

"May a member of said court be interested, directly or indirectly, in any contracts made by the court in behalf of the county for any purpose?"

In reply thereto I have to say that the law seems to be (as it ought to be) clear to the effect that no member of a county court can be interested, directly or indirectly, in any property purchased for the use of the county, nor can any member of said court be interested, directly or indirectly, in any contract made in behalf of the county "for the erection of public buildings, the opening and improvement of roads, or the building of bridges, or for other purposes." It is a principle of law, generally enacted by positive legislation, as in this Territory, that no public officer entrusted with the management of public affairs shall be permitted to deal or bargain with the municipality through himself as a public official. This is true on the ground of public policy, or public interest, which is the same thing.

Applying this principle to the case stated by you, I am of the opinion that it is clearly in violation of the statute for a selectman of a county to furnish supplies, labor or teams in the matter of the opening or improvement of public roads.

Very respectfully,
CHAS. S. VARIAN,
U. S. Attorney.

A DEATH BED INCIDENT.

It is not often that pontifical blessings are bestowed upon heretics, but lately an exception to the rule took place, when his holiness sent his compliments to the empress of Russia. The occasion was this. Some time ago, the emperor and empress visited a hospital for cholera patients in St. Petersburg. In one room was a nun writhing in the agony of death. She had entered the hospital to nurse the sick and had fallen a victim to the dread scourge. The empress took the hand of the dying sister, whispered a few words of consolation, and kissed her. The incident was telegraphed to the pope and he immediately sent a message with his blessing to the empress, and expressed his intentions to remember the imperial lady in his prayers. "You are," he said, "one of the most faithful of my children, although not belonging to my church." The empress wired back that she had only performed a duty.

The Roman Pontiff *Maximus* and the heads of the Russian church shaking hands, as it were, at the death bed of a poor nun, is of more than common importance.

WHAT ARE WE HERE FOR?

Few political aphorisms, elucidations or questions have received wider circulation than the demand of Hon. Webster Flanagan, a delegate from Texas in a Republican national convention. He was evidently not in entire sympathy with the sentimental declarations regarding civil service, and in caucus got so impatient at the way things were going that he rose in his might and wanted to know, "What are we here for if it isn't for the offices?"

In the course of time he seems to have received an answer satisfactory to

himself, at least, for he now holds the very lucrative position of collector of customs at El Paso, Texas. But alas, with the growth of favorable circumstances, he has apparently conceived of a still more comprehensive definition of his world-renowned conundrum. He has in fact, if the action of the local grand jury is to be considered a criterion, linked his own problem to another—that of the incoming of the "heathen Chinese," and it is more than likely that the two will hereafter sail merrily down the tide of time together.

Two bills of indictment were returned by the inquisitors against Mr. Flanagan, his deputy and a Chinaman yesterday, the charge being the aiding and abetting of Chinese in unlawfully entering the United States. It is said by the grand jury, also, that the custom house force has a habit of seizing stock recklessly and without due process of law along the border, and that the Chinese exclusion laws are a dead letter—all of which makes the atmosphere in the collector's neighborhood assume any thing but a rosy tinge.

These exposures are calculated to impress Mr. Flanagan that there are certain things "we are not here for," and if matters go on as they have begun, it may soon be in order for him to propound that other famous interrogatory—"Where am I at?"

THE IRVINE TRIAL.

LINCOLN, Neb., Oct. 22. — Your correspondent has been unable to telegraph you for several days, news of the Irvine trial, as the wires were down until Thursday, and yesterday being Columbus celebration, the trial adjourned over the day.

The testimony was in no wise sensational during the week, the bulk of it being as to the defendant's action upon his return from Chicago, after learning from his wife of the doings of herself and Montgomery, which is told below in the address of Attorney Abbott, counsel for Irvine.

Irvine himself was placed upon the stand this week and in answer to the questions put to him by the attorneys rehearsed this story by intervals, there being no material difference between his and Mr. Abbott's recital.

A very affecting scene took place on Monday when little Flossie, the eight-year-old daughter of the defendant, tripped lightly into the court room and rushed into the arms of her father, where she sat in loving embrace for some time. No one knows whether or not Mrs. Irvine is in the city, but the surmise is that she is at the home of her old friends Attorney and Mrs. Abbott.

The testimony is now in, it being concluded by the evidence of experts on insanity, Dr. Kuapp, Leonhardt and others testifying as to visional hallucination, mania transitory, etc. This all tended to the advantage of the defense, and no one has a doubt about the acquittal of Irvine on the grounds of temporary insanity. The defense, having admitted the shooting of Montgomery by W. H. Irvine, now lay before the jury the question of the

insanity of Irvine at the time of the tragedy. Experts have been placed upon the stand this week, and among them Dr. B. D. Eastman, of Kansas, who has probably had a wider range of practice and observation among the insane than any man in the country. It was his opinion, virtually, that Irvine was insane at the time. The fact that it was shown that insanity had existed in the Irvine family tended to strengthen this opinion, and that all the incidents leading up to the shooting would or could bring on a transitory frenzy which, the witness declared, seldom lasted more than twenty-four hours. Dr. Griffin, Dr. Leonhardt, Dr. Knapp and others also held the same opinion. The testimony of the experts concluded the taking of evidence and the argument is now in progress.

Attorney Adams opened on the part of the prosecution at 2:15 on Thursday afternoon. His remarks to the jury were somewhat scathing to Abbott of the defense and to Irvine also. He endeavored to show that the relations of Irvine and his wife were not so affectionate as the defense would have the jury believe, and in a measure hooted the question of insanity. He referred to Irvine's sound judgment through all of his investigations, such as securing copies of telegrams, letters, a page from the hotel register, etc., and refusing to take his wife back. He could believe that Mr. Irvine, after learning what he did, came to Lincoln to see Abbott, his attorney, solely and that he entertained no hatred toward Montgomery then. He dwelt upon the fact that Irvine went to the Lincoln hotel before he did to the house of this friend upon whose neck he was journeying from Chicago to Lincoln to weep. Of transitory mania, he said that it came upon a person suddenly and not slowly and by degrees. It came like a ball of lightning.

For more than an hour he talked and it was a bitter arraignment of the defendant, who listened intently to every word and showed no signs of any effect.

The court room was filled with spectators many of whom were ladies.

On Thursday afternoon, at the conclusion of Adams' address, some discussion was held among the court and attorneys and it was decided to hold an evening session, as the next day being Columbus celebration, no session would be held. J. B. Strode followed for the defense and his address was more an effort of sympathy than anything else. He characterized the case as one of justifiable murder, painting a picture of Irvine's happy home, loving wife and innocent daughter, and holding it up before the jury in the shape of their own homes. He dwelt upon Irvine's good character, even temper, morality, etc., and then exhibited orally the sudden change, passion, and the fury which his discoveries had brought. He made a strong point of the fact that Montgomery had had Mrs. Irvine register in Chicago as his sister, thus deceiving her and her husband, both his friends, and all for the sake of defiling her person and wrecking her peace of mind and her happy home.

At the evening session of the court counsel resumed his address by hold-