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BROTHERHOOD TRAINMEN.

Important Expression of Opinion From Attorney-General Olney

AS TO THE RIGHT OF RECEIVERS TO DISCHARGE THEM.

The Constitution and Rules of the Order Calculated to Prevent Rather Than Inaugurate Hasty Strikes—Organized Labor the Only Safeguard of the Workingman in His Dealings With Organized Capital.

Special to the RECORD-UNION.

PHILADELPHIA, Nov. 8.—The controversy between the receivers of the Reading Railroad Company and such employes as are members of the Brotherhood of Railway Trainmen has prompted an expression of opinion from Attorney-General Olney in the form of a letter to Judge Dallas of the United States Circuit Court, before whom the case is pending. The difficulty between the two organizations reached a crisis on August 15th last, when General Superintendent Sweigard summoned before him eleven employes and notified them they should abandon the brotherhood as a condition of retaining their places with the railroad company. Vigorous protests were made against this alternative and the brotherhood urged the receivers to withdraw it, but in answer the receivers on September 7th wrote: "The policy of this company is well known to be that it will not consent that persons in its service shall owe allegiance to other organizations which may make claims upon them which are incompatible with their duties to their employers. This position was taken advisedly and we have no intention of departing from it."

Attorney-General Olney's letter is an exhaustive discussion of the questions presented, and he reviews the various problems and consistent solutions to be applied in every aspect. In substance he holds that labor unorganized is practically powerless; that in a combination such as this lies the only safeguard of the workingmen in his dealings with organized capital, and that his right to belong to such a union—beneficial in intent and purpose—is a legal right which he can not be deprived of. The letter is as follows:

"Suggestions respecting the questions raised by the petitions of Hymas, Ryley, and other members of the Brotherhood of Railway Trainmen, the pendency of this petition having been incidentally brought to my attention, the issues raised impressed me as of great gravity and importance, not only as between the parties immediately concerned, but as regards the country at large. In that view—in which I could not doubt the court would share it—it seemed to me that the court would not object to a brief discussion of the case from a public point of view merely, and uninfluenced by the wishes and interests of the particular litigants before it. Upon this suggestion being made to the court, it was at once cordially assented to. The considerations following therefore are submitted by me as *amicus curiæ* merely, and by express leave of the court.

"First—The material facts may be briefly stated. The petitioner's are members of the Brotherhood of Railway Trainmen. Some of them have been members for seven or eight years, have each year paid annual dues and assessments, which now amount to considerable sums of money, and by continuing their membership will, in case of death or permanent disability, become entitled by themselves or their representatives to large pecuniary payments from the funds of the brotherhood. On the other hand, by ceasing to be members they lose all benefit from the assessments and dues already paid and forfeit all claims on the brotherhood treasury. The constitution and rules of the brotherhood and of the subordinate lodges are before the court as a part of the petition. No controversy or antagonism has ever arisen or existed between the Reading Railroad and any members as such members. As it is claimed that the Reading Railroad has for some years adopted the rule that it would not have in its service any member of a labor organization, it is a rule which has not been uniformly or invariably acted upon, since there has been a Philadelphia lodge of the brotherhood on the Reading line for nearly eight years, and its existence cannot have been unknown to the Reading officials. What has now happened and what has led to the present petition is this: The Reading officers have notified the members of the Brotherhood on its lines that unless they cease to be such members they will be discharged from their present employment on or before October 8th. The receivers make no complaint of the manner in which the Brotherhood employes discharge their respective duties. The notice has been given simply because such employes are members of the Brotherhood, as is conclusively shown by a telegram received by Grand Master Wilkinson in reply to his remonstrance against the course proposed to be taken. Thus, if the receivers are right, and their rule is to prevail that membership of the Brotherhood by and of itself incapacitates for services on the road, it is respectfully submitted that the receivers are wrong, and that the action proposed by them ought to to be sanctioned by the court.

"Second—It will help to make plain the precise question before the court to note the opening words of the telegram to Mr. Wilkinson: 'The policy of the company is well known to be,' etc. Mr. Harris, who signs the telegram, both as President and receiver, evidently forgets that the company is no longer in control; that it can have no present policy on the subject, and that what its past policy was is of slight consequence. The Reading Railroad being now in the hands of receivers, the receivers and the employes of the company are officers of the court. The court, therefore, and not the company is the employer of all the persons engaged in the operations of the road. The present policy of the court, and not the past policy of the company, is the material thing to be considered, and hence the precise question is, Will the court now lay down the rule that members of the Brotherhood of Railway Trainmen shall, because they are such members, be discharged from the service of the road?

"Third—The Court, it is admitted, ought not and cannot lay down any such rule on the ground that until either purposes and objects of the brotherhood or the means by which they are obtained are shown to be illegal.

