RELIEF FOR THE STOCKMEN

Colonel Moshy 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 De. partment'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 cattlemen of Nebraska 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

to Senator Daniel of Virginia, will be of loterest to Nebraskans concerned:

ALLIANCE, Neb. Dec. 8, 1922.—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 25, 1855, 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 herds or want homesteads. The opinitie has some on so long, with the consistence 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 must to be the fencing stand, even if wrong in the beginning, as it would be injurious now to the public interest to remove it.

How to Help Stockmen.

As these fences have stood a long time y sufferance I think some indulgence hould be shown to those who own them, but as an efficial I have no discretion, but nust obey instructions and execute the aw. They are certainly an obstruction to ettlement and should be removed; but as hey were erected by an implied license individuals as possible. Time had not be still be solven as hey were erected by an implied license in the government, good faith requires hat they should be removed with as little lamings to individuals as possible. Time hould be given estilement to adjust themselves to new conditions, just as Mr. Lincoln favored the gradual emancipation of slaves. I am opposed to harsh measures 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 estitemen would then pull down their fences.

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 smeaded as to permit a person in the semi-arid region to enter at least one full section. I think two would be better. In an agricultural country a homestead of 160 acres may support a family, but it will not where land is not worth much for anything out grazing. 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 Millards of Nebraska and Senator Gibson of Montana about it.

I hope to see you soon. I am out on the prairie enjoying Arctic weather. Very traly,

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:

dressed to the commissioner, and reads:
ALLIANCE, Neb., Dec. 8, 1962.—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 24, circular of the general land office, that "If the land is cultivated in good faith the law will be regarded as substantially compiled with, although the widow or children may not actually reside on the land," and I expressed the opinion that this declaration is in conflict with the statute (section 2307. R. S.) and abolishes 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 2301 of the revised statutes a soldier who makes a homestead entry is cruited for 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 homestead settler 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 a soldier's widow to the lusbands rights under section 2304 "subject to all the provisions as to seftlement and improvement therein contained." It does not enlarge the widow's rights beyond the rights of the husband.

Interpreting the Law.

Interpreting the Law.

The words "settlement and improvement" The words "settlement and improvement" in section 2807 of the revised statutes are clearly intended as the equivalent of "residence, improvement and cultivation" in section 2305, for settlement on land implies residence. Homesteaders are called settlers. The policy of the homestead law is to promote the settlement of the public lands. But the widows leasing the land for grazing defeats the very object of the law, as the land was already grazing ground before she made her homestead entry, and the fences of the cattlemen keep out settlers. It is the object of the cattlemen to fence out settlers and preserve the out settlers. It is the object of the cattiemen to fence out settlers 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 widows of soldiers of 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

he sold on the market and located on public land anywhere.

Residence is necessarily implied in the term "homestead." It is a maxim of the law that it never requires a man to do a vain thing. While the circular dispenses with the widow's residence, it still requires of her the same cath that it requires of every entryman "that I will faithfully and honestly endeavor to comply with all the requirements of law as to settlement and cultivation; that I do not apply to enter the same for speculation, but in good faith to obtain a home for myself," etc. (form 4-062). Of course it is repugnant to reason to suppose that congress intended that a guardian of infant children, or the infant children, should actually reside on the land, and if the land is cultivated in good faith this may be regarded as a substantial compliance with the statute, as the reason of the law is the tife of the law. But there is nothing more unreasonable in requiring of the law is the fife 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 maid 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 of a soldler's 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. flict with law. Respectfully, JOHN S. MOSBY, Special Agent.

CHANCE FOR ANOTHER JUDGE

on Eighth Pederal Circuit Measure.

(From a Staff Correspondent.) WASHINGTON, Jan. 11 .- (Special Tele gram.)--A favorable report will be made omorrow to the house on the bill providing



Anheuser-Busch

MORIN OF HONOR

Sales for 1902

I,IOO,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.

an additional United States circuit judge for the Eighth judicial circuit. This circuit is comprised of the states and territories of Nebraska, Iowa, North Dakota, South Dakota, Missouri, Arkansas, Wyoming, Colo- House Decides to Give Right of Way to rado, Utah, Indian Territory, Oklahoma and

PRISONER SHOOTS SHERIFF Negroes Kill Captor and Escape with Mob Auxious 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 Brierfield late last night. Reese and one of his deputies had arrested two negroes and were taking them to Centerfield to board a train. One of the negroes was walking in front of the sheriff others will be reported during the week; and the other behind, when suddenly the rear man shot the sheriff, killing him instantly. A mob is chasing the negroes and preparations are being made for a lynching.

CHINAMAN KILLED BY GAS Breathes Fatal Fumes in Celestini Boarding House in Provi-

dence.

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.

Don Doc was overcome with the gas, which came from a furnace in the basement, while sitting at his desk, making up his accounts.

FIRE RECORD.

