MINNESOTA HISTORICAL SOCIETY

TRUTH IN EPIGRAM.

An adlet is a little "ad,"
The language-makers claim;
And, though 'tis very small, egad!
It gets there just the same.
—Philadelphia Press.

ST. PAUL Daily Globe.

MORE EVIDENCE.

And when your adlet is all right,
The public's thought to probe,
It never will be out of sight,
If printed in the GLOBE.

VOL. XIV. SAINT PAUL, MINN., TUESDAY MORNING, FEBRUARY 2, 1892. NO. 33.

PICKLER PUGNACIOUS

The Pickerel Statesman Succeeds in Raising a Jolly Row in the House.

Speaker Crisp Compelled to Send the Sergeant-at-Arms to Seat Him.

Debate Over the New Code of Rules Causes a Lively Ruction.

Bourke Cockran Stands for the Right to Count a Quorum.

WASHINGTON, Feb. 1.—"The principle that the presence of a majority of members constitutes a quorum, has had the sanction of every court to which it has been referred, and I think that it ought to have the sanction of this house."

This was the retort of ex-Speaker Reed today in defending himself against the somewhat spirited denunciation by the Democrats of his official actions in the Fifty-first congress. The rules are still the subject of harrowing discussions in the house, and the decree of the Democratic caucus and the frequent demands for the previous question seems alike impotent in forcing the debate to a close and assuring the adoption of the code reported by the Democratic majority of the committee on rules.

Indeed, there is a general disinclination in the rank and file of both sides of the house to regard the rules as a party question. Some of the most radical features of the code reported by the Democratic majority of the committee on rules find quite earnest supporters on the Republican side, and Hon. Bourke Cockran, the well-known Tammany congressman, this evening surprised his colleagues by eloquently approving the principle of recognizing the ocular evidence of a quorum, and his speech was enthusiastically applauded by the Republicans as an able

Defense of Reed's Ruling

in the last congress.

Immediately after the meeting of the house this morning Mr. Hoar, of Massachusetts, rising to a correction of the record, said that under the rules on which the house was acting no member was permitted to enlarge his remarks in the record unless he received special leave to do so. In a speech delivered some days ago his colleague, Mr. Morse, had brought up an old fish-peddling story. He (Mr. Hoar) had requested that the gentleman be allowed to proceed, as his speech was beneficial to the Democratic party of Massachusetts.

In the Record a reply appeared from Mr. Morse which had never been uttered. He had in his hand the official stenographer's report of Mr. Morse's speech, and the type-written speech which Mr. Morse had subsequently furnished. Not content with their amendation, Mr. Morse added in his own handwriting, "laughter on the Republican side." [Laughter.] The gentleman's imagination was perfectly correct. The only applause that the Republican party would give to his remarks were to those which were never delivered. He (Mr. Hoar) knew the Republican party well enough and the gentleman well enough to know that remarks he never delivered were sure to obtain Republican applause.

Morse Nettled.

Mr. Morse replied that the statement made by the gentleman was largely and substantially false. He (Mr. Morse) had availed himself of the privilege granted to every member to revise his remarks. "Now, Mr. Speaker," continued he, "my young friend from Massachusetts will be wiser when he is older. He is reported, Mr. Speaker, to have wet his couch with tears because his candidate for speaker was defeated. He had seen in the distance a chairmanship and clerk, and honor and fame in celebrity throughout the extent of the country, and especially in his district in Massachusetts. Those fond hopes were dashed to the ground by the defeat of his candidate, or by your election, Mr. Speaker.

That young gentleman, through the campaign in which he was elected, declared that the Democratic party of the country stood for honest money, and that the Republican party was the party of cheap money. He will be wiser when he is older. By the time this congress has closed he will understand the position of the Democratic party in regard to the 'free and unlimited coinage of silver,' and with reference to the tariff, 'free raw material' and other great economic questions."

Wants Egan Recalled.

Numerous bills and resolutions were referred, the most important being a resolution by Mr. Arnold, of Missouri, requesting the recall of Patrick Egan, minister to Chili.

When consideration of the report of the committee on rules was resumed, the amendment offered by Mr. Oates, of Alabama, providing for a committee on order of business to consist of fifteen members, "of which the speaker shall be ex-officio chairman."

Mr. Pickler, of South Dakota, wished to offer an amendment, giving the committee on invalid pensions the right it had during the Fifty-first congress to report at any time upon general pension legislation; but a demand for the previous question, made by Mr. Catchings, of Mississippi, cut him off. Before the announcement of the vote Mr. Pickler demanded a verification, and asked that the vote be recapitulated. The speaker replied that there was no rule requiring this to be done. If the gentleman would state that an error had been made, the chairman would order a recapitulation, but otherwise he would not.

Mr. Pickler would not make such a statement, but contented himself with referring to the great confusion in the hall and the possibility of a mistake having crept into the record. The speaker thereupon declared the previous question ordered—yeas 150, nays 92.

Pickler Bows to the Mace.

Mr. Pickler then moved an adjournment. Lost, 28 to 103. The vote recurring on Mr. Oates' amendment, no quorum voted, and Mr. Pickler raised that point and proceeded to proclaim that the amendment he wished to offer was for the benefit of pensioners of the country. Though Mr. Pickler is possessed of a strong voice, his words were drowned in a Democratic chorus of "regular order." In vain did the speaker call upon Mr. Pickler to resume his seat. The speaker then directed the official reporter not to report the gentleman's remarks—a superfluous order, inasmuch as the reporter was unable to hear a word. Finally the services of the sergeant-at-arms were called into requisition, and before the mace Mr. Pickler yielded and gracefully took his seat.

Mr. Oates' amendment was rejected. Mr. Hooker's motion to strike out the clause giving the committee on rules power to call up its reports at any time, and preventing dilatory motions being made when they are under consideration, was lost; yeas 21, nays 129.

On motion of Mr. McCreary, of Kentucky, an amendment was agreed to requiring general appropriation bills to be reported within eighty days of the appointment of the committees in a long session, and within forty days in a short session.

Boyd's Victory.

Just at this juncture Mr. Bryant, of Nebraska, provoked the hilarity of the Democratic side by deftly conveying the intelligence to the house that the supreme court had decided that Hon. James E. Boyd was the legally elected governor of Nebraska. "I move," said he, "to strike out the last word of the pending amendment. It is not because I have any special dislike for that last word, but I desire at this time and under this motion to convey to the house an item of news which I am sure it will be glad to receive. In 1890 the people of Nebraska, by a plurality of more than 1,000 votes, elected Hon. James E. Boyd as governor of that state. [Applause.] The ex-governor contested the election on the ground that Mr. Boyd, although for forty years a resident of Nebraska, twice mayor of Omaha and a member of two constitutional conventions, was not a citizen of the state within the provisions of the constitution. The state court, by a vote of 2 to 1, declared Mr. Boyd not a citizen. I wish to announce to the house that the United States supreme court has just declared Gov. Boyd a citizen and entitled to the office. [Great applause on Democratic side.] The news is thus conveyed to you that this house may join with Nebraska in rejoicing over the restoration of popular government in that state." [Renewed applause.]

Counting a Quorum.

Mr. Burrows, of Michigan, offered an amendment re-establishing the rule of the last congress empowering the speaker to count a quorum when such quorum is present and not voting. Mr. Anderson, of West Virginia, moved to amend the amendment by adding a clause providing that in no case shall the hat or cloak or umbrella of a member in the cloak room be counted. [Democratic applause.]

Mr. Reed replied that his impression was that the officers of the house (elected by whatever party) were quite capable of honestly carrying out the rules of the house as they understood them, and it seemed to him that it would be a great mistake for a presiding officer to omit to take notice of what he (Mr. Reed) believed to be a quorum under the constitution. In other words he desired to call attention to what seemed to him to be a fact, that if this house had a majority of members actually present it was then and there constituted a body to do business, and it had not itself any right to obscure that fact, to refuse to admit or to refuse to take any reasonable method of ascertaining it. The amendment of the gentleman from Michigan proposed to ascertain that fact. "As that idea," concluded Mr. Reed, "has had the sanction of every court to which it has been referred I think it should have the sanction of this house." [Great applause.]

Rubbing It Into Reed.

Mr. Dockery, of Missouri, quoted from utterances made by the gentleman from Maine (Mr. Reed) in 1880, giving his idea of what constituted a quorum. The gentleman from Maine had then said that the constitutional idea of a quorum was not the presence of all the members of the house, but a majority of the members present and participating in the business of the house. It was not the actual presence of members, but their judgments and votes that the constitution called for. He (Mr. Dockery) simply wished to let the house know that the gentleman from Maine (Mr. Reed) had changed his opinion.

Mr. Anderson, of West Virginia, made no issue with the gentleman from Maine that the officers of the house were faithful and would do their work honestly. But it would not be disputed that during the sessions of the Fifty-first congress the speaker counted a quorum by counting gentlemen who were down stairs in the bath tubs in order that the Republican majority might carry out what it intended to do as against the expressed wish of the people.

Cockran to the Floor.

After further debate, Mr. Cockran, of New York, took the floor, and his remarks, without going to the extent of upholding the unlimited right of the speaker to count a quorum, advocated such a rule as would permit the house to transact business when there was a quorum present and refusing to vote. He would favor the closing of the doors during every roll call. He would give to the house, either through the speaker or upon motion of any member, the power to compel any Republican member to bear that part of the legislation which his presence gave, and which was accorded to his presence and not his voice. [Applause.]

The house had a right to take an absent member by force and bring him to the bar, and it had the right to punish him. Was not that counting him for one purpose? And if he could be counted for the purpose of punishment, could he not be counted for the interests of the government? Could that representative, after having been arrested and released or punished, remain here silent and in open contempt of the house, and was the house powerless to count him? He (Mr. Cockran) believed the house had a right to count a quorum in any way it saw proper. [Applause.]

Mr. Anderson, of West Virginia, withdrew his amendment, and the question was taken on Mr. Burrows' amendment. The yeas and nays were ordered, pending which the house adjourned.

Crops Pay Mortgages.

Special to the Globe.

WATERTOWN, S. D., Feb. 1.—The statement from the register of deeds office for Codington county shows that $89,000 of mortgages were paid during the months of December, 1891, and January, 1892.

South Dakota Democrats in Line.

Special to the Globe.

YANKTON, S. D., Feb. 1.—The chairman of the Democratic state central committee has called a meeting of the committee at Huron on the 24th inst., to call a state convention to elect delegates to the national convention.

Six Cars Damaged.

Special to the Globe.

ASHLAND, Wis., Feb. 1.—A way freight out of Ashland this morning on the Omaha road was partly derailed three miles south of Ashland Junction. Six cars were slightly damaged.

Trains Blocked by Ice.

Special to the Globe.

WINONA, Feb. 1.—Trains on the Chicago & Northwestern road were delayed at Minnesota City for several hours today on account of a freshet. Ice was piled on the track fifteen feet high.

QUAY HAS REVENGE.

Beaver Star Editors Given a Very Severe Sentence for Libel.

Six Months in Jail, Besides a Fine of $600 and the Court Costs.

Judge Wickham Takes Occasion to Reflect Harshly on Defendants.

The Sentence Surprised All, Except Possibly the Injured Boss.

BEAVER, Pa., Feb. 1.—The final act in the criminal libel suit brought by Senator Mathew S. Quay against the Beaver Star occurred this morning. The defendants, John H. Mellon, proprietor, and William A. Porter, editor, who were recently convicted, appeared in court before Judge Wickham for sentence. The court imposed a penalty of six months in jail and $600 fine upon each of the prisoners, the costs of the prosecution also being assessed against them.

In imposing sentence, Judge Wickham said a brief reference to the facts of the case would not be amiss. Among other things he said: "John Bardsley misappropriated over $1,500,000 of public moneys. No Pennsylvanian was ever before charged with such a gigantic embezzlement. The enormity of Bardsley's crime, in a degree at least, measures the gravity of the offense of maliciously connecting the name of an innocent man therewith. Without any more apparent cause than would exist in the case of any one of the thousands who honestly received checks from Bardsley, during his official career, you

Boldly and Sensationally

charged the prosecutor with being an accomplice of the defaulter and a sharer in his plunder. Before the publication you had in your possession the prosecutor's denial, if any were needed. In his sworn information he again averred the falsity of the published charges.

"Had your arrest been followed by a retraction, or even by silence, it would have been possible to infer that no actual malice instigated the original publication. You seemed determined, however, to leave no possible room for such an inference. Insinuations, inuendos, new libels and indirect repetitions of the old appeared in the editorial columns of the Star up to and including the first day of the trial. From one of these libelous editorials, published only a week before the trial began, it would seem that you were acting on the amazing theory that if a newspaper accuses a man of crime he is conclusively presumed to be guilty until he proves his innocence in a court of justice, and that even there his own denials are entitled to no weight.

"At the trial, even after the prosecutor proved his innocence, you conceded nothing fully, although unable to offer a scintilla of evidence to establish the truth of your charges, and not more than a scintilla

To Disprove Malice.

"It would have been better to have frankly admitted the falsity of the matter published, as was done in a manly way by the parties tried for printing a similar libel in the Pittsburg Post. The case was so clear as to make it absurd to suppose that any twelve men who could have been selected from the jury paneled could have acquitted you. Nearly two weeks have elapsed since your conviction, yet not one word of explanation, retraction or apology has appeared in your newspaper.

"Under the circumstances, to make the sentence unduly light would be to turn the proceedings heretofore had in this court into a mockery, and to judiciously condemn and abrogate the law for your own sakes, and indeed for my own. I am pained that you have left the court without the shadow of a pretext for being largely merciful. In conclusion I may add, that if you had libeled the humblest man in Beaver county to the same extent that you have traduced the prosecutor, the same sentence that is here imposed would be inflicted."

The sentence occasioned some surprise. It was supposed that Senator Quay would be satisfied with a nominal fine and perhaps one day in jail. There was a large crowd present in court to see and hear the sentence.

After sentence had been passed Messrs. Mellen and Porter were taken to the county jail to serve their term. It is said that after a short incarceration application will be made to the board of pardons for their release.

ALLIANCE CONTESTS.

The St. Louis Convention Will Have Several.

TOPEKA, Kan., Feb. 1.—Three of the seven congressional district Alliance organizations in this state have served notice that they will send contesting delegations to St. Louis Feb. 22. Jerry Simpson and S. M. Scott, Alliance state treasurer, have been elected by the Seventh congressional district. The Fifth holds a convention next Friday and the Sixth meets Tuesday of next week. Every congressional district in the state will send contesting delegations in turn, and a full-fledged bolt has been organized because of the opposition of the delegates to the sub-treasury.

Three of the delegates elected by the executive council held a consultation today with President Biddle, and an attempt will be made to have them resign in order to prevent a bolt.

Dr. McLallin, editor of the Alliance Advocate in this city, who is making the fight for the sub-treasury, stated this afternoon that nothing except the resignation of the delegates or their agreement to vote for a sub-treasury plank in the national platform would prevent the fight being waged by the bolters. When asked if a bolt in the strongest Alliance state in the new party would not be ruinous to the People's party, he said:

"We will have a sufficient delegation at St. Louis to show that the state is practically unanimous in favor of the sub-treasury plan as the only one which will hold the people of this state together." None of the delegates elected by the executive council are inclined to resign, but have been in consultation all day with a view to arriving at some sort of compromise. President Biddle, of the Alliance, recognizes that unless something is done it will split the organization wide open in this state, and is doing everything in his power to get the warring elements together. The sub-treasury men say that unless their pet theory is included in the St. Louis platform, steps will at once be taken to reorganize the party.

MEXICAN AWARDS.

The La Abra and Weil Bills Passed by the Senate.

WASHINGTON, Feb. 1.—Mr. Butler, who had been absent from the sessions of the senate for some weeks, was again in his seat at the opening of proceedings in the senate today. Among the documents presented and referred was the senate bill for the relief of purchasers of land within the limits of the Umatilla reservation, Oregon, in regard to taking proofs.

Mr. Kyle gave notice that he would, Wednesday next, ask the courtesy of the senate to make some remarks on his proposed constitutional amendment as to marriage and divorce in the United States.

The bill to establish a first order lighthouse on North Head, Cape Disappointment, Washington, was passed. Also a bill appropriating $200,000 for a public building at Kansas City, Kan.

The Mexican award bill (as to the La Abra claim) was then taken up, and, after being amended in several respects, was passed—yeas 43, nays 5, Messrs. George, Higgins, Power, Vance and Vest voted nay.

The bill directs suit to be brought in the name of the United States in the court of claims against the La Abra Silver Mining company and all persons making claim to any part of the award, to determine whether that award was obtained by fraud effectuated by means of false swearing. An appeal may be taken to the supreme court of the United States, and in case of final decision against the company the government of Mexico is to be released from further payment and the amount undistributed is to be paid to the government of Mexico. A like bill in relation to the Benjamin Weil claim was then taken up and passed. Adjourned.

A RETURN OF WINTER.

Heavy Falls of Snow to the North and West of Us.

Specials to the Globe.

PINE CITY, Minn., Feb. 1.—A heavy, damp snow is falling today, and the wind blows a gale. The weather the past week spoiled the logging roads and lumbering was at a standstill. It booms now.

ABERDEEN, S. D., Feb. 1.—Two weeks of warm, bright weather terminated this morning in a driving snow storm, which promises to be one of the heavy storms of the season. East and west the railroad lines will experience some trouble.

MILBANK, N. D., Feb. 1.—It has been snowing for fifteen hours, with a prospect of a heavy fall. Eight inches are on the ground and it is still snowing.

SAUK CENTER, Feb. 1.—A heavy gale is blowing here today.

FARIBAULT, Feb. 1.—A heavy rain fell here last night, and the water in the river has raised considerably.

BLACK RIVER FALLS, Wis., Feb. 1.—Rain fell all night, and the foundry and other buildings are flooded. Acres of ice cut are ready to house, but will go down if the river rises, which is probable. The ice crop is not half gathered.

BRAINERD, Feb. 1.—Snow has been falling since midnight with no signs of abatement, and a blizzard from the Northwest prevails. Lumbering operations have been at a standstill up to this time on account of the disappearance of snow.

MARSHALL, Minn., Feb. 1.—Heavy rain fell all night and much of the day, changing tonight into dense snow.

BIG STONE CITY, Feb. 1.—Snow has fallen for the past thirteen hours, and is now piled eight inches high.

CARLTON, Minn., Feb. 1.—A blinding snow storm raged all last night and today without ceasing, falling to a depth of ten inches, with the thermometer about freezing. The recent warm weather was unfavorable to lumbering interests, but the present fall of snow supplies the wants.

WATERTOWN, S. D., Feb. 1.—Snow has fallen steadily since last night, and the ground is well covered. The mercury tonight registers 27 above.

MILLER, S. D., Feb. 1.—The snow storm which set in last night continued today, and was the heaviest storm this winter.

Died at a Ripe Old Age.

Special to the Globe.

HASTINGS, Minn., Feb. 1.—Mrs. William Hawkins died at her residence on Vermillion street last night, aged eighty years. She was an old resident and universally respected. She leaves a husband who is seven years her senior, two sons, J. C. Hawkins, of Virginia City, Mont., and W. H. Hawkins, of Lamberton, and four daughters, Mrs. Lizzie K. Stone, of Warren; Mrs. P. J. Kamery, of Castle Rock; Mrs. Charles Porter, of Lamberton, and Mrs. Melville Abbott, of Redwood Falls. The funeral will be held Wednesday from the house at 1 p. m., and the interment in Oakwood.

Beekeepers Meet.

Special to the Globe.

WINONA, Feb. 1.—A meeting of the Southwestern Minnesota and Western Wisconsin Beekeepers' association was held here today and organization perfected. The following officers were elected: J. N. Gates, Pickwick, president; Mr. Widmoyer, Dresbach; L. A. Pennoyer, Winona; Frank Yohnke, Homer; A. A. Berthe, Homer; George Homond, Winona, vice presidents; A. K. Cooper, Winona, secretary and treasurer.

Industrial Organization.

Special to the Globe.

HASTINGS, Minn., Feb. 1.—At the annual meeting of the stockholders of the Hastings Union Industrial association held today F. E. Estergreen, G. J. Hetherington, John Weber and W. G. Hageman were elected as directors for the ensuing three years. At the meeting of the directors the following officers were elected for the ensuing year: President, John Byers; vice president, W. G. Hageman; treasurer, Denis Follett; secretary, Albert Schaller.

Matches in His Pocket.

Special to the Globe.

EAU CLAIRE, Wis., Feb. 1.—A candle and matches were found in the pocket of the man Belkhe, who committed suicide. He was a dismissed employe and was heard to make threats against Mr. Walters, the owner of the Eau Claire brewery. Belkhe is suspected of having set fire to the building and then blowing his own brains out.

This Case Worked.

Special to the Globe.

FARIBAULT, Feb. 1.—A number of the members of the Faribault school board visited the "hill school," which was recently transferred from a parochial school to the public schools, to make an inspection, and their report was in every way not only satisfactory, but highly flattering.

Love's Fires Still Burn.

Special to the Globe.

RED LAKE FALLS, Minn., Feb. 1.—Antoine Ray, aged seventy-two, and Mrs. Odette, aged sixty-seven, were married in the Louisville church today. Sam Bleau and Miss Jenney Ray, a granddaughter of Antoine Ray, were married at the same time.

BOYD GETS JUSTICE.

Nebraska's Lawfully Elected Governor Is Upheld in His Rights.

The Supreme Court Decides That He Is a Citizen in Every Sense.

Full Text of the Decision Rendered by Chief Justice Fuller.

Difference of Statement as to When Boyd Can Take the Office.

WASHINGTON, Feb. 1.—The United States supreme court, in an elaborate opinion by Chief Justice Fuller, today held that James E. Boyd is a citizen of the United States and was a citizen for two years preceding his election as governor of Nebraska, and that, consequently, he is entitled to the office, and that John M. Thayer, the hold-over governor, who denied the right of Boyd to succeed him, must give way. All the justices of the court except Justice Field united in the conclusion that the United States supreme court had jurisdiction of the case.

Justices Harlan, Gray and Brown, while concurring in the conclusion of the court that Boyd was a citizen of the United States, did so on the ground that the exercise of all the rights and privileges of citizenship by Boyd's father, a resident of Ohio, as shown on the record, established the assertion made by James E. Boyd and his father that the latter had in 1854 taken out his final naturalization papers, although there is no documentary proof of the issuance of those papers. These three justices, although that fact was not stated in so many words by the court, did not assent to the conclusion reached by the other justices that Boyd was also a citizen on another ground—viz., that the enabling act of Nebraska constituted

A Collective Naturalization

of all the inhabitants thereof at the time of its admission into the Union, except such as announced that they intended to retain their rights as citizens or subjects of a foreign nation, and that the various offices held by Boyd, and the exercise of the right of suffrage by him, with the oaths of allegiance to the United States he took at various times, shows clearly that it was his intention to become a citizen of the United States, and that in fact he so considered himself.

The following is a summary of the opinion of the court, which is not a veritable statement of its argument, though following the conclusions reached and the line of reasoning of the opinion:

The court says that on Jan. 13, 1891, leave was granted to John M. Thayer by the supreme court of Nebraska to file proceedings looking to the ousting of Boyd from the office of governor of Nebraska. The court then reviews the charges contained in the information filed by Thayer, the point, as is well known, being that Boyd's father, although he had declared his intention to become a citizen of the United States, and had, in Ohio, for years exercised unquestioned the rights of voting and holding office, had, in fact, never taken out his final naturalization papers, and was therefore not a citizen; and that, as James E. Boyd himself had never been naturalized, but had

Voted and Held Office

Under the belief that his father became a naturalized citizen while he was a miner, therefore, under the constitution, James E. Boyd was not a citizen, and therefore not eligible to the office of governor of Nebraska, the state constitution requiring that the governor shall be a governor of the state for at least two years preceding his election. Boyd claimed that the enabling act of Nebraska constituted a collective naturalization of all its inhabitants at the time of admission to statehood, and also asserted that his father had in 1854 taken out final naturalization papers, although the record did not show such a fact.

The court first devotes some space to an argument in support of its right of jurisdiction under the mode of procedure under which the case comes before it, reaching the conclusion that, while the attorney general of the state refused to institute suit against Thayer, Boyd, as the aggrieved party, had a right to bring the suit in the nominal name of the state, and that, the question being one of a denial of a constitutional right, Boyd had made a federal question which could be reviewed here. The court says it understands it is insisted that Boyd was an alien, because his disability as a foreign-born citizen had never been removed by naturalization. Congress, it says, in the exercise of the power to establish a uniform rule of naturalization, has enacted general laws for naturalization of individuals; but the instances of collective naturalization by treaty or statute are numerous.

Point of Difference.

The court then says: There can be no doubt that in the admission of a state, a collective naturalization may be effected in accordance with the intention of congress and the people applying for admission. Admission on an equal footing with the original states, in all respects whatever, involves the adoption as citizens of the United States of those whom congress makes members of the political community, and who are recognized as such in the formation of the new state with the consent of congress. The question is not what a state may do in respect of citizenship, but what congress may recognize in that regard in the formation of the state.

The application of this doctrine is then made to the case of the state of Nebraska, and its various proceedings looking to admission are considered. One clause of the state constitution adopted provided that white persons of foreign birth who had declared their intention to become citizens should be considered electors, and this congress amended by declaring that it should not operate as a discrimination on account of color. These provisions, in connection with section 14 of the constitution that "no distinction shall ever be made by law between resident aliens and citizens in reference to property," seems to the court a clear recognition of the distinction between those who had and those who had not elected to become aliens." It follows from this that all who had declared their intention to become citizens, congress so regarded and placed those whose naturalization was incomplete in the same category with persons already citizens.

Declaration of Intention.

But, says the court, it is argued that James E. Boyd had never declared his intention to become a citizen of the United States, though his father had; and that because, as alleged, his father had not completed his naturalization before his son attained his majority, the latter cannot be held to have been made a citizen by the admission of Nebraska. On this portion the court quotes from the acts of 1790, 1795 and 1802, that minor children of naturalized parents shall, at the age of twenty-one years, be deemed to be citizens. The statutes, it says, leave much to be desired with reference to nationality laws and the status of minors whose parents declare their intention, but do not take out final papers before the children reach twenty-one years of age.

Clearly minors, the court says, acquire an inchoate status by the declaration of intention on the part of their parents. If they attain majority before the parent completes naturalization, they have a right to repudiate the status and accept foreign allegiance, rather than hold fast to the citizenship which the parent's act has initiated for them. Ordinarily the minor makes application on his own behalf for naturalization, but it does not follow that an equivalent may not on occasion be accepted in lieu of a technical compliance. The history of Boyd is then traced, his voting in Ohio in 1855 under the belief and assurance from his father that he (the father) had taken out his final papers. Then is traced

Boyd's Long Career

in Nebraska, as a voter, an office-holder and soldier against the Indians, with the view of showing that for over thirty years Boyd had enjoyed all the rights of citizenship. The hardship of the pioneers is briefly referred to, and the court says: "The policy which sought the development of the country by inviting the participation in citizenship of those who would engage in the labors and endure the trials of frontier life, which has so vastly contributed to the unexampled progress of the nation, justified the application of a liberal rather than a technical rule in the solution of the question before us."

Under the circumstances, James E. Boyd, the court says, is entitled to claim that if his father did not complete his naturalization before his son had attained majority, the son cannot be held to have held the inchoate status he had acquired by the declaration of intention; on the contrary, that the oaths taken and his action as a citizen entitled him to insist upon the benefit of his father's act and placed him in the same position his father would have occupied if he had emigrated to the territory of Nebraska; that, in short, he was within the intent and meaning of the acts of congress in relation to citizens of the territory and was

Made a Citizen

of the United States and of the state of Nebraska, under the organic and enabling acts and the act of admission. The court holds on the authority of Justice Miller, in Mitchell vs. Clark, that it has the right to determine for itself the sufficiency of the allegation, and that it is not concluded by the view taken by the Nebraska supreme court. It is true, it says, that under the naturalization laws, naturalization can only be completed before a court, and that the usual proof of naturalization is a copy of the court's record.

But citing Blight versus Rochester and Hogan versus Kurtz, the court says it is equally true that where no record of naturalization can be produced, evidence that a person having the requisite qualifications to become a citizen did in fact and for a long time vote and hold office and exercise rights belonging to citizenship is sufficient to warrant a jury in inferring that he had been duly naturalized as a citizen. Such being the settled law, the court says, there can be no doubt that the fact that Boyd's father became a naturalized citizen before October, 1854, is well pleaded in Boyd's answer and is therefore admitted by the demurrer on behalf of Thayer.

Specific Allegations

on the time and place and court of naturalization would have been superfluous and in view of Boyd's imperfect information, as manifest upon the face of the answer of a transaction taking place long ago, hardly possible. Under the allegations made, jury, the court holds would have been warranted in inferring that Boyd's father became a citizen of the United States before 1854 and consequently that Boyd himself was a citizen. For this reason, without regard to any other question argued in the case, the court says Boyd was entitled to judgment upon the demurrer. Justices Harlan, Gray and Brown concurred in the conclusions of the court for this reason only. The court's order reads as follows: The judgment of the supreme court of Nebraska is reversed and the cause remanded to be proceeded in according to law and in conformity with this opinion.

Unless the Nebraska courts should, of their own accord, depart from the usual custom, Gov. Boyd will not be reinstated in office before March at the earliest. Ex-Attorney General Garland asked for a mandate from the court this afternoon, but Chief Justice Fuller said that the court could not depart from its usual custom and would not issue a mandate before the usual time, unless notice of intention be given the other side. The motion of Mr. Garland was therefore denied. As the court today adjourned until Feb. 29, this action of the court will have the effect of delaying the court's order until after its reassembling.

GOV. BOYD'S OPINION.

He Considers Himself Governor From This Time.

OMAHA, Neb., Feb. 1.—Gov. Boyd appeared less excited than any other Democrat in Omaha when he heard the news. When questioned by a reporter in regard to the time he would take his seat, he said: "I can not tell, but I can say that as soon as the supreme court has rendered its decision John M. Thayer must cease to act as governor and I become governor of Nebraska. I am much more glad," he added, "to have my citizenship in the state of Nebraska established than I can find words to express. Of course I do not know what course Mr. Thayer will pursue, but I suppose he will at once vacate the chair at the state capitol. As I said before, I cannot now say when I shall go to Lincoln and formally take my seat as the governor. I am governor now, and as I have been inaugurated, I can serve just the same in Omaha for a day or two as in Lincoln. Mr. Thayer cannot even act as governor. Any papers which he may sign as such, or appointments he may make, will be illegal. So that I cannot think that he will attempt to hold the office any longer."

New Glass Combine.

WHEELING, W. Va., Feb. 1.—A preliminary meeting was held here today of glass manufacturers not in the United States company to organize a similar combine, with Wheeling as headquarters, of all factories unorganized. A plan was talked over, and the meeting adjourned for two week. It is thought the plan will go through without opposition.

Scow No. 5 Given Up.

NEW YORK, Feb. 1.—The ocean tug Edgar F. Tuckenbach returned today to this port after a fruitless three days' search for the missing Scow No. 5, and no further effort will be made to rescue the two men aboard the vessel.

SCRAMBLE FOR PLACE

Duluth City Election Today Presents a Mixed-Up Aspect.

The Northern Pacific Checkmates a Move of the Montana Union.

Millions to Go Into Building New Whalebacks During the Season.

Fargo's Chief of Police Is Exonerated and Then Quickly Resigns.

Special to the Globe.

DULUTH, Feb. 1.—One of the most exciting and interesting municipal elections ever held in Duluth will take place tomorrow, and it is simply impossible to predict the result. The want of harmony in the Republican party makes the defeat of their candidate for mayor, Charles A. Long, almost a certainty. But Duluth is a queer place, and here the unexpected often happens. Long is a shrewd wire-puller and vote-getter, and will poll a good vote, anyway. Mayor Davis, the People's candidate, has the united support of all the churches in the city, both Protestant and Catholic. Yesterday nearly every minister in the city chose municipal politics for a subject, and strongly urged the re-election of Davis. The Democratic candidate, Charles d'Autremont, is going to poll an immense vote, and the knowing ones admit that the contest between him and Davis will be very, very close. D'Autremont's record as county attorney of St. Louis county is helping him during this campaign, for he has the reputation of having sent to Stillwater nearly every man charged with crime during his term of office. A great deal of money is being used by all three of the candidates and their friends. As to the division on the score of nationality, it would seem that Davis will get an almost unanimous vote, though Long claims to have cut into it badly. D'Autremont will get 90 per cent of the French and all the Polish vote. The total registration is 6,180, which is unprecedented by any former registration.

A RAPID INJUNCTION.

The Northern Pacific Nips a Montana Union Deal.

Special to the Globe.

HELENA, Mont., Feb. 1.—General Manager W. S. Mellen, General Auditor J. A. Barker, and General Freight Agent J. D. Moore, of the Northern Pacific, with Attorney Bliss, arrived here from St. Paul on a special train this morning. During the day papers were filed in the United States court asking an injunction restraining the executive committee of the directors of the Montana Union from taking any steps that would prejudice the interests of the Northern Pacific in that line. The Union Pacific and Northern Pacific have contracts with the Montana Union by which the two land grant roads have equal facilities over the shorter road. The Montana Union gives the Northern Pacific an inlet from Garrison into Anaconda and Butte and the great mining and smelting industries of that region. The Union Pacific enjoys the same privileges by way of Butte. The Northern Pacific people have learned that the agreement they were acting under was to be broken by the Montana Union and a new lease made with the Union Pacific alone. This would give the latter an exclusive field in one of the best paying regions in the West and cut off the Northern Pacific not only from getting into Butte and the adjoining regions, but would stop them running one of their through trains by way of Butte and Garrison. This injunction is to prevent anything being being none without going through the courts and giving the Northern Pacific an equal chance for its rights. The party leaves for St. Paul in the morning.

MILLIONS IN WHALEBACKS.

The Company to Invest Heavily—A Damage Suit Imminent.

Special to the Globe.

WEST SUPERIOR, Wis., Feb. 1—Capt. Alex McDougall has returned from New York, where he attended the first annual meeting of the American Steel Barge company. The directors of the company voted $1,000,000 to be put in whalebacks for lake use in 1892. This will swell the total in whalebacks to $4,000,000. Work on the new whaleback will begin as soon as the boats now under construction are launched. Capt. McDougall arranged with the world's fair commissioners at Chicago to display the big passenger steamer during the fair in 1893. He also examined the straightbacks being built at Detroit, and will commence an infringement suit upon the Detroit company if the plans are carried out.

BUCKET OF WHITEWASH.

The Fargo Chief Is Exonerated and Then Resigns.

Special to the Globe.

FARGO, N. D., Feb. 1.—The committee of aldermen appointed to investigate the charges of corruption against Chief of Police Fields reported to the council meeting night, exonerating Fields from a portion of the charges against him and whitewashed the case in a smooth manner. Soon after adjournment of council meeting tonight Fields resigned and the same was accepted by the mayor.

SUPERIOR TO THE FRONT

In the World's Fair Building—Newsy Notes.

Special to the Globe.

WEST SUPERIOR, Wis., Feb. 1.—Supervisor Ostrander, of the county board, has received official acceptance of the board's proposition to erect an elegant stand glass window, typifying the material and industrial resources of Superior, at the head of the grand staircase of the Wisconsin building at the world's fair. The plans for the window are being made by local artists.

The firm of McDonald Bros., grocerymen, has dissolved, and W. H. Moore has associated with William McDonald in the new firm. The dissolution was caused by the recent fire, which nearly destroyed the stock.

Donald Grant, a janitor employed in the city schools, died here from concussion of the brain resulting from a fall from a wagon. He has no relatives here.

A dryer of wet and damaged wheat will be established here at once. The plant will cost about $8,000 and will be located on St. Louis bay, near the Great Northern elevator.

D. V. Welden and F. Larkin, of the Northwestern bottling works of Iowa Falls, Io., have concluded to remove to Superior.

THE NEWS BULLETIN.

Weather—Clear and colder.
Duluth will elect officers today.
Progress of the state editorial association
Gov. Boyd, of Nebraska, wins his suit.
More whalebacks to be built.
A demand for the recall of Egan.
Worry over Chicago's convention hall.
Azotine contract again up.
Lady Somerset arouses an audience.
Northern Pacific nips a Montana deal.
Fargo's chief of police whitewashed.
Mayor Winston gets back.
The Soo boycott is on.
Anti-Quay editors are sentenced.
A curious divorce suit filed.
Congress fights over the rules.
Utah to fight for statehood.

RUN OF THE MARKETS.

On Chicago 'change yesterday Pardridge was a heavy purchaser early in the day in the day, and and a rumor prevailed that, if called for wheat, he would be 10,000,000 bushels short, but later his principal broker sold very freely. February wheat closed at 84¼c. May 90½c. Corn closed: 39⅝c February, 40⅛c March, 41c May. Oats stationary at 29c February, 30⅝c May. Pork finished at $11.60 February, $11.90 May.

New York market showed activity only in certain leading stocks, and fluctuations are reported insignificant.

Movements of Ocean Steamships.

QUEENSTOWN—Arrived: British Prince, Philadelphia.

GIBRALTAR—Arrived: Werra, New York.

LONDON—Sighted: Gallia, New York; Switzerland, Philadelphia.

COPENHAGEN—Arrived: Italia, New York.

LONDON—Arrived: Michigan, Philadelphia.

GLASGOW—Arrived: Nestorian, Philadelphia.

NEW YORK—Arrived: Spain, London; Aurania, Liverpool.

SHE THRASHED THE BOY

A Plucky School Marm Who Held Her Job.

Special to the Globe.

NORTHFIELD, Minn., Feb. 1.—The Hoffman school district is up in arms against Miss Seymour, the teacher. Some time ago she had occasion to chastise a son of one of the directors, and thereupon she then expelled him. The next day the boy's father demanded his reinstatement, but she wouldn't do it. Another director becoming involved in the trouble, they informed her that her services could be dispensed with. She showed them a contract and cooly said that she still had five weeks of school to teach. Thereupon a suit followed, but Miss Seymour won, it being decided that they would have to pay her wages, and she is still teaching, although it is said that she only has three pupils.

OPPOSED TO FISH.

The Lu Verne Alliance Hopes for Better Days.

Special to the Globe.

LU VERNE, Feb. 1.—The Lu Verne Alliance held a largely attended meeting Saturday, at which the matter of a separation from the State Alliance, on account of the platform adopted at the recent meeting of the latter body, was the subject for discussion. The greatest dissatisfaction was expressed, but the proposed action was deferred for the present, in the hope that when the Alliance gets together in the summer to put a ticket in the field, the conservative anti-Fish element will come to the front.

Two South State Toughs.

Special to the Globe.

ALBERT LEA, Minn., Feb. 1.—Albert Eaton, a young farmer of Faribault county, indulged in a jag in this city and was relieved of $8 by John McDowell, a round town tough. The latter was today sentenced to twenty-five days in the county jail. Gustave F. Turrell, of Mansfield, was also a subject of judicial inquiry. It was shown that he had violated the amatory trust reposed in him by Katie Seedorf and was bound over to the district court to answer for bastardy.

An Unnatural Parent.

Special to the Globe.

CHIPPEWA FALLS, Wis., Feb. 1.—Sheriff Silas Speed, of Barron county, brought before Judge R. D. Marshall in this city today Charles Bequett, of Rice lake, that county, on the charge of incest with his nineteen year old daughter. Bequett pleaded guilty and was sentenced to five years at Waupun. The girl claims that the crime has extended over a period of four years, ever since the death of her mother, and that she was forced to keep secret under repeated threats of death.

Lu Verne's New Water Plant.

Special to the Globe.

LU VERNE, Feb. 1.—The Lu Verne water works system just completed by Harrison & Hawley, of St. Paul, was tested Saturday. The plant includes a pumping station, with drive well supply, nearly three miles of mains and a 100-foot stand-pipe, which is on an elevation of over forty feet above Main street. The whole system has cost about $25,000 and is ample for a town four times the present size of Lu Verne.

Captured at Long Range.

Special to the Globe.

LU VERNE, Feb. 1.—J. R. Guddis was arrested last week for the theft of some grain. He was bound over under $300 bonds and the same night skipped the country. The sheriff has received word that he has been arrested at Lake View, Sac county, Io. It is not known yet whether he will return without requisition papers or not. If not, application will immediately be made to Gov. Merriam for the necessary document.

A Good Average.

LEXINGTON, Ky., Feb. 1.—The thirty-three horses sold at W. R. Brasfield & Co.'s sale today brought $16,500, which was an average of $500 per head.