

RELIEF FOR THE STOCKMEN

Colonel Mosby Suggests Plan to Soften Fence-Destroying Blow.

WOULD SUSPEND LAW FOR SIX MONTHS

Writes to Senator Daniel Recommending Action by Congress to Prevent Loss from Execution of Department's Orders.

(From a Staff Correspondent.)

WASHINGTON, Jan. 11.—(Special.)—Colonel John S. Mosby has taken steps to advocate some softening of the blow which will strike the Nebraska stockmen if the fence-destroying order is pushed. He advocates the passage of a law by congress which will suspend the anti-fence law for at least six months. On this matter the following letter, written by Colonel Mosby to Senator Daniel of Virginia, will be of interest to Nebraskaans concerned.

ALLIANCE, Neb., Dec. 8, 1902.—Hon. John W. Daniel, United States Senator: Dear Major—No doubt you have seen notices of the excitement in western Nebraska produced by the orders of the land office to remove fences from public lands. The act prohibiting it was passed February 2, 1885, but has been a dead letter here until I came last August. A very large portion of the public domain has been inclosed by big cattlemen to the exclusion of those who have small farms or who are homesteaders. The practice has gone on so long, with the connivance of officials, that the trespassers claim a sort of vested interest in the lands for grazing their cattle, and set up a sort of equitable estoppel against the government. Then the appeal is made to let the fences stand, even if wrong in the beginning, as it would be too serious now to the public interest to remove it.

How to Help Stockmen.

As these fences have stood a long time by sufferance I think some indulgence should be shown to those who own them. But as an official I have no discretion, but must obey instructions and execute the law. They are certainly an obstruction to settlement and should be removed; but as they were erected by an implied license and have stood so long by the acquiescence of the government, good faith requires that they should be removed with as little damage to individuals as possible. Time should be given cattlemen to adjust themselves to new conditions. Just as Mr. Lincoln favored the gradual emancipation of slaves, I am opposed to any harsh measure and would be glad if congress, by a joint resolution, would suspend the fence law for at least six months or even a year. This would put a stop to fencing public lands, as nobody would build a fence that would have to come down in a few months, and the cattlemen would then pull down their fences.

Last spring I wrote a letter to the general land office recommending that the homestead law be so amended as to permit a person in the several states to enter at least one full section. I think two would be better. In a homesteaded section a homestead of 160 acres may support a family, but it will not where land is not worth much for anything but wheat. I think such a policy would promote the settlement of the country. The president in his message recommends it. Such an amendment of the homestead law might be embraced in a joint resolution suspending the fence law. I suggest that you confer with Senator Millard of Nebraska and Senator Gilman of Montana about it. I hope to see you soon. I am out on the prairie enjoying Arctie weather. Very truly, JOHN S. MOSBY.

About Widows' Leases.

Colonel Mosby finds some fault with a circular sent out from the general land office concerning the rights of soldiers' widows under the law. His letter is addressed to the commissioner, and reads:

ALLIANCE, Neb., Dec. 8, 1902.—The Commissioner of the General Land Office: Sir—In a letter to you of August last I called your attention to the statement on page 21, circular of the general land office, that "if the land is cultivated in good faith the law will be regarded as substantially complied with, although the widow's children may not actually reside on the land," and I expressed the opinion that this decision was in conflict with the statute (section 2307, R. S.) and abolished the restrictions as to residence and cultivation which it imposes. This erroneous construction of the statute is the origin of the fraudulent soldiers' widows entries which have been suspended by the general land office. Under section 2307 of the revised statutes a soldier who makes a homestead entry is entitled to have his term of service, not exceeding four years, deducted from the period of five years' residence required by law, and is allowed six months after filing his declaratory statement within which to commence his settlement and improvement. But section 2305 says "No patent shall be issued to any homesteaded section who has not resided upon, improved and cultivated his homestead for a period of at least one year after he shall have commenced his improvements." Section 2307 of the revised statutes substitutes as the equivalent of "residence, improvement and cultivation" the residence 3205, for settlement on land implies residence. Homesteaders are called settlers. The policy to remove all the land to promote the settlement of the public lands. But the law allows the land for grazing during the very first year of the law, as the land was already grazing ground before the war. The law requires entry, and the fences of the cattlemen keep out settlers. It is the object of the cattlemen to fence out soldiers' widows and preserve the public land for pasture.

No matter how long a soldier's service may have been, he is required to have resided on his homestead for at least a year before a patent can be issued to him. The construction now put on section 2304, by dispensing with residence for a widow, converts a homestead right into an absolute, unconditional grant, and makes it practically the same thing as a land warrant given to the widow of a soldier in the Mexican war and the war of 1812, that could be sold on the market and located on public land anywhere.

