CHANGES IN THE SENATE

Why a Number of Statesmen Will Not Enjoy the Holidays.

THEIR POLITICAL PROSPECTS POOR

Some of Those Who Will Not Receive Christmas Presents in the Shape of an Extension of Time in Office.

WASHINGTON BUREAU OF THE BEE.
1407 F Street, N. W.,
WASHINGTON, Dec. 22.

The statesmen have flown from the field of national legislation to their homes in various parts of the country to celebrate the Christmas holidays with their children, wives, kinfolks and neighbors. All of them may eat, drink and be merry Christmas day, but some of them will not feel certain that their's is to be a happy New Year for some time after the commencement of the last half decade of the century.

Senator Berry of Arkansas can be happy, not only throughout this holiday season, but for some time afterward, for he has made his calling and re-election sure by the recent action of the legislature of his state whereby he was chosen for another senatorial term for six years.

Senator Matthew C. Butler of South Carolina will not spend a hilariously happy time while others are making merry, for after eighteen years' service in the senate he has been retired to private life by a political avalanche, which indicates that in the Palmetto state, "old things have passed away; behold all things have become new." Senator Butler is one of the handsomest, most courtly, most scholarly gentlemen in the senate, and his retirement will be regarded as a public misfortune by all who have had the pleasure of his personal acquaintance.

Senator Johnson N. Camden of West Virginia can afford to have a merry Christmas and a happy New Year, although his political skies are dark with defeat, which is unexpectedly accomplished and certain to be lasting. Senator Camden is 66 years of age, has had honors galore all throughout his life and has accumulated millions of dollars' worth of property. He can well afford to retire to private life; but it is not pleasant for him to feel that such a bitter political enemy as Steve Elkins is to succeed him.

CAREY'S COMING FIGHT.

Senator Joseph M. Carey of Wyoming is going home to attend a guessing match. Nobody can tell what the Wyoming legislature will do. There is a republican majority, and of course a republican senator will be elected to succeed Senator Carey, whose term will expire in March, but whether it will be Senator Carey or not cannot now be predicted. People in Washington who know the splendid character and strong friendships made by him, and the sterling worth of Senator Carey, expect him to be re-elected. But our sovereign states have the faculty of making many mistakes. Many a good man, experienced in statesmanship, powerful in legislative work, able and diligent in looking after state interests, has been set aside to make room for some man who must learn all things, and whose full term is to be expended in studying those things which the rejected statesmen have committed to memory.

Senator William E. Chandler of New Hampshire is also to attend a guessing match at Concord. He believes that he will be re-elected, and his republican friends hope that he may be. But, there is Ex-Senator Henry W. Blair, a man of strong individuality and warm friendships, who is after the senatorial toga, and manifestly determined to get it or tear the traces. May the best man win.

Senator Shelby M. Cullom of Illinois wants another term in the senate, and his friends believe that he will get it. But Editor Medill of the Chicago Tribune, who calls him "Nimble Shelby," has been trying for some time to lift himself by the boot straps into the seat so long occupied with honor and ability by the author of the interstate commerce law. Whatever the prospects may be, Senator Cullom will not feel like shouting "Happy New Year" until after the Illinois legislature expresses its opinion. The re-election of the experienced statesman would be no mistake. He is regarded by his fellow senators as a great man and a good man; a man of whom any state might be proud; a man of whom no state need feel ashamed. His private life is beautiful. His public life is honorable.

DOLPH IS NOT UNEASY.

Senator Dolph of Oregon, one of the handsomest men in the senate, has been a member of that august body ever since 1883, and is a statesman of vision extending beyond state lines. He is a man of extraordinary ability, an omnivorous reader, a steady worker, and a ready debater. He has little reason to fear the election of any other than himself for the next term of six years. He will therefore take his turkey, dressing and cranberry sauce without any misgivings or misapprehensions.

Senator William P. Frye of Maine, a man of nervous sanguine temperament, whose strong face shows the sturdy characteristics of his Swiss ancestry, will probably be elected without difficulty for the term which commences March 3, next. He is one of the strongest men in the senate; the strongest man the legislature of the great state of Maine could find to succed her most eminent citizen, James G. Blaine, when the magnetic leader left the senate to become secretary of state at the begining of the Garfield administration. Senator Frye has been a forceful leader in the house of representatives. He has always been acknowledged as a strong party leader in the senate.

Senator Isham G. Harris of Tennessee was guessing for some time after the November elections; but as soon as it was ascertained that the Tennessee legislature had a democratic majority there was no doubt entertained that Senator Harris would be re-elected. He does not give his age or date of birth in the congressional directory, but from the fact that he commenced the practice of law in 1841, it is assumed that he must have been born not later than 1820, which would make him now several years more than the biblical three score years and ten. But he is in the height of his physical and intellectual vigor, and as forceful and aggressive as any man in the United States senate today. His re-election is assured, and Tennessee deserves to be complimented for her loyalty to so strong a man.