"The general purposes and objects of the brotherhood are stated in the preamble to the constitution as follows: 'To unite the railway trainmen; to promote their general welfare and advance their interests socially and intellectually; to protect their families by the exercise of a systematic benevolent society, needful in a calling so hazardous as ours, this fraternity has been organized; persuaded that it is for the interests of both our members and their employers that a good understanding should at all times exist between the two, it will be the constant endeavor of this order to establish mutual confidence and create and maintain harmonious relations.' Such are the aims and purposes of the Brotherhood of Railway Trainmen.

"Certainly these objects must be regarded as laudable in the highest degree, and as deserving the approbation and support of every good citizen. These are, indeed, practically the same as those for which the working people are expressly authorized to incorporate themselves by Act of Congress, the statutory description of such objects being for the purpose of aiding its members to become more skillful and efficient workers, the promotion of their general intelligence, the elevation of their character, the regulation of their wages and their hours and condition of labor, the protection of their individual rights in the prosecution of their trade or trades, the raising of funds for the benefit of death, disabled or unemployed members or the families of deceased members, or for such other object or objects for which working people may lawfully combine, having in view their mutual protection or benefit.

"If the means to these praiseworthy ends be now examined, there is nothing in them to which the most captious critic can object, except the provisions made for strikes. It is well to note that even these provisions are of an eminently conservative character; that great care is taken to guard against the abuse of a weapon which is a two-edged sword and generally proves as damaging to those who use as to those against whom it is used. Thus by the brotherhood constitution and rules a strike does not take effect until approved, first, by the Local Grievance Committee; second, by the General Grievance Committee; third, by a Board of Adjustment, and fourth, by the Grand Master, with the consent of two-thirds of the members involved, while striking or inciting to strike, except in accordance with the above rules, is punished by expulsion from the brotherhood.

"Neither the less among the means of accomplishing the ends of the brotherhood is the bringing about of a strike. As what a strike is is not defined by the brotherhood constitution and rules, its precise nature must be determined by the court; and as the brotherhood is entitled to the ordinary presumption of lawfulness for its methods, as well as its objects, until the contrary is shown, the court will hold the thing termed strike in the brotherhood constitution and rules to be something lawful, unless there cannot be such a thing as a lawful strike.

"But whatever may be the customary or probable incidents of accomplishments of a strike, it cannot be ruled that there is no such thing a legal strike; that every strike must be unlawful. The necessary elements of a strike are only three known: (1) The quitting of work (2) by concert between two or more (3) simultaneous and of themselves involve no taint of illegality. A strike becomes illegal when to these necessary features are added others, such as malicious intent, followed by a cruel injury, intimidating, violence, the creation of public nuisance, or a breach of the peace of any sort.

"But it is not necessary to elaborate the proposition that a strike is not necessarily unlawful, since it is emphatically sustained by the recent decision of the Circuit Court of Appeals in the Farmers' Loan and Trust Company vs. the Northern Pacific Railroad Company, just decided in Chicago, and it is hardly necessary to point out that the attending circumstances which often make strikes unlawful are none of them provided for by the brotherhood constitution and rules, and cannot, therefore, be assumed to be necessary incidents of any strike occurring pursuant to them.

"If the rule that a member of the Brotherhood of Railway Trainmen shall not work on the Reading Railroad cannot be justified because of anything inherently unlawful in the constitution and rules of the brotherhood, the only remaining ground on which it can be defended is that of business expediency. * * * It is conceiving, though the spectacle would be a curious one, that a Court of the United States may, on business grounds, refuse employment to persons for no other reasons than their membership of an association whose purposes the laws of the United States expressly sanction. But it is safe to say that the combination of business policy impelling the Court to the course suggested should be of the clearest and most cogent character, and that the question presented is one which the Court will recognize as of the greatest interest and importance.

"In considering the question of the business expediency of the employment of brotherhood men, such objection as there is to it must arise from the fact that under its constitution and rules the employes may engage in a strike with all the natural and possible incidents and consequences. It can hardly be denied that otherwise the brotherhood organization is not only not objectionable, but is salutary in its operation both as regards the employes and employers. It should be remembered, in the first place, that the risks of a strike are not obviated by excluding the members of the brotherhood from the receivers' service. Men, deeming themselves aggrieved and seeking relief or redress, though not associated in any formal way or for any general purpose, may easily unite for the single purpose of a strike. In that view, the brotherhood constitution and rules may well be regarded as operating in restraint of strikes. By compelling the question of strike or no strike to be acted upon affirmatively by four or five different independent tribunals, they certainly tend to prohibit a strike that is rash or reckless, or for other than weighty cause. * * * While, therefore, under the circumstances of the present case, the possible evidence of a strike would seem to be minimized, it should not be forgotten, in the second place, that the receivers' proposed remedy, to wit: a rule excluding or discharging from service any all members of the brotherhood, is itself open to serious objections and disadvantages.

