BANDITS ARE ARRAIGNED

Three Captives, Suspected of Fatal Holdup at Snyder, in Court.

EACH WAIVES PRELIMINARY EXAMINATION

Rhea the Coolest of the Three—Darrell to Ask for Separate Trial—Threats Against Crowel Party—Description of Prisoners.

FREMONT, Neb., Jan. 9.—(Special.)—The three bandits charged with the murder of Herman Zahn were arraigned before County Judge Wintersteen at noon today. Each waived preliminary examination and was held without bail to the next term of the district court, which convenes the first week in February.

The complaint, which charges the three with murder in the first degree, was filed this morning. As the report had been circulated that they were to be brought over late this afternoon only two or three men who happened to be passing the court house were in the court room. H. C. Maynard appeared for Rhea, "the little one," and Gardner, and Button & Cook will defend Burton, who was informed against as William Darrell, which he says is his true name.

It was 12:10 when the three men, under the guard of Sheriff Kreader, Deputy Stiles and several other officers, came over to the court room. Rhea has improved considerably and was able to walk with the assistance of two officers. He maintained the same cold, reckless look and demeanor as when first arrested. He listened to the reading of the complaint, which was very lengthy, standing on one foot, his hand resting on the table. His face scarcely moved a muscle during the reading and he answered, "I waive preliminary hearing," in the same unconcerned, matter-of-fact way one would answer an unimportant question.

Description of the Prisoner.

He has in every way the look and appearance of a desperate man who has been steeped in vice and crime from his birth. His forehead is low, retreating almost to a point; his eyes are small, deep-set, shifty and penetrating and a heavy under jaw indicates his determination.

"He has the most cruel, heartless, cold-blooded look," says Sheriff Kreader, "of any man I ever saw, and I have seen a good many of his kind, too."

Gardner appeared a little uneasy while being arraigned. He is of a different type from Rhea. His face is more that of the vicious sensualist than the desperado. There is nothing of the cool recklessness of the "little one" in his appearance. Darrell was visibly agitated. His face lacked the brutality of Rhea's or the sensualism of Gardner's. He is the stamp of man one would pick out as a swindler and crook. He firmly persists in his innocence of having a hand in the shooting, and as he has different attorneys will probably demand a separate trial.

No proceedings have yet been taken against the woman, Thresa Williams. There is still much excitement at Snyder and threats are reported to have been freely made against parties living near Crowel, one of whom is a business man of Crowel who has never borne a very good reputation and is said to have built the house occupied by the gang and to have been a frequent visitor at the place. No trouble is anticipated here.

PART ONLY AT GRAVE'S EDGE

Friends of Carl Morton Accompany His Body to Its Final Resting Place.

NEBRASKA CITY, Neb., Jan. 9.—(Special Telegram.)—The mortal remains of the late Carl Morton were consigned to their last resting place by the side of his mother in the family lot at Wyuka cemetery this afternoon.

The services were conducted by Rev. Francis Weason of Lincoln and Rev. H. L. House of this city, and, in accordance with the wishes of the father, former Secretary Morton, were simple in character and consisted of a prayer, a brief tribute to the pure life, upright character and personal worth of the deceased, and a benediction.

The body arrived on the 8:15 train from Chicago and was accompanied by Paul, Joy and Mark Morton, brothers of the deceased, the widow and children, Mrs. Robert Payne, Lot Brown and wife, L. O. Goddard, E. R. Puffer and Rockwell King of Chicago, T. P. Kingsford of Oswego, N. Y., and General Hiram Duryea of New York. The train was met at the station here by more than 200 of the business and laboring men of the city, who escorted the remains to Arbor Lodge.

Despite a heavy snowstorm, which began about 10 o'clock, the house was entirely inadequate to accommodate all those who wished to pay their last respects. All business houses were closed during the hour of the funeral.

Many other out-of-town friends of the family were present, among whom were: President Burt of the Union Pacific, Dr. George L. Miller and J. O. Phillippi of Omaha, Hon. Sam Wolbach of Grand Island and L. W. Wakeley of St. Louis.

The Nebraska City Commercial club met last evening and passed resolutions of respect, which have been transmitted to the family.

CHANGE OF CLIMATE.

Not Necessary in Order to Cure Catarrh.

The popular idea that the only cure for chronic catarrh is a change of climate is a mistake because catarrh is found in all climates in all sections of the country; and even if a change of climate should benefit for a time, the catarrh will certainly return.

Catarrh may be readily cured in any climate, but the only way to do it is to destroy or remove from the system the catarrhal germs which cause all the mischief.

The treatment by inhalers, sprays, powders and washes has been proven almost useless in making a permanent cure, as they do not reach the seat of disease, which is in the blood and can be reached only by an internal remedy which acts through the stomach upon the blood and system generally.