HIGGINS' PLEASANT PASTIME.

Senator Anthony Higgins of Delaware, is doing more guessing than all the other senators, whose term will expire next March. He has ample food for thought; for he is bucking up against a great combination. Nobody knows what shall the harvest be in Delaware. Senator Higgins is a creditable senator, a man of great experience in public affairs before he was elected to the senate, a man of strict integrity in public affairs, and of perfect probity in private life. He is a scholar, a lawyer, and an orator of merit. The legislature of Delaware is republican. It is a pity that all Delaware republicans are not able to say hurrah for Higgins. He's all right.

Senator George Frisbie Hoar of Massachusetts will eat his hasty pudding and smile benignantly upon the legislature of the old Bay state; for there is no doubt of his re-election. Santa Claus has always been good to Senator Hoar, and he will leave no switches in his stocking this year. On the contrary, if he will hang up his best stockings, he will get another senatorial commission in one of them for another term of six years. He has earned it. He is one of the great and good men of this age. He is honorable to the core. He has been in public life for a full generation, and has been a member of the senate for eighteen years. He is 69 years young, and apparently growing younger all the time.

Senator William Lindsey of Kentucky, who was appointed and elected to succeed the great Kentuckian, Carlisle, will be re-elected early in January, for a full term of six years. He is a large man physically, and a man of merit in his state. He occupies a commanding position in the senate as an orator of earnestness and force. He is primarily a lawyer, secondarily a statesman. He is a large man physically, and a loveable character to his acquaintances. He is popular at home, and will have both a Merry Christmas and a Happy New Year, in the midst of the prodigality of Kentucky hospitality.

M'LAURIN NOT DISAPPOINTED.

Senator McLaurin of Mississippi will retire to private life in March, but his Christmas will be none the merrier for all that. He only came to the senate temporarily to take the place of the brilliant Walthall, who resigned in order to take a rest of a year from legislative labor and turmoil. Senator Walthall was re-elected to succeed himself next March, before he resigned his place for McLaurin. He will return to the senate, after eating his Christmas pie. He stuck in his thumb and pulled out a plum, and said: "What a great boy am I," long before Senator McLaurin ever hoped to come to the senate for a little, brief appearance upon the stage as a member of that splendid body.

Senator James McMillan of Michigan, a self-made man, a poor boy who acquired all his wealth by his own superior ability, will be re-elected by the legislature of the Wolverine state, without opposition. He is a business man, a sturdy worker, never claiming or attempting the graces of oratory, and yet he has delivered some of the most magnificent addresses concerning the business condition of the country ever put forth by any man in the upper branch of the American congress. His Christmas will be merry and his New Year will be happy, for his future is bright with hope and promise. He deserves the happiness and honor which he has earned by many years of honest toil. His home in Detroit is built upon the site which he purchased twenty years ago on the installment plan, when he was working for monthly wages. He has bought additional lots, and erected upon the original site a palace which is also a monument of industry and frugality.

Senator John Roderick McPherson of New Jersey will not spend a Merry Christmas nor a Happy New Year, but his lack of merry making is not caused by the loss of political position. He has lost his health and seems likely never to entirely recover it.

QUAY'S KINDLY WORDS.

During the past two years he has been subjected to a great deal of criticism for his public actions. One day, in the senate restaurant, when some gentlemen were freely criticising Senator McPherson, Dick Quay said: "I dislike to hear criticisms of Senator McPherson. He is a good man, has done his state good service, and deserves good words rather than abuse. If he were well and strong he would need no defense; but he is ill, and I would rather not hear unkind remarks about him." I have always liked Dick Quay better since I heard him make those remarks.

Senator John T. Morgan of Alabama, the noblest Roman of them all, a typical senator, a dignified statesman, an encyclopaedia of general information, a scholar, a philosopher, a manly man, and one who is acquainted with grief, for he has lost some of his best beloved kindred, has been re-elected by the legislature of the state which has long delighted to honor him, and has thereby honored himself, will spend Christmas day in Washington, where he has quiet, unpretentious apartments. He is a remarkable man, vigorous, independent, and every way strong and forceful. It is a pity that there are not more men like him in public life. With malice toward none, but with charity for all, he sometimes utters the most sarcastic sentences which make his opponents wince. It was he who spoke in such terrific denunciation of presidential interference in legislative affairs, concluding his remarks by saying: "The clock strikes in the white house, and the cuckoos come out of their boxes to tell us the time of day."

