuries received by Conrad Sinner in being run over by No. 80, a fast freight on the Burlington & Missouri railroad, at about 7:45 last evening, resulted in his death some three hours later.

Breaks His Collar Bone.

HASTINGS, Neb., March 3.—(Special Telegram.)—Dr. A. R. VanSickle, city physician, fell from his bicycle today and struck on his shoulder, breaking the collar bone.

OLD FASHIONED JOURNALISM.

Cared Nothing for Big News and Boomed the Reporter.

Reporters are at times too officious for their breeches, as this New York Press story will prove: When Thomas Kinsella was editor of the Brooklyn Eagle, a bright young man in the city department was sent over to New York to attend an important meeting that would have netted him about a stickful of space. Down in Pearl street happening to stroll he came across one of the great shipping merchants, whose connections with South American republics enabled him to get much valuable news, and, being acquainted with the gentleman, asked if there was anything new. "Why, yes," said the merchant. "There's big news. The president of Bolivia has been assassinated, and war with Chili has broken out. The whole country is fighting. Hasn't been such a ruction in South America in years." This was a good story, and looked as if it might be a "beat." Our reporter dropped everything else and went to work on it.

Hoping to surprise the office with a splendid account of the revolution the young man deferred mentioning it to the city editor until he had written about two columns, when he marched proudly to the desk to turn it in. Mr. Kinsella happened to be near by. "Have you turned in a report of that meeting?" asked the city editor. "No, sir," was the reply; "I got hold of a big piece of news and have been busy working on it all day. The meeting will be covered by 'city press,' and it isn't worth a paragraph." Kinsella chipped in: "What did you say you had been doing?" "Writing an account of a revolution in Bolivia; president assassinated; war with Chili; whole country fighting." "Who ordered you to do it, sir?" "It's a 'beat' I happened to get on." The old editor raved. "Let me give you to understand once for all, sir, that the people of Brooklyn care nothing for revolutions and murders and wars in South America when they can read in the Eagle an account of Mr. McLaughlin or Mr. Beecher or Mr. Stranahan or any other prominent citizen slipping on a banana peel and spraining his foot! Understand that, sir! Don't forget it. That meeting was a small affair, but two of the directors are Brooklyn men, and Brooklyn readers want to know what they did. Damn your revolution!" In his heat he tore up the story of South America and discharged the reporter.

PINE RIDGE DISCOVERIES.

Important Material Resources Within the Reservation.

Recent investigation by one of the government's experts, reports the Philadelphia Press, have revealed unexpected and important material resources within and about the Pine Ridge Indian reservation, in the southwestern part of South Dakota—resources all of which, doubtless, will in time be turned to good account. The discoveries were made by one of the geologists of the United States Geological survey, who was engaged the last field season in studying the geology of South Dakota and western Nebraska, the main end in view being to ascertain the underground water resources of the region. The geologist found upon the Pine Ridge reservation extensive deposits of hematite iron ore, which may in time be profitably worked. He also found on the reservation, about three miles from the agency, and extending southward across the state border into Nebraska, an extensive deposit of volcanic ash. There is a bed of this material fifteen feet in thickness and covering a great many square miles. The sand is of a fine quality and very sharp grained. It makes an excellent polishing powder and is also used for scouring soaps.

Of more immediate importance and interest to the Indians of the reservation, however, is the discovery in the immediate vicinity of the agency of geologic conditions which indicate that an excellent artesian water supply is available. The formations are so arched as to bring the great artesian water bearing beds of the region quite near the surface.

The greater part of the field covered by these investigations will be treated in a special report on the water resources and irrigation prospects of a portion of Nebraska west of the 103d meridian, now in course of preparation by the survey.

Herefords Bring Good Prices.

EMPORIA, Kan., March 3.—The auction sale of pure bred Hereford cattle at Sunny Slope farm was concluded today, after 150 animals had been disposed of at an average of $432 per head. The top price was realized for the prize bull, Salisbury, sold to Murray Beecock of Keswick, Va., for $3,000. The bull Keepon was bid in by C. S. Cross for $2,500. Other notable sales were: Lominster Daisy, imported cow, for $1,205, to G. H. Adams, Creston, Colo.; True Briton, imported bull, $975, to John M. Foster, Topeka; Archibald VI, bull bred in Emporia, $910, to L. S. Young, Oakland, Neb.; Weston Stamp, imported bull, $820, to Cornish & Patton, Osborne, Mo. Among the heaviest purchasers were G. H. Adams of Creston, Colo., and K. B. Armour of Kansas City.