A new discovery which is meeting with remarkable success in curing catarrh of the head, throat and bronchial tubes and also catarrh of the stomach, is sold by druggists under the name of Stuart's Catarrh Tablets.

These tablets, which are pleasant and harmless to take, owe their efficiency to the active medicinal principles of Blood Root, Red Gum and a new specific called Guaiacol, which together with valuable antiseptics are combined in convenient, palatable tablet form, and as valuable for children as for adults.

Mr. A. R. Fernbank of Columbus, Ohio, says: I suffered so many winters from Catarrh that I took it is a matter of course, and that nothing could cure it except a change of climate, which my business affairs would not permit me to take.

My nostrils were almost always clogged up, I had to breathe through the mouth, causing an inflamed, irritated throat. The thought of eating breakfast often nauseated me and the catarrh gradually getting into my stomach took away my appetite and digestion.

My druggist advised me to try a fifty cent box of Stuart's Catarrh Tablets, because he said he had so many customers who had been cured of Catarrh by the use of these tablets, that he felt he could honestly recommend them. I took his advice and used several boxes with results that surprised and delighted me.

I always keep a box of Stuart's Catarrh Tablets in the house and the whole family use them freely on the first appearance of a cough or cold in the head.

With our children we think there is nothing so safe and reliable as Stuart's Catarrh Tablets to ward off croup and colds and with older people I have known of cases where the hearing had been seriously impaired by chronic catarrh cured entirely by this new remedy.

WHAT IT MEANT TO SOLDIERS

Sergeant in the Philippines Writes His Brother on Significance of Late Election.

KEARNEY, Neb., Jan. 9.—(Special.)—A letter has been received by J. C. Sammons of this city from his brother, Sergeant W. F. Sammons, who is now with the Thirty-second United States Volunteer infantry. The letter, dated November 20, was written from Porac, Luzon, P. I., and reads in part as follows:

The result of the election is most gratifying. To the soldiers it is of double importance. We now rest assured that what we have accomplished here is not to be overthrown, but our duty continued honorably. In my opinion you will hear of but very little more activity among the few bands of insurgents now in existence. Their hopes of Bryan's election kept the thing alive, but now they can see nothing before them but prosperity—that which is so despised by some people in our country. Of course the dissatisfied element is much in the minority here as elsewhere—but you know how a skunk is!

A large detachment of Company M will go out toward the mountains tonight in search of a few of those kind of people. We expect to have a little fun about daylight at a small barrio in the edge of the mountains. One of the number deserted and will take us into their camp. If they haven't received the news of the election yet I think we will be able to tell them all about it.

The nights are very cool now; it would be impossible to sleep without a blanket. The rainy season has closed and from now on until February it will be cool and scarcely any rain.

Rice will be harvested next month and cane during January and February. This is the commencement of the banana and orange season. The market is full of them and they are sold very cheap. None of the fruit has a flavor to compare with that of California fruit. Watermelons grow well here and ripen in February. There are also various kinds of squash, pumpkin, beans, peas, etc., but none that look like those in the states. There are also a great many kinds of fruit and vegetables grown here that I never saw before. I made a cup of coffee a few days ago of some I had picked from the tree myself.

I have received The Bee up to October 14 and am becoming more than anxious to read all about the "second battle" and to see how Nebraska looked after the smoke cleared away. Write me all the news, full account of the campaign and election.

DATES FOR NEBRASKA RACES

Horsemen Convene at Hastings and Decide on Time for Holding Fall Meets.

HASTINGS, Neb., Jan. 9.—(Special.)—There was an exceptionally large crowd in attendance at the meeting of the Nebraska Racing circuit, held here last night. Horsemen from various parts of the state were present and took much interest in all matters discussed.

The circuit is composed of thirteen Nebraska towns and the dates have been fixed as follows: Fremont, July 31, August 1, 2; Hastings, August 7, 8, 9; Fairbury, August 14, 15, 16; Hubbell, August 21, 22, 23; David City, August 28, 29, 30; Seward, September 4, 5, 6; Lincoln, September 8, 9, 10, 11, 12, 13, 14; Auburn, September 18, 19, 20; Osceola, September 25, 26, 27. As yet the dates have not been fixed for Minden, Pawnee City, Blair and Beatrice, but they will be given dates ahead of the above or immediately following.

W. P. McCreary was re-elected president of the Nebraska Racing Circuit association and Albert H. Farrens was re-elected secretary.

BUSY DAY FOR JUDGE JESSEN.

Renders Decision in Several Cases Before Adjourning.

PLATTSMOUTH, Neb., Jan. 9.—(Special.)—In the district court yesterday, in the case of the First National Bank of Plattsmouth against B. A. Gibson and others, a judgment was entered on mandate from the supreme court, affirming the decree of the trial court.

The State of Nebraska ex rel Peter Jorgensen against William Betts, director of school district No. 94; was set for trial.