Residence is necessarily implied in the "improvement" of a section. It is a violation of the law that it never requires a man to do a vain thing. While the circular dispenses with the widow's residence, it requires of her the same oath that it requires of every settler, that "I will faithfully and honestly endeavor to improve and cultivate the land as the law requires, and as the reason of the law is the wife of the law. But there is nothing more unreasonable in requiring a widow with children to reside on a homestead than to require it of an old man who is presumed to have no children. The circular is either wrong in its construction of the statute or it is wrong to require such an oath from a widow. An executive department may pass regulations consistent with law for carrying laws into effect, but cannot make a regulation in conflict with law. Respectfully,

JOHN S. MOSBY, Special Agent.

CHANCE FOR ANOTHER JUDGE

Favorable Report to Be Made to House on Eighth Federal Circuit Measure.

(From a Staff Correspondent.)

WASHINGTON, Jan. 11.—(Special Telegram.)—A favorable report will be made tomorrow to the house on the bill providing for the appointment of a new judge to the eighth federal circuit.

MAKES A MIRROR OF YOUR SILVER

GORHAM SILVER POLISH

Imparts a lasting polish

Contains no injurious ingredient

All responsible dealers keep 25 cents a package

WOLBACH, NEB., JAN. 11.—(Special.)

The school house at this place was burned at 5 o'clock yesterday morning. The fire was of unknown origin. The insurance policy of \$7500 expired about thirty days ago and consequently the building is a total loss to the district.

PLUMBAGO VEIN

CARRONDALE, ILL., Jan. 11.—A five-foot vein of plumbago was discovered today in Saline county.



Anheuser-Busch

Sales for 1902

1,109,315 Barrels of Beer

83,790,300 Bottles of

Budweiser

—"King of Bottled Beers"

Made of selected barley-malt and best imported hops, pure water and fresh yeast. No corn used. The purity, maturity and excellence of their beers have made

Anheuser-Busch

The Largest Brewery in the World

Greater than all the breweries in Pilsen, Bohemia, combined, or the three principal breweries in Germany.

ANTI-TRUST BILL TO PASS

House Decides to Give Right of Way to Combine Measure.

DEMOCRATS DESIRE DRASTIC PROVISIONS

Will, However, Probably Support Republicans on Final Passage—Appropriations to Occupy Most Time.

WASHINGTON, Jan. 11.—The house this week will start in earnest on the anti-trust bills. The Indian and army supply bills are on the calendar, and three others will be reported during the week, namely, the diplomatic and consular, the District of Columbia and agricultural bills. It is probable that the time given to general debate will be consumed largely in discussion of general political questions. The house will adjourn early tomorrow owing to the sudden death today of Representative Tongue of Oregon, and it is the intention of Chairman Cooper of the insular committee to call up the Philippine coinage bill on Tuesday. The democrats will oppose this measure on the ground that as the islands are part of the United States the national currency should be extended to them.

PRISONER SHOTS SHERIFF

Negroes Kill Captor and Escape with Mob Anxious for Lynching on Their Heels.

BIRMINGHAM, Ala., Jan. 11.—A report reached here today of the assassination of Sheriff Reese of Bibb county. The crime occurred at Bricefield late last night.

CHINAMAN KILLED BY GAS

Breathes Fatal Fumes in Celestial Boarding House in Providence.

PROVIDENCE, R. I., Jan. 11.—Eleven Chinamen were overcome by coal gas in a Chinese boarding house in the "Chinatown" of Providence today. One of them, Don Doc, the proprietor of a Chinese grocery, was dead when found. Two others are in a critical condition at the Rhode Island hospital, but will recover.

FIRE RECORD.

Pittsburg Steel Works.

PITTSBURG, Jan. 11.—Fire almost entirely destroyed the oldest portion of the W. Dewees Wood plant of the American Steel Sheet Company at McKeesport today. The fire originated from a broken gas pipe, and will throw fully one-third of the skilled employes out of work and close nine of the sixteen sheet mills for a week. The loss could not be estimated tonight.

Store at Mission Hill.

YANKTON, S. D., Jan. 11.—(Special Telegram.)—Fire at Mission Hill this morning totally destroyed the general store and stock of McPeak & Co., communicating to the barn of Mrs. Gundersen, which was also burned. Loss on store and stock about \$12,000; insurance, \$6,000. Origin of fire unknown.

School House at Wolbach.

WOLBACH, Neb., Jan. 11.—(Special.)—The school house at this place was burned at 5 o'clock yesterday morning. The fire was of unknown origin. The insurance policy of \$7500 expired about thirty days ago and consequently the building is a total loss to the district.

Plumbago Vein.

CARRONDALE, ILL., Jan. 11.—A five-foot vein of plumbago was discovered today in Saline county.