"When treatment so apparently unfair and discriminating is administered through the instrumentality of a Court, the resulting discontent and resentment of employes are inevitably intensified, because the law itself seems to have got wrong, and in some manner to have taken sides against them. Thus the mischiefs apprehended from membership in the brotherhood by the receivers' employes lie wholly in the future, and are as small as is possible in the nature of things, while the mischiefs to rise from enforcing the receivers' proposed rule are real and immediate. Whether and how far this may be regarded as offsetting one another need not be discussed. The rejection of the proposed rule may reasonably be expected to be attended with such substantial advantages that the court can hardly hesitate as to the course which sound business policy dictates.

"Not the least of such advantages is the avoidance of the necessity invidiousness of illegal position that a man shall go without work unless he will give up a legal right, a right he may properly deem essential to his safety and welfare. * * * No better mode for the settlement of contests between capital and labor has yet been devised or tried than arbitration, and arbitration as a mode of settling difficulties between capital and labor must necessarily be applied in the course of the receivership and arbitration in its best and most effective form. The court, by appointing receivers, constitutes itself not only an employer of labor, but the arbitrator of all disputes between it and the receivers, who may justly be regarded as representatives of capital. It occupies the capacity of employer and arbitrator naturally and inevitably. It is an arbitrator whose wisdom and impartiality certainly should be and must be assumed to be beyond suspicion. It is an arbitrator with whom both parties have reason to be satisfied, both from its character and its ability to make its award effective, and might well be expected to furnish, should circumstances permit or require, a conspicuous object lesson illustrative of the value of the arbitration principle.

"In short, the question being whether business policy requires the court to approve the rule that a member of the Brotherhood of Railway Trainmen is *ipso facto* ineligible as an employe of the receivers of the Reading Railroad, an officer of the court, the concluding considerations may be summed up as follows:

"First—The rule is of doubtful value as a preventive of strikes, because it leaves employes to act upon impulse and from passion, and freed from the restraints of the brotherhood regulations.

"Second—The rule is of doubtful value when the court is the real employer, both from the reluctance of the employed to defy the court's authority, and from the power of the latter to speedily and summarily vindicate it.

"Third—The rule is of positively injurious tendency in the dissatisfaction and discontent engendered among employes by the denial to them of rights enjoyed by citizens generally and deemed necessary for their comfort and security.

"Fourth—The repudiation of the rule, on the other hand, has the positive merit of tending to secure for the service the good will of employes, and thus promoting its efficiency; of recognizing the real conditions of the capital and labor problem, and the fact that labor both has the right to organize and is organized; of illustrating the work, under most favorable auspices, of the principle of arbitration as the means of adjusting the differences between capital and labor; of demonstrating that there is not one law for one class of the community and another for another, but the same for all, and of thus tending to preserve for the law and for the judiciary by which it is administered, that general respect and confidence which have always been a marked characteristic as well as excellence of our institutions. RICHARD OLNEY."

PASSENGER ASSOCIATION.

Another Effort to be Made to Revive the Transcontinental Body.

CHICAGO, Nov. 8.—Another effort will be made to revive the Transcontinental Passenger Association, and the meeting for that purpose may be held in Chicago on November 16th, although the date is not certain. The Southern Pacific is, as before, the principal mover in the scheme, and it is understood that it will make considerable concessions to the direct California lines to induce them to enter the association. These concessions must be of a very tangible sort to get the Atchison into any plan for the reorganization of the association. This road is not at the present time in a position to enter into any association obligations, nor will it be until the present troubles between the stockholders are finally adjusted. The Union Pacific, too, has objections, and they will take some time to remove. Altogether the prospects for the revival of the association are not better than at the time when the Southern Pacific tried to warm it into life two months ago.

BISHOP MATZ.

He Tenders His Resignation to the See of Denver.

DENVER, Nov. 8.—Bishop Matz of this diocese has tendered his resignation to the Holy Father with a request that it be accepted as soon as possible. The Bishop could not be seen to-night to find out the cause of his resignation, but his Private Secretary gave the following to the Associated Press late to-night:

"In the absence of the Vicar-General, I am authorized by the Right Rev. Bishop Matz to announce through the press to the Catholic clergy and laiety of the diocese the fact that he has sent on to the Holy Father his resignation to the See of Denver, with the request that his holiness would graciously accept it as soon as possible. The Bishop considers it necessary to take this somewhat unusual course in order to forestall inaccurate and misleading reports which may find their way into the press."

An Overdue Steamship.

NEW YORK, Nov. 8.—Inquiries made by the Associated Press at the office of the American Line Steamship shows that the officers of that company do not feel anxious about the safety of the steamer Rhynland, of that line, which, according to a sensational story published here, is now six days overdue on her voyage from this port to Antwerp. Under the most favorable conditions of weather, the officers of the American line add that the Rhynland could not have reached her destination before Monday or Tuesday last, and in such weather as has been reported on the Atlantic the steamer would have gone at a greatly reduced speed. The Rhydland had on board about 180 passengers.

Drought Sufferers in Nebraska.

OMAHA, Nov. 8.—A special to the Omaha *Bee* from Lincoln, Neb., says: The Nebraska Relief Commission, appointed by the Governor to arrange aid for the drought sufferers in Western Nebraska counties, organized to-day. The main point to which the commission desires to attract attention is the systematic collection of relief at as early a moment as possible. The Secretary says that he has proceeded on the plan of districting the State and dividing the territory regardless of religious denominations. In his opinion every locality should be promptly divided among charitable workers, that the work may proceed with expedition.

Attempt to Burn a Town.

WHEELING (W. Va.), Nov. 8.—A dastardly attempt was made last night by some unknown parties to destroy Addison, the county seat of Webster County, by fire. The town was set afire in several places, and before the people could be aroused and the fires put out the opera house, D. M. Miller & Co's store and the postoffice were consumed, the loss being very heavy, with but little insurance. As Addison is in the interior, only meagre particulars can be obtained.

Craig Committed No Offense.

WASHINGTON, Nov. 8.—The Civil Service Commissioners have received an opinion from Attorney-General Olney regarding the complaint of Lee D. Craig of soliciting campaign funds from employes in the San Francisco Customs office. It is the opinion of the Attorney-General the offense alleged does not come within the civil service law, and Craig was in no sense an employe of the Government.

President and Mrs. Cleveland.

WASHINGTON, Nov. 8.—President Cleveland will probably accompany Mrs. Cleveland next Monday to Philadelphia, where she will christen the new ocean steamer St. Louis. All the members of the Cabinet, with the ladies of their families, and Private Secretary Thurber are expected to be in the party, which will be accommodated in a special train running directly to the shipyards.

The Argentine's New Cabinet.

BUENOS AYRES, Nov. 8.—The new Cabinet consists of Senor Euardo Costa, Minister of the Interior; Senor Indalico Gomez, Foreign Affairs; Senor Zapata, Justice; Senor Euardo Balza, War; Senor Torrey, Treasury, and General Rosch, Chief of Police. Politicians predict that it is not likely to stand.

An Old Railway Builder Dead.

ST. PAUL, Nov. 8.—Colonel Andrew Degraff, one of the earliest settlers in Minnesota, and one of the best known railroad builders in the United States, died last night, aged 83 years.

General Gidson Critically Ill.

TIFFIN (Ohio), Nov. 8.—The condition of General William H. Gidson has become critical.

RETURNS FROM THE STATE.

Budd's Plurality Decreasing as the Vote in the Interior Comes In.

NOW ONLY TWO THOUSAND IN THE LEAD FOR GOVERNOR.

Burglars Crack a Safe at Modesto, But Get Nothing for Their Trouble—The Charges Against Heath for the Murder of McWhirter Dismissed—Freight Rates for Hauling Grain From the Interior to Tide Water to Be Reduced.

Special to the RECORD-UNION.

SAN FRANCISCO, Nov. 8.—Although the complete returns from 1,658 precincts in the State have brought Budd's plurality down to 2,133, it is not believed that in the remaining 616 precincts Estee can overcome this lead. Estee himself has not yet lost confidence, and expresses the belief that he will beat Budd, because a few hundred votes have not been heard from.

In explanation of Estee's apparent defeat, it has been published here that Budd's success, especially in San Francisco, was due to the backing of the A. P. A., which organization is said to have worked quietly for him.

As to the other State officers there seems to be no reason to change the estimate of those elected, which has already been published, with the exception of Railroad Commissioner in the First District, where Beckman (Rep.) on incomplete returns is leading LaRue by 150 votes. Two-thirds of the districts are yet to be heard from.

For Supreme Court Justices, long term, Henshaw (Rep.) received the largest vote, polling 94,271, with Temple (Dem.) second with 85,697.

It is now certain that the Democrats only succeded in electing one Congressman, Maguire, from the Fourth District.

Complete returns from 1,658 precincts in a total of 2,274 precincts in California give Estee 95,049, Budd 97,182, Webster 43,567. Budd's plurality, 2,133.

Complete returns from 232 precincts in a total of 433 precincts in the First Congressional District give Barham 9,408, Geary 8,076, Grigsby 4,451.

M. M. Estee visited the rooms of the Republican State Central Committee to-day. He appeared cheerful and said: "There are still 50,000 votes to be counted, and Budd is now 2,700 ahead. If I continue to gain at the same ratio as I have been doing, I shall beat him by 800 to 900."

At the Democratic headquarters Chairman Gould granted that Estee would come up from Tehachapi with 7,500, but would have to meet Budd in San Francisco with 12,000. On this calculation he claimed the State for Budd by 4,500.

ALAMEDA COUNTY RETURNS.

OAKLAND, Nov. 8.—Complete returns from Alameda County give Budd 6,983, Estee 8,296, Webster 4,594. For Secretary of State—Brown 9,905, Maddox 5,235. Controller—Colgan 7,877, Dore 6,263. Treasurer—Castro 4,774, Rackliffe 9,801. Attorney-General—Fitzgerald 7,249, Paris 4,265. Surveyor-General—Angier 4,735, Wright 9,498. Clerk of the Supreme Court—Ward 9,345, McGlade 5,048. Superintendent of Public Instruction—Black 8,145, Smythe 6,323. State Printer—Curry 8,775, Johnston 7,934. Supreme Court Judge (long term)—Henshaw 12,169, Murphy 4,003, Temple 8,403, Torrence 4,178; (short term)—Bridgeford 4,856, Van Fleet 7,550. Congressman—English 6,549, Hillborn 9,373. Board of Equalization—Morehouse (Rep.) 7,210, Wells (Dem.) 7,685. Railroad Commissioner, Third District—Clark (Rep.) 6,503, Phillips (Dem.) 6,137.

LOS ANGELES.

LOS ANGELES, Nov. 8.—Complete returns from Los Angeles County, with the exception of one very small precinct (Ballona), give the following vote on Supreme Court Justices, Railroad Commissioner and Controller: Supreme Court—Torrence, Rep., 781; Henshaw, Rep., 10,620; Van Fleet, Rep., 10,974; Temple, Dem., 6,179; Murphy, Dem., 5,532; Bridgeford, Dem., 5,727; Gibson, Pop., 4,269; Buck, Pop., 2,645; Daggett, Pop., 4,600; total, 61,827. Railroad Commissioner—Clark, Rep., 10,592; Phillips, Dem., 6,206; Kretz, Pop., 5,032; total, 21,830. Controller—Colgan, Rep., 11,847; Meagher, Dem., 5,637; Dore, Pop., 4,883; total, 22,367.

The total vote cast in the county, taking that for Governor as an index, was 25,081, compared with 21,799 cast for President in 1892.

NEVADA COUNTY.

GRASS VALLEY, Nov. 8.—Complete returns of Nevada County give Estee 1,494, Budd 1,476, Webster 1,279. Congressman—Caminetti 1,428, Johnson 1,417, Cornell 1,231. No returns were sent in on Supreme Court, Controller or Railroad Commissioner. The candidates on the various tickets will probably run with the heads of the tickets.

BARNES POISONING CASE.

The Wife Confesses, and Lays the Blame on Her Paramour.

SAN BERNARDINO, Nov. 8.—Mrs. Barnes, the woman who is under arrest here charged with poisoning her husband, a prosperous liveryman, who narrowly escaped death, made a statement to-day. She attempts to lay all the blame upon Thomas Salter, her paramour, who is also under arrest. In her confession she states that Salter was sick when her husband brought him to their home. She nursed him through his sickness, and fell in love with him. Salter proposed that they elope. This she would not consent to while her husband was living. Then Salter proposed that they shoot her husband, but she could not bear the idea of a cold-blooded murder, so poisoning was finally agreed on. They began by administering the poison in Barnes' food. Then when he became sick they put it in his medicine, and as he grew worse increased the doses. Several times Mrs. Barnes relented, and pleaded with Salter to be released from their terrible compact, whereupon Salter would threaten to shoot her if she did not keep on administering the poison. Finally, on the very day of Salter's arrest, they agreed to leave their victim to his fate and elope.

DANGEROUS HOTEL THIEF.

Criminal Record of a Burglar Sent Up From Los Angeles.

LOS ANGELES, Nov. 8.—The police are gathering information against the burglar, J. B. Bright, who was recently sentenced to the penitentiary for burglarizing the rooms of Mrs. J. C. Noble at the Hotel Metropole, Catalina Island.

In 1888 Bright was arrested in Washington, D. C., for robbing Mrs. James Brown-Potter of over $3,000 worth of diamonds, while she was stopping at one of the leading hotels of the capital city. He has the distinction of being the only man who ever broke out of the Washington City Jail and eluded arrest. After leaving Washington he went to Florida, where he had all of the leading hotel proprietors distracted on account of his smooth work. While in Washington Bright had or caused his picture to be published in a New York sporting paper as the husband of Mrs. James Brown-Potter. The police say he is the smoothest and most dangerous hotel thief in the country.

SAFE-CRACKERS AT MODESTO.

Burglars Secure the Money Box, But Find It Empty.

MODESTO, Nov. 8.—Some time during last night the fireproof safe in the private office of the Modesto Lumber Company's office was broken into by burglars. A hole was bored through the top, through which an explosive was put. One door was blown off its hinges and the other badly wrecked. A castiron box which had been inside of the safe was found 300 yards from the office. It had been pried open, but it contained no money, so the burglar secured nothing. The large burglar-proof safe in the main office was not tampered with. There is no clue to the perpetrators further than that the brace and bit used by the burglars were stolen from a wagon shop in this vicinity.

Bank Failure.

SAN BERNARDINO, Nov. 8.—The First National Bank in this city closed its doors this morning after remaining open about ten minutes. Notice was posted on the door: "Closed for the want of funds. O. H. Kohl, Cashier." One of the directors states that depositors will not lose a dollar, but the bank was forced to close by the withdrawal of large sums by a few heavy depositors who had become alarmed by false rumors circulated in the last few days.

It is understood that the cause of the failure originated in personal quarrels among the officers of the bank. President Joseph Brown, when interviewed, stated that the bank would not resume business, but would go into liquidation. The securities of the bank and its assets are sufficient to pay all depositors in full, and leave something to be distributed among the stockholders. The bank has a paid up capital of $100,000, and when it closed had deposits of about $200,000. Other banks in the city are not in the least affected by the failure of the First National.

The Heath Case Dismissed.

LOS ANGELES, Nov. 8.—In the Superior Court this morning the case of the people against Richard Heath was dismissed. Heath was chared with the murder of Attorney W. H. McWhirter of Fresno nearly two years ago, and has stood two trials in Fresno County with a "hung" jury each time. A change of verue was taken after the last trial to Los Angeles County, and the case set for to-day, and when called was dismissed. The case has cost the county of Fresno over $100,000 and no conviction, and they do not feel that they have a certainty of conviction here, and do not wish to go to the further expense of from $50,000 to $75,000.

Grain Freight Rates to be Reduced.

SAN FRANCISCO, Nov. 8.—The Southern Pacific officials announce that on January 1st a new schedule of freight rates will be put in force, by which a material reduction in the cost of hauling grain from the interior to tide-water will be made. The reason assigned for the reduction is that farmers are unable to raise grain at the present rates. To prevent a falling off in grain-production and encourage farmers, the reduction will be especially great for points at some distance from tide-water. Applying the reduction on the tonnage to tide-water in 1893-94, it amounts to a reduction of practically $233,000.

Big Mining Deal.

TACOMA, Nov. 8.—News from Alaska says that A. Hayward and C. D. Lane of San Francisco have purchased twenty-one of the richest quartz claims in the Silver Bow basin. The Alaska *News* of Juneau states it to be the biggest mining deal in the history of that city.

It is said that England has laid claim to the head of Chilkoot inlet, 400 miles northwest of Juneau, and near Mount St. Elias. This claim is made as a result of the international boundary survey work, for the purpose of establishing a coaling station there.

Supposed Roscoe Train Robbers.

PHŒNIX (Ariz.), Nov. 8.—Kid Thompson and a man named Hopper were brought in this afternoon from the Reno Mountains under arrest. The former is supposed to be a Roscoe train robber, and the latter is probably the same. Thompson made a most determined fight on arrest. The arrest was made by cowboys. Officers are reticent.

Their Bodies Burned to a Crisp.

SAN DIEGO, Nov. 8.—The bodies of Mr. and Mrs. Lempe, who kept the Half-way House in the Valley of the Palms, between here and Ensenada, Lower California, were found in the ruins of the house, burned to a crisp. It is supposed that they were murdered and the house burned to cover up the crime.

Sentence of a Forger.

LOS ANGELES, Nov. 8.—J. M. Leyshon, who forged the name of several people in this city by signing their names to various instruments and raising money on them, was to-day sentenced to six years in San Quentin Prison. A stay of execution of sentence until next Saturday was granted.

Charged With Embezzlement.

TACOMA, Nov. 8.—George W. Boggs, ex-City Treasurer, was arrested to-night upon information by the County Attorney, charging the embezzlement of $24,368, the sum deposited by him in the suspended State Savings Bank. He immediately gave bail.

"KING" KELLY.

The Once Famous Baseball Player Dies at Boston.

BOSTON, Nov. 8.—Michael Kelly, known the country over as the "king" among baseball player, died at the Emergency Hospital at 9:45 to-night from acute pneumonia. Although he has been ill for several days, it was not thought necessary to summon Mrs. Kelly from her home at Allentown, Pa., until yesterday, at which time communication was cut off by the crippled telegraph wires.

Since the baseball season closed Kelly has been connected with a theatrical company, appearing in a specialty. Last Monday morning he came to Boston, feeling slightly ill, but well enough to call on an old friend at the Plymouth House. He intended to continue his work with his company at a Boston theater that night, but feeling unable to do so, called on Dr. Calvin at the Emergency Hospital. The physician pronounced his disease acute pneumonia, and ordered him to bed. Until yesterday the prospects for his recovery seemed good, but during the night he suffered a relapse and sank rapidly, remaining in a hopeless condition until death this evening.

Texas Cotton Palace.

WACO, Nov. 8.—Governor Hogg to-day delivered the address to the thousands who came to witness the opening of the Texas cotton palace. Fully 20,000 strangers were in the city and the association anticipates much success. The exposition closes December 6th.

The San Franciscan Knocked Out.

ST. LOUIS, Nov. 8.—Jimmy Owens of San Francisco and Fred Zocker of this city fought eighteen rounds on an island in the Mississippi River, near here, this evening, resulting in a knock-out for the former.

FIFTY-FOURTH CONGRESS.

The Republicans Claim Two Hundred and Fifty-five Members.

WITH SEVERAL DOUBTFUL DISTRICTS TO HEAR FROM.

Embassador Bayard Holds the Senators and Congressmen Who Caused the Delay in Passing the Tariff Bill Responsible for the Crushing Defeat of the Democracy, While Henry Watterson Lays a Portion of the Blame at Cleveland's Door.

Special to the RECORD-UNION.

WASHINGTON, Nov. 8.—On the strength of returns received up to 9 o'clock, to-night, Chairman Babcock of the Republican Committee figures that the Republican representation in the next House will be at least 255 members. The changes from this afternoon's statement, when twenty-five were claimed to be elected, are made by one additional from Illinois and three from North Carolina.

The dispatches received to-night that caused the greatest surprise was one stating that Representative McMillan of Tennessee was possibly defeated. It came from the Chairman of the State Central Republican Committee of Tennessee, and added that the returns from the district were not all in.

Chairman Babcock also says to-night that from present indications the Republicans will have at least forty-four members in the Senate, and in this number is included Jones of Nevada.

Among telegrams received at headquarters to-day was the following from Settle, at Greensboro, N. C.: "It is conceded at Democratic headquarters that we have elected seven Congressmen in this State. The Third and Sixth Districts are doubtful. Sixty counties have been heard from. We have sixty-five members, and the Democrats twenty-three. This gives us control of the House, if we can hold them, and the Democrats concede us the Senate."

THE DEMOCRATIC WATERLOO.

Embassador Bayard and Henry Watterson On the Election Results.

BALTIMORE, Nov. 8.—Embassador Thomas F. Bayard said to-day: "I have had great apprehensions as to the result of the recent elections for some time. I don't want to run afoul of those gentlemen responsible for the delay in the passage of the tariff bill, but a patriot's duty is unmistakable. The necessity for pure Democratic tariff legislation was never so great as it is now.

"Bills for free raw material should be passed immediately and then the country will be able to contemplate the Democratic idea of the tariff in full working order for two years before the National election rolls around. If this is done I have little fear that the verdict will be unsatisfactory in 1896."

Embassador Bayard sails for England next Saturday.

HENRY WATTERSON.

LOUISVILLE (Ky.), Nov. 8.—In to-day's *Courier-Journal*, under the head of "Have We a Democratic Party?" Mr. Watterson says: "Never did a great party go to the people under such handicaps as were carried by the Democrats into the campaign just ended. Hard times were bad enough, but they might have been parried. Faction fights among small claimants and rival place men were bad enough, but parties have met and overcome such obstacles before now, but with a record of 'perfidy and dishonor,' as Mr. Cleveland aptly described it, to face and defend, in a hand-to-hand fight with the united Republicans, led by Harrison, McKinley and Reed, it was disheartening. The Democrats had to face, also, the dull self-sufficiency and stolid indifference of the Administration, that made no sign, uttered no word, and, at least in the State of New York, seemed to desire the defeat of the regular Democratic nominees. The battle for tariff reform will have to go down to the foot and take a new start. The battle over the money issue will soon be upon us. We shall see if there is Democracy enough left of the true blue stripe to make a greatcoat good against all weather; or whether we must still wear the coat of many colors, covering not a homogenuous party, inspired by faith and trust, but a mere bundle of factions thrown together by an upheaval."

GOVERNOR PENNOYER.

PORTLAND (Or.), Nov. 8.—Governor Pennoyer in an interview to-day in regard to the late election said: "Two years ago, the people jumped out of the frying-pan into the fire; this year they have jumped back into the frying-pan. This election is really an unwitting rebuke to Cleveland for adhering to the Republican financial policy until the country is nearly bankrupt."

BLAND ON HIS DEFEAT.

LEBANON (Mo.), Nov. 8.—In reply to a request to-night that he would give the Associated Press his views on Tuesday's election, R. P. Bland stated that he was so overwhelmed at the unexpected nature of the returns from all parts of the country that he was not prepared to give an opinion for publication of the causes which led to the landslide. He attributed his own defeat, however, largely to overconfidence among his political friends in Democratic counties, resulting in a dangerous falling off in the Democratic vote. He takes his defeat philosophically, and is of the opinion that the Republican victory will prove a valuable lesson to Missouri Democrats.

Addititional returns received this evening reduce Dr. Hubbard's supposed plurality of 600 over Bland to ten, a number so small that it will require the official vote to determine whether Mr. Bland is actually defeated.

GOVERNOR WAITE.

Colorado's Populist Leader Thinking of Removing to Illinois.

DENVER, Nov. 8.—An evening paper says: Governor Waite is going to leave Colorado. A well-known Populist says that the Governor is thinking over a proposition said to have been made to him to take up his residence in Illinois. It is said that the People's party of Illinois have taken such a liking to the Governor that they want him not only to reside among them, but also to lead them to victory as their candidate for Governor in 1896. The reception given Governor Waite on his visit to the Windy City last month pleased him immensely. It is not probable that if the Governor accepts the proposition he will live in Chicago, but he will undoubtedly take up his residence near that city. His Illinois friends believe that he will make a good run for Governor, and they are anxious to have him come and settle among them.