Senator Richard Franklin Pettigrew of South Dakota will have prairie chicken and quail for his Christmas dinner at his pretty home in Sioux Falls. He is yet a comparatively young man and will be re-elected without opposition. Fourteen years ago, when but a very young man, he represented the great territory of Dakota in the house of representatives. He was the first senator elected by the new state when it was admitted to the union. His strongest characteristic is his loyalty to his friends. He has helped more young men to the pathways of success upon the prairie of the frontier than any other man now in public life. His re-election will be a compliment to his state, as well as himself. He has acquired a standing and influence in the senate which have enabled him to accomplish many things of value to his prairie state.

RANSOM HARD HIT.

Senator Matt W. Ransom of North Carolina bears a brave front, as becomes a courageous soldier and experienced statesman. But Matt Ransom was hard hit by the recent political cyclone. He has been a member of the senate for twenty-four years. It is a home to him, and he will be lonely without the position which has grown into himself, as he has grown into it during all these days, months and years. He is a polished courtier, a Chesterfieldian statesman, and always punctilious senator, and a man of marked ability. It is a pity that any state should retire from public life a man of such sagacity and valuable experience. But this is a republic, and the people seldom make mistakes in their choice of public servants.

Senator George S. Shoup of Idaho is on the guessing block and doing a big bit of thinking. Congressman Sweet, a popular young man, is after the seat of the veteran, and is pushing hard for the exaltation. Senator Shoup will not permit reverse to worry him, nor success to elate him. His has been a varied experience, and he is quite a philosopher. Nearly forty years on the western frontier, in the army, in mining camps, in prospecting parties, in the saddle, after Indians, running from Indians, scouting, speculating, money making, accumulating wealth, receiving high political offices by appointment and by election, he is too big a man to permit anything to prevent him from having a Merry Christmas and a Happy New Year.

Senator James F. Wilson of Iowa, feeble and growing feebler, declined to be a candidate for election to a third term, and the Iowa legislature has already chosen Governor Gear to succeed him.

IN WAR TIMES HE WORKED.

In the stirring war times, a generation ago, James F. Wilson was one of the aggressive leaders of the house of representatives, and was called by many the pride of the Mississipi valley. He was chairman of the committee on the judiciary, a superior lawyer, a great debater, a very ardent patriot. During his twelve years in the senate he has done nothing of note. He has disappointed the friends who expected much of him on account of his earlier career. In truth, when in the senate Mr. Wilson has always deferred to Senator Allison, and not tried to assert his own individuality.

Senator Edward C. Wolcott, the athlete of the senate, the picture of health, has made his calling and election sure. He recently received a letter signed by a majority of the members of the Colorado legislature, assuring him that he will be re-elected, and that he need not even come home to look after his interests. It seldom happens that any statesman has such a high compliment paid to him, but Senator Wolcott is a remarkable man. When only 16 years of age he was a volunteer soldier in the ranks of the boys in blue. He is a stalwart, handsome man, possessed of excellent judgment, a magnetic orator, a cultured gentleman.

Thus it appears from a survey of the situation that the joys and sorrows of life are equally distributed in the classes most favored, as well as in the classes least favored with the wealth, honor, pomp and glory of the world. Happiness is largely a matter of comparison. Some of these gentlemen will bemoan their fate if they are not re-elected; and yet, nearly every man in the country would feel delighted with the honor of a single term in the United States senate. But, having once enjoyed the bauble of fame, it is always difficult to relax one's grasp upon it. However it may be with these gentlemen who are guessing the future, all of their friends will pray for their health, and for the health of their families, and that they may all live long and prosper.

Contracted for a Submarine Boat.

WASHINGTON, Dec. 22.—Secretary Herbert today gave orders for the preparation of a contract with the Holland Submarine Boat company for the construction of a submarine boat to cost $150,000. The bureau of construction and steam engineering, which has carefully examined the matter reported that the plans were feasible, that there was no danger to the crew of the boat, and the thickness of the shell of the boat should be half an inch at the middle belt, tapering to three-eighths of an inch at the ends.

Two Amendments by Bryan.

WASHINGTON, Dec. 22.—Representative Bryan has introduced two joint resolutions affecting the term of office of the president. One resolution proposed an amendment to the constitution, making the president ineligible to succeed himself; the other makes the president ineligible to a second term.

Money to Protect Government Timber.

WASHINGTON, Dec. 22.—Representative Coffeen of Wyoming has introduced a bill appropriating $125,000 to meet the expenses of protecting timber on public lands.

WILL REST FROM ITS LABORS

Senate Takes an Adjournment for the Usual Holiday Recess.