TEAMSTERS REJECT OFFER

Men Insist that Full Demands Be Granted by St. Louis Owners.

ST. LOUIS, Jan. 11.—The local branch of the Teamsters' National union today rejected the proposition of a new wage scale submitted by a committee representing the team owners of the city and decided to go on a strike unless their demands were granted. The strike may be ordered any day.

German Emigration Troubles.

BERLIN, Jan. 11.—The emigration for the year 1902 through Hamburg and Bremen amounted to 298,884 persons, an increase of 62,248 over 1901. The number of emigrants sailing from these ports has trebled since 1898. The majority of them go to the United States.

Forestry Association Meeting.

LINCOLN, Neb., Jan. 11.—(Special.)—The Nebraska Park and Forestry association will meet in Lincoln January 13 at 7:30 p. m. The meeting will be held in the room of Prof. Bessey at the State university. All are invited.

King Wants No Motor Races.

LONDON, Jan. 12.—The Daily Mail this morning says it understands that King Edward has expressed his disapproval of the idea of holding the motor car race for the James Gordon Bennett cup in England.

Coalmine Flood Meets Policeman.

LLOYD WARRICK, claiming Greenville, Mich., as his home, and a stranger in the city, was taken in charge of Douglas street last night by Detective Savage. He was temporarily insane from the use of cocaine.

TO CURE A COLD IN ONE DAY

Take Laxative Bromo Quinine Tablets. All druggists refund the money if it fails to cure. E. W. Grove's signature is on each box.

SNOW HALTS MICHIGAN CARS

Temperature Tumbles Precipitately While Blizzard Howls Through State.

STALLED BRITISH PASSENGERS GO HUNGRY

Mid Weather in United Kingdom Replaced by Wintry Blasts—Trains Are Imbedded in Drifts and Engines Derailed.

DETROIT, Mich., Jan. 11.—Lower Michigan has been in the grasp of a snowstorm today which, in the western part of the state, assumed the proportions of a blizzard. Lake Michigan is tonight lashed by a wind that made it impossible for any of the boats to leave for Chicago.

At Benton Harbor the street car service is stalled and Sunday trains on the Milwaukee, Benton Harbor & Chicago railway had to be abandoned.

Three Rivers and Niles report a blizzard, the temperature low and trains delayed by snow.

At Grand Rapids the storm is the worst of the season and the temperature has fallen twenty degrees since noon. At 9 it was 19 above zero with the wind blowing a gale.

In Detroit snow began falling about 5 o'clock in the morning and there was no cessation until after noon. The fall continued intermittently during the afternoon and tonight five inches of snow had fallen. Trains from the west were from one to two hours late tonight.

At 11 o'clock tonight the wind was blowing thirty miles an hour and the weather bureau was predicting zero weather before morning.

The Buffalo-Chicago Wabash express was delayed more than four hours this afternoon by the slow passage of the car ferry across the Detroit river thick ice and slush making progress exceedingly difficult. Trains stalled in Britain.

LONDON, Jan. 11.—The recent period of unusually mild weather has given way to severe cold and snowstorms are prevalent over Great Britain.

In the north of England and in Scotland in the fall of snow has been heavy, trains have been imbedded in snowdrifts and locomotives have been derailed. Hungry passengers have been kept for hours on the snowbound trains.

In Ireland much damage has been done by floods.

Louisville Smeother in Ice.

LOUISVILLE, Ky., Jan. 11.—A heavy fall of snow, which began early this morning, coated the pavements and streets of Louisville with ice. The temperature did not go lower than 14 degrees above zero.

Lights and Cars Stop.

PERU, Ind., Jan. 11.—The snow is one foot deep here, factories are closed and there is no electric light or street car traffic tonight. At Mayville, Ky., there was a blizzard, with northwest wind. At Owensboro, Ky., the street car traffic was suspended. The supply of coal is ample at all points along the Ohio river, but almost

SNOW HALTS MICHIGAN CARS

Temperature Tumbles Precipitately While Blizzard Howls Through State.

STALLED BRITISH PASSENGERS GO HUNGRY

Mid Weather in United Kingdom Replaced by Wintry Blasts—Trains Are Imbedded in Drifts and Engines Derailed.

DETROIT, Mich., Jan. 11.—Lower Michigan has been in the grasp of a snowstorm today which, in the western part of the state, assumed the proportions of a blizzard. Lake Michigan is tonight lashed by a wind that made it impossible for any of the boats to leave for Chicago.

At Benton Harbor the street car service is stalled and Sunday trains on the Milwaukee, Benton Harbor & Chicago railway had to be abandoned.

Three Rivers and Niles report a blizzard, the temperature low and trains delayed by snow.