Carlists Will Take Part in Elections.

MADRID, March 3.—The Carlists have issued a manifesto announcing their intention to take part in the coming elections.

VICTORY FOR CUBAN ARMS

Insurgents Meet with Success in Their Struggle for Liberty.

SEVERAL REVERSES FOR THE SPANISH

Reports Come from Cuban Sources—Spanish Attack Escort for Supplies Landed by Dauntless, but Are Driven Off.

NEW YORK, March 3.—A dispatch to the Herald from Havana says: "A report has been received of the landing of a very large expedition almost in Matanzas harbor. It is believed to be that taken on the Dauntless by "Dynamite Johnny" O'Brien. The supplies were taken charge of by rebel cavalry numbering 400. They were attacked by 800 of General Molino's soldiers. It is reported that the rebels gave battle and successfully escaped with the supplies, absolutely without loss. Reports of insurgent activity continue to come into Havana and greatly exasperate the public, although every attempt is made to suppress the facts. Rebels are especially active in the provinces of Santiago de Cuba, Puerto Principe and Santa Clara. Jiminez Castellanos in recent battles in Vueltas, Cuarto, Caminos, Najosa, Managua and Peralejo could no more than hold his own and eventually was compelled to retreat to Puerto Principe and Santa Clara, losing several officers and ninety-seven privates and having two lieutenants and 220 privates wounded. Spanish columns under General Voda Rey and Colonel Lopez Ontaga, on February 23, were surprised and vigorously attacked by Cubans of Garcia's command. The Spanish were thrown into confusion and, after an attempt to reform their lines, fled precipitately, leaving Captain Gomez Avelanada and seventeen privates dead on the field. The rebels captured thirty-nine wounded Spaniards.

Near Holguin on the same day, General Torres, with 400 men, defeated the combined forces of General Ballesteros and the marine infantry under Captain Fernandez Colombo, killing twenty-nine and wounding Captain Colombo, Major Rivera and thirty-eight privates.

Captain Sigsbee has received a letter written by General Jacinto Hernandez, expressing sympathy for the loss of his ship and crew. General Hernandez feared to address Captain Sigsbee personally, as it might be misunderstood, so he addressed his letter to an American who is in the field with Gomez. The letter was then forwarded to this city.

A messenger left Gomez's camp early last week and is now proceeding to Washington, carrying full data and details of insurgent field organization. In case hostilities break out General Gomez expects to co-operate with the American fleet, and for this reason desires that American officers shall have full knowledge of the rebel forces and equipment. It is understood here that Gomez will offer to relinquish his command to any American general who may be sent from Washington.

A letter received from Washington to a Herald correspondent in the field near San Antonio de las Vegas, dated February 27, brings news of a six-hour fight near the town of Tapaste, in the hills. No details have been received, but it is known that the insurgents held their post, forcing the troops to retire. The correspondent writes: "We all have been wondering how the political situation at Havana appears, it now being more than a week since we had any news. Spaniards in neighboring towns have been drinking many toasts to 'satan's new visitors.'"

LONDON COUNTY COUNCIL ELECTIONS

John Burns Re-Elected and a Number of Extreme Socialists Returned.

LONDON, March 3.—The London county council elections are proceeding quietly today. The voting is brisk, and all kinds of equipages have been requisitioned, from the coach to the donkey cart. A turn of the tide against John Burns, the labor leader, is reported to have occurred in the Battersea district, and even the liberals say his re-election is doubtful. The outgoing council consisted of sixty democrats and fifty-eight progressives, otherwise conservatives and liberals.

The elections have passed off with no notable incident. The attempt of the earl of Denbigh to oust John Burns in Battersea failed. Earl Russell, progressive candidate, was defeated at Hammersmith. Among those re-elected were the earl of Harwicke, Baron Monswell, Sir Horace Farquhar, Right Hon. G. J. Shaw-Lefevre and Sir Blundell Maple. The latest returns show that the progressives have elected sixty-seven of their candidates and the moderates forty. A recount will be necessary in Chelsea and the results in the city (proper), Fulham and Wadsworth will not be declared until tomorrow. Thus far the progressives show a net gain of thirteen seats. The moderates have gained only two seats in Central Finsbury and this was owing to a split in the progressive ranks.