TWELVE DAYS IN WHICH TO RECUPERATE

Mr. George of Mississippi Strongly Objected to the Resolution, but Withdrew His Opposition After an Hour Spent in Talk.

WASHINGTON, Dec. 22.—There was but a small attendance of the senate when that body was called to order today by President Pro Tem Harris, a number of the senators having left for home in anticipation of the holiday recess.

Mr. Cullom, republican of Illinois, presented a series of resolutions adopted by a meeting of citizens of Chicago on December 9 expressing sympathy with the Armenians.

Mr. Cullom also introduced a bill providing for the establishment of an assay office in Chicago.

After further routine business had been transacted the holiday adjournment resolution was formally laid before the senate, and Mr. Cockrell, democrat of Missouri, said it was perfectly manifest to those familiar with the transaction of business in the senate that it would be impossible to keep a quorum here between now and January 3; a similar condition of affairs would exist in the house. He had never asked the senate to do anything for his comfort, nor would it be any comfort to him to have the senate adjourn for the time proposed. In view, however, of the existing conditions, he asked unanimous consent that the resolution be now considered.

Mr. George, democrat of Mississippi, however, objected.

For the purpose of bringing the matter before the senate Mr. Manderson, republican of Nebraska, moved the reference of the holiday adjournment to the appropriations committee.

Mr. Morgan then addressed the senate on the resolution. He said he was well aware that a holiday recess would not meet with any great favor. He believed it was the duty of the senate (as on former occasions) to sit during the holidays and he proposed to take such steps to test the sense of the senate on the question. He did not do this to delay or annoy senators, but simply to have a fair expression of the senate on the question. If the senate adopted this resolution one-third of the session would have expired and not a single appropriation have been passed. In taking the step he did he said he had the support of a number of other senators. The senate had decided emphatically that no rule should be adopted to facilitate business, so that in the two months remaining after January 1 the business transacted will be what a small minority of this body decide it shall be. The senator then named a number of important bills on the calendar which would give rise to considerable discussion, among them being the Carlisle financial bill now pending in the house and the item in one of the appropriation bills making an appropriation to collect the income tax.

Mr. Manderson, republican of Nebraska, in a brief speech expressed the hope that no factious or personal opposition would be made to the resolution. In answer to a question by Mr. Frye he pointed out that even debate on a bill could be stopped if the point of no quorum was made.

Finally, Mr. George withdrew his objection and the adjournment resolution was placed before the senate and passed.

Mr. Dolph, republican of Oregon, moved to secure consideration of the bill to amend a section providing for an adjustment of land grants made by congress to aid in the construction of railroads, etc., and which he explained enabled the present law to be applied to a certain class of land cases which seemed to have been overlooked in the original law.

Messrs. Call, democrat of Florida, and Allen, populist of Nebraska, objected and Mr. Dolph withdrew his motion.

Mr. Morgan had the floor to reply to Mr. Turpie's remarks on the Nicaraguan bill. He said, however, that the latter's speech had not appeared in the record until today, and he was satisfied that he would not have time enough to complete his remarks before adjournment. He was willing to yield to a motion for an executive session, which prevailed, after which, at 1:45 p. m., the senate adjourned until Thursday, January 3, at noon.

News for the Army.

WASHINGTON, Dec. 22.—(Special Telegram.)—First Lieutenant Philip P. Powell, Ninth cavalry, is relieved of duty at the Military academy, Peekskill, N. Y., and will relieve First Lieutenant Charles W. Rowell, Second infantry, professor of military science, tactics, Grove City college, Pennsylvania. He is granted leave from January 1 to February 25, 1895.

Carl Johan Burgquist, company B, Second infantry, Omaha, is discharged from the service.

House Democrats Will Caucus.

WASHINGTON, Dec. 22.—As was stated in these dispatches several days ago, a caucus on the currency question will probably be held by democratic members of the house shortly after the recess. Representative Culberson of Texas has been instrumental in suggesting a caucus as to the best means of determining on a course of action. He says no definite decision has been reached, but that the caucus will undoubtedly be held. This is the general feeling among democratic leaders, although there are so few of the rank and file in town that no positive arrangement has been attempted.

WISE COURTS INVESTIGATION.

Says He Appointed Republicans Because They Were Competent Men.

WASHINGTON, Dec. 22.—The denial of Collector Wise of the port of San Francisco of the charges of violation of the civil service law was shown Civil Service Commissioner Roosevelt today. Mr. Roosevelt said: "The charges were filed with the commission some time ago and will be given a thorough investigation before the commission can tell whether they have any foundation. The charges are not as grave in the case of Collector Wise as are those in the cