PITY THE POOR RAILROADS.

Elaborate Arguments Before the Iowa Senate Committee.

SOME EMBARRASSING QUESTIONS

Salaried Orators Find Them Hard to Answer—The Young Bill to Be Reported Favorably—Other Iowa News.

General Ruin Threatened.

DES MOINES, Ia., Feb. 1.—[Special Telegram to the BEE.]—To-day was the first opportunity which the railroads have had to present their side of the case respecting pending legislation. It had been announced that the railroad committee of the senate had decided to report favorably the Young bill fixing railroad fare at 2 cents, 2½ cents and three cents per mile for roads for the first, second and third classes. Representatives of the roads asked an opportunity to be heard in their own defense and this meeting was arranged. It was an event of such importance that it attracted great attention. The railway committee of both house and senate met together and their rooms were packed with interested spectators, including the governor and members of the railroad commission. Those who spoke for the railroads had little time for preparation and some of the leading roads had no representation at all, not having been notified of the meeting, but those who did speak protested with great earnestness against the legislation which they called not only unfriendly but unjust and oppressive. The principal speech was made by Judge McDill, formerly railroad commissioner and United States senator. All of the speakers were frequently interrupted by running questions from members of the committee, making at times a very lively dialogue.

Judge McDill was first heard. He said he appeared at the request of the Chicago, Burlington & Quincy railway to give some reason why the passenger rate should not be reduced from 3 to 2 cents a mile. He said that until the past two or three months, though he had heard many complaints regarding freight rates he had heard nothing about a reduction in passenger rates. There was but one road in the world that had a 2 cent rate and had it come to pass that young Iowa proposed to go in front of the world? The interstate law had withdrawn a privilege from a class, the commercial traveler, and they had met and declared in favor of a reduction. The sole movement it its favor lies in the natural preference for cheap rates in everything; there was no uprising, no feeling, in its favor. He argued that the legislature should rise above the people, for the people have given the legislature the power and the right and have enjoined the duty of investigating this matter. He solemnly appealed to their consciences, their sense of right that they should investigate this question regardless of what had gone before and regardless of political platforms, for of all hasty, thoughtless documents, a political platform surpassed everything else. He gave the earnings for several years past, and the average rate in England, France and Germany, and in the most solemn manner, declared that no gentleman could excuse himself to his conscience, the people or his God, and not be slow to do so great an injustice to the railroad companies. He quoted at length to show the minute returns to railway companies from passenger business. The amount made in Iowa from passenger rates were a mere bagatelle. To reduce the rate meant a reduction in railway facilities, slower trains or a reduction of the wages of labor. A statement was made that such a step would strike at 29,000 employes, which meant 150,000 poor people and the inference was drawn that the railways were the great conservers of the interests of the poor. To reduce the rates on third class roads, as proposed, would reduce the income of Iowa roads $2,554,912.29 a year. The speaker went on to show the small earnings of certain roads as compared with the expenditure in operating them, citing especially the road from Fontanelle to Creston.

Senator Young could not understand why, upon the figures stated, there was such a struggle to extend into new countries, the Chicago, Burlington & Quincy having been among the most aggressive roads.

It was answered that this was all a part of the mad and inexplicable struggle to make money but it did not always succeed. It was held that the Young bill if enacted would discriminate in favor of the commercial traveler, an argument which was immediately answered by the statement that at present the commercial traveler can and does purchase 1,000-mile tickets and therefore enjoys a 2 cent rate while those who travel but little cannot avail themselves of this privilege.

In answer to the remark that since 1874 there had been a steady rise in labor and a reduction in profit, Senator Young reminded the speaker that in 1874 section men were getting from $1.50 to $1.75 a day, while now they received but $1.10, a reduction of about 33⅓ per cent.

In closing Judge McDill said: "I warn you, gentlemen, I beg you, in the name of the laboring men, to go cautiously. I believe we are on the eve of the most dangerous movement ever inaugurated in the state. A movement that will react on the homes of the humble and the poor."

Railroad Commissioner Smith asked if the road cited as carrying passengers at 2 cents a mile did not have earnings inordinately great.

The answer was that, according to the last report of the road, it had made 39-100 of a cent a mile.

Mr. Smith then said, owing to the large travel upon that road, the profit was still inordinate.

Judge McDill's paper was ordered published and laid before the legislature.

Mr. John F. Duncombe, of Fort Dodge, solicitor for the Illinois Central, was then introduced and at once launched into a statement of the difficulties under which the western branch of that road had operated during the past few years. The road is out, he claimed, over $12,000,000. He believed that every member would do what is just. He did'nt believe that the governor or any member would knowingly do an injustice to an interest which involved so much capital and to the men who invested capital. He believed the people would do the right thing and the only question is whether this law is just and right. If so they would vote it and if not they would not vote it.

It is planned, so said the speaker, to put more money into Iowa railroads. These railroad people feel that they cannot stand the measures proposed. If you adopt this law in Iowa and reduce this rate you put the men of the Illinois Central railway in a position that will stop all progress and no more money will be brought into the state. There will be a return of old foggy ideas to old style cars, etc. The earnings of Iowa roads give no sort of a comparison with the old railroads of Pennsylvania and New York." He didn't think that there would be fifty miles of railroads more built in Iowa if there was unfriendly legislation.

Senator Young reminded him that though his town had raised $100,000 toward a new road in order to secure competition, they were informed that under existing arrangements no roads could be built, and now they were resorting to throwing stones, as was done in the case of the boy in the apple tree.

President Ives, of the Burlington, Cedar Rapids & Northern railroad, then took the floor. He said the talk of watered stock could not apply to his road. He said that money matters were so close with them that not a man could be allowed to spend $1.10 where $1 would answer. Their average earnings per passenger for the past year, he said, was but 2.37 cents a mile.

He was asked if in making his estimates he counted receipts from mail and express business.

He regretted that he had not figures to answer definitely, but if he had the answer to this it would make a point in favor of the railways. This closed the meeting, the committee deciding to report the bill for passage to-morrow, Thursday afternoon.

The Iowa Legislature.

DES MOINES, Ia., Feb. 1.—The message from the governor was considered this afternoon on the communication from the state board of health calling attention to the loss of life and maiming by coupling and braking on railroads, the sanitary condition of summer lake resorts and bad management of boats on the Iowa lakes. The board asks power to enforce regulations in such cases as well as supervise—their only privilege now.

The house judiciary committee will report favorably on the Fillmore bill in regard to serving notice suit upon an unknown defendant; also on the Cummins bill relating to the employment and compensation of deputies by the clerk of the district court, and the Mack bill restricting arguments before juries except in cases of felony.

By Mr. Knight—A bill prohibiting the leasing of convict labor and providing employment for the same.

By Mr. Reigner—Amending the law relating to elections for president and vice president of the United States.

The bill introduced by Mr. Price to prevent fraud in the sale of grain, seed and other cereals, with a penalty in the penitentiary of not more than three years nor less than one year, or a fine not exceeding $500 nor less than $100, was read a third time and passed.

The house committee on ways and means reported favorably on the bill reducing the rate of interest on written contracts from 10 to 8 per cent.

By Mr. Head—The house bill for the extermination of English sparrows.

By Mr. Riley—A bill providing for a topographical survey of the state, a railway survey of the state of Iowa, and an appropriation therefor.

The Hutchinson registration was engrossed in the senate and referred to the house committee on municipal corporations.

By Mr. Teale (by request)—A bill to amend the code of 1875 prohibiting the granting of marriage licenses to tramps, paupers, idiots, drunkards, felons, keepers, inmates or visitors of houses of ill-fame, etc.

The house ordered engrossed a bill to prevent sportsmen hunting or trapping game of any kind except skunks or polecats on any enclosed or improved lands without the consent of the owner of the lands. The bill created much merriment on the exception noted above.

NOTES.

This evening Lieutenant Governor Hull gave the first of a series of receptions to the members of the legislature.

This afternoon Mrs. Governor Larrabee received at her residence the wives of the members of the legislature and their friends.

The joint resolution making the finding of a judgment in federal court necessary before becoming a lien on property was carried in the senate.

A resolution by Mr. Knight requesting United States legislation preventing the sale of adulterated lard unless the packages containing the article be marked showing the adulteration was adopted.

The joint resolution by Mr. Mills requesting the repeal of the "arrears limit" part of the pension law; also to procure a pension for all honorably discharged soldiers and sailors of the war; also requesting the passage of the war prisoners' award law, were adopted.

A Warning From the Alliance.

DES MOINES, Ia., Feb. 1.—[Special Telegram to the BEE]—Some of the members of the state temperance alliance are getting restless because the legislature does not take up fast enough some of its pet measures which the radical prohibitionists wanted. One of the leading officials of the alliance in an open letter to-day reads the riot act to such republicans as are disposed to look slightingly upon the cranks. Among other things he says: "It is very stale and very puerile to be talking about prohibition being forced on the republican party. Who forced it but the party itself? Three fourths, at least, of the republican party in Iowa are prohibitionists. Who then makes up this party? Where will you find the party if not where a majority it is? It is sheer nonsense to talk about the republican party and the prohibitionists of Iowa as separate and antagonistic parties. It is time, also, it would seem, to quit parading the alleged per cent of loss to the party by reason of the endorsement of prohibition when it is an acknowledged fact that it has only been by reason of its alignment with public sentiment on this question that the party has been able to maintain its ascendency. Public sentiment is firmer and stronger on the question now than ever before and still growing and the success of the party is still assured, if it keeps pace with the progress of the people and redeems its platform pledges. But let the republican members of the legislature prove recreant to that pledge they, and not the state alliance, will be responsible for the result."

Jack King's Light Sentence.

SIOUX CITY, Ia., Feb. 1.—[Special Telegram to the BEE.]—Jack King, who attempted to murder Robert McKenzie New Year's night in a house of ill fame, was to-day sentenced to six years in the state penitentiary at Fort Madison. The sentence is considered very light. McKenzie is still very weak from his wounds. He will probably be sent to Grand Rapids, Mich., where his parents live.

A Prisoner Suicides.

ANAMOSA, Ia., Feb. 1.—[Special Telegram to the BEE.]—A prisoner by the name of Parke, sent from near Sioux City for larceny, last night committed suicide at the state prison at this place by hanging himself to his cell door with his suspenders and then drawing up his knees. He had been in a moody condition for some time, and comes from respectable parents.

His Leg Cut Off.

ANAMOSA, Ia., Feb. 1.—[Special Telegram to the BEE.]—This morning Mr. John Neville, who is engaged about the Chicago & Northwestern round-house at this point, while engaged in coupling the engine to the cars got his leg caught and had it severed just above the knee. He is in a critical condition.

A Servant Girl's Mysterious Death.

DES MOINES, Ia., Feb. 1.—[Special Telegram to the BEE.]—Bertha Welden, a Norwegian servant girl, died in this city last night after an illness of only a few minutes. As she died in convulsions, having been in good health immediately before, there was suspicion of poison and an investigation is going on. Rumors of foul play implicating outside parties are afloat.

Injunction Against Actors.

CRESTON, Ia., Feb. 1.—A. M. Palmer, of the Madison Square theater, through Judge Dillonhoefer, of New York, his solicitor, today served on Edwin & Lilah Stuart injunction papers from the United States court restraining them from presenting the play of "Jim, the Penman."

Two Fatal Jumps.

DES MOINES, Ia., Feb. 1.—[Special Telegram to the BEE.]—Last night Fireman Donovan, of Chicago, and Ed Kelley, a stock dealer from some Iowa town, jumped from a train at Rock Island Junction near Clinton and were killed. They thought their train was about to collide with another, but both trains were stopped before they met.

Two Old Cracksmen Caught.

CLINTON, Ia., Feb. 1.—[Special Telegram to the BEE.]—Fan Burns and Jimmy Foster, aged fifty-four and fifty, life-long bank robbers, have been arrested here on suspicion of being connected with the blowing up of the Tiskilwa, Ill., bank some ten days ago. To-day the owners of the bank appeared and identified them and they start for trial at once.

Death of a Physician.

DES MOINES, Ia., Feb. 1.—[Special Telegram to the BEE.]—Dr. Henry Cox, one of the oldest and best known physicians of this vicinity, died here to-day. He was a native of Ohio and practiced for many years in that state and in Indiana.

Children Cry for Pitcher's Castoria.

When Baby was sick, we gave her Castoria.
When she was a Child, she cried for Castoria.
When she became Miss, she clung to Castoria.
When she had Children, she gave them Castoria.

SULLIVAN TALKS TO SMITH.

The Big Un Again Plugs Jem With a Pen.

"PUT UP OR SHUT UP" THE CRY.

How Fleming Wanted to Rake In the Shekels By Deceiving the Public—The Pierce-McCurdy Race—Sports.

Pugilistic Pen Points.

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LONDON, Feb. 1.—[New York Herald Cable—Special to the BEE.]—The following letter appears in the Sportsman from Sullivan:

There appears a letter from the manager of Jem Smith which necessitates my again asking your space. There has been no patting on the back on my part, as he claims, but only plain, every-day fight talk, and good money to show. I mean business every time. I agree to say that so far Fleming has failed to muster courage to cover it. Any man with sense knows that I would not attempt to stop Jem Smith in public because the authorities would refuse to allow it to occur. It was my intention to agree to a private room and only invite a few gentlemen to witness the downfall of Fleming's pet. As a matter of news I desire to state that Fleming advanced ppoposals to my backer for a four-round bout in public and have the gate receipts equally divided. He demanded my signature to a document to the effect that I would not knock out Smith and that the contest should be declared a draw. He also allowed that subsequent to the meeting he would have published a letter claiming that Smith had the best of it, and to use Fleming's words to Phillips, "You can reply claiming the best of it for Sullivan. That will work it up for another go, and a second bumping house. The British public would stand two and possibly three such affairs, and we would make a great deal of money." When Phillips spoke to me about it I spurned the offer. I have always fought on the square and am now getting too old to listen to such an imposition on any public, not to say anything of the damage it would do my reputation. I prefer to meet Smith in the prize ring, with bare hands, and only hope for Fleming to cover my money in your hands. As for the Sporting Life I will under no circumstances allow those connected with that paper to have a hand in any match I make. Your paper is generally regarded as the most reliable daily paper in the kingdom by all true American sportsmen, therefore Fleming can hardly afford to decline to recognize the money I have posted. I am agreeable to a match before a limited number on each side, but Fleming can have no such liberty allowed him to object to any that I might name, because each and every one will be gentlemen above reproach and whose character will be equally as good if not better than the individual who pretends to be so honest. I will admit of the clause being inserted to the man bringing persons over the number to forfeit. I came here the first week in November and immediately challenged the world. Mitchell is the only one thus far who has shown any inclination to a match. As for Smith and Kilrain, they have shown no desire to fight, especially since the Rouen farce. In regard to Smith being accorded the privilege of naming the day and place for the fight, allow me to say that such would be preposterous. I believe it is customary to toss for the fighting ground, and the day is usually mutually agreed upon. Mr. Phillips is at present on a pleasure trip, consequently I would have the pleasure of meeting Fleming myself to conclude preliminaries. My original declaration of returning in April, six months after my arrival here, will be adhered to. Fleming knows my terms, and if he has the heart for a battle fairly decided, let him first cover my money, then appoint the day of meeting to arrange a fight two weeks after the Mitchell affair. Let him put up or shut up, and not disgust every one who believes in a fair field and no favor. Unless he soon comes to time his great man will have to crawl into a hole and pull the hole in after him.

Coming Over to Fight.

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LONDON, Feb. 2, 4 a. m.—[New York Herald Cable—Special to the BEE.]—Pugilist Toff Wall, as he is called, though his name is Charles, said to-day: "I leave for New York in ten weeks to fight Dempsey. I have engagements booked for me until then, but I shall accept no more as I am anxious to go over and fight him."

Hickey, who was standing near, added: "I go with Toff prepared to fight any man of my own weight that America can produce."

A GREAT BICYCLE CHASE.

Prince and McCurdy Matched for $5,000 a Side.

The much talked of race between John S. Prince, of this city, and A. A. McCurdy, of Lynn, Mass., can at last be set down as a certainty, as the subjoined document will attest:

OMAHA, Jan. 31.—Articles of agreement, entered into this 31st day of January, 1888, by John S. Prince, of Omaha, and A. A. McCurdy, of Lynn, Mass. Whereas, said parties agree to run a ten mile race on bicycles for five thousand dollars ($5,000) or more a side. Two thousand dollars ($2,000) has this day been posted with Capt. H. A. Penrose, one thousand dollars ($1,000 from each of the' aforesaid principals, J. S. Prince and A. A. McCurdy, as a forfeit. Further, both principals, John S. Prince and A. A. McCurdy, agree that the one failure to put up the balance of the specified stakes, to-wit, $4,000, by 12 o'clock m., February 1, 1888, shall forfeit all claim to the $1,000 this day deposited. Further, the date, place of race and naming of the referee to be agreed upon to-morrow, Wednesday, February 1, 1888, by mutual agreement.

Hereunto we put our hands and seals this 31st day of January, 1888.

Witnesses— JOHN S. PRINCE,
J. J. HARDIN, A. A. MCCURDY.
G. W. KETCHUM.

The above articles were drawn and subscribed to Tuesday, and yesterday the men again met at the sporting headquarters of Penrose & Hardin, and completed their arrangements for the great event, by agreeing to the following:

OMAHA, Neb., Feb. 1.—Addendum: Further, we, the undersigned, principals to the above agreement, have this the 1st day of February, 1888, agreed upon H. A. Penrose as referee of the above race as well as final stakeholder. The decision of Referee Penrose to be final and subject to no appeal. Further, we mutually agree that said race must be run within six weeks, the exact date and place for the event to be named within ten days. The winner to take the entire stakes and receipts and pay actual expenses of the race.

Witnesses: { J. S. PRINCE, A. A. MCCURDY.
S. G. V. GRISWOLD, FRED GROSS.

The balance of the $5,000 a side, being $4,000 for each man, was deposited with Stakeholder Penrose just prior to signing the addendum. This will be the largest stake ever run for in the world, and the race will be the most interesting ever known in this country. It may be possible that the event will come off here, as both men prefer that it should, but it is extremely doubtful whether a suitable track can be furnished. If it is run in Omaha, the base ball park will doubtless be the theater of the grand struggle.

Conley Accepts Clow's Challenge.

DULUTH, Minn., Feb. 1.—[Special Telegram to the BEE.]—Conley, the "Ithaca Giant," has virtually accepted the challenge of John P. Clow for a fight to a finish with skin or kid gloves within six weeks, not more than one hundred miles from here. The fight will be for $1,000 stakes and an additional purse of $500. Ten spectators on each side and a limited number of newspaper men will witness the encounter.

Kansas City's Association Team.

KANSAS CITY, Mo., Feb. 1.—[Special Telegram to the BEE.]—At a meeting of the stockholders of the American Association club of this city, held to-day, Dave E. Rowe was elected manager and the following officers were chosen: President, T. J. Hein; vice president, J. Gruber; treasurer, J. W. Speas; secretary, William Clough; executive committee, James Whitfield, J. W. Speas, J. Gruber and J. J. Hein. Manager Rowe left for the east to-night for the purpose of securing a team. The indications are that the war betwen the American and Western association clubs of this city will result in both clubs playing ball here this season despite the legal proceedings the American association club threatened against its competitor. Mr. A. McKim, whose antipathy to Dave Rowe is well known, threatened to renew the war of last season if Rowe be continued as manager.

MISSOURI MISERY.

Inhuman Treatment of the Inmates of the Poor House at Chillicothe.

CHILLICOTHE, Mo., Feb. 1.—[Special Telegram to the BEE.]—The county is in a ferment of excitement over the report of the grand jury, just rendered, regarding the county poor house, which was made public to-day. The poor house contains eighteen paupers, eight of whom are insane, and the repot says that tneirs are the only quarters fit to live in even in warm weather, the remainder being quartered in miserable buildings and compelled to cut their own fire wood or freeze. The inmates had but two meals a day and that bread and coffee without sugar, and sometimes meal. For dry goods, clothing, etc., last year for the eighteen persons only $100 were expended. The paupers are compelled to walk seventy yards for their quarters and stand at the kitchen window in the coldest days to receive their food. The treatment of the keeper is declared cruel and brutal, and two instances of females being horsewhipped by him were established and two indictments found against him. He has been arrested and held to bail.

The Hatfield-McCoy Feud.

CHARLESTON, W. Va., Feb. 1.—The civil authorities have now taken hold of the remnants of the Hatfield-McCoy feud, and upon a petition from citizens of Logan county, Governor Wilson to-day issued a requisition upon Governor Buckner, of Kentucky, for the safe delivery of several men who are alleged to have been implicated in the recent trouble and who are citizens of Logan county, now confined in the jail of Pike county, Kentucky, awaiting trial. The parties above named were taken from this state without any legal process whatever and in violation of the laws of the state.

The "Cowboy Evangelist" Sued.

KANSAS CITY, Mo., Feb. 1.—[Special Telegram to the BEE.]—George Rasure, known as the "Cowboy Evangelist," has been holding revival services here since Sam Jones and Sam Small left. To-day two suits were filed in the circuit court here against Rasure, one for the non-payment of a note for $850 and the other $500 damages for false representations and breach of contract. It is probable that Rasure's revival will cease.

Lorillard Spencer's Death.

[Copyright 1888 by James Gordon Bennett.]

PARIS, Feb. 2, 4. a. m.—[New York Herald Cable—Special to the BEE.]—The funeral services for the late Lorillard Spencer, will take place to-morrow morning at the American church of the Holy Trinity, Avenue de l'Alma. The death was very sudden, although, perhaps, not entirely unexpected, He had been long suffering from heart disease, from which he died. At the time his wife was at Cannes, together with his daughter, the Princess Cenci and the prince. They were hurriedly telegraphed for on Sunday and hastened back only to a husbandless, fatherless home. But his two sons were with Mr. Spencer at the time of his death. An American to the core, Mr. Lorillard Spencer had the characteristic of knowing how to enjoy the wealth he owned and how to lead a busy life without sacrificing himself to business. He was widely known in Paris for his benevolence and charities, and many a poor but worthy person will bitterly mourn his loss, and his innumerable friends will feel with sincere regret the loss of so staunch a friend, boon companion and general hospitable host. The American minister, consul general and large contingents from the American colony will attend the funeral.

The Fire Record.

QUINCY, Ill., Feb. 1.—The warehouse of the Hynes Carriage company burned early this morning, causing a loss on the building and stock of $22,000; partially insured.

BUFFALO, Feb. 1.—A few minutes before noon to-day a fire was discovered in the great drygoods establishment of Barnes, Hengerer & Co. on Main street. The building was an iron front, five stories high and extended from Main to Pearl street. It was but a few minutes after the fire was discovered before the lower floors were a mass of flames and in half an hour the entire building with its contents, valued at $750,000, was destroyed. At first it was feared that some of the 450 employes of the firm had been burned, but later everybody was accounted for. There were many narrow escapes and exciting scenes while girls were being rescued from the upper stories, but no serious injuries have been reported yet. The heat was so intense that the efforts of the entire fire department of the city were required to save the buildings on the opposite side of the street from destruction. The loss by water in these stores will be heavy. The fire started in the paper rooms in the basement, it is thought, from a gas jet. The total loss is estimated at about $1,200,000, with enough insurance to cover it.

The Third National bank building and the Glenn crockery establishment were somewhat damaged by fire and water. The following firms suffered considerable loss from water: Flint & Kent, dry goods; D. E. Morgan & Sons, carpets; S. O. Barnum & Co., Edward J. Jennings, paper hanging and draperies and Denton & Carter's music store.

CHARLESTON, S. C., Feb. 1.—A compartment of the Union cotton press, containing 2,000 bales of cotton, burned this afternoon. Loss, $100,000.

The Junket of the Prince.

SOFIA, Feb. 1.—Prince Ferdinand and party, who are making a tour of eastern Roumelia, arrived at Eski-Sagra last evening. The prince was given a warm welcome by the populace.

Chiara's Accomplice Acquitted.

NEW YORK, Feb. 1.—The jury in the case of Antonio D. Andrea, on trial for murder in the first degree for having advised Chiara Cignarale to kill her husband, has acquitted him.

Nihilist Murderers.

BATOUM, Feb. 1.—The cashier of the Trans-Caucasian railway was murdered by two nihilists disguised as guards. The murderers decamped with 12,000 roubles. One of them has since been captured.

An Order to Krupp.

VIENNA, Feb. 1.—Herr Krupp, the gun maker, had a private audience with the emperor to-day. It is supposed the emperor gave him a large order for artillery.

Shut Up the Mill.

JOHNSTON, Feb. 1.—Three hundred employes in the wire department of the Cambria Iron company refused to accept a reduction in wages and the mill is now idle.

Fatal Boiler Explosion.

ST. LOUIS, Feb. 1.—The boiler in Taffes wagon shop at Fairfield, Ill., exploded this morning and killed the engineer, William Coff.

SUPREME COURT DECISIONS.

Important Findings By the Judges at Lincoln Yesterday.

CAPITOL BUILDING SETTLING.

Riotous Railroad Laborers—Insurance Companies Make Returns—Articles of Incorporation Filed By an Omaha Car Company.

[FROM THE BEE'S LINCOLN BUREAU.]

The following decisions were filed in the supreme court yesterday:

Brooks vs. Lincoln Street Railway company. Error from Lancaster county. Reversed. Opinion by Maxwell, J.

1. It is not negligence per se to travel along a public highway by the side of a street railway track on which a car is moving in the same direction as the party traveling, unless such party places himself in such position as to be run over or injured by such street car.

2. The driver of a horse car on a street railway, in driving horses attached to such car, must sit or stand on the front platform or place provided for him to stand, must maintain control of the horses and exercise a reasonable degree of care and watchfulness to prevent collisions and injury to persons crossing or traveling on or over such street.

Morgan vs. Dinges. Error from Lancaster county. Affirmed. Opinion by Maxwell, J.

1. Where a vendor and purchaser stand on equal footing, the expression of opinions as to the value of property will not usually be considered so material that misstatements will constitute fraud. Where, however, the purchaser resides near the property and has knowledge of its value, and the owner is a resident of another state and has no knowledge on that subject, statements of the purchaser representing the property to be greatly beneath its true value, and that the vender's title has been conveyed by sale for taxes, will be sufficient to avoid the deed given to such purchaser.

2. Where a person desiring to purchase real estate knows its value, and when asked by the vender, a resident of another state and who has no knowledge as to such value, as to the worth of such property designates a sum greatly beneath its worth, as he well knows, and such statement is relied upon by the vendor and a sale effected, it may be sufficient to authorize a cancellation of the deed at the suit of the vender.

3. If a purchaser does any act or makes any declaration with the intention of misleading the seller and preventing him from ascertaining the real situation of the property, and at the same time conceals from him a fact or facts which he knows to be material, he is guilty of a fraudulent deception.

Thorne vs Adams county. Error from Adams county. Affirmed. Opinion by Cobb, J.

1. Where a county treasurer is in default in respect to county, state, school district, precinct bond, city and other funds, and his bond has been cancelled and his bondsmen discharged by a judgment of the district court of the proper county, an action will lie against him in the name of the proper county for all such funds in respect to which he is a defaulter.

2. In such case the county proceeds under a form analogous to that of a trustee of an express trust, in respect to all of such funds other than those of the county proper.

YESTERDAY'S PROCEEDINGS.

Court met pursuant to adjournment. The following causes were argued and submitted: Black vs Cabon, motion to reinstate; King vs Gsantner; State ex rel Wyuka Cemetery association vs Bartling et al.; Carroll vs Patrick.

THE CAPITOL BUILDING SETTLING.

The walls of the central tower at the state capitol building are settling on the south side, and a force of men have been employed rebuilding the inside adjoining walls that were anchored to the tower walls, and have been cracked and seamed by the settling. It is a serious question this settling of the foundation after it has been laid two years and before the massive iron dome is erected which with its additional weight must tend more than ever to upset the equilibrium of the central part of the building that already bears marks of decay. Why the building proper was constructed with and anchored to the walls upon which the dome is to rest is one of those things that develop in public buildings when too late to rectify, and it shows a grave error on the part of some one. Workmen were engaged yesterday in the additional work of taking out the joist in the floor and blocking them up three or four inches higher in the south wall of the central tower to overcome the settling, that there is no evidence is finished yet. It is an open question whether the wall that has settled as this one has will ever hold perpendicular the mass of iron that will go in the dome, but if the dome is placed in position the coming summer and the settling continues every wall in the building when completed will be liable to open up fissures enough to render them utterly unsafe. In the meantime, as one of the state officers expressed it, the entire building is a mistake in its construction though the time consumed in its building and its being open to the weather year in and out. The massive walls in the unfinished part of the capital building in this warm winter weather are covered a half inch thick with frost and many of the timbers are water-soaked; it may be good for a building to winter in such a condition, but a great many people do not believe it.

IN POLICE COURT.

Police court was undoubtedly busy yesterday. The evening before a number of railroad men from the north reached the city and were paid off. Four of these were in court yesterday charged with drunkenness and fighting and the usual fines were assessed. An individual filled with drink became too demonstrative at the People's theatre in the evening and he paid a fine yesterday for disturbing proceedings. Two lads named Stopher and a boy named Thompson were arrested for breaking into a slaughter house and stealing hides. They were very penitent when up before the judge and the charge against them was made petty larceny. They each received a sentence of thirty days in the county jail.

A MANDAMUS ASKED.

In the supreme court yesterday the application for a mandamus was filed and argued, the case being the trustees of the Wyuka Cemetery association against the city council and the city treasurer of Nebraska City. The petitioners ask that the city be compelled to turn over the management of the cemetery to the regularly organized trustees, that the council and treasurer be compelled to pay over some $1,400 that the treasurer has in a cemetery fund and which it is recited the city has for some time been attempting to use for other purposes. It is the culmination of a local contest between the city of the living and the city of the dead that has been on for some time.

INSURANCE RETURNS.

The following additional insurance returns were filed with the auditor yesterday:

Home Fire of Omaha—Premiums, $85,193.10; losses incurred, $15,581.81; losses paid, $15,331.81.

German American of New York—Premiums, $38,878.03; losses incurred, $17,868.83; losses paid, $14,699.15.

National of Hartford—Premiums, $6,956.05; losses incurred, $2,970.00; losses paid, $8,164.17.

Glens Falls of New York—Premiums, $5,799.74; losses incurred, $786.91; losses paid, $786.91.

California of San Francisco—Premiums, $3,779.72; losses incurred, $166.43; losses paid, same.

Northern Assurance company of London—Premiums, $6,938.68; losses incurred, $2,827.25; losses paid, $2,827.25.

Liverpool, London and Globe—Premiums, $15,271.37; losses incurred, $8,098.54; losses paid, $6,598.54.

Western of Toronto, Canada—Premiums, $7,824.42; losses incurred, $3,443.75; losses paid, $5,110.50.

ARTICLES OF INCORPORATION.

Articles of incorporation of the Metropolitan Cable Street railway, of Omaha, were filed yesterday with the secretary of state. Capital stock, 20,000 shares at par value of $50 each, 25 per cent of the par value of the stock to be paid at the time of subscription, business commencing in May last, continuing for fifty years, and F. L. Underwood, W. D. Allen, R. S. Berlin, George A. Joslyn and Robert W. Patrick, incorporators.

The Patrick Land company, of Omaha, also yesterday filed amended articles of incorporation. The capital stock of the company as amended is 6,250 shares of stock at $100 each. F. L. Underwood, R. W. Patrick, N. D. Allen and R. S. Berlin.

SCHEMING CAPTAINS.

Ferryboat Men Charged With Causing the St. Louis Ice Gorge.

ST. LOUIS, Feb. 1.—A local paper in a series of interviews with captains of ferry boats, charges these men with deliberately forming the great ice gorge which threatened a million dollars worth of property and really destroyed from $60,000 to $100,000 worth. The captain of one of the large boats is reported as saying:

"Yes, we choked her up. There was a channel about fifty yards wide, and two boats went up and we laid broadside of the channel. That stopped the fine ice, and the night being cold soon closed the opening. We did it simply to protect ourselves. If the boats above us will not come down and help keep this throat clear, we will have to stop it up and let them take their chances."

Another captain is quoted as follows: "The case is simply this: If I can work my way up through the ice and make $10,000 by it, but smash up another boat by starting the ice down on it, I have a right to do it. That is marine law."

It Was the Mail Supervisor.

MT. PLEASANT, Ia., Feb. 1.—The dispatches yesterday morning in reference to goods seized at Brownsburg, Ind., supposed to come from the hospital at Mt. Pleasant, does an injustice to the steward and authorities here. The goods were shipped by the supervisor of the mail department and were traced to him and all recovered by the sheriff of Henry county, so there is no loss to the state. The hospital authorities have been vigilantly at work, through detectives, to discover this theft for several days and fortunately found the goods before the matter became public. The man is now under arrest and awaiting the action of the courts.

A New Western Road.

DENVER, Colo., Feb. 1.—Articles of incorporation of the Chicago, Rock Island & Colorado railway, with a capital of $5,000,000, were filed with the secretary of state to-day. The road runs from the eastern boundary of Elbert county, where it will connect with the Chicago, Kansas and Nebraska railway, west to Colorado Springs. From this point branches will be run north and south to Denver and Pueblo.

The Queen's Coming Speech.

LONDON, Feb. 1.—A cabinet council will be held Friday for the purpose of molding the statements to be made in the speech from the throne. The ministerial circle is confident the reference to the foreign situation will be optimistic in tone. The speech will also congratulate parliament upon the improved condition of Ireland, upon the general revival of trade, and upon the hopeful prospects for the national finances.

Weather Indications.

For Nebraska: Fair weather, followed by local rains, light to fresh variable winds, slightly colder.

For Iowa: Fair weather, followed by local rains, warmer in eastern portions, warmer, followed by colder in western portions, light to fresh southeasterly winds, becoming variable.

For Dakota: Colder, fair weather, followed by local snows, light to fresh variable winds, becoming northerly.

A Dangerous Crank Arrested.

WASHINGTON, Feb. 1.—The police arrested and locked up to-night Abraham Isaacs, a Russian Jew of New York, who came here to collect money which he imagined President Cleveland had defrauded him out of. Isaacs, who is evidently a crank, said that $4,000 was due from the governor and the president had retained it for his own use. He intended going to the white house with a big bulldog and demanding of the president that he settle up accounts.

Wholesale Seizure of Liquors.

DES MOINES, Ia., Feb. 1.—Under a decision of Judge Given that permits to sell liquor for legal purposes can be used only by persons to whom issued, the stock of every wholesale liquor firm in this city was to-day seized. Each firm does business under a company title and the judge's ruling forbids such latitude.

McShane and the "Dashing Widow."

WASHINGTON, Feb. 1.—Representative McShane, of Nebraska, denies there is any truth whatever in the story telegraphed from Omaha that he is a suitor for the hand of Mrs. McNamara, a "dashing young widow" of that city. He says he never heard of her until he saw her name in the newspapers.

German Socialists Win.

BERLIN, Feb. 1.—The tone of the government organs on the anti-socialist bill indicates a complete surrender by the Governmen and a willingness to accept a two years' prolongation of the operative period of the present law and to abandon offensive amendments.

Strategic Railways Needed.

BERLIN, Feb. 1.—The Kreuz Zeitung says the war office has advised the government of the necessity of a serious inquiry as to whether or not the security of the eastern frontier imparetively demands this extension of strategic railways.

A Duel With Swords.

PARIS, Feb. 1.—A duel with swords was fought between Vignon, formerly secretary to Rouvier, and Bauer, editor of Gil Blas. Vignon's left arm was pierced by Bauer's sword.

The Illinois Press Association.

BLOOMINGTON, Feb. 1.—The second day of the annual session of of the Illinois Press association was devoted to visiting points of interest about the city. The visitors were tendered a banquet by the citizens to-night.

Disabled Steamer.

LONDON, Feb. 1.—[Special Telegram to the BEE.]—The steamer Suevia from New York, January 19, for Hamburg, which arrived off Brow Head last evening in tow of the British steamer Istrain with a broken shaft, has arrived at Queenstown.

The Pope's Advice to Ireland.

ROME, Feb. 1.—In vatican circles the desire expressed by the pope to the Irish pilgrims for the settlement of the Irish question is interpreted to mean that the pope's advice to Irishmen is to make peace with England.

Shot By an Assassin.

VICKSBURG, Miss., Feb. 1.—E. Short, railroad agent at Knoxville station, was assassinated to-night. The assassin fired through the window. Short's daughter and wife were in the room with him. His wife was shot in the back.

General Sheridan Banqueted.

BOSTON, Feb. 1.—The Loyal Legion of Massachusetts and Rhode Island banqueted General Sheridan here to-night. There was no speech making.

THE GIRL ALSO VANISHED.

Strange Disappearance of a Wealthy Farmer at Blair.

AN AGED WIFE LEFT BEHIND.

Nathan Bailey's Friends Fear Foul Play—Devoured By Wolves—Clearing the Wreck at Oakland—Nebraska News.

Disappeared Simultaneously.

BLAIR, Neb., Feb. 1.—[Special to the BEE.]—Quite a sensation has been occasioned in this city by the mysterious disappearance of one of its prominent citizens. One week ago last Tuesday Nathan Bailey, a retired and quite wealthy farmer, who has been residing in town for a couple of years with his wife, left home to go to Omaha in company with a stranger, telling his wife he would be home in a day or so at farthest. Since that time nothing has been heard of him, but he has drawn from the banks at this place between $4,000 and $5,000 in sums of about $500 at a time. Fears are entertained by his friends that foul play has been practiced on the old gentleman, but there are other rumors to the effect that he has run off with a young woman. This rumor is given some foundation by the fact that, during the summer, he was seen quite frequently in the company of a young girl who boarded at the City hotel at this place and who has also disappeared. Bailey is a tall spare man, dark complected, wearing narrow chin whiskers and is a down-east Yankee.

A Blaine Club Organized.

LINCOLN, Neb., Feb. 1.—[Special Telegram to the BEE.]—A large and enthusiastic gathering of republicans in this city at the district court room to-night organized a James G. Blaine campaign club with nearly 100 signers at the initial meeting. J. L. Caldwell was made temporary president and A. W. Scott temporary secretary. Speeches were made by Hon. Patrick Egan, Jud