The polling showed no marked increase over previous elections, but the return of a number of extreme socialists is a feature of the result. It is expected that the progressives will have a majority of at least twenty-four in the new county council. Despite the disagreeable sleet and rain great crowds awaited the results in Fleet street, at Battersea and other centers of exciting contests. There was a great gathering of liberal politicians at the National Liberal club, where the progressive victories were hailed with delighted cheering.

ADMIRAL MARKHAM IS SURPRISED.

His Observations on the Experience of the Ship Diana.

LONDON, March 3.—In the course of an interview today Rear Admiral Albert Markham, the well known explorer of the Hudson strait and bay, expressed his surprise at the account received from Ottawa of the experiences of the exploring steamer Diana while along the Labrador coast and in Hudson strait and bay. This account, he said, was at variance with all the previous experiences. In his opinion the Hudson bay route is open certainly four months and possibly six months a year. He declares that it would be an immense boon to commerce, cheapen the transport of cattle and wheat to Great Britain, be invaluable from an imperial standpoint in saving time in the transport of men and stores to the naval base at Vancouver and afford a duplicate British route should the Canadian Pacific railway be seized by America in time of war.

According to the report which is the subject of Rear Admiral Markham's observations the Diana was only able to reach the mouth of Hudson bay in the season as late as June 23. The region passed was badly blocked with ice. The steamer's daily journal from that date furnishes a terrible record of hardships and difficulties in making the passage. The Diana stuck fast in the ice for days together and was frequently jammed and crushed in the terrible ice floes. Its rudder was lost, the screw smashed and the vessel was frequently thrown entirely out of water. At times the situation was so critical that the life boats were made ready to quit the ship. Captain Wakeham, its commander, says that no heavy vessel could have withstood the ice, which was often from twenty to thirty feet thick. The whole time until July 16 was occupied in pressing through the strait into the bay.

CHALLENGES PICQUART TO A DUEL.

One of the Witnesses in the Zola Trial Desires a Fight.

PARIS, March 3.—Colonel Henri, one of the witnesses called in the recent Zola trial to contradict minor points of testimony given by Colonel Picquart, has challenged the latter to a duel. Colonel Henri, in the course of his examination, lost his temper and cried, "Picquart is a liar." Picquart, leaping to his feet, cried to the jury: "I will tell you why he brings these charges against me without proofs and denounces me as a liar. It is because he is one of the men who manufactured the Esterhazy affair as it was presented to the court-martial, and he is one of those who engineered with Major Paty du Clam the previous affair and who forbade fresh inquiry into the Dreyfus case, when in the course of my duty by reason of new discoveries as to Esterhazy I revealed the mistake that had been made. He and they have attacked my honor as a man and an officer because I persisted in pursuing the inquiry."

Colonel Henri succeeded Colonel Picquart recently as chief of the secret service division of the French war department.

BREAKS THE LONG DEADLOCK.

Governor of New Foundland Signs the Reid Railway Contract.

ST. JOHNS, N. F., March 3.—The governor, Sir Herbert Murray, acting under instructions from the colonial office, signed the Reid railway contract today, thus breaking the deadlock. The measure has passed all stages and was sent this afternoon to the upper house, where it will be read a second time tomorrow. The government claims that the contract will effect a saving of $80,000 a year in addition to promoting the development of the interior, with a consequent increase of revenue.

The contract which the Newfoundland government has entered into with Mr. Reid is one to build a railroad across the island and to work the entire railway system of 650 miles for fifty years, receiving a subsidy of 2,500 acres of land per mile. Mr. Reid pays $1,000,000 now, which becomes $7,000,000 at the end of the period. When the colony takes the money the contractor's representatives will take the railroad. If he should make default in carrying out the contract during the period both the money and the railroad are forfeited to the colony. Mr. Reid purchases St. Johns dock for $350,000 and the government telegraph lines for $125,000. He also undertakes to build seven mail steamers to ply in the great bays, receiving a subsidy of $100,000 for thirty years. Mr. Reid secures certain coal areas which he agrees to work, as also pulp and lumber mills and copper and other minerals, being protected by a dollar duty, to be imposed on imported coal. Furthermore, he contracts to build an electric railway in St. Johns and to pave the main streets for $140,000.

