

WANTS NO FURTHER DELAY

Judge Baxter Announces Determination to Begin Miller Trial Monday.

LAWYERS SEEM TO PLAY FOR MORE TIME

Defendant's Counsel Objects to Method of Drawing Special Verdict of Jurors, but Court Says Trial Will Proceed.

Judge Baxter of the criminal branch of the district court had a conversation yesterday with Attorney E. P. Smith and Nelson C. Pratt, which was earnest almost to the extent of being heated.

It concerned the special verdict drawn for the trial of Alonzo V. Miller of the South Omaha school board on a charge of bribery. After the conversation ended Judge Baxter said very positively:

"I announced that the trial will proceed at the designated hour next Monday unless obstacles insuperable are raised."

Attorney Pratt, after that, hastened to say: "We are just as anxious as anybody to have the case come to trial and I have no other idea than that it will, Monday, I don't think there will be any objection raised to that point."

However, it was not Mr. Pratt who seemed most inclined to pick flaws this morning. It was Mr. Smith, and he grounded his objection on the method of drawing the verdict. He told the judge that instead of drawing forty names from the box last week and requiring the jury to draw Monday, they should have twenty days notice or else the sheriff should be sent out to gather in forty men from the body of the county.

"Well," said the judge very promptly, "you want a panel secured. It is the fact that you can have it. We can arrange that right away."

But Attorney Smith then appeared less eager and permitted the matter to drop without definitely committing himself.

Throws Out a Reminder. Judge Baxter also reminded Pratt that last Wednesday, while Smith was engaged in another court case, he said: "You may as well go ahead and draw a special verdict. It will have to be done sooner or later anyhow, as you have not jurors enough now," and that he had indicated nothing but approval when the judge made in his book the following minutes: December 24: Defendant in court. By consent of parties case passed and set for trial December 29, 1902, at 9:30 a. m., and a special venire of forty jurors is ordered drawn from jury box to report here at said time."

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KNIVES FLASH ON TRAIN

Hillside Miners Fight in Cars on Alton and Six Are Badly Cut.

SPRINGFIELD, Ill., Dec. 26.—In a fight on the Alton southbound train leaving here tonight, in which fifteen coal miners from Auburn and Pawnee were the combatants, half a dozen were badly cut with knives.

J. H. Havlin, a miner from Greentide, who was unable to secure sufficient information in regard to this event to give it more than passing mention, and his conclusion is borne out in more ways than one, by certain things that have occurred to late years, and which have tended to throw some light on the subject.

"You are quite right in what you say about the lack of historical information on the subject of the massacre of Bouvee's ranch," said an old frontiersman to a Washington Post reporter. "It was an event fully as important as that of the Custer massacre, yet for some reason which students of American history have never been able to divine, not one of the authorities on western history has ever been able to tell the cause of the trouble, or to state whether the Indians or the whites were in the wrong. However, it is a most unfortunate in this respect that the general run of Americans, for, in 1858, I had the good fortune to learn the full and complete details of the massacre, what caused it, together with all other facts as to when and how it originated."

In 1858, he was stationed at Fort Bridger, Wyoming, where I was a member of the Tenth Infantry, forming part of the army of General Albert Sidney Johnston, sent by the government to chastise the Mormons for the part they had played in the Meadows massacre of 1847. While there I formed the acquaintance of an old French-Canadian half-breed, a trapper, of the name of Plato, and in the course of time became quite friendly with him. One day I happened to mention to Bouvee's ranch massacre, which took place in 1854, and locality in question lying at no great distance from Fort Laramie. He replied that he was on the spot at the time, that he knew all the facts in regard to the matter, and that if I cared to listen to him he would relate the story of the massacre just as it occurred.

Indians were hungry. "Early in 1854, he said, the Sioux, Cheyennes and Arapahoes encamped at Bouvee's awaiting the arrival of commissioners from Washington to pay them their annuities and distribute rations. The winter proceeding had been a long and hard one, and the Indians were hungry and on short rations. While they were thus waiting, a Mormon appeared on the scene in a wagon, drawn by three oxen, which, in the west, we used to call a spiked team, and the Indians crowded about him, and he offered them the extra ox. By means of their sign language they offered him first one, then two, and then as many ponies as he liked, for the ox, but the Mormon was obdurate and refused to part with the animal at any price. He then offered him several times over as soon as they received their money from the commissioners and were able to buy whatever they liked.

"But the Mormon was not only unusually stupid, but unnecessarily pig-headed as well, and instead of relying on the honesty of the redskins, who most assuredly would have repaid the value of the ox several times over, he went to Fort Laramie and there sold the animal to the government for a small garrison at the fort, consisting of some thirty men under arms, together with about twenty others employed in divers capacities other than that of soldiers.