PITTSBURG, Jan. 11.-Fire almost entirely destroyed the oldest portion of the W. Dewees Wood plant of the American Sheet Steel company at McKeesport today. Favorable Report to Be Made to House 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 McPeek & Co., communicating to the barn of Mrs. Gunderson, which was also Loss on store and stock about burned. \$12,000; insurance, \$6,500. Origin of fire

unknown.

Saline county.

School House at Wolback. 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 pol-

ley of \$750 expired about thirty days ago and consequently the building is a total loss to the district. Find Plumbago Veta. CARBONDALE, III., Jun. 11.-A five-foot cln of plumbago was discovered today in

DEMOCRATS DESIRE DRASTIC PROVISIONS

Will, However, Probably Support Re publicans on Final Passage-Appropriations to Occupy Most Time.

Combine Measure.

WASHINGTON, Jan. 11 .- The house this week will start in earnest on the appropriations bills. The Indian and army sup ply bills are on the calendar, and three 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 Repre sentative Tongue of Oregon, and it is the intention of Chairman Cooper of the insular committee to call up the Philippine cointhe Islands are part of the United States the United States. the national currency should be extended

In case the judiciary committee agrees on an anti-trust bill it will be considered as soon as it is brought into the house. The acceptable measure is formulated. While, the democrats will urge the adoption of a more drastic bill than the republican will agree on it is expected both sides will vote solidly for the passage of whatever measure is offered.

SENATE MAY DISCUSS COAL Vest's Motion Likely to Displace

Statehood Debate at Any

Time.

WASHINGTON, Jan. 11 .- The senate's program for the coming week includes the continuation of the statehood debate each day after 2 o'clock and the discussion of the militia bill during the morning hour. There is also a probability of a return at any time to the question of the scarcity of coal, in connection with Senator Vest's motion to abolish the tariff on anthracite Senator Nelson has not completed his speech on the statehood bill. Indeed, he does not even feel able to prophesy when he will conclude it, but when he does Senator Burnham will be ready to proceed

The opponents of the bill now make little effort to conceal their intention to continue the debate indefinitely with the hope that it will be sidetracked by the appropriation bills, which must be pressed before long. Friends of the bill, on the other hand, see no necessity for making way for the appropriation bills at present.

it will receive consideration at that time

TEAMSTERS REJECT OFFER Insist that Full Demands Granted by St. Louis

ST. LOUIS, Jan. 11.-The local branch of the Teamsters' National union today re jected 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 domands were granted. The strike may be ordered any

Owners.

day. The walkout will affect transfer drayage warehouse and wholesale companies, as well as teaming companies and individual team owners. It is estimated that over 2,000 men will quit work. The demands made by the teamsters included among other things an increased wage scale and a rearrangement of the hours of work.

German Emigration Troubles.

BERLIN, Jan. 11 .- The emigration for the year 1902 through Hamburg and Bremen the temperature low and trains delayed by amounted to 266,884 persons, an increase of 63,586 over 1901. The number of emiage bill on Tuesday. The democrats will grants sailing from these ports has trebled oppose this measure on the ground that as since 1898. The majority of them go to

Forestry Association Meeting.

LINCOLN, Neb., Jan. 11 .- (Special.) -- The Nebraska Park and Forestry association will meet in Lincoln January 13 at 7:30 leaders have agreed to sidetrack everything p. m. The meeting will be held in the and give it the right of way whenever an room of Prof. Bessey at the State univerelty. All are invited.

> LONDON, Jan. 12 .- The Daily Mail this orning says it understands that King Edward has expressed his disapproval of the dea of holding the motor car race for the

James Gordon Bennett cup in England.

Cocaine Flend Meets Policeman.

Cocaine Flend Meets Policeman.

Lloyd Warrick, claiming Greenville, Mich., as his home, and a stranger in the city. Was taken in charge on Douglas street last night by Detective Savage. He was temporarily insane from the use of cocaine Warrick, when asked who he was by the detective said he was the original divine being, with only one superior, the king of hearts. Savage said that he was the king in question and took the man to the station. When the officers began to search the prisoner he drew from one of his pockets a box of cocaine, which he clung to saving that it was the holy spirit and none but the king of hearts could take it from him. It was all four men could do to separate him from his box and put him in a cell.

says Woman Robbed Him.

Gabriei Wise of South Omaha and Irene Smith of 1621 Capitol avenue are in jail. Gabriel, who is a Hungarian, and talks very broken, came into the police station at a late hour last night, much excited, and talked. There was \$5.50 and a Swarrz woman in what he said, but nobody knows what class. An officer was sent out to go where Wise could point at things, and Irene was brought in. She will answer to a charge of larceny from the person.

TO CLUE A COLD IN ONE DAY It is probable that the first general ap- Take Laxative Bromo Quintue Tablets. All propriation bill, that providing funds for druggists refund the money if it fails to legislative, executive and judicial depart- cure. E. W. Grove's signature is on each ments of the government, will be reported box

SNOW HALTS MICHIGAN CARS

Temperature Tumbles Precipitately While Blizzard Howls Through Stats.