ROUMANIAN QUEEN GETS A DIPLOMA.

Doctor of Letters and Honorary Member of a University.

(Correspondence of the Associated Press.)

PARIS, Feb. 22.—Carmen Silva, as Queen Elizabeth of Roumania is known to the literary world, has just received her diploma constituting her a doctor of letters and honorary member of the university of Buda Pest. The diploma is a veritable work of art and is enclosed in an artistic case of great intrinsic value. Accompanying it is a letter from the council of the university, written in four languages—Hungarian, Wallachian, Latin and French.

L'Eclair says: "Oscar Wilde's presence is announced within our walls. The too celebrated English author has been seen in several public establishments. His troubles do not appear to have damaged his health. He has even put on a little too much flesh. Otherwise his appearance is always one of supreme elegance, an elegance increased by aesthetic originality."

An island, it is announced here, has suddenly appeared on the northwest coast of Borneo, apposite the town of Labuan. Its apparition appears to be due to the earthquake which occurred in September near Kudat, in British Borneo. The island is composed of clay and rock. It measures 200 yards in length by fifty in width and it has gone on increasing since its first appearance.

SOLDIERS ENFORCING THE LAW.

Blue Coats Bring Order Out of Chaos at Skagway.

VICTORIA, B. C., March 3.—Passengers on the steamer Islander, which has reached here from Skagway, confirm the report that the Canadian flag has been raised at Summit lake and that the Canadians would establish a customs house at Crater lake.

Martial law has been proclaimed at Skagway and the United States troops who went upon the Queen are enforcing the law.

The attempt to float the steamer Corona has so far been a failure. Captain Goodall, who has been conducting the wrecking operations, has gone with the divers to make an examination of the Cottage City.

The death rate at Skagway averages fifteen daily, one of the latest victims being the postmaster.

It is stated by passengers on the Islander that the Taiya trail is strewn with dead mules.

TWO MINERS FROZEN TO DEATH.

One Hundred and Sixty Thousand Dollars Found on Them.

VICTORIA, B. C., March 3.—It is said by the steamer Islander, from Alaska, two days ago, that two Canadian mounted police marched into Skagway with two sleds in tow, over which were strapped two dead men. The attention of the mounted police at Taguish was attracted by the dismal howls of a dog. A few moments' search on the trail and they found the bodies of two men who had been frozen on the trail. It is said they were returning Klondikers and they are reported to have had in their possession $160,000 in paper and gold dust, one $90,000 and the other $70,000. Their names are not known.

Pope Receives the Diplomatic Corps.

ROME, March 3.—The pope today received in separate audience each member of the diplomatic corps accredited to the holy see, who called to congratulate his holiness upon the twenty-first year of his pontificate, which opened today. Afterwards there was a commemorative mass in the Sistine chapel. The pope, wearing the triple crown, arrived in the Sedia Gestatoria, surrounded by the usual guards and other officials. The galleries were occupied by the members of the sacred college, the diplomats, the Knights of Malta and the Roman patricans. Cardinal Vannutrelli celebrated mass and at its conclusion the pope intoned the te deum and pronounced the apostolic benediction. There was an immense congregation present and his holiness was warmly acclaimed.

Prince Henri's Opinion.

(Copyright, 1898, by Press Publishing Company.)

PARIS, March 3.—(New York World Cablegram—Special Telegram.)—Prince Henri D'Orleans was seen today on the question of the possibility of European intervention in case of a war between the United States and Spain. He said: "I am a traveler; not a politician, but I think that every nation in Europe is too much occupied with its own affairs to support Spain in a war with the United States. It might be different if the theatre of war were in Europe, not, as probably, in Cuba. The French nation has always had a great sympathy for Spain on account of the courage and chivalry of the people of that country."

News from Nicaragua.

MANAGUA, Niaragua (via Galveston), March 3.—The Nicaraguan congress has declared null and void the contract of 1893 between the president of Nicaragua and the Bank of Nicaragua, by the terms of which he is authorized to transact a mercantile business in its name.

Rafael Rees, the successor of Senor Castellanos, who last July resigned his membership in the Diet of the greater republic of Central America, arrived here today. The vigorous effort of Senor Leals, Spanish consul general at Managua, to induce the Diet of the greater republic to expel from Nicaragua Senor Pedro Salcedo, the Cuban, has failed.