Bertha Schulkie received a divorce from her husband, August, and he will have to pay the costs of the suit.

The case of the County of Cass against Elijah Ratnour and others was dismissed on application of plaintiff.

In the case of the First National Bank of Omaha against the Bank of Cass County the motion for a new trial was overruled and judgment entered on the verdict for costs against plaintiff. Forty days was given plaintiff in which to file bill of exceptions.

In the Kilpatrick-Koch Dry Goods Company suit against Walter E. Palling, a judgment was entered on the verdict for $31.24 and costs, taxed at $9.60; all other costs to be paid by plaintiff, as it failed to get a verdict for a greater amount than that for which the defendant offered to confess judgment.

The motion for a new trial in the case of William T. King against L. H. Chalfant was overruled.

Judgment for plaintiff in the sum of $525.15, with 10 per cent interest, was rendered in the case of Kingman & Co. against John B. Mesenger.

Judge Paul Jessen adjourned court and returned to Nebraska City to attend the funeral of Carl Morton, but expects to return and open court tomorrow.

Has Fewer Mortgages Now.

WAHOO, Neb., Jan. 9.—(Special.)—The following are the mortgages filed and released in Saunders county during the year 1900: Number of farm mortgages filed, 439, amounting to $677,406.70; number satisfied, 611, amounting to $673,909.28; number of city mortgages filed, 114, amounting to $52,676.21; number satisfied, 151, amounting to $88,864.48. Number of chattel mortgages filed, 1,056, amounting to $612,810.75; number satisfied, 473, amounting to $368,281.55. Two sheriff's deeds on farms and four on city property were recorded during the year.

Burt County Supervisors.

TEKAMAH, Neb., Jan. 9.—(Special.)—The new Board of County Supervisors met yesterday and organized by electing Franklin Everett chairman. The board stands six republicans and one fusionist. The afternoon was spent in opening bids for books, blanks, printing, stationery and supplies. Sutherland's of the Herald was deemed the lowest and best bid and was awarded all of the contracts. The board is still in session and has drawn the jury for the spring term of court, which opens here February 25.

Guests of Eastern Star Lodge.

HARVARD, Neb., Jan. 9.—(Special.)—Stokes' opera house was the scene of a most enjoyable gathering last evening, it being the anniversary of the order of the Eastern Star, which society, assisted by the Masons, entertained the friends of the order with a program of a literary and musical character, and served light refreshments.

Ashland Bank Officered.

ASHLAND, Neb., Jan. 9.—(Special.)—The annual meeting of the stockholders of the National bank of Ashland was held Tuesday. J. J. Brown, the Omaha capitalist, was re-elected president of the board of directors; T. K. Chamberlain, vice president; F. E. White, cashier. The remaining directors elected were: Frank Murphy, Henry F. Wyman, Randall K. Brown, all of Omaha, and James R. Hayward of Ashland. Samuel S. Fales of Ashland retires from the board.

DECIDES TO SURVEY FOR CANAL.

Engineer Nippell's Report Induces Nebraska Men to Go Ahead.

NIOBRARA, Neb., Jan. 9.—(Special.)—Engineer Nippell, who was engaged by the Niobrara Commercial club to make the preliminary survey of the Niobrara river to find its fall, has made his report. He finds that in a distance of eight and one-half miles the fall is fifty-four feet and nine inches.

"By cutting across the country between the two points, a distance of five and one-half miles, and allowing twenty-one inches per mile for carrying the water in a canal," says Mr. Nippell's report, "it would leave a head fall of practically forty-five feet."

The Commercial club will organize a stock company at once and make a permanent survey for a canal.

Rejected Stationery Returned.

LINCOLN, Jan. 9.—(Special.)—More than a wagonload of the erroneously printed stationery which the members of the legislature inherited from the outgoing fusion officials, was sent back to the printer yesterday with word that it would not be paid for. Just before the close of their terms of office the fusion state officials ordered thousands of dollars' worth of stationery and other printing, supplying their successors with enough to last several years. The paper printed for the house and senate, as well as large amounts printed for the various committee in each body, aside from being erroneously printed, is of a very unsatisfactory quality of paper. The present officials contend that the paper is not fit for use, and a refusal will be made to pay for it. The committee on printing met this afternoon and made out a list of the printed matter needed, and an order will be sent to the printer at once for a new supply.

Eugene Smith's Record.

YORK, Neb., Jan. 9.—(Special.)—Eugene Smith, the young man arrested by the sheriff of Fillmore county at Vinton, La., and now being brought to Nebraska, lived for four or five years near McCook, and was employed by different farmers, who speak of him quite highly, and are much surprised to learn of his arrest. He is a brother of Frank Smith, a farmer living west of McCool, and a nephew of Hon. Thomas W. Smith, a democrat politician of York county. Winberg, who is complainant, employed Smith to assist in running his farm while he (Winberg) went to Klondike in search of gold. Smith stayed a short time after Winberg left, going south for his health and employment. Winberg has just returned after five years' absence, during which time Mrs. Winberg ran the farm. If the arrest is the result of Winberg's jealousy of Smith friends of the latter believe his innocence may be easily established.