"Not far from the fort, he said, he met a man, who was then in command of the small garrison at the fort, consisting of some thirty men under arms, together with about twenty others employed in divers capacities other than that of soldiers.

"He had an interpreter, a half-breed, and through him he called upon the chief of the Sioux, a very old and gray haired man, for an explanation of the affair with the Mormon. Mind you, this was going on in a camp of 3,000 Indians. The chief and his warriors were very much distressed for want of food; that they offered the Mormon all the ponies he could drive away for the one ox, and that on his having refused to trade, they had taken the animal by force, but stood ready to make good the loss as soon as they received their money from the commissioners. He had barely finished when Grattan, between hitchcoughs, said:

"There, that'll do; we've heard enough out of you. Now, old man, you trot that ox over here, and you'll see how I'll turn my artillery loose on you."

"The chief replied that such a thing was impossible, as the ox had been killed, cooked and eaten some time before, but his reply made no effect on Grattan. Finally, the man became so provoked by the conduct of the latter drew his pistol and shot him dead. Then he gave the order to fire, but before the report of the thirty rifles had died away the 3,000 Indians were upon Grattan and his command, and in a few moments all had been killed.

"The interpreter made his escape, but was captured, brought back and flayed alive. The Indians had an idea that he was responsible for the whole trouble, as they were unable to believe that any man could be so foolish as to insist on another producing an animal when he knew that it had been killed and eaten. Every member of the command was killed except a little drummer boy, who in fleeing from the Indians stumbled and fell. A squaw, to whom time and again he had taken food at the fort, fell upon him and tried to protect and save his life, in return for the kindness she had received at his hands, but the Indians dragged her away, killed the boy and compelled the squaw to eat Grattan's heart as a punishment for having tried to shield one of the whites.

"Well, instead of waiting for the commissioners, the Indians waited on the warpath, and did considerable damage until finally beaten by a force of government troops sent against them from Bridger. They could say as well have taken Fort Laramie, but the company surgeon, Dr. Snyder, dressed the chambermaids, housekeepers and laundresses of the fort up in soldiers' clothing, armed them and made them perform guard duty during the day, while the few men left at the post went on as pickets during the night. In this way he fooled the Indians into thinking that the fort was heavily garrisoned, and thus saved it from falling into their hands.

"When steps were taken to reward him he said that all he desired was an extra allowance of whiskey, which, of course, was cheerfully granted. Thus, the story got out, which has been repeated time and again in army circles with all manner of elaborations and embellishments, that for having saved Fort Laramie the government allowed Snyder a drink for each and every star in the flag every day in the week, except Sunday, when he got a drink not only for every star, but every stripe in the American flag as well."

Supreme Court Syllabi. 12208. Woodward against Kavan. Appeal from Douglas. Affirmed. Duffe, C. division No. 2. Unreported.

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Persons engaged in selling intoxicating liquors under license obtained pursuant to the laws of this state are liable for damages resulting from a like traffic before the license is annulled, and are not liable to be joined in an action against any person to recover for such previously incurred damages, but are liable to the same plaintiff for subsequent wrongs of a similar kind.

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FOLLY LEADS TO MASSACRE

Annals of a Border Tragedy Recalled by a Frontiersman.

BLOODY CHAPTER IN WESTERN HISTORY

Absurd Demand of an Officer Provokes Indian Hostilities—Second-Hand Details of the Horrible Affair.

Those who are familiar with the history of the great west have more than once had occasion to regret the absence of any detailed and definite record of the regular massacre of Bouvee's ranch.

Students of the history of that section of the republic have long suspected that at the time of writing their works on the western country, Mark Twain and other writers were unable to secure sufficient information in regard to this event to give it more than passing mention, and his conclusion is borne out in more ways than one, by certain things that have occurred to late years, and which have tended to throw some light on the subject.

"You are quite right in what you say about the lack of historical information on the subject of the massacre of Bouvee's ranch," said an old frontiersman to a Washington Post reporter. "It was an event fully as important as that of the Custer massacre, yet for some reason which students of American history have never been able to divine, not one of the authorities on western history has ever been able to tell the cause of the trouble, or to state whether the Indians or the whites were in the wrong. However, it is a most unfortunate in this respect that the general run of Americans, for, in 1858, I had the good fortune to learn the full and complete details of the massacre, what caused it, together with all other facts as to when and how it originated."

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12209. Reiss against Arapahuit. Appeal from Lancaster. Affirmed. Pound, C. division No. 2. Unreported.

12210. Strahnik against Kettie. Error from Dixon. Judgment. Ames, C. division No. 1. Unreported.

Persons engaged in selling intoxicating liquors under license obtained pursuant to the laws of this state are liable for damages resulting from a like traffic before the license is annulled, and are not liable to be joined in an action against any person to recover for such previously incurred damages, but are liable to the same plaintiff for subsequent wrongs of a similar kind.

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