Exposition Commissioners in London.

LONDON, March 3.—Thomas W. Cridder, the special commissioner of the United States at the Paris exposition of 1900 and Colonel Louis M. Hamburger, the assistant special commissioner, have just arrived here from New York, spent the day in London and will proceed to Paris tonight in company with Consul General Osborne.

Passage of Naval Bill Assured.

BERLIN, March 3.—The budget committee of the Reichstag today adopted several additional paragraphs of the naval bill. Its ultimate passage is regarded as assured.

Emperor William Goes to Sea.

WILHELMSHAVEN, March 3.—Emperor William embarked today on the first-class battleship Friedrich Wilhelm and went to sea.

Large Quantity of Cotton Burned.

LONDON, March 3.—A cablegram received today from Kobe, Japan, states that a fire has occurred in the sheds on the docks there, that the goods stored therein from a vessel from Bombay have been burned, together with the vessel, and that there had also been burned American cotton to the value of £40,000.

Capital Made Federal Territory.

MELBOURNE, March 3.—The federal convention has adopted the proposal that the capitol of Australasia be federal territory, like Washington, the existing capitols being excluded.

Fresh Outbreak of Epidemic.

BOMBAY, March 3.—An epidemic of "black blister" has broken out in the state of Hyderabad. Fifty deaths are occurring daily.

English Looking for a Grab.

SHANGHAI, March 3.—The China Gazette says Great Britain will occupy Wei Hai Wei in the event of Japan withdrawing from that port.

BIGGEST COLORED GIRL.

She is Seventeen Years Old and Weighs 537 Pounds.

Eliza Moore, the largest colored girl of her age, so far as known, is a resident of Lexington, Ky. She was born in Harrodsburg seventeen years ago. Her parents were people of ordinary size. She was an unusually small baby, weighing but two pounds when born. For the first few weeks her parents thought she would never live. When she was three months old, relates the Globe-Democrat, she began to put on flesh. Her skin seemed to be as elastic as India rubber, and when she was a year old she weighed 100 pounds. Since then she has continued to grow with alarming rapidity, until she now weighs 537 pounds. Her bust measure is seven feet seven inches. She is five feet four inches tall. Her hair is nearly straight. She is a bright quadroon, and, notwithstanding her enormous size, has regular features and a face of considerable intelligence. She wears a 5½ shoe, and her hands are in proportion. Her arms are so thickly covered with flesh that she can scarcely put her hands to her head. She walks without much difficulty, and can climb stairs much better than one would imagine. When asked if her flesh was not a burden to her, she replied: "Not at all. People think I am miserable, but I am not. I eat no more than the ordinary person, and have no special diet."

Eliza attended school for several years in Harrodsburg and is fairly well educated. She talks intelligently, and seems to be above the average colored girl of her age in mental attainments. Eliza has had many offers to exhibit herself in museums, but she has persistently declined to accept them. Her mother and stepfather are industrious colored people, and make a good living. Consequently they are as much opposed to Eliza allowing herself to be exhibited as she is. She is a great reader, and bids fair to become one of the best educated colored girls in Lexington. Physicians who have examined her say that none of her vital organs have been injured by excessive adipose tissue, and so far as they can see she is in the best of health.

Natural Question.

Chicago Post: It was either an elopement or a honeymoon, or possibly a combination of both.

As they stood in the waiting room of the depot he said:

"We can take either one of two roads. I leave the choice to you."

"Is—is there a tunnel on either?" she asked hesitatingly.

Oh, there could be do doubt about it at all. All the passengers agreed that it was an elopement or a honeymoon or both.

Scenes at Monte Carlo.

Here is an extract from a private letter from a Boston woman, now in Monte Carlo: "We went to the flower market this morning and brought home two dozen beautiful roses, a large bunch of violets, some hyacinths and mignonette—all for 20 cents! Last night we went to Monte Carlo and saw Lily Langtry in low-necked white satin and diamonds, playing heavily and winning all the time. The duke of Cambridge was watching her, and so was everybody else. It was a gay and festive crowd, and we never saw such beautiful costumes. Just for the fun of the thing we put a crisp $5 United States greenback on the red. The croupier looked at it, turned the wheel and then raked it into his pile just as if it had been French money. We thought we detected a smirk on his face in token of his delight at having beaten a Yankee."

HYMENEAL.