Where the Snow Falls.

PLATTSMOUTH, Neb., Jan. 9.—(Special.)—Snow has been falling in this vicinity all day. This evening sleighbells are jingling on the main streets.

FREMONT, Neb., Jan. 9.—(Special.)—A snow storm from the northwest has prevailed here all the afternoon. As there is no wind it has not drifted any and trains arrived on both railroads nearly on time.

ELK CREEK, Neb., Jan. 9.—(Special.)—Snow began falling here at an early hour this morning and has kept it up all day. It is a wet, heavy snow and, the wind being from the northeast, a heavy fall is indicated. The ground is covered several inches in depth, but the temperature is several degrees above zero.

Close of State Historical.

LINCOLN, Jan. 9.—(Special Telegram.)—The State Historical society tonight held the closing session of its annual meeting. The following subjects were treated: "Reminiscences," H. W. Hardy; "Biographical Sketches, Senator T. W. Tipton," R. W. Furnas; "Representative W. L. Greene," W. D. Oldham; "Freighting," H. T. Clarke; remarks and discussion by W. A. Paxton; "Early Roads and Roads in Nebraska," C. E. Persinger.

The meeting closed with the re-election of President J. Sterling Morton of Nebraska City, Vice President Robert W. Furnas of Brownville, Secretary Caldwell and Treasurer Gere of this city, and all other officers.

State Bank Examiners Ratified.

LINCOLN, Jan. 9.—(Special Telegram.)—The State Banking board today ratified the appointment of the following state bank examiners: E. R. Emmett, Arapahoe; W. H. Hartwell, Pawnee City; Lewis Marshall, Wakefield; William Whitmore, Long Pine. No date was set for the new examiners to begin their work. The following office assistants were also selected: Secretary of the banking board, Ed Royse, Broken Bow; stenographer, Frank Smith, Tekamah; clerk, A. M. Dodson, Wilber.

Battle Creek Thieves Sentenced.

MADISON, Neb., Jan. 9.—(Special.)—The Battle Creek hog thieves have been sent over the road for their offense. Had they not made an attempt to break out of jail last week they might have gotten off easier. When they faced Judge Boyd yesterday afternoon they pleaded guilty. Robert Lovelace was given fifteen months, C. E. Speese two years and a half and William Hale three years.

Agricultural Society Executive.

LOUP CITY, Neb., Jan. 9.—(Special.)—The following officers were elected for the ensuing year by the Sherman County Agricultural society, at its annual meeting held yesterday: M. C. Mullck, president; W. G. Odendahl, first vice president; C. Hauck, second vice president; W. R. Mellor, secretary; J. Phil Jargar, treasurer.

Lodge Officers Installed.

OSCEOLA, Neb., Jan. 9.—(Special.)—After Rising Star lodge No. 75, Independent Order of Odd Fellows, had installed its new officers, under direction of District Deputy Grand Master B. S. Taylor, and put five candidates through the initiation agonies, an elaborate oyster supper was enjoyed in the banqueting hall.

Clay County's New Board.

CLAY CENTER, Neb., Jan. 9.—(Special.)—The new board of supervisors of Clay county met yesterday and organized by electing Ernest Ormsby of Leicester township as chairman. The board stands, two republicans, four populists and one silver republican.

To Dig for Zinc and Lead.

MADISON, Neb., Jan. 9.—(Special.)—The Richard Zinc and Lead Mining company has just been incorporated and articles filed with the county clerk. The principal place of business is Norfolk. The capital stock is placed at $500,000.

Superintendent of Soldiers' Home.

LINCOLN, Jan. 9.—(Special Telegram.)—Governor Dietrich today appointed A. V. Cole of Hastings to be superintendent of the soldiers and sailors home at Milford.

To Pilot State Printing Board.

LINCOLN, Jan. 9.—(Special Telegram.)—L. A. Williams, editor of the Blair Pilot, was this morning officially appointed secretary of the State Printing board.

Steal Jacob's Booze.

DAVID CITY, Neb., Jan. 9.—(Special.)—Last night burglars entered the saloon of Jacob Thomas and stole a small quantity of liquors and cigars and $25 in cash.

KING REMOVED BY HERRIED

South Dakota's New Governor Promptly Ousts Insurance Commissioner.

LAWMAKERS BEGIN VERY DELIBERATELY

Senators Draw Seats and Adjourn—Representatives Select Pay Days and Appoint a Few of the Less Important Committees.

