

WESTERN UNION LOSSES.

DECISIONS FOR P. R. R.

Telegraph Co. Must Remove Poles from Railroad's Right of Way.

Washington, Dec. 12.—The Supreme Court of the United States today decided the case of the Western Union Telegraph Company against the Pennsylvania Railroad Company, involving the removal of the railroad company to remove the telegraph company's poles from its right of way, in favor of the railroad company. The opinion was handed down by Justice McKenna. The court held that the act of Congress of July 24, 1892, which controlled the case, does not grant the private property of railroad companies over the public property of telegraph companies.

RIGHT OF EMINENT DOMAIN LIMITED.

Discussing, incidentally, the right of eminent domain the opinion says: "It is indeed inseparable from sovereignty, but it is accompanied and restricted by its limitations. The property taken must be for a public use, and there must be compensation made for it, and compensation, whether it be regarded as part of the power or a limitation upon the power, is so far essential that the absence of a provision for it has been regarded as an important element in such power as claimed."

Responding to contentions on the part of counsel for the telegraph company that railroads are not essentially different from other highways, Justice McKenna said:

"This argument would seem to make a railroad right of way public property. To that extent the right of eminent domain would be applicable to a right of way devoted to public use, and as such is subject, to the same extent, to the same control, but it is not always so. It is not always so because a railroad right of way is so far private property that it is not subject to the same control, which is the case with other highways, and upon payment of compensation it is not subject to the same control as that of the act of 1892 does not grant the right of telegraph companies to enter upon and occupy the right of way of railroads without the consent of the latter, or grant eminent domain. Nor does the act of 1892 grant the right of telegraph companies to enter upon and occupy the right of way of railroads without the consent of the latter, or grant eminent domain. Nor does the act of 1892 grant the right of telegraph companies to enter upon and occupy the right of way of railroads without the consent of the latter, or grant eminent domain."

Mr. Hill's Financial Measure Discussed.

Washington, Dec. 12.—The House transacted a large amount of miscellaneous business today, starting with the passage of 18 pension bills, and continuing with the consideration of the bill for the relief of the local charities, and an adjournment was forced for lack of a quorum when an attempt was made to pass the joint resolution granting the use of the Washington Monument lot for the American Railway Appliance Exhibition.

TO IMPEACH SWAYNE.

House Judiciary Committee Unanimous for Trial of the Judge.

Washington, Dec. 12.—Judge Swayne, of the United States District Court of Florida, will probably be impeached by the House and tried before the Senate for "high misdemeanor" in consequence of the unanimous report of the House Committee on the Judiciary, which favors such action. Just before Congress adjourned last session, the House, notwithstanding a majority report favoring the impeachment of Judge Swayne, referred the whole case back to the committee, the testimony of the committee not considered, on the character to justify extreme measures. Since then the additional evidence given before the committee has indicated to its members, even to the minority, which had opposed impeachment, that the statements of Judge Swayne concerning his traveling expenditures were false, an offense sufficiently serious to warrant impeachment.

RECOMMENDED BY THE PRESIDENT.

Washington, Dec. 12.—The President sent the following nominations to the Senate today: Assistant Secretary of Agriculture—WILLET M. HAYS, of Minnesota. Commissioner of Labor—CHARLES P. NEILL, of Massachusetts. Associate Justice of the Supreme Court of New-Mexico—ALBIO ABRAHAMSON, of New Mexico. United States Attorney—MELVIN O. ADAMS, for the District of Massachusetts.

Christmas Presents.

Etchings, Engravings, Water Color Drawings, Oil Paintings.

Arthur Tooth & Sons,

299 Fifth Avenue, Cor. 31st Street.

TREATY WITH ENGLAND.

Arbitration Convention Signed at the State Department.

Washington, Dec. 12.—The arbitration treaty between Great Britain and the United States was signed today by Secretary Hay and Sir Mortimer Durand, the British Ambassador. It follows the lines of the French arbitration treaty. It is expected that the Italian treaty will be signed in a few days.

MINOR CHANGES IN RUSSIAN TREATY.

St. Petersburg, Dec. 12.—Russia has submitted to the United States the modifications proposed by her in the Russian-American arbitration treaty. The amendments, it is understood, are not of great importance.

PHILIPPINE BILL UP.

Proposed Guarantee of Railroad Bonds Discussed.

Washington, Dec. 12.—The Senate had the Pure Food and Philippine Government bills under consideration today. The former was confined to calling attention to the inadequacy of the protection given the people of the United States against impure foods and drugs. The discussion of the Philippine bill related solely to the question of the guarantee by the Philippine Government of the income or interest on bonds of railroads in those islands.

IN THE HOUSE.

Mr. Hill's Financial Measure Discussed.

Washington, Dec. 12.—The House transacted a large amount of miscellaneous business today, starting with the passage of 18 pension bills, and continuing with the consideration of the bill for the relief of the local charities, and an adjournment was forced for lack of a quorum when an attempt was made to pass the joint resolution granting the use of the Washington Monument lot for the American Railway Appliance Exhibition.

MISSOURI SENATORSHIP.

Five Active Candidates Now in the Field—Situation as It Stands.

BY TELEGRAPH TO THE TRIBUNE. St. Louis, Dec. 9.—Five active candidates, who figure on voting strength from the beginning of the balloting, and a dozen or more receptive aspirants, who hope to secure a solution for a possible election, are competing for the office of Francis M. Cockrell in the United States Senate, the chief prize won by the Missouri Republicans in the recent election. The estimated strength of the candidates at present is: Niedringhaus, 25; Kerens, 20; Parker, 19; Warner, 2; Barthold, 1; non-committal, 23. The number necessary for choice in the Republican caucus, which will be held at Jefferson City probably in the first week of January, is 47.

MISSOURI SENATORSHIP.

Washington, Dec. 12.—Three witnesses were heard today in the case of Senator Reed Smoot before the Committee on Privileges and Elections, which resumed its investigation after a long recess. The first was the Rev. Dr. J. M. Buckley, Editor of "The Christian Advocate," of New York, who told of a Mormon meeting he attended in Salt Lake last summer, at which President Joseph Smith declared he would not give up his plural wives. George Reynolds, a high official of the Mormon Church, testified in regard to ceremonies in the Endowment House and divorces granted by the Church, and John Henry Hamlin told of the plural marriage of his sister, Lillian Hamlin, to Apostle Abraham Cannon. Most of the testimony related to the alleged subject of divorce. He said that he did not connect Senator Smoot with any of the alleged violations of State or Federal law.

SMOOT INQUIRY RESUMED.

SMOOT INQUIRY RESUMED.