Bruce-Nordquist.

MALMO, Neb., March 3.—(Special.)—Mr. W. C. Bruce of this place was married today to Miss Emma Nordquist of Holyoke, Colo., Rev. Liederman officiating.

Burglars Steal Silver.

The house of Mr. Beaton, 1619 Pinckney street, was entered last night during the absence of the family for the evening. Gas was burning and doors were ajar when the householder returned and a number of articles were missed from the silver closet and bureau drawers.

Arrested on Suspicion.

Bert St. Clair was arrested last night at one of the leading hotels on the suspicion of being a confidence man and general thief. There was found in his possession a complete outfit for the manufacture of loaded dice, as well as correspondence from people known to be thieves.

FORECAST OF TODAY'S WEATHER.

Fair in Nebraska, with Light, Variable Winds.

WASHINGTON, March 3.—Forecast for Friday:

For Nebraska and Wyoming—Fair; light variable winds, becoming easterly.

For Iowa—Fair; slightly colder in eastern portion; easterly winds.

For South Dakota—Fair; slightly colder in eastern portion; easterly winds.

For Missouri—Fair; variable winds.

For Kansas—Fair; variable winds, becoming southeasterly.

Local Record.

OFFICE OF THE WEATHER BUREAU, OMAHA, March 3.—Omaha record of temperature and rainfall compared with the corresponding day of the last three years:

	1898.	1897.	1896.	1895.
Maximum temperature ...	45	34	28	24
Minimum temperature ...	24	9	19	9
Average temperature	34	22	24	16
Rainfall	.00	.00	.21	.03

Record of temperature and precipitation at Omaha for this day and since March 1, 1897:

Normal for the day	30
Excess for the day	4
Accumulated excess since March 1	1
Normal rainfall for the day	.04 inch
Deficiency for the day	.04 inch
Total rainfall since March 1	.01 inch
Deficiency since March 1	.11 inch
Deficiency for cor. period, 1897	.11 inch
Excess for cor. period, 1896	.12 inch

Reports from Stations at 8 p. m.

STATIONS AND STATE OF WEATHER.	Temperature at 8 p. m.	Maximum for day	Precipitation
Omaha, cloudy	36	45	.00
North Platte, clear	42	46	.00
Salt Lake City, cloudy	50	54	.00
Cheyenne, partly cloudy	42	48	[illegible]
Rapid City, cloudy	34	38	.00
Huron, partly cloudy	32	36	.00
Chicago, clear	28	30	.00
Williston, clear	16	24	.00
St. Louis, cloudy	34	34	.00
St. Paul, partly cloudy	26	30	T
Davenport, clear	30	34	.00
Helena, snowing	28	32	T
Kansas City, clear	42	44	.00
Havre, cloudy	22	26	.08
Bismarck, cloudy	26	32	.00
Galveston, cloudy	52	52	.00

T indicates trace of precipitation.

L. A. WELSH, Local Forecast Official.

KELLEY, STIGER & CO.

..SPECIAL AGENTS..

Butterick Patterns

The name Butterick in connection with fashions is synonymous with *style*, *fit* and *perfection*. We therefore take pleasure in announcing the purchase and receipt by us of a complete assortment of every design in the Butterick Catalogue and can supply a pattern to fit any age—child—girl—boy or miss—and any size woman from 30 to 54 inches bust measure.

Note Reduced Prices on New Patterns

Ask for the latest Butterick Fashion Sheet—given away free by us.

The Delineator and Omaha Glass of Fashion can be secured at this department.

Our Advance Orders

IN TAILOR-MADE SUITS—
IN SEPARATE SKIRTS—
IN SPRING JACKETS—

Have arrived and are now ready for your inspection.

KELLEY, STIGER & CO.

Corner Farnam and Fifteenth.

FREE ADVICE by our Physician and a FREE SAMPLE of our medicine and a 68 page Free Book treating all diseases with 56 excellent recipes are some of the reasons why you should write us.

Dr. Kay's Renovator

Cures the very worst cases of Dyspepsia, Constipation, Headache, Liver and Kidney diseases. Send for proof of it. We Guarantee It. Write us about all of your symptoms. Dr. Kay's Renovator is sold by druggists, or sent by mail on receipt of price, 25 cents and $1.00.

Address Dr. B. J. KAY MEDICAL CO., (Western Office) Omaha, Neb.