PIERRE, S. D., Jan. 9.—(Special Telegram.)—Governor Herried today removed Insurance Commissioner King and appointed H. C. Shober to the place. This action was taken after King had intimated that he would not take advantage of an opportunity to resign, but would remain in until the removal was made. Attorney General Pyle has held, in this relation, that it is not necessary for the senate to pass upon this appointment and it takes effect at once.

The attorney general had held, in his opinion in regard to the Board of Charities and Corrections, that there was not a legal vacancy at the time the present appointments were made and that the appointments will not hold. He further holds that, regardless of this fact, the acts of the board will stand, as such acts by an officer with color of title have always been held good by the courts.

A call has been issued for a meeting of the State Historical association, to be held in the hall of the house on the evening of January 24, the call being signed by Governor Herried, C. E. Deland and Doane Robinson

Legislature Makes Easy Start.

The legislature in its work today was very brief. The senate only drew seats and adjourned. The house completed its organization by the selection of minor officials and the drawing of seats. A resolution was adopted setting January 18, February 1 and February 15 and the last day of the session as legislative pay days. A few minor joint committees were appointed and after drawing seats the house adjourned.

A delegation is here from the northern part of the state asking that the counties of Campbell, McPherson, Walworth, Potter and Faulk be created into a judicial circuit to be known as the Ninth.

The fusionists of the house have agreed upon their minority appointment for committees, and the nine of them ask for three committee chairmanships. The three fusionists in the senate are asking for two chairmanships. The committees of the house and senate will probably be announced tomorrow.

WORK OF SMOOTH SWINDLERS

Farmers Around Sioux Falls Being Induced to Sign "Census Blanks" That Are Checks.

SIOUX FALLS, S. D., Jan. 9.—(Special.)—The authorities in several localities in the state are on the watch for some smooth swindlers who have been victimizing careless people by means of new and unique schemes. Some of the swindlers are working the "census" fake. They visit the rural regions, armed with blank forms similar to those which census enumerators had and claim they are after aditional information for the census bureau. They have a blank line at the bottom of the sheet which they induce their victims to sign. It is afterward filled out with ink in the form of a promissory note and sold at the nearest bank.

Another scheme of a somewhat similar nature is worked by men who pretend to be chicken buyers. The farmers sign a contract to deliver their chickens upon a certain date, for which they are to receive 8 cents per pound. They later discovered that instead of having signed contracts they have signed notes, which are disposed of at a slight discount at some bank in a nearby town, where the signers are personally known. One bank in a town near the Missouri river already has cashed many of such notes. Under various court decisions the banks are considered innocent purchasers and the signers are compelled to pay them.

Want Appropriation for State Fair.

YANKTON, S. D., Jan. 9.—(Special.)—The local state fair board at its annual meeting last night elected directors as follows: Fred Schnauber, W. B. Dean, M. Magner, Frank Fanslow, H. E. Brisbine, E. Madole, W. C. Lusk, F. O. Donaldson, J. Lichty, G. M. Smith and William Powers. The board organized with the following officers: Fred Schnauber, president; H. E. Brisbine, vice president; W. B. Dean, secretary; and F. O. Donaldson, treasurer

A strong effort will be made during the present session of the legislature to secure an appropriation from the state to assist in carrying on the fair.

Deadwood to Get First Appropriation.

DEADWOOD, S. D., Jan. 9.—(Special.)—William Selbie, president of the Deadwood Commercial club, has been in constant correspondence with men of influence who might have something to say about the public building bill for this city and he reports that he has received assurances of the strongest nature that if any public buildings are appropriated for at this session of congress Deadwood's will stand among the very first. The Deadwood Commercial club, in its short existence, has been of great good to the city.

Aberdeen Company Incorporates.

ABERDEEN, S. D., Jan. 9.—(Special.)—The J. S. Hart Lumber company of this city has filed articles of incorporation and will operate yards at various points in South Dakota. The capital stock is fixed at $50,000.

The Board of County Commissers have decided to put in an independent lighting plant in the county jail. The capacity of the plant will be sufficient to light the new court house when it is erected.

Ousted Soldier Must Look Elsewhere.

RAPID CITY, S. D., Jan. 9.—(Special.)—In the case of William Black against the board of management of the Soldiers' Home at Hot Springs, Judge McGee of this city decided that the court has nothing to do with the actions of the board of the home. Black was recently discharged from the home for disorderly conduct. He sued the board for damages and also for reinstatement in the home.

Consents to Be Virgil's Postmaster.

HURON, S. D., Jan. 9.—(Special.)—The Virgil postoffice trouble is practically at an end. J. C. Pickering has been prevailed upon to take the office and his bond has been filed with the department. As soon as his commission arrives he will take possession, but until then Mr. Tillery will serve as postmaster.

Honors Pierre's Grandson.