At Grand Rapids the storm is the worst of the season and the temperature has fallen twenty degrees since noon. At 9 it was 19 above zero with the wind blowing a gale.

In Detroit snow began falling about 5 o'clock in the morning and there was no cessation until after noon. The fall continued intermittently during the afternoon and tonight five inches of snow had fallen. Trains from the west were from one to two hours late tonight.

At 11 o'clock tonight the wind was blowing thirty miles an hour and the weather bureau was predicting zero weather before morning.

The Buffalo-Chicago Wabash express was delayed more than four hours this afternoon by the slow passage of the car ferry across the Detroit river thick ice and slush making progress exceedingly difficult. Trains stalled in Britain.

LONDON, Jan. 11.—The recent period of unusually mild weather has given way to severe cold and snowstorms are prevalent over Great Britain.

In the north of England and in Scotland in the fall of snow has been heavy, trains have been imbedded in snowdrifts and locomotives have been derailed. Hungry passengers have been kept for hours on the snowbound trains.

In Ireland much damage has been done by floods.

Louisville Smeother in Ice.

LOUISVILLE, Ky., Jan. 11.—A heavy fall of snow, which began early this morning, coated the pavements and streets of Louisville with ice. The temperature did not go lower than 14 degrees above zero.

Lights and Cars Stop.

PERU, Ind., Jan. 11.—The snow is one foot deep here, factories are closed and there is no electric light or street car traffic tonight. At Mayville, Ky., there was a blizzard, with northwest wind. At Owensboro, Ky., the street car traffic was suspended. The supply of coal is ample at all points along the Ohio river, but almost

DEATH RECORD.

John R. Townsend.

DAVID CITY, Neb., Jan. 11.—(Special.)—John R. Townsend, one of the oldest residents of David City, died at the family residence yesterday afternoon, aged about 65 years. Mr. Townsend has been a resident of David City for nearly twenty-five years. During most of this time he has conducted a private boarding house. He was an old soldier and has at different times served in the capacity as commander of the Grand Army post. At intervals for several years he has served in the capacity of chief of police, street commissioner and water commissioner in the city. Mr. Townsend had the distinction of being one of the oldest volunteer firemen in the state. In October, 1899, the city council granted him a certificate of twenty years' consecutive service in the David City volunteer fire department. The greater part of this time he was the chief. He was a member of the volunteer fire department at Nebraska City before coming to David City. On two different occasions he has been considered for the position as chief of the fire department at Lincoln. He leaves a wife, an adopted daughter and a son, Walter, who is traveling for the Standard Oil company.

Judge Lucien Boles Obit.

CHICAGO, Jan. 11.—Judge Lucien Boles Obit, who came to Chicago forty-five years ago from Ohio, died at his residence, 2455 Michigan avenue, today, aged 83. Before coming to Illinois Mr. Obit was judge of the court of common pleas for the counties of Huron, Erie, Sandusky and Lucas in Ohio. Among the members of the bar who practiced at that time in his court were Rutherford B. Hayes, afterward president of the United States, and Morrison R. Waite, afterward chief justice of the United States supreme court.

Mrs. S. B. Hall Drops Dead.

ASHLAND, Neb., Jan. 11.—(Special Telegram.)—Mrs. Samuel B. Hall, wife of the postmaster at Ashland, dropped dead this morning at 10:15 o'clock from heart failure, aged 65 years. She had started to put some fuel in the stove and bent over, striking the floor and expiring instantly. Her Hall

AMUSEMENTS.

BOYD'S, Woodward & Burgess, Managers.

TONIGHT ONLY

David Belasco's Celebrated

"THE HEART OF MARYLAND."

WITH ALMA KRUGER IN THE TITLE ROLE.

Prices—50c, 75c, \$1.00.

TUESDAY, WEDNESDAY MATINEE AND NIGHT.

Henry W. Savage's Latest Musical Comedy

"THE PRINCE OF PILSEN."

Cast of 100 people.

Prices—Mat—50c to \$1.00. Night—50c to \$1.50.

ORPHHEUM

Telephone 1531.

Matinees Thursday, Saturday, Sunday, 2:15.

HIGH CLASS VAUDEVILLE

John T. Sullivan, Miss Atherton and company, Thomas and Carleton, The Roanoke, Leslie's Dogs, Harrigan, Alice Raymond, assisted by Bessie Fain-Guard, and the Kinodrome.

Prices, 25c, 50c, 75c.

HOTELS.

The Millard, 15th and Douglas Sts. OMAHA, NEB. Omaha's Leading Hotel.

SPECIAL FEATURE.

LUNCHEON, FIFTY CENTS.

SUNDAY, 5:30 p. m. DINNER, 75c.

Every Night.

Steadily increasing business has necessitated an enlargement of this cafe, doubling its former capacity.