THE OMAHA DAILY BEE.

ESTABLISHED JUNE 19, 1871. OMAHA, FRIDAY MORNING, NOVEMBER 19, 1897—TWELVE PAGES. SINGLE COPY FIVE CENT.

PORTE BACKS DOWN

Announces Its Readiness to Make a Satisfactory Settlement.

ALL OF AUSTRIA'S DEMANDS TO BE MET

Indemnity to Be Paid for Insult to the Consul at Mersina.

SALUTE THE FLAG OF FRANCIS JOSEPH

Agree to Pay the Claim for Transporting Turkish Troops.

CAN ACT PROMPTLY WHEN NECESSARY

Energetic Measures Adopted by Austria Induce the Sultan for Once to Abandon His Usual Policy of Delay.

CONSTANTINOPLE, Nov. 18.—It was not until after midnight last night that the Austrian ambassador here, Baron de Calice, received a note from the Turkish government announcing a readiness to make a satisfactory settlement of all the Austrian demands regarding the maltreatment of Herr Brazzafello, the agent of the Austrian-Lloyd Steamship company at Mersina, respecting the insults offered to the Austrian consul at that place and on the subject of the arrears due the Oriental Railroad company, which is operated by Austrians, for transportating Turkish troops during the recent war between Turkey and Greece. Consequently an indemnity will be paid Herr Brazzafello, the Austrian flag will be saluted by a Turkish fort or war ship, and the sum of £250,000 ($1,250,000) will be paid the Oriental Railroad company.

The Turkish note to Austria is conciliatory and lays stress upon the friendly relations existing between the sultan of Turkey and Emperor Francis Joseph of Austria. It is now said that the arrears due the Oriental Railroad company amount to $1,600,000, instead of $1,250,000.

SNARED BY AN ADVENTURESS.

Story of the Plot Against Dreyfus is Made Public.

PARIS, Nov. 18.—The allegation that Alfred Dreyfus, former captain of French artillery, was falsely accused and convicted by a court-martial of selling French military plans to the agents of a foreign government, continues to be widely discussed in Paris and throughout France. From a person who is the councils of the family, the correspondent of the Associated Press here learned that the presentation of the prisoner's case to the French government, which caused the present agitation, reveals a thrilling romance with the gang of so-called "journalists" and stock jobbers who beset the late Max Lebaudy, the millionaire conscript. It is asserted the documents Dreyfus was charged with selling to Germany were never really sold to the agents of that country, but were prepared in imitation of Dreyfus' handwriting, to blackmail him, his wife being a wealthy woman and he himself being in good circumstances. The plot, it would further seem, was conceived in 1893, when the wave of Jewbaiting swept over Europe. Dreyfus is of Hebrew extraction and these jackals of Parisian society, casting about for funds, determined to "bleed this wealthy Jew." A beautiful adventuress, whose house was the resort of a number of French officers and foreign diplomats, is said to have acted as the go-between in these shady transactions.

By invitation Dreyfus was a frequent visitor to her house. In due course of time the plan for the mobilization of the French army, which had been drawn up in a handwriting which cleverly imitated that of Dreyfus, was produced and money was demanded for its surrender. Dreyfus, it is said, refused to pay the sum demanded, knowing that the purchase of the document would be an admission of his guilt and would furnish ground for future extortion, and being aware that the fact that he had been intimate with the woman, who herself was a party to the plot, would be considered part of the strongest evidence of his guilt.

Continuing, the friend of the Dreyfus family explains that the newspapers whose attaches were concerned in the plot have constantly maintained a warfare against Dreyfus, even up to the present time, and that in consequence the prisoner's wife and family are obliged to keep secluded. Attempts have constantly been made, it is alleged, to extort admissions from them to be used against Dreyfus, and it is also said that advances have been made to Mme. Dreyfus, wife of the prisoner, in behalf of the anti-Dreyfus press, offering to cease all opposition to his release "for a consideration."

Finally it is said that the plan for the mobilization of the French army, which Dreyfus is said to have sold to the agents of a foreign government, was a comparatively unimportant document, the features of which were in the possession of all foreign governments and was easily fabricated by experts.

A formal contradiction has been given officially to the story put in circulation by Le Soir as to the alleged interview today between M. Faure and M. Scheurer-Kestner.

LONDON, Nov. 18.—A dispatch from Paris to the Daily Mail says that friends of Dreyfus assert that Count Walsing Estherhazy was assisted in his treason by an Alsatian sergeant-major, who is now in Alsace and has made a full confession.

Nansen's Next Trip North.

CHRISTIANA, Nov. 18.—Hjalmar Johannessen, the Norwegian army officer who was with Dr. Fridjof Nansen in the latter's recent arctic expedition, referring to the plans for the doctor's next trip north says arrangements have already been made for a sojourn hut on Franz Josef land. The Fram, Nansen's ship, will be accompanied by a large vessel called the Starkodder. There will be many more dogs and more scientific men and one of the ships will advance through the ice until icebound. From there sledge expeditions will start north. The other ship will keep on the ice border, making scientific investigations on the ice, in the water and at the bottom of the sea.

Passed a Burning Ship.

LONDON, Nov. 18.—The British steamer Indralem, which arrived at Greenock November 17, from Norfolk and Newport News via Belfast, reports October 28, in latitude 28, longitude 20, a ship was seen on fire. It was apparently about 1,400 tons burden and built of iron. As far as could be seen from the Indralem's deck there was not a sign of life on deck and the boats were gone. Its identity could not be made out.

TRIES TO EXCUSE HIS CONDUCT.

Confession of the Late Inspector of Police in Mexico.

CITY OF MEXICO, Nov. 18.—A profound sensation was made in the course of the trial of the police officials charged with the murder of Arroyo, by the production of the confession of the late Inspector General of Police Velasquez. It is a most remarkable attempt at self-justification and falsely states that a mob of the common people lynched Arroyo. Velasquez said in part:

"I entertain most enthusiastic admiration for General Diaz. I have known him since infancy when my parents taught me to love and respect him. I saw him at Guadaloupe during the siege of Mexico and since then I have entertained absolute idolitry for the man who rules our country. Only two families remained at Guadaloupe during the siege. One was that of Don Susano Montante and the other was ourselves. When I reached my majority I resolved to serve General Diaz with loyalty, though in inferior posts. While I was still young and with a salary of only $50 a month, I had charge of the private correspondence of Don Manuel Dublan. Afterward I was elected a deputy and still later the president sent me to occupy the chief position of authority in my native village at a time of a religious movement without parallel in the history of our country, a movement involving serious embarrassment to the government and to all its representatives, and everyone knows with what skill I acquitted myself in that difficult position, as a friend, as a partisan, and as a Mexican."

Velasquez then went on to say that no direct orders for Arroyo's killing were given but that the populace, already strongly wrought up by the assault upon the president, were urged by suggestions to commit the deed. Said he: "I maintain that I have done service to my country in proving that an attack on the president will be followed by swift and terrible vengeance from the populace, for nothing but the smallest hint is needed to arm hundreds of the populace and lett loose their fury on criminals. If I have committed fault it is the result of my enthusiastic admiration and love for the president of the republic, and I am not able to measure the magnitude of that fault, for, with fourteen to sixteen hours a day devoted to efforts to create efficient police and protect the life of him with whom the peace of Mexico is bound up it may well have happened that the functions of the heart have acquired a preponderance of the brain, and that in reality I have committed a grave error. I thought I was doing right in organizing a popular manifestation to avenge an attack on the president and thus give birth in the people to a profound conviction that punishment for such an act would come swiftly in the form of lynching or whatever it may be styled."

He then went on to show that others besides himself thought summary justice should be dealt to Arroyo.

This confession, in the light of evidence, is seen to be full of misstatements and in no case would it have prevented Velasquez's prosecution, for the government was determined to punish the crime.

The prosecuting attorney this afternoon in a strong argument pleaded for the execution of a death sentence on all the prisoners except ex-Assistant Chief of Detectives Cabrera and one other minor prisoner who were not directly implicated in the tragedy. The case is likely to be concluded Sunday or Monday.

EXTERMINATE THE FRENCH FORCE.

One Hundred Men Cut Down by Chief Samory.

CAPE COAST CASTLE, Nov. 18.—The governor of the Gold Coast colony reports there has not been any collision whatever between the British colonial forces and Chief Samory up to the present. An eyewitness of the fight between the followers of Chief Samory and the French force on August 20 last says it occurred near Bonta. The French force, numbering about 100 men, was cut to pieces. Another account of the affair says the French officers were invited to a palaver and seized by the Sofas, who captured the rifles, stores, reserve ammunition and eight horses belonging to the expedition.

GERMAN OCCUPANCY OF KIAO-CHAU.

Chinese Officials Said to be Little Concerned Over Situation.

LONDON, Nov. 18.—According to a special dispatch from Shanghai Admiral von Diederich, commander of the German cruiser Division, before landing marines at Kiao-Chau on Monday morning notified the British, French and Russian admirals of his intention, and it is said that the Russian admiral expressed approval. The Chinese do not appear to be much distressed over the matter, declaring that Russia, Germany and France are preparing to attack Japan and will use Kiao-Chau as a naval base.

Said to be a Hoax.

(Copyright, 1897, by Press Publishing Company.)

LONDON, Nov. 18.—(New York World Cablegram — Special Telegram.)—Detective Inspector Froest, who has been inquiring into the story of the alleged detention of an American named Clay in a doctor's house on Harley street, London, is satisfied that the letter conveyed to the American embassy is a hoax. There is no private lunatic asylum in Harley street, which is inhabited by the elite of the London medical profession. The name of the American, who has been missing for the last year, is Henry S. Clay, whereas the letter brought to the embassy was signed Henry E. Clay.

No Effort to Discover Murderers.

BERLIN, Nov. 18.—Bishop Anzer, vicar of the German Catholic missions in China, has received a dispatch from South Shan Tun, saying that the murder of the Rhenish missionaries, Nies and Vennle, was committed in the village of Chang Kio Chuang. The Christians defended themselves, wounding some of their assailants. Nothing was done by the mandarins to discover the murderers.

Earthquakes Disturb Austria.

PRAGUE, Nov. 18.—There were several earthquake shocks on Tuesday night at Asch, Falkonau and Carlsbad, and on Wednesday morning there were violent subterraneous disturbances, accompanied by deep rumblings and a rocking movement of the ground in several places of upper Vogtland, Saxony.

Steamer Maritime Ashore.

LONDON, Nov. 18.—The British steamer Maritime, Captain Hughes, Galveston, October 23, for Bermen, is ashore at Egmond-Aan-Zee (on the North sea). Assistance has been sent. Paritime was reported passing Prawl point November 16.

Emperor's Significant Warning.

BERLIN, Nov. 18.—The ceremony of swearing in the guards recruits took place here today. They were warned by the emperor that they might be called upon to fight an enemy within the empire.

German Troops to Leave Crete.

CANEA, Nov. 18.—The Kaiserin Augusta, it is announced, will arrive here tomorrow and embark the German detachment of the international troops which have been on duty here since March last.

PARDONED BY THE QUEEN

Royal Favor Through Which the Competitor Prisoners Are Released.

PUT IN CHARGE OF CONSUL GENERAL LEE

Escaping One Death Sentence, and Facing Another the Filibusters Are Liberated by Executive Clemency.

WASHINGTON, Nov. 18.—Minister Woodford has telegraphed the State department that the Spanish Cabinet has notified him that the queen has pardoned the Competitor prisoners.

The State department now announces that the Competitor prisoners were turned over to Consul General Lee last Monday and will be sent by him direct to New York today.

It is not doubted here that the prisoners are liberated on some such conditions as were imposed in the case of former prisoners, that is that they will not return to Cuba.

After their bitter experience in the Cuban jails it is not believed here that the men will be disposed to violate any understanding of this kind to which they may be parties. It is singular that the men should have been for four days in the custody of General Lee without the fact becoming generally known, but it is supposed that secrecy was observed in order to insure departure from Havana without exciting trouble from the extreme Spanish faction.

FOUR OF THE PRISONERS.

There are four prisoners—Alfredo Laborde, the captain of the Competitor, a native of New Orleans; William Gildea, the mate, a naturalized citizen; Ona Melton, who claims Kansas as his native state and who went on the Competitor in the capacity of a newspaper correspondent; Charles Barnett, of British birth, but who claimed the protection of the United States government by virtue of his sailing on an American vessel.

The conditions under which the Competitor was captured April 27, 1896, off the Cuban coast while engaged in landing arms for the insurgents, have been often described. The defense of the men was that they were forced into the expedition against their will by the insurgent party on board. They were tried by a naval court-martial, before which they could make only a poor showing, principally because of their ignorance of the Spanish language in which the proceedings were conducted, so that their conviction and the imposition of the death sentence was not a matter of surprise. At that point, however, the case assumed diplomatic importance.

THIS GOVERNMENT PROTESTS.

Our government, through its consul general at Havana, then Ramon Williams, and also through Minister Taylor at Madrid, interposed an energetic protest against the execution of the sentence, claiming that the men were improperly tried without the guarantees held out in the famous Cushing protocol. This protest caused the removal of the case to the higher judicial authorities at Madrid, by whom a new trial was ordered.

The Spanish government, however, did not and has not yet conceded that the Cushing protocol applied to such cases. To admit that would, in the opinion of the Spanish authorities, greatly stimulate the fitting out of filibustering parties in the United States. A new trial had been ordered by the Madrid supreme court on the ground of irregularities in the original trial, and not by any concession of the unsoundness of the objections. It was to be given last Monday, and it is thought would have resulted in the imposition of the death sentence. This would have provoked an explosion in this country that would have been hardly less than the feeling caused by the famous Virginium episode. So it is a matter of satisfaction that the Spanish queen has cut the diplomatic tangle by the pardon of the men before the second trial.

MAY REVOKE TOBACCO DECREE.

Senor Dupuy de Lome, the Spanish minister, had a long conference with Assistant Secretary Day this morning, and it is believed the Spanish government is about to remove another troublesome factor from the field of negotiations in revoking the decree made by Weyler prohibiting the exportation of tobacco from Cuba. This prohibition has worked a hardship on large American cigar-making interests, and up to this time all efforts of the State department to secure an amelioration of the harsh condition of the decree have been unavailing.

The reason set up by General Weyler for the order was the necessity of keeping in Havana the supply of tobacco necessary to run the domestic cigar factories and thus, by giving employment to workmen, keep them from drifting away into the insurgents' ranks. It was a matter of common report, however, that another potent reason was a desire to cripple the Cuban cigarmakers in the United States, from whom the insurgents drew funds.

It now seems probable that the decree will soon be vacated. The reports that come to Washington are to the effect that the new crop of tobacco, which will be ripe in February next, is of excellent quality, and amounts to four-fifths of an average crop. Buyers for foreign consumers are already in the field looking over the plantations, and it is expected that to facilitate sales the revocation of the decree of prohibition will soon be made.

HAVANA, Nov. 18.—In pursuance of cabled instructions from Spain received yesterday Captain General Blanco today released from Cabanas fortress Alfred Laborde, Charles Barnett, Ona Melton and William Gildea, members of the crew of the American schooner Competitor, arrested in April, 1896, by the Spanish gunboat Mesagra, on a charge of filibustering. They were delivered to the American and British consuls and have taken passage on the steamer Saratoga of the Ward line for New York.

AFTER WEYLER'S CHIEF OF STAFF.

Blanco Wants Him to Explain His Cattle Transactions.

HAVANA, (Via Key West, Fla.), Nov. 18.—Marshal Blanco has requested the military authorities at Madrid to send Colonel Escribano, former chief of staff of General Weyler, back to Cuba to account for his actions in the matter of cattle supplies.

General Quintin Banderas, whom General Gomez last September ordered to be court-martialed for disobedience to a special instruction as to military procedure, has been arrested by order of the Cuban commander-in-chief on a charge of immorality.

General Carillo has reached the camp of General Gomez with 4,000 cartridges from the expedition that recently landed near Cienfuegos.

Reports from Pinar del Rio say that an expedition has landed at Las Posesa, on the north coast. On Monday night the insurgents fired on the forts of Canatro Caminos on the outskirts of Havana, but without disastrous result. They attacked the town of San Juan, province of Santa Clara, as already cabled, and succeeded in burning a few houses and sacking two stores at the rear of the town. They burned two railway culverts to cut off reinforcements, but were finally repulsed, leaving eight killed. The insurgents have burned a large portion of the cane fields on the Portugalete plantation, this province, the property of Senor Manuel Calvo.

General Bernal having left Colona with a large force, a squad of thirty men belonging to the San Quintin battalion, who struck off from the main body to explore the line of march, was fallen upon and macheted by the insurgents.

According to reports from Jaruco, twenty-five to thirty reconcentrados die there daily from famine. The whole garrison is sick at Manzanillo. Colonel Escario, who escorted provision wagons to Guamana, found the garrison there suffering severely of fever and lack of food. One officer and twenty soldiers had died of starvation.

The only persons who have gone to the American consulate to contribute to the fund for the relief of the reconcentrados are Senores Milia Perez and Viuda de Punes, who contributed $9 in paper currency and $25.50 in silver. All others apply to the consulate for money.

WEYLER ARRIVES UNEXPECTEDLY.

Steamer Reaches Port a Day Ahead of Schedule Time.

CORUNNA, Spain, Nov. 18.—The Spanish steamer Montsserrat, which left Havana on Sunday, October 31, with General Weyler, the former captain general of Cuba, on board, and which subsequently touched at Gibara and at Porto Rico, arrived here unexpectedly today. It was not due to arrive here according to the announcements until Friday evening. The newspaper campaign for and against a popular demonstration in honor of General Weyler is so fierce that the editor of the anti-Weyler paper, La Voz de Galicia, has challenged the editor of the Weyler organ, El Nord-Quest, to fight a duel.

As previously cabled, the moderate republicans and Carlists are in favor of the demonstration, while the republicans, liberals and socialists are opposed to it and are organizing for a counter-demonstration.

As soon as possible after the Montserrat was signaled crowds of people packed the harbor from all parts of the city, and a fleet of boats, filled with admirers of General Weyler, started to meet the steamer and escort it to the quay.

Every craft of every description that the port afforded was chartered to convey individuals, societies and clubs to the Montserrat. A number of deputations went on board the vessel.

The commandant of Corunna had a brief interview with General Weyler, simply conveying to him the desire of the queen regent and the government to receive him as speedily as possible at Madrid.

General Weyler did not go on shore. He has decided to remain on the Montserrat until it reaches Barcelona, for which port it will sail direct at 6 o'clock tomorrow morning. Thus far there has been no disturbance of any kind whatever.

AUTONOMISTS ARE LOSING FAITH.

No Sign Yet of the Promised Reforms in Cuba.

NEW YORK, Nov. 18.—A dispatch to the Herald from Havana says: There is no sign of the full text of the promised reforms and in consequence the hopes of the most optimistic autonomists are dwindling. The fault lies not with General Blanco. There is every reason to believe that his promises on arrival were made in good faith. He is evidently deeply incensed at the false position in which he is placed. He cabled a day or two ago to Madrid, saying General Weyler had deceived him as to the condition of the army and the government has misled him regarding its sincerity in promising autonomy and broadly hinted that he felt inclined to ask to be relieved.

The Herald correspondent has just returned from a two days' trip through Havana to Artemisa. Every military commander of a town he met said he had not received any orders regarding the extension of the zones of cultivation. The condition of the reconcentradoes is not altered. Their sufferings are appalling. The Herald's correspondent adds: "Unless General Blanco speedily makes more headway than he has done yet autonomy will be a dead letter in the Cuban issue."

Spaniards Are Pleased.

(Copyright, 1897, by Press Publishing Company.)

MADRID, Nov. 18.—(New York World Cablegram—Special Telegram.)—In financial and political circles considerable pleasure has been caused by the official telegram from Marshal Primo de Rivera announcing the submission of Aguanildo, with all the principal chiefs and numerous insurgents, in the Philippine insurrection, which thus virtually has received its death blow, as Aguinaldo was the soul of the rising. This news is somewhat cast into the shade by the excitement created by the approaching arrival of General Weyler. This puts all Spanish parties in a flutter, as even the Carlists and republicans compete with Robero Robledo and the extreme conservatives in bidding for the support of the soldier who is believed by all to be ambitious, unscrupulous and popular with certain parliamentary and patriotic elements. This places the government in an awkward predicament, as other military personages, its own followers and the liberal democrats insist upon an explanation being demanded of Weyler concerning his alleged declarations on leaving Havana.

ARTHUR E. HOUGHTON.

Woodford Expresses Gratitude.

MADRID, Nov. 18.—At the meeting of the cabinet today a letter from the United States minister, General Stewart L. Woodford, was read, expressing the satisfaction and gratitude of the United States government relative to the settlement of the Competitor case and other current matters. The communication created a good impression in political quarters.

No Sign of Cuban Submission.

MADRID, Nov. 18.—The Havana correspondent of the Heralds of this city has cabled his paper saying that in spite of the concessions made to the Cuban autonomists, and in spite of the appointment of autonomist prefects in the different provinces of Cuba, there does not exist a single sign of the approaching submission of the insurgents.

Reed Not Going to Leave Maine.

NEW YORK, Nov. 18.—A dispatch to the Herald from Portland, Me., says: Speaker Reed was asked if there was any truth in the reports printed in New York to the effect that he contemplated going to that city to live and practice law.

"I don't know anything about these reports myself," he said, "but there is no truth in them. Reports like this have been started several times of late. You can set them down as ridiculous."

VENNER COMES OUT LOSER

New York Supreme Court Decides Against Him in a Suit.

SETTLES THE OMAHA WATER WORKS CASE

Upholds the Validity of the Foreclosure Sale in This City and Declares Present Company the Rightful Owners.

NEW YORK, Nov. 18.—Justice Laughlin, in special term of the supreme court today, dismissed the complaint in an action brought by the United Water Works company and others against the Omaha Water Works company and the reorganization committee of the defunct American Water Works company to prevent the further execution of the plan whereby the property of the last named company, which was bought in by the company at a foreclosure sale last year, was turned over to the Omaha Water Works company, which executed a mortgage of $6,000,000.

The property consisted of water works, franchises and plants situated in Omaha and other cities in Nebraska formerly owned by the American Water Works company. When that company defaulted in 1893 most of the security holders deposited their holdings with a committee in whom full power was conferred. The plaintiffs represented fifty-eight out of 3,660 holders of the bonds of the old company. The new company was organized under the laws of Maine and the objections raised by the plaintiffs to the reorganization plan were overruled by the court on the ground that no provisions of the Maine statutes are violated.

The new company has obtained the right to the franchise from the state of Nebraska and that state alone can attach the enjoyment of the franchise by the new company.

OUTLINED BY THE JUSTICE.

In the opinion filed by him, Justice McLaughlin said:

"The situation is this: A new corporation formed under the proposed plan, which has received a conveyance of the property in question, upon which it has executed in accordance with the laws of the state in which it was incorporated the mortgages sought to be set aside, the mortgagees have delivered and recorded in the state in which the property is located, and the corporation is now in actual possession and operation of the water works referred to; the securities of the new company have been issued and distributed among the holders of the surrendered certificates, representing upwards of $3,300,000 in amount of the bonds which have been already used in paying for the property purchased.

"The owners of those bonds, or those who have succeeded to their interests, have not only acquiesced in, but, so far as the evidence shows, approves of the acts of the committee, and yet these plaintiffs, representing at most but fifty-eight certificates out of 5,638, ask to have the approval of such large majority set aside and the whole declared illegal and void. This a court of equity ought not to do."

When the above dispatch was shown to J. M. Woolworth, leading counsel for the Omaha Water company in the case in the United States circuit court, in which the city is plaintiff, he stated that the case was one which the water company had never regarded as an important one. He said the very same case had been tried in the courts of Maine and won by the defendant and had then been brought in the courts of New York state with the same result.

"This suit," said Mr. Woolworth, "was one in which the United Water Works company and other parties who held certificates for mortgage bonds which they transferred to the reorganization committee of the American Water Works company brought a suit to have the conveyance to the Omaha Water company under the foreclosure sale and mortgages, bonds and stock issued by that company adjudged void. The plaintiffs held certificates for forty-eight bonds out of 3,569. The action was brought in the New York court last spring before Mr. Justice Laughlin, who has held the same under consideration until this time. Mr. Venner is the president of the United Water Works company and holds the majority of its stock, if not all of it.

"This decision establishes the regularity of the plan of the reorganization of the Omaha Water company and the validity of its mortgages, bonds and stock. It does not, however, affect the questions that are involved in the suit now pending in the United States circuit court for Nebraska, in which the city is the ostensible plaintiff."

MANY PERISH ON CHILKOOT TRAIL.

Prospectors All Describe the Journey as Perilous.

CHICAGO, Nov. 18.—A special to the Record from San Francisco says: George Pope of Chicago has written to a friend here from Sheep camp, on the Chilkoot trail. The letter is dated October 28, and gives the latest news of the condition of the men who are stranded on the way to Klondike. He said a severe storm was raging on the range. He continues:

"The other day a man told me that at least twenty men had perished on the trail within the last few weeks. I have not been able to verify his statement. At every town and settlement where prospectors are compelled to stop, the men have stories to tell of the dangers of the journey. Their advice is to avoid the trip at any cost."

NO DELAY IN THE THORN TRIAL.

Effort Made to Secure Jurymen Who Are Physically Sound.

NEW YORK, Nov. 18.—It is promised that there will be no delay on the part of either the prosecution or defense in the Thorn case, which will be begun next Monday. Particular attention has been given by the sheriff to the physical condition and medical history of the 160 talesmen summoned for jury selection.

Mrs. Nack now declines to talk on the Guldensuppe murder except with the aid of an interpreter. The house has been searched. Her statements about the disposition of the body are conflicting. She asserts the discrepancy arose through her imperfect knowledge of English. It is believed the new trial will not extend beyond ten days from Monday and it may be concluded within a week.

Increase in Unitarian Churches.

NEW YORK, Nov. 18.—The thirteenth annual meeting of the Unitarian conference of the middle states and Canada was opened in All Souls church here today. The report of Secretary Morehouse showed that while during the decade from 1877 to 1887 the Unitarian churches had decreased five in number, during the decade from 1887 to 1897 there had been a net increase of thirteen, ten of which are self-supporting. In the last ten years $167,000 has been spent in the middle states and Canada for the erection of church edifices. The old officers were re-elected.

THE BEE BULLETIN.

Weather Forecast for Nebraska—
Fair; Warmer; Southerly Winds.

Page.
1. Porte Backs Down Once More.
Pardon of the Competitor Prisoners.
Decision in Omaha Water Works Case.
Police Commission is Sustained.
2. 'Varsities to Play at Council Bluffs.
Yale and Princeton Ready to Play.
More Details in the Ketcham Case.
3. Holcomb Gives a G. A. R. Decision.
Omaha Loses Bridge Arbitrary Case.
4. Editorial and Comment.
6. Council Bluffs Local Matters.
Des Moines City Records Tangled Up.
7. News from the Greater Northwest.
Several Hurt in Railway Accident.
8. State Buildings for the Exposition.
Common Law Marriage Held Valid.
9. In the Field of Electricity.
Stuht's Scheme Can Wait a Bit.
Freight Rates Still Unstable.
Food For Uncle Sam's Soldiers.
11. Commercial and Financial News.
12. Secretary Wilson's Annual Report.
A "Personally Conducted" Runaway.

Temperature at Omaha:

Hour.	Deg.	Hour.	Deg.
5 a. m.	35	1 p. m.	55
6 a. m.	33	2 p. m.	56
7 a. m.	33	3 p. m.	59
8 a. m.	33	4 p. m.	59
9 a. m.	35	5 p. m.	57
10 a. m.	40	6 p. m.	55
11 a. m.	47	7 p. m.	52
12 m.	51	8 p. m.	51
		9 p. m.	49

M'KENNA IS TO SUCCEED FIELD.

Selection of New Attorney General Not So Easy.

CHICAGO, Nov. 18.—A special from Washington says: Attorney General McKenna's appointment as associate justice of the supreme court of the United States to succeed Justice Field has been formally decided upon by the president and heartily approved by the cabinet. The succession to the Department of Justice is still open. The president's private files contain letters from all over the country suggesting names, including those of many men who have hitherto not been mentioned publicly. Judge Waymire of California appears to be in the lead thus far. A number of letters from New York suggested John J. McCook. It is stated that were it not for geographical considerations John S. Runnells of Chicago would have been favorably considered. It was deemed impossible, however, to have two cabinet officers from Illinois. The same attention to political surveying has prevented the active consideration of Judge Nathan Goff of West Virginia, who is too near Maryland to receive active consideration. It is believed the president will not see his way clear to leaving the Pacific slope out of the cabinet, and in that event Judge Waymire is likely to be the man.

CATHOLIC KNIGHTS OF AMERICA.

Officers Considering Contest Brought by Deposed Medical Director.

CINCINNATI, Nov. 18.—A special to the Commercial-Tribune from Norfolk, Va., says: The supreme officers of the Catholic Knights of America convened here today in semi-annual session, with all officers present. The matter of the contest of Former Medical Director J. Averdick of Covington, Ky., for the office now held by Dr. Bremon, will probably come up tomorrow. President Fenney states that up to this time Dr. Averdick has refused to surrender his books. The courts may be called on to compel him to give up the books. Should such a course be resorted to the matter will be carried into the Kentucky courts, under the laws of which the order is chartered. Dr. Averdick, who was in office six years, was removed last May.

COLORADO AT THE EXPOSITION.

Prof. Taylor of Nebraska Talks to the Horticulturists.

DENVER, Colo., Nov. 18.—(Special Telegram.)—The Colorado Horticultural society met in Condition today to consider the question of an exhibit at the Transmississippi Exposition. Prof. F. W. Taylor of Lincoln, Neb., gave an extemporaneous address on "Horticultural Education," showing the advantages to be gained to fruit growers through the exhibition. A greater part of the afternoon was taken up by the society in discussing the best methods for collecting the exhibit, the consensus of opinion being that there should be an effort made to make the Colorado display a fine one. The discussion resulted in the appointment of a committee to work with that end in view.

PLANNING TO EXTEND THE GRANGE.

Appropriation for the Lecture Fund is Nearly Doubled.

HARRISBURG, Nov. 18.—A resolution was adopted at today's grange meeting appropriating $500 for the use of the assembly of the Priests of Demeter. A resolution to amend the constitution by reducing the fees of women under 21 years was defeated. Master-elect Aaron Jones of Indiana made a report in regard to plans for extending the order during the coming year. Five thousand dollars will be set aside as a lecture fund; $3,000 more than is now used for this purpose.

The grange closed its session tonight, and many of the delegates left soon after adjournment for their homes. The next annual convention will be held in November, 1898, at Concord, N. H.

Arrested for Whitecap Outrage.

BLOOMINGTON, Ind. Nov. 18.—Today nine well known citizens in the southern part of the county were arrested for whitecapping. All were indicted by the grand jury. It is alleged that on the night of August 17 the men took Milton Southers and his old mother from their home by force and cruelly whipped them. The names of the men arrested are William Saxton, Eli Eads, George Haytzock, Oscar Mitchell, John Mitchell, Maurice Lucas, Everett Chambers, George Palmer and Charles Bodkins. All gave bond.

Executions Against Contractors.

PITTSBURG, Nov. 18.—Executions aggregating nearly $40,000 were issued today against the firm of Hulings Bros., the contractors who were building the Chanoine dam on the Ohio river at Merrill, Pa. It is said that the executions were issued on account of the announcement that the government was going to take the contract for the building of the Merrill dam away from the firm.

Movements of Ocean Vessels Nov. 18.

At New York—Arrived—Norge, from Copenhagen; Amsterdam, from Amsterdam; Brittainia, from Naples.

At Queenstown—Sailed—Adriatic, for New York; Waesland, for Philadelphia.

At Cherbourg—Sailed—Spree, for New York.

At Antwerp—Arrived—Southwark, from New York.

At Rotterdam—Sailed—Veendam, for New York.

At Plymouth—Arrived—Fuerst Bismarck, from New York, for Hamburg.

At London—Arrived—Mobile, from New York.

At Liverpool—Arrived—Rhynland, from Philadelphia.

At Bremen—Arrived—Trave, from New York, via Southampton.

DENIES THE WRIT

Supreme Court Declines to Eject Omaha's Police Commission.

REJECTS BIRKHAUSER'S APPLICATION

Relator Has No Right in the Case Under the Law.

VALIDITY OF CHARTER NOT PASSED ON

Question of Its Constitutionality Not Considered at Present.

CASE TURNS UPON TWO PRINCIPLES

Law Invalid for One is Invalid for the Other, and Claimant Cannot Go In and Out of Office at Will.

LINCOLN, Nov. 18.—(Special.)—The supreme court today handed down an opinion in the Omaha Fire and Police Commission case, denying the writ prayed for by P. W. Birkhauser. The syllabus of the opinion is as follows:

1. One who seeks by quo warranto to obtain possession of a public office must show a better title than the incumbent.

2. In a proceeding in the nature of a quo warranto brought by a private person to determine the right to a public office, the relator cannot assail the constitutionality of the statute under which the respondent claims to hold such office as a basis for a judgment of ouster when the argument adduced by relator for declaring the law bad applies with equal force as against the statute under which he himself asserts title to the office.

3. One who voluntarily abandons or surrenders a public office to another will not afterward be permitted to assert title thereto against such subsequent incumbent.

TEXT OF THE OPINION.

The opinion is by Justice Norval, the other judges concurring. The following is the full text:

This is an action of quo warranto instituted in this court by A. C. Foster, H. E. Palmer and P. W. Birkhauser to determine the rights of relators and respondents respectively to the offices of fire and police commissioners of the city of Omaha. Relators were appointed to said offices by a board, consisting of the governor, commissioner of public lands and buildings and attorney general, created by section 145, chapter xii, compiled statutes 1895, which said chapter is entitled "Cities of the Metropolitan Class." The last state legislature created a new charter for the government of cities of the class to which the city of Omaha belongs, and by the same law, in express terms, repealed the said "Chapter xiii, of the Compiled Statutes of Nebraska, Seventh Edition, 1895." Session laws 1897, chapter x, section 166 of said act, known as chapter xiii, compiled statutes 1897, declares that: In each city of the metropolitan class there shall be a board of fire and police commissioners, to consist of the mayor, who shall be ex-officio chairman of the board, and four electors of the city, who shall be appointed by the governor."

By section 167 it is provided substantially that immediately upon the taking effect thereof the governor should appoint for each city embraced within the law four fire and police commissioners, of whom not more than two should belong to the same political party, one to serve for one year, one for two years, one for three years and one for four years; and that the governor should annually thereafter appoint one commissioner in each of such cities for the term of four years. The section also makes provision for the filling of vacancies occurring in said offices.

The respondent, Frank E. Moores, is the duly qualified and acting mayor of the city of Omaha and by virtue of said section 166, claims to be an ex-officio member and the chairman of the board of fire and police commissioners of said city. The other four respondents claim to be members of said board and the right to discharge the duties thereof by virtue of appointment made by the governor under the provisions of said section 167. The relators, Foster and Palmer, leave of court having first been obtained, have dismissed the proceedings as to themselves and the action thereafter was prosecuted in the name of Birkhauser alone.

ENTIRE ACT IS ASSAILED.

In this proceeding the constitutionality of the entire act of which said sections form parts is assailed upon the same grounds, among others, as those urged and presented against the law in State against Stuht, Fifty-second Nebraska (71 N. W. Rep., 941), where the validity of the legislation was sustained. The writer had no part in that decision and does not wish to be understood as now agreeing that the conclusion then reached by his associates was sound. A discussion of the questions there considered will not be undertaken at this time, since the writ of ouster sought herein must be denied for reasons hereafter stated.

It is important to remember that this action was not instituted by the attorney general, but was brought by private persons asserting the right to the offices in question. Had the attorney general been the relator it would have devolved upon the respondents to show that they were rightfully inducted into office. In other words that they were appointed and are acting under a constitutional law (State against Tillma, 32 Neb., 789). When the information is filed by a private person the same rule does not obtain. He is required to show that his title to the office is better than the incumbent and must recover, if at all, upon the strength of his own title and not upon the weakness of the claim of his adversary. This doctrine is not new, but has been more than once asserted by this court (State against Stein, 18 Neb., 529; State against Hamilton, 29 Neb., 198; State against Boyd, 34 Neb., 435).

The principal argument of counsel for relator is that said sections 166 and 167 of the act of 1897 are unconstitutional and void because they are inimical to the inherent right of local self government. Precisely the same objection could be successfully made against the statute under which Mr. Birkhauser was appointed. In violation of the principle of local self government it empowered the governor, commissioner of public lands and buildings and the attorney general to appoint the fire and police commissioners for cities of the metropolitan class; while, under the existing law, that duty was devolved upon the governor alone. The reasons and arguments adduced for declaring the 1897 law bad, if sound, would likewise make clear the invalidity of the act under which the relator was appointed to office; hence, under the decisions mentioned, he could not successfully prosecute this action.

ABANDONED HIS OFFICE.

Another contention of respondents, which is not devoid of merit, is that the writ must be denied for the reason the relator voluntarily abandoned the office in question and acknowledged the right of the incumbents to discharge the duties pertaining to the Board of Fire and Police commissioners of the city of Omaha. This the relator denies, and on his direct examination as a witness in his own behalf he testifies that it never