PIERRE, S. D., Jan. 9.—(Special Telegram.)—The city council Monday passed a resolution inviting Pierre Chouteau of St Louis to visit the city this winter. Chouteau is at the head of the St. Louis exposition and is a grandson of the man whose name this city bears.

Congressman Martin Recuperates.

DEADWOOD, S. D., Jan. 9.—(Special Telegram.)—E. W. Martin, congressman-elect, was able to sit up today for a short time. It is believed that the dangerous stage of his attack of pneumonia has passed.

Try it. Once used it takes the precedence of all others—Cook's Imperial Extra Dry Champagne. It has a most delicious boquet.

COUDERT RESUMES ARGUMENT

Continues Effort to Convince Court That Porto Rico Is Not Foreign Territory.

WASHINGTON, Jan. 9.—Upon the reconvening of the United States supreme court today Mr. F. R. Coudert, jr., resumed his argument in the Porto Rican cases, continuing his contention that Porto Rico is not foreign territory and hence that it is incompetent for the government authorities to levy and collect duties upon articles imported from Porto Rico to New York.

Before taking up the thread of his argument Mr. Coudert undertook to respond to a question propounded to him yesterday by Justice Brown, whether a country can cease to be a foreign country and yet not be a part of the United States—whether there is an intermediate condition.

Replying, Mr. Coudert expressed the opinion that such a condition might exist temporarily and he added that the supreme court had recognized it in dealing with Tampico, in the case of Fleming against Page, and in dealing with California in the case of Cross against Harrison before the acquisition of California by the United States was completed.

Mr. Coudert contended that in a case of acquisition the dividing line is passed when a treaty of acquisition is signed and ratified.

"When," he said, "we sanction acquisition by the ratification of a treaty we thus signalize our control of and sovereignty over that territory." This, he asserted, had been done in the case of Porto Rico in the treaty of 1898 and by the treaty Porto Rico had become as much a part of the United States as California had become in the proceedings subsequent to the war with Mexico.

Mr. Coudert then resumed his regular argument, taking up the question as to what part of the constitution applies to Porto Rico.

Before he concluded Mr. Coudert was subjected to a number of questions from the bench and obtained leave to file a supplementary brief, which it is presumed will contain replies to them.

Extends Over National Domain.

Mr. Coudert was followed by Alphonso C. Hart, who spoke especially of the Armstrong case in which the question involved is the collection of duty on goods shipped from New York to Porto Rico. He contended that the constitution of the United States extends over every portion of the national domain, whether state, territory or district. He also argued that the president, being an executive officer, has no right to impose duties on commerce between Porto Rico and "other parts of the United States by executive order after the ratification of the Paris treaty."

"The idea," he said, "that in one portion of the country the executive and legislative authority is subject to restrictions and is without restriction in another part is repugnant to the theory of our government and cannot be tolerated."

There is, said he, no such thing as divided sovereignty—half empire and half republic, half Spanish and half American.

H. W. Ward, counsel for Dooley, Smith & Co., laid especial stress upon the fact that the position of the Porto Rican law providing for the collection of duties is separate from other parts of that law and it is limited in operation in point of time to March 1, 1902. He characterized it as a makeshift to provide revenues for the island of Porto Rico and said it was therefore not entitled to the same favorable presumption that it otherwise would have been. Whatever the motive of the provision it was to his mind a plain violation of the constitution and he quoted numerous authorities in support of the statement.

Government's Case Presented.

When Mr. Ward finished, Solicitor General Richards began the contention of the government's side of the controversy, giving special attention to the effect of the ratification of the Paris treaty upon the relation of this country and Porto Rico. He said that denial of the power which is being exercised by the president and congress amounts to saying that ceded territory becomes by the act of cession an integral part of the United States to which the constitution of its own force applies, placing its people, its products and its ports on an immediate equality with ours and also extending the constitutional limitations to such countries. If this was the case, said Mr. Richards, the treaty-making power in acquiring territory is necessarily limited to providing for the mere act of cession.

"It is thus," he said, "stripped of its proper functions, it cannot treat; it is lame, impotent, impossible, ridiculous."

Mr. Richards argued that newly acquired territory becomes "not a part but a possession of the United States," territory belonging to the United States and he went on to say, "its disposition and government rests under the constitution with the treaty-making power and with congress."

Justice Bowman Asks Question.

"Then does such territory fall within the provision which requires duties to be assessed upon foods arriving from a foreign country?" asked Justice Brown.

Before Mr. Richards could reply he put the question in a different shape, saying: "Does it not cease to be a foreign country?"

To this query Mr. Richards answered: "I think not; not within the meaning of the customs laws.

"The Dingley law treated as foreign all territory outside the limits of the United States, leaving the state and territories then created for customs purposes as the United States and that condition remains until congress may see fit to change it."