STALLED BRITISH PASSENGERS GO HUNGRY Mild Weather in United Kingdom Re-

placed 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 bliz-Lake Michigan is tonight lashed by a wind that made it impossible for any of the boats to leave for Chicago.

is stalled and Sunday trains on the Mil- morning, is twenty-four hours late. waukee, Benton Harbor & Chicago railway had to be abandoned. Three Rivers and Niles report a blizzard,

At Grand Rapids the storm is the worst

of the segson and the temperature has fallen twenty degrees since noon. At 9 it was 10 above zero with the wind blowing In Detroit snow began falling about o'clock in the morning and there was no essatfon until after noon. The fall con-

inued 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

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 Stailed in Britain.

LONDON, Jan. 11 .- The recent period of evere cold and enowstorms are prevalent ver Great Britain.

the fall of snow has been heavy, trains Standard Oil company. have been imbedded in snowdrifts and locomotives have been derailed. Hungry passengers have been kept for hours on the In Ireland much damage has been done

Louisville Sheathed in Ice.

LOUISVILLE, Ky., Jan. 11 .- A heavy fall f sleet, 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 Maysville, Ky., there

all points in the interior are suffering, as had been in poor health for three years no cars can be obtained to haul the coal She was born in Indiana and was married piled up along the river.

Cold in Ohio Valley. CINCINNATI, Jan. 11.-Dispatches from different points in the Ohio valley indicate storms. In Cincinnati the thermometer

registered 12 above today, but is nearer zero tonight. Following the rain and sleet of the night the street car traffic was greatly interrupted early in the day. TOLEDO, O., Jan. 11.-Zero weather and a flerce wind, following an all-day storm,

seriously impeded local and suburban car traffic today. All trains are from one to ix hours late.

LOUISVILLE, Ky., Jan. 11.-Sleet and disagreeable weather rendered passenger trains from one to five hours late, and the Western Theological seminary was founded. freight traffic was so impaired that the carrying capacity of each engine was curtailed about 100 tons. The new special on the Southern road from St. Augustine, At Benion Harbor the street car service Fla., to Chicago, due to arrive at 8 this

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 60 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 nad 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 occusions he has musually mild weather has given way to been considered for the position as chief of the fire department at Lincoln. He leaves a wife, an adopted daughter and a In the north of England and in Scotland son, Walter, who is traveling for the

> Judge Lucien Boles Otias CHICAGO, Jan. 11.-Judge Lucien Boles Otis, who came to Chicago forty-five years

ago from Ohio, died at his residence, 2458 Michigan avenue, today, aged 83. Before oming to Illinois Mr. Otls 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. Haves, afterward president of the United States, and Morrison R. Waitt, 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 traffic tonight. At Maysville, Ky., there was a blizzard, with northwest wind.

At Owensboro, Ky., the siest storm was the worst known and street car traffic was suspended. The supply of coal is ample at all points along the Ohio river, but almost the floor and expiring instantly. Mrs. Hail the former capacity.

on November 16, 1866, moving to Nebraska with her husband and settling here in 1869 being among the earliest residents of this vicinity. She is survived by her father, S M. Morris, a sister, Mrs. J. T. Mills of almost zero weather and serious sleet Cowles, Neb., two daughters, Mrs. Ernest D. Johnson and Miss Nellie Hall, deputy postmistress, and four sons, Harry and Ralph of Ashland and Mont and Bruce of Westboro, Mo. Funeral services will be

held Tuesday at noon.

Dr. William Gold. CHICAGO, Jan. 11 .- Rev. William J. Gold, head of the Western Theological seminary. died today after an illness of two months Dr. Gold, who was 56 years old, came to Chicago seventeen years ago, when the

Robert J. Shankland. SUPERIOR, Neb., Jan. 11 .- (Special.) Robert J. Shankland, a prominent and wealthy farmer, is dead of appendicitis. The body has been taken to Red Oak, Is.,

for interment General Samuel Thomas. NEW YORK, Jan. 11 .- General Samuel Thomas, the well known railroad man and

financier, died tonight at his home in thir city. He was 63 years old.

BOYD'S Woodward & Burgess, TONIGHT ONLY David Belasco's Celebrated THE HEART OF MARYLAND."

AMUSEMENTS.

WITH ALMA KRUGER IN THE TITLE ROLE. Prices-25c, 50c, 75c, \$1.00.

TUESDAY, WEDNESDAY MATINEE AND NIGHT. Henry W. Savage's Latest Musical Comed)

"THE PRINCE OF PILSEN." Prices: Mat-25c to \$1.00. Night-20c to \$1.50

HIGH CLASS VAUDEVILLE John T. Bullivan, Miss Atherton and ompany, Thorne and Carleton, The Rozi-tos, Lesie's Dogs, Harrigan, Alies Ray-nond assisted by Bessie Penn-Guard, and

HOTELS.

Prices, 10c, 25c, 50c

The MILLARD OMAHA. NEB.

SPECIAL PEATURE.