

RAILWAY COMMISSION A CONSTITUTIONAL BODY.

Has the Power to Regulate Rates of Companies Doing Business in the State,

But All Reductions Must be Reasonably Made

And in Conformity With the Earning Capacity of the Roads in Question—Circuit Judge McKenna's Decision in the Case of the Southern Pacific Company Versus the State Railroad Commission Relative to the Lowering of Grain Rates.

SAN FRANCISCO, Nov. 30.—To-day in the United States Circuit Court, Judge McKenna rendered his decision in the case of the Southern Pacific Company versus the Railroad Commission.

The proceedings out of which results the present decision originated, as may be remembered, in the action taken by the members of the Board of Railway Commissioners early last year in the direction of a general and radical reduction in the existing rates charged by the railroad company for the transportation of grain. This proposition was carried, so far as the passage of resolutions could accomplish the intended result, through the concurrence of Commissioners La Rue and Stanton, Commissioner Clark opposing it, but being, of course, outvoted by his two colleagues. These gentlemen, Messrs. La Rue and Stanton, did not altogether agree between themselves in what they proposed to do, Mr. La Rue favoring a much more radical cut than did Dr. Stanton. The former moved to make a 15 per cent. reduction all around, but to this Stanton would not agree, suggesting 8 per cent., to which figure Chairman La Rue came down, on finding that his colleague could not be induced to agree to anything higher.

This cut, however, both agreed in considering as of a somewhat temporary character, designed to go into effect and to hold good during the holding of some further investigations, the understood purpose of which was to be the final making of an average reduction of 25 per cent., to which the Democratic platform adopted at the time Messrs. La Rue and Stanton were elected had pledged the candidates of the party.

After the adoption of the resolution providing for the lowered rates a brief period was allowed the railroad managers to put them into effect, but before their expiration the company took measures to test in the courts the right of the commissioners to take the action in question. This was done by an application to Circuit Judge McKenna for a temporary writ of injunction restraining the board from interfering with the freight rates, a further request being made that the commissioners be cited to show cause why such temporary injunction should not be made perpetual. Among the grounds upon which the application was based was the statement that Messrs. La Rue and Stanton, having at the time of their election subscribed to a pledge to cut rates 25 per cent., had thereby disqualified themselves from taking any action at all by violating the law which provided that rates should not be altered except after a full investigation made after a prescribed form. Messrs. Stanton and La Rue denied in their answer having taken the pledge referred to, and many other interesting points were raised in the document and during the lengthy proceedings which subsequently followed before Judge McKenna.

Judge McKenna's courtroom was crowded this morning by interested spectators, all anxiously awaiting the long-expected decision. His honor arrived at an early hour and promptly at 11 o'clock took his seat. Before him sat Clerk Beasley, at his inclosed desk, while in the body of the room, occupying the front chairs, was the army of attorneys who had represented the contestants in the litigation. Governor James H. Budd was also an interested spectator, occupying a seat at the side of Judge McKenna. Before the date sat Attorney-General Fitzgerald, while United States District Attorney Henry S. Foote sat at a table almost diagonally opposite the Governor. Attorney Herrin of the Southern Pacific Company was not present.

Judge McKenna read from a carefully prepared manuscript, his voice being clear and distinct. He reviewed very fully the entire history of the litigation, and paid high compliments to the counsel on both sides, also giving interesting remarks relative to the extent of the argument. He stated the law permitting the formation of the Railroad Commission and the rules for its guidance, and, quoting Justice Brewer, declared that, primarily, it was within the power of the Circuit Court to merely inquire as to the justice of any action committed by the commissioners. No court had the power to make a schedule; no court had the power to raise or to lower a rate. The inquiry is limited to the effect of the action as a whole.

Judge McKenna then quoted in full the resolution adopted by the Board of Railway Commissioners, in which it was stated that the rates of the Southern Pacific in force on September 12, 1895, were unjust and a burden upon the shippers and that a reduction must be made.