Continuing, Mr. Richards contended that the president has not power to extend the limits of the United States, but that the legislative branch of the government may do so upon whatever terms it may see fit. He said further that the parties to the treaty both knew that the location and condition of the islands acquired by the war with Spain would not permit their incorporation into the United States and the application to them of those laws which the constitution requires to be uniform throughout the United States.

"Certainly," he went on, "the treaty never intended to make these tropical islands a part of the United States in the constitutional sense and just as certainly did make them a part of the United States in the international sense."

Mr. Richards had about half concluded his argument when the court adjourned for the day.

M'CARTY STARTS A SECOND SUIT.

Wants Holy Terror Mining Company to Make an Accounting.

RAPID CITY, S. D., Jan. 9.—(Special.)—The McCarty case against the Holy Terror Mining company of Keystone is being tried in this city this week. McCarty was one of three men who originally located the Holy Terror claim. The ground was allowed to go back to the government, but was subsequently relocated by McCarty's partners, leaving him out. McCarty brought suit and won in the higher courts for an interest in the Holy Terror claim, the court holding that a partner cannot be located out of a claim. McCarty has now brought another suit against the company for an accounting. He claims that his interest in the company also takes in the improvements of the mine, in the way of buildings, mills, hoisting plants and in the Keystone mine and appurtenances, which, McCarty claims, were all acquired with money taken from the mine. The company is willing to give McCarty his one-eighth interest in the Holy Terror claim No. 2, but will fight the second one, for an accounting. It is stated that the management of the company has declared that if McCarty wins this second suit the mine will be closed.

FRIENDS GATHER AT BIER

Funeral of Philip Armour Attended by Many Admirers.

SERVICES MARKED BY GREAT SIMPLICITY

Choir Sings Two Favorite Hymns and Dr. Gunsaulus Offers Prayer and Reads Twenty-Third Psalm—Interment at Graceland.

CHICAGO, Jan. 9.—Private funeral services over the body of the late Philip D. Armour were held at 11 o'clock today at the Armour residence, 2115 Prairie avenue. Following the services at the house the body was taken to the Armour mission, where from noon to 2 o'clock it lay in state and was viewed by thousands of people, numbering many friends, acquaintances and throngs of employes from the great packing houses and other business interests of the dead millionaire, many of them standing for hours in the street for an opportunity to get a last glance of their former friend and employer.

The services at the house were of the simplest character, carrying out the expressed wishes of the deceased, and were attended only by the family and close friends. Singing was furnished by the choir of the Second Presyterian church.

Mr. Armour's two favorite hymns, "Jesus, Lover of My Soul," and "Now I Lay Me Down to Sleep," were offered, followed by a solo, "Be Still."

Dr. Gunsaulus of Plymouth Congregational church, where Mr. Armour formerly attended services, then offered a prayer and read the twenty-third Psalm and the fourteenth chapter of St. John. The home of the dead millionaire was filled with flowers. They came from everywhere, many beautiful pieces being sent on cable orders from far-off countries and from employes in nearly every large city of the country.

At 2 o'clock public funeral services were held in Armour mission, and here again simplicity was observed in every arrangement. Dr. Gunsaulus delivered no funeral sermon, simply reading from the fifteenth chapter of Corinthians. Singing by the choir followed, and the vast crowd then united in the Lord's prayer. After conclusion of the services the coffin was taken to a special funeral train and conveyed to Graceland cemetery, where the body was laid to rest in the Armour family lot.

The Commercial club and the St. Andrews society were also present.

FORECAST OF THE WEATHER

No Marked Change Prognosticated—Fair Skies to Continue with Variable Winds.

WASHINGTON, Jan. 9.—Forecast for Thursday and Friday:

For Nebraska and Kansas—Fair Thursday; variable winds; Friday fair.

For Iowa—Generally fair Thursday; north to northwest winds; Friday fair.

For Missouri—Generally fair Thursday; colder except in northwest portion; northwesterly winds; Friday fair.

For North and South Dakota—Generally fair and warmer Thursday; winds becoming southerly; Friday probably local snows.

For Colorado and Wyoming—Generally fair Thursday; variable winds; Friday fair.

For Montana—Fair Thursday; warmer in eastern portion; south to southwest winds; Friday fair; except probable local snows in eastern portion.

For Western Texas and New Mexico—Fair Thursday; variable winds; Friday fair.

Local Record.

OFFICE OF THE WEATHER BUREAU, OMAHA, Jan. 9.—Official record of temperature and precipitation compared with the corresponding day of the last three years.

	1900.	1899.	1898.	1897.
Maximum temperature	18	46	35	45
Minimum temperature	13	26	14	26
Mean temperature	16	36	24	36
Precipitation	.20	.14	.00	.00

Record of temperature and precipitation at Omaha for this day and since March 1, 1900:

Normal temperature	18
Deficiency for the day	2
Total excess since March 1	1131
Normal precipitation	.03 inch
Excess for the day	.17 inch
Total rainfall since March 1	30.44 inches
Excess since March 1	.36 inches
Deficiency for cor. period, 1900	4.36 inches
Deficiency for cor. period, 1899	4.01 inches

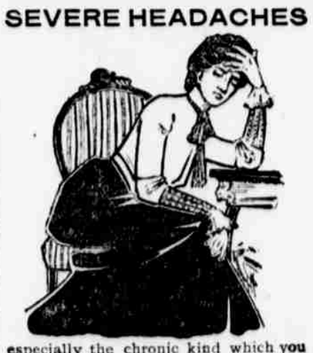
Report from Stations at 8 P. M.

STATIONS AND STATE OF WEATHER.	Temperature at 7 p. m.	Maximum temperature	Precipitation
Omaha, snowing	18	18	.20
North Platte, clear	22	26	T
Cheyenne, clear	20	28	.60
Salt Lake, snowing	20	26	.06
Rapid City, clear	10	24	.00
Huron, snowing	18	18	.04
Williston, clear	-12	-6	.00
Chicago, sleeting	32	32	.34
St. Louis, raining	52	52	.26
St. Paul, snowing	14	14	T
Davenport, sleeting	30	30	.34
Kansas City, cloudy	24	30	.08
Helena, clear	16	20	.00
Havre, clear	-18	-10	.00
Bismarck, snowing	4	6	T
Galveston, raining	64	66	.01

T indicates trace of precipitation. — Zero.

L. A. WELSH,
Local Forecast Official.

SEVERE HEADACHES



especially the chronic kind which you can't relieve are probably caused by disordered Kidneys. If so you are in serious danger, but before being scared let the urine stand in a glass vessel for 12 hours and if there is brick-dust or other sediment you should immediately seek a competent remedy.

MORROW'S

KID-NE-OIDS

are not only the surest remedy for all forms of Kidney and Bladder Trouble but are easiest to take and most inexpensive. This is attested under oath.

NEBRASKA

people cured by Kid-ne-oids. In writing them please enclose stamped addressed envelope.

Mrs. Robert Henderson, W. Market st. Beatrice
Mrs. Emma Wilcox, 324 W. Court st Beatrice
Henry Wippermann, E. Court st. Beatrice
Mrs. George Sweitzer, Elk & 14th sts. Beatrice
Frederick Nims, Sr., 1010 Elk st. Beatrice
L. C. Thompson, Painter, South East Beatrice
Wm. F. Knoblock, 641 N. Main st. Fremont
H. F. Mathes, 434 Jensen st. Fremont
Mrs. Lillie Pratt, 1010 U st. Lincoln
A. E. Moeller, Room 59 Brownell Block, Lincoln
E. J. Kuchera, 1051 O st. Lincoln
Mrs. H. Hoffman, 325 N. 15th st. Lincoln

Morrow's Kid-ne-oids are not pills, but Yellow Tablets and sell at fifty cents a box at drug stores.

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An Excellent Combination.

The pleasant method and beneficial effects of the well known remedy, SYRUP OF FIGS, manufactured by the CALIFORNIA FIG SYRUP CO., illustrate the value of obtaining the liquid laxative principles of plants known to be medicinally laxative and presenting them in the form most refreshing to the taste and acceptable to the system. It is the one perfect strengthening laxative, cleansing the system effectually, dispelling colds, headaches and fevers gently yet promptly and enabling one to overcome habitual constipation permanently. Its perfect freedom from every objectionable quality and substance, and its acting on the kidneys, liver and bowels, without weakening or irritating them, make it the ideal laxative.

In the process of manufacturing figs are used, as they are pleasant to the taste, but the medicinal qualities of the remedy are obtained from senna and other aromatic plants, by a method known to the CALIFORNIA FIG SYRUP CO. only. In order to get its beneficial effects and to avoid imitations, please remember the full name of the Company printed on the front of every package.

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For sale by all Druggists.—Price 50c. per bottle.

WOMAN'S CROWNING GLORY is her hair. If Gray or Bleached, it can be restored to its natural color without injury to health or scalp by one application of the

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THE STANDARD HAIR COLORING. It is absolutely harmless. Any shade, Color fast, and ONE APPLICATION LASTS MONTHS. Sample of your hair colored free.

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Sold by all druggists and hairdressers.

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Electricity, properly applied, is a rebuilder of weak and shattered Nervous systems, a maker of pure blood and sound muscles—a restorer of perfect vigor and vitality. There are no failures. If the right current is applied. I worked the best part of my life to perfect my Electric Belt and know it will cure every form of WEAKNESS in men and women—make them Strong and Vigorous, as Nature intended they should be. You take no chance. If my Belt fails to cure you I will refund every cent you pay for it.

DR. BENNETT'S ELECTRIC BELT

Has saved many a Weak person—it