MARKS ON BALLOTS.

Decision Rendered by the Supreme Court of Michigan.

LANSING (Mich.), Nov. 8.—The Supreme Court to-day handed down the most important decision affecting the present method of voting that has ever been made. On the question of what constitutes a distinguishing mark on a ballot, which mark is prohibited by law, the court unanimously held that whatever mark than the single one appropriate to designate the intention of a voter is a distinguishing mark. The case was brought in contesting the right to office of two local candidates who were ostensibly elected at a spring election a year and a half ago. By the decision both are ousted from office. The result of this decision will be far-reaching.

The court holds that if two tickets on an official ballot are identical, that the marking of a cross over each is illegal; also, that to mark a cross over any ticket, and then before each name on such ticket, or placing opposite the name of the candidate, and then erasing the name of his opponent on another ticket, is illegal. In substance, the opinion holds that a single mark is a vote and is sufficient to indicate the voter's intention, and that a second mark might be agreed upon as a means of identification. It has been the practice of election inspectors to count all such doubly marked ballots, so that under this decision any of the elections held under the Australian voting system may, it is believed, be contested.

LATE CZAR OF RUSSIA.

The Remains of Alexander III. En Route to St. Petersburg.

SEBASTOPOL, Nov. 8.—Salutes from the ships and forts here announced the arrival of the cruiser Pamiat Merkoovia. Czar Nicholas and the Grand Dukes bore the coffin ashore. They were received by officers and deputations representing the whole Russian army.

The coffin was placed in a saloon on a special train. The Cazarowitz, whose health would not permit him to accompany the remains to St. Petersburg, took an affectionate farewell of his relatives, and the train started on its journey. The Czarowitz will immediately return to the Caucasus.

MASS CELEBRATED AT LAVIDIA.

LAVIDIA, Nov. 8.—The first mass for the repose of the soul of Alexander III. was concluded yesterday morning in Fysante Chapel, where the remains are lying in state. The late Emperor's face was but little altered. It had a placid expression.

At 2 o'clock yesterday afternoon the second mass, at which the Czar, Czarina, Princess Alix, Princess of Wales and all the imperial and royal suites attended, was celebrated.

The body of the late Czar was escorted with great ceremony on board the cruiser Pamyat Merkoovia for transportation to Sebastopol this morning.

DEMONSTRATION AGAINST ZACCHARIN.

ST. PETERSBURG, Nov. 8.—The medical students of this city made a hostile demonstration against Professor Zaccharin to-day. They were dispersed by the police. Professor Zaccharin's house was to-day surrounded by a mob of angry people. The windows of the house were smashed with stones. The police are now protecting the house from further damage.

National subscriptions have been opened for a great monument to be erected to the memory of the Czar, Alexander III. This work was undertaken by order of the new Czar, and it is understood the monument will be erected at Moscow. The body of the late Czar will rest beside the tombs of his mother and father near the entrance to the Cathedral.

MEMORIAL SERVICES AT WASHINGTON.

WASHINGTON, Nov. 8.—Bishop Nicolai of Alaska, the only Bishop of the Russian Church in the United States, was a visitor at the State and Navy Departments to-day with Prince Cantacuzene, the Russian Embassador, who presented him to the Secretary of State and Secretary of the Navy. Bishop Nicolai will conduct the memorial services to the Czar at the Russian Legation to-morrow morning. President Cleveland, members of the Cabinet with their wives and foreign Embassadors and Ministers in their regalia will attend. The chapel has been arranged and consecrated in the parlor of the legation. The service will, of course, be in the native Russian tongue, and, in the absence of a choir, will be without music.

CATTLE NOT DISEASED.

Hamburg Shippers Indignant at the Action of Prussian Officials.

BERLIN, Nov. 8.—It has come to the knowledge of the United States Embassy that the pretense that the prohibition against the landing of American cattle in Germany was based on sanitary reasons is without foundation. It appears that the Hamburg sanitary authorities passed two cargoes of the cattle in question as healthy, and thereupon Prussian sanitary officers were ordered to Hamburg and subsequently announced that the cattle were afflicted with Texas fever.

The cattle-shippers of Hamburg are indignant at the action of the Prussian authorities, as they have recently built four cattle steamers for the American service, and these have been rendered useless by the prohibitory orders recently issued.

Revolution in Rio Grande do Sul.

RIO JANEIRO, Nov. 8.—The revolution continues in Rio Grande do Sul, and during the last week the revolutionists seemed to be gaining ground. They captured Santa Ana, Santo Christo and San Mateo. They succeeded in capturing a lot of arms, and the garrisons at these places all joined them. It is now reported that a conspiracy exists among the ships of the fleet to go over to the rebels, and several changes in commanders have taken place to avoid this, but the rebels claim all this is useless, and it is not officers on whom they count, but the sailors and marines, and they claim