His honor declared that the language of the resolution gave evidence of knowledge on the part of the Commissioners. But he recalled the fact that Mr. La Rue had testified that the Commissioners had not at the time of the adoption fully decided to enforce their resolution without a full investigation, and at no time had intended to work any hardship upon the railroad company. Judge McKenna held that any contention to the contrary was thus untenable. Continuing, his honor declared that no power was vested in the commission as to the assumption of the validity of

the organization whose rates it sought to reduce would be passed upon by the court. It had been claimed by the representatives of the railroad that the lesser branches of the corporation could not be affected by the commission, inasmuch as the minor roads were not classified as Southern Pacific roads. It had been held that the Southern Pacific merely acted as the agent of the branches, and as all resolutions of the commissioners had been directed to the Southern Pacific Company, necessarily they did not affect the lesser or leased roads.

Judge McKenna declared the contention a false one. "The Board of Commissioners is a legally established body, and its assumption that the branch or leased roads formed a part of the great system was correct. It powers vested in a corporation by its charter could not be evaded nor changed," said his honor. Relative to the powers of the Commission to regulate and to enforce rates Judge McKenna declared that in the legislature the power was practically unlimited, and that the very existence of a carrier was its subservience to such powers of the commission. However, certain decisions rendered in a number of cases placed a different phase upon the matter.

Quoting these decisions, his honor found that no commission had the power to so affect the value of any property by reducing rates as to injure the stockholders; that no legislation could be effected unless it be shown to be necessary and that the existing rates were exorbitant. Similar limitations were also expressed. "Therefore," continued his honor, "the power of a State to lower rates is absolute, but the reductions must be reasonable and bound by existing circumstances."

The other questions touched on in the litigation were as to the legality of the board. It had been contended that Messrs. La Rue and Stanton were rendered incompetent to act by reason of certain pledges made prior to their election. Moreover, it was held by the representatives of the railroad that La Rue was a shipper, therefore a Judge in his own case, and that the board had acted in an arbitrary manner. Another contention was that in the law no mention was made to the effect that reasonable rates should be fixed. Judge McKenna briefly disposed of this by stating that in all cases it must be understood, whether expressed or not, that reason should be exercised in the adoption of any law or rule of any commission or similar body.

As to the contention regarding election pledges, his honor held it to be of no consequence at all, as the alleged agreements to cut the rates had been made before the election. The suggestion as to La Rue being a shipper, Judge McKenna seemed to consider of equally slight importance, in view of the fact that it was the board's action and not his individually that was in question.

The matter of the deficits shown by the Southern Pacific Company to exist upon several branch roads was then taken up. Testimony introduced by the railroad tended to show that Oregon and California road had not collected receipts enough to pay the bonded indebtedness. Judge McKenna, however, held that the deficit was not a loss to the Southern Pacific Company, by reason of the amount of money paid into a general fund for the lease. The road, he held, might appear to be losing money, but as operated in conjunction with the entire system clearly showed no deficit.

Up to this point Judge McKenna had successfully overcome almost every contention of the railroad, and it appeared to be a foregone conclusion that the decision would be favorable to the commission. However, the financial position proved to be the vital point at issue.

During the taking of testimony in the case the railroad had introduced evidence to show that during the years 1894 and 1895 the operating expenses of the Southern Pacific system had been greater than the receipts. In his decision Judge McKenna carefully reviewed the maze of figures in this connection, and by a series of computations materially reduced the alleged deficits in the branch roads. Indeed, in one instance, that of the California and Oregon Railroad, a surplus instead of a deficit was shown.

Neverthless, a total of all roads clearly showed a loss for the year 1894, which in 1895 had increased. Therefore, his honor decided that the ruling of the commissioners had been unreasonable and worked a hardship upon the railroad. "Therefore," he concluded, "the order of the court is that that part of the order staying the execution of the resolution of the Board of Railroad Commissioners, reducing rates on grain 8 per cent., be continued until the further order of the court—that the balance of the order be dissolved."

To summarize, his honor decides that the Board of State Railroad Commissioners is a legally organized body and has the power to regulate rates. But that power is qualified by the reason that all regulations or reductions must be made reasonably and after due investigation. In short, his honor decides that the regulation of rates must be in conformity with the earning capacity of the roads in question.

Relative to the 25 per cent. reduction on freight rates it will be remembered that the commissioners passed a resolution only to make the cut after due investigation. The cut has not yet been made, and Judge McKenna held that he could not pass upon any of the acts of a body not yet accomplished. Consequently no injunction could be issued against a law not in operation.

WEYLER'S SEARCH FOR THE INSURGENT FORCES.

None So Far Met by His Troops, But Some Plantations Destroyed.

Rebels Blow Up a Bridge While a Train Was Passing Over It,

Wrecking the Armored Car, But Only One Soldier Was Injured—Definite News of the Capture of the Town of Guaimaro by Garcia's Forces Proves it to Have Been a Great Victory for the Insurgent Cause.

HAVANA, Nov. 30.—No news concerning the movements of Captain-General Weyler later than that sent in these dispatches yesterday has been received. He was then reported to be marching westward from Cristobal in search of the rebel forces. No insurgents had been met. The Spaniards captured a number of stray cattle and destroyed some rebel plantations and huts.

There is nothing to indicate the whereabouts of Maceo's command, but it is thought that they are retreating before the advance of General Weyler. The bulletins issued at the palace today were unimportant. They only reported skirmishes in which the losses on either side were trifling. Rebels to-day blew up a bridge near Zeiba Mocha, Province of Matanzas, while a train was passing over it. The armored car attached to the train was wrecked and one soldier injured.

This far 278 members of the Nangio Society, which is made up of criminals and ruffians of every description, have been exiled to the African penal colonies. This society was very active toward and after the close of the ten years' war, and its members have taken advantage of the present condition of affairs to commit all manner of crimes. The authorities are making every effort to extirpate them.

An order has been issued by the local treasury to prevent the exportation of produce grown in the Province of Pinar del Rio and Havana from the ports of other provinces.

THE CAPTURE OF GUAIMARO. NEW YORK, Nov. 30.—The first definite news in the shape of details of the capture of the town of Guaimaro, in the district of Camaguey, Cuba, by the patriots arrived in this city to-day in the form of a personal letter from General Calixto Garcia to the Junta in New Street. It was directed to one of his Adjutants, who brought it to this city.

The report of the siege and capture which was called here some time ago has been denied by the Spanish authorities. The siege, according to the letter, lasted twelve days. When the officers surrendered the Spaniards took prisoners all the men in charge of the fortifications, which included one Captain, two Lieutenants, two sub-Lieutenants, eighteen Sergeants, one surgeon and sixteen Corporals. All the officers were paroled, but the men were sent to the mountains to work on the Cuban plantations. The Spaniards of the republic provides for the release of these men, and they were sent to the plantations.

The booty captured by General Garcia's men was a great boon to the patriots. It included 500 centenas (a gold piece worth \$5.00) and other moneys, aggregating \$21,000. The arms and ammunition captured were 125,000 cartridges, 200 Mauser rifles, 160 Remington rifles and two field pieces. This confirmation has caused the Cubans here to rejoice, as Guaimaro is the most important interior town thus far taken by the patriots, and has been considered a Spanish stronghold.

General Garcia further states that his men are in good condition, and that he will not march westward to join Maceo, but will remain in Puerto Principe.

THE SPANISH LOAN. WASHINGTON, Nov. 30.—The Spanish Minister of Foreign Affairs, the Duke of Tetuin, called the Spanish Legation as follows to-day: "The payment of the obligations of the Spanish interior loan, recently subscribed twice over, shows that the conditions of the sale were as follows: Ten per cent. deposits with application, 40 per cent. deposit on the 25th of November, 25 per cent. deposit on the 15th of December, 25 per cent. deposit on the 15th of January."

The dispatch states that instead of awaiting the dates fixed for payment, the public has already paid in 91 per cent. of the total amount, which is 400,000,000 pesetas (\$80,000,000). It is further explained in the Duke of Tetuin's dispatch that the loan is issued at 93, and therefore pays an interest of only 1-3 per cent. RELIEF FOR THE CUBANS. CHICAGO, Nov. 30.—Chairman Cragin has called a meeting of the Cuban Relief Committee of 100 for next Friday to discuss the advisability and means of floating \$1,000,000 of the Cuban Republic bonds in Chicago. If Estrada Palma will be advised, and he will offer the bonds on the local market, coming to the city for that purpose. There were numerous applicants at Chairman Cragin's office to-day for volunteer service in Cuba, but no encouragement was given them except to the former Lieutenant in the United States army, who was told to communicate with General Palma. THREE FRIENDS LABEL CASE. JACKSONVILLE (Fla.), Nov. 30.—Cockrell & Sons, attorneys for the owners of the steamship "Three Friends," have filed their objections and exceptions to the information of libel in the case of the United States against the steamship "Three Friends," which is charged with being armed and fitted out for the purpose of making war against the people and property of the King of Spain in the island of Cuba. The owners will to-morrow apply to Judge Locke to fix the amount of bail to secure the release of the steamship. MUNOZ, THE CUBAN PATRIOT. JACKSONVILLE, Nov. 30.—Colonel

STOCKBROKER CHAPMAN MUST SERVE TIME IN JAIL

For Refusing to Answer Questions Propounded by the Senate Committee

Investigating the Famous Sugar Trust Rumors

In Connection With the Consideration of the Tariff Bill in 1893, When It Was Asserted That Some Members of Congress Were Indirectly Interested by Proposed Legislation.

WASHINGTON, Nov. 30.—The Supreme Court of the United States reconvened to-day and disposed of thirty-eight cases. The most important, aside from the Chapman case, was that of the appeal of the Missouri Pacific Railway Company from the decree of the Supreme Court of Nebraska, directing the railway company, at the request of the State Board of Transportation, to permit a party of farmers to erect a grain elevator on its right of way, and itself to construct a switch thereto. The case was docketed in the Supreme Court of the United States October 3, 1896, and was argued at the last term. Disposing of the case, the opinion said it was not a question affecting rates of transportation, not an order compelling the railroad company to erect an elevator, nor a matter affecting equal rights of access to the property from the outside, but a demand simply for the convenience of the petitioners that they be permitted to build the elevator on the property of the railway company. "This," says the opinion, "is the taking of private property for private use without the due process of law, and therefore in violation of the plain terms of the Constitution."

The judgment of the State court was reversed, and the case remanded with instructions to proceed in conformity with the opinion.

In the case of Pleasant Draper vs. the United States it was decided that the words in the Act admitting Montana to the Union, "and said Indian lands shall remain under the absolute jurisdiction and control of Congress of the United States," do not give to the courts of the United States in that State jurisdiction over offenses committed on said Indian lands. Draper was convicted in the Federal Court of murder, committed on the Crow Reservation, and will now go back to the State court for trial.

By its unanimous decision to-day, announced by Chief Justice Fuller, the Supreme Court practically affirmed the judgment of the Court of Appeals for the District of Columbia in the case of Elverson Chapman, the stockbroker, who declined to answer questions propounded by the Senate Committee investigating the famous sugar trust rumors in connection with the consideration of the tariff bill in 1893. The effect of this decision is that Mr. Chapman must surrender himself to serve a term of thirty days adjudged against him upon conviction in the District Court, and pay a fine of \$100.

A collateral effect is that Messrs. Havemeyer and Hearst, of the sugar trust and Messrs. Edwards and Shriver, the newspaper correspondents, who also declined to answer the questions propounded by the same committee, will have to submit themselves for trial in the District Courts upon indictments similar to that in the Chapman case.

The history of the case is familiar, having been frequently narrated in these dispatches. Chapman was convicted under Section 102, Revised Statutes, which provision is punishment for failure to answer questions asked by any committee of Congress, the court overruling all suggestions that the section was unconstitutional. He sued out a writ of error to have this case reviewed by the United States Supreme Court, and the Government moved to dismiss the writ on the ground that the Supreme Court had no jurisdiction to review the judgment of the District Courts in criminal cases.

The appellate jurisdiction of the Supreme Court, the Justice said, rested on the Act of Congress and the provision contained in the Act. In the case of the United States vs. Moore, decided in 1805, Chief Justice Marshall held that the Supreme Court of the United States had no jurisdiction under the Act of 1801 over judgments of the District Courts in criminal cases. Marshall said: "The words 'matter in dispute' seem appropriate to civil cases when the subject in contest has a value beyond the sum mentioned in the Act. But in criminal cases the question is the guilt or innocence of the accused. And although he may be fined upwards of \$100, yet that is, in the eye of the law, a punishment for the offense committed, and not the particular object of the suit."

This construction of the law was carried forward until subsequent legislation, and was affirmed in several decisions as to laws of March 3, 1891, and of February 6, 1893. The eighth section of the Act of 1893, establishing the Court of Appeals for the District of Columbia, provided for the review by the Supreme Court of the United States of any final decree of the District Court in which the matter of dispute exceeded \$5,000, in the same manner and under the same regulations as heretofore provided for in cases of writs of error or appeals from decrees rendered in the Supreme Court of the District of Columbia; and also in cases without regard to the sum in dispute, wherein is involved the validity of any patent or copyright or of a treaty or statute of or an authority exercised by the United States.

This Act, and that of 1885, the Chief Justice said, the court regarded as the same in their meaning and legal effect, while the suggestion that because a fine of \$100 was involved the case could be reviewed by the Supreme Court of the United States, was disposed of by the language of Chief Justice Marshall in the case of the United States vs. Moore; there was nothing in the opinion of the

WILLIAM STEINWAY. Death of the Head of the Great Piano Firm.

NEW YORK, Nov. 30.—William Steinway, the piano manufacturer, died to-day of typhoid fever.

Steinway, who had not been in good health for a year, was taken with typhoid fever about four weeks ago. He was thought to be progressing toward recovery, but on Sunday had a relapse.

Public funeral services will be conducted on Wednesday afternoon at the Liederkranz Club. Many societies of which Steinway was a member will parade.

Steinway was born near Brunswick, Germany, on March 5, 1836. His father, Henry Englehard Steinway, was a piano manufacturer. At 14 he was an expert musician. In 1849 Steinway's father sent him to New York to this country to ascertain if there was a possible field for a piano business here. The report was favorable. In June, 1850, the elder Steinway moved his family and business to New York City. The business at first was limited to the manufacture of one piano a week. Nine years later the Steinways built the present factories on Fourth avenue from Fifty-second to Fifty-third street. In 1862 additional factories were established at Astoria, L. I.

William Steinway became the head of the firm in 1880. He was always active in public affairs. In 1892 Steinway was one of the Democratic Electors-at-Large from New York. He was a member of the original Rapid Transit Commission and was reappointed on the new commission. He was liberal in all his business and personal relations.

FIVE PEOPLE PERISH By the Burning of a Dwelling Near Conway, Arkansas.

LITTLE ROCK (Ark.), Nov. 30.—The two-story house of Samuel Henderson, who resides about three miles from Conway, was burned at 1 o'clock this morning. Five of his children, two of whom were grown, perished in the flames. They were all asleep, and before they could escape from the fire received burns of such a serious nature that they died shortly afterwards. Speculation is rife as to the origin of the fire. Foul play is suspected, and an investigation may develop a diabolical crime.

MAJOR MCKINLEY KEPT BUSY RECEIVING AND LISTENING TO HIS MANY CALLERS.

CANTON, Nov. 30.—Major McKinley had a busy day with his Congressional callers to-day, and it was after 5 o'clock this evening before he had a minute to call his own.

Senator Henry Cabot Lodge came from Washington to discuss the possibility of a position in the Presidential household. He was closeted for some time with Major McKinley, but the object of his visit, if it had a more specific one than to testify his good will toward the incoming administration, was not manifested.

General Horace Porter of New York remained with Major McKinley until late this afternoon. General Porter said that while no positive arrangements had been made as to the chief marshaling of the inauguration ceremonies, it would doubtless be arranged satisfactorily, though no announcement would be made until after the headquarters were opened in Washington.

"So far as Cabinet making is concerned," said General Porter, "I never knew one to be made until very near the 4th of March. I know of no man who is better equipped with the acquaintance of public men throughout the country than Major McKinley. He is perfectly qualified to make his own selections, and when it is done it will be his own handiwork."

As to his own ambitions in this direction, General Porter said that his visit had no significance, as he had called upon a friend of many years standing to pay his personal respects.

Dr. T. N. Jamieson, Republican National Committeeman from Illinois, namely, a position in the Presidential household. He was closeted for some time with Major McKinley, but the object of his visit, if it had a more specific one than to testify his good will toward the incoming administration, was not manifested.

Many of Major McKinley's callers are urging the necessity of an early revision of the tariff, and new Congressmen are especially anxious for an extra session of the body to which they have been elected. There is little doubt, too, that those who called to talk tariff legislation find a much readier listener in the President-elect than those who talk about home patronage. The unlikelihood of any discussion of the tariff by the outgoing Congress gives weight to the belief here that an extra session will be called. Mr. and Mrs. J. Russell Young of Philadelphia dined with Major and Mrs. McKinley this evening.

HEROIC DEATH OF AN ARMY CHAPLAIN.

Loses His Life in an Effort to Save That of His Young Daughter.

Overcome With Smoke and Perishes With His Child.

WASHINGTON, Nov. 30.—A telegram was received at the War Department to-day from Major Burk, stationed at Fort Ringgold, Tex., stating that last night the quarters of the Post Chaplain, Malcolm C. Blaine, were burned. The Chaplain and his young daughter were burned to death.

Chaplain Blaine, after the fire had made some headway, missed his daughter and entered the building to rescue her. He was overcome by the smoke and perished with his child. His wife escaped without serious injuries.

WORKS RESUMING AFTER SEVERAL MONTHS' SHUT DOWN.

NORWICH (Conn.), Nov. 30.—The Falls Cotton Company resumed to-day, after a four and a half months' shut down, and some 500 employees began work.

BRADFORD (Conn.), Nov. 30.—Norricks Brothers, granite quarries at Stony Creek, increased operations to full time to-day with 200 employees, the full complement.

A MINE OPERATOR DISAPPEARS. Drew a Large Sum of Money and Has Not Since Been Seen.

DES MOINES (Ia.), Nov. 30.—Bert Caldwell of Van Ginkel and Caldwell, mine operators, has disappeared, and there is no trace of him. He was last seen Saturday noon, when he had drawn about \$25,000 to pay the men in the mine of which he was manager. His family are convinced that he was held up and murdered for the money. He was a sober, industrious and hard-working man, about 40 years old. He came here a short time ago from Summerset, Ia.

The police were set to work by his friends, but can learn nothing whatever of him. He does not appear to have left the city by any railroad.

RESULT OF THE ELECTION, AS AFFECTING THE STATUS OF THE SILVER QUESTION.

W. J. Bryan Discusses the Subject in an Article in the "North American Review."

NEW YORK, Nov. 30.—In the December number of the "North American Review," published to-morrow, Mr. Bryan presents an article in which he discusses the result of the election as affecting the status of the silver question. The issue upon which the election turned he describes as the "great over-submitted to the American people in time of peace." The declaration of the Chicago convention in favor of the free coinage of silver conferred upon the people a study of the money question. The result of this study Mr. Bryan declares to be a permanent gain for the cause of bimetallicism. Mr. Bryan regards it as a significant fact that the silver sentiment was strongest where the subject had longest been considered; that is to say, in the West and Southwest. The gold sentiment prevailed in the Eastern States, but even there, in Mr. Bryan's opinion, the cause of bimetallicism made more rapid progress than any cause ever made in such a short time.

The odds against bimetallicism in the Middle States were very great. In Wisconsin and Minnesota the Democratic party declared against silver in the conventions which sent delegations to Chicago. In Michigan the convention was nearly equally divided, and there was a bitter contest within the party in Iowa, Indiana and Ohio, while in Illinois the hostile influence of the Chicago press was greatly felt.

Mr. Bryan expresses his assurance that the election cannot by any means be regarded as a conclusive settlement of the issues at stake. Mr. McKinley was defeated in 1872, and yet Mr. Blaine was elected in 1876. Mr. Blaine was defeated in 1884, but Mr. Harrison was elected in 1888. The Republican victory of 1888 was followed by the Democratic victory of 1890, and the election of President Cleveland two years later. Mr. Bryan counsels the Republican party to remember that thousands of Republicans have been held to their party this year by the pledge that they will try to secure international bimetallicism.

In regard to the gold standard Democrats, Mr. Bryan is assured that they cannot do as much harm in 1896 as they have done this year. "They cannot," he says, "disuse themselves again. The contest for financial independence will go on. We undertook the contest with a disordered army; we emerged from it a united and disciplined force, without the loss of a soldier. We are ready for another contest. We believe that we are right, and, believing that the right will finally triumph, we face the future firm in the belief that bimetallicism will be restored."

FLAMES BREAK OUT ON A STEAMER LYING AT HER DOCK AT SOUTH HAVEN, MICHIGAN, COMPLETELY DESTROYING THE VESSEL—TWO FIREMEN BURNED TO DEATH, AND THE STEWARDESS BELIEVED TO HAVE SUFFERED THE SAME FATE.

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Chaplain Blaine, after the fire had made some headway, missed his daughter and entered the building to rescue her. He was overcome by the smoke and perished with his child. His wife escaped without serious injuries.

The circumstances surrounding the death of the brave Chaplain were very sad. Before he entered the burning building some bystanders tried to hold him. He resisted, and said that he must save his child's life.

They reasoned with him, showing him that it was death to enter the building. The man would not listen to them, and breaking away in a frenzy of excitement, he rushed through the flames into the house. His charred remains were found near the entrance of the building.

Chaplain Blaine was born in Kentucky and enlisted as a private in Company H with the Kentucky Infantry in 1864. He was discharged the next year and appeared as Post Chaplain from Pennsylvania in June, 1880.

STEAMER BURNED. Three of Her Crew Believed to Have Perished in the Flames.

FENNVILLE (Mich.), Nov. 30.—The steamer City of Kalamazoo, lying at her dock at South Haven, caught fire early this morning and was entirely destroyed. The steamer belonged to the Williams Transportation Company, but had been drawn off her regular route and laid up for the winter. She was moored at her dock a week ago, but the crew had not yet been discharged.

How the fire originated is not known, but as the weather has been cold and fires have been kept up to warm the men it is probable that it came from an overheated pipe.

The fire broke out about 4 o'clock this morning, when all the workmen were asleep. Before they could be aroused the flames had gained such headway that they could not be suppressed. Two of the crew, Robert Vanostrand and Joe Lang, firemen, were burned to death.

The stewardess has not been seen since the fire, and as it was known that she was on the boat when the fire broke out it is almost certain that she, too, perished in the flames.

"BUCKET-SHOP" PROPRIETORS. Successful Prosecution by Means of the Postal Laws.

CHICAGO, Nov. 30.—The first case in this city in which "bucket-shop" proprietors have been successfully prosecuted by means of the postal laws came up before Judge Brown in the United States District Court to-day. William McClure, Dr. James Craig, John I. Talmann and William A. Thomas, who were indicted this term at the instance of the Civic Federation in using the mails to promote a scheme to defraud, appeared with their attorney, Judge Scott, and entered a plea of guilty. The men were arrested last July, after doing a profitable business, and others were caught in the same net by Postoffice Inspector Stuart. The indictments were based on a letter to customers.

Attorney Scott admitted that the trade had not been made on the Board of Trade, but it was a "bucket-shop" trade. District Attorney Black, for the Government, recommended a fine of \$1,000 in each case, and said that he was satisfied that appeared if they brought an time made money, were now poor. In another court the defendants said they had not continued their business after their arrest. The District Attorney informed the court that there were other similar cases to be called next month, and he recommended a fine of \$1,000 in each case.

Two Skaters Drowned.

DES MOINES (Ia.), Nov. 30.—The bodies of George Edwin Dean, aged 12, and John Sinclair, aged 9, were taken from the Des Moines River to-day. They were drowned Saturday afternoon, but the fact was not certainly known until the bodies were found to-day. They were skating, and nobody saw them go through the ice. When they failed to come home Saturday night search was begun, and men worked day and night until noon to-day, when the bodies were found under the ice.

Telegraph Cable Broken.

NEW YORK, Nov. 30.—The Western Union Telegraph Company's central cable office reports interruption in the St. Lucia, St. Vincent, St. Croix and Trinidad cables, cutting off communication by cable with St. Vincent, Barbadoes, Grenada, Trinidad and Demerara. Fast sailing vessels will be employed to carry messages to St. Lucia, St. Vincent, St. Croix and Barbadoes. The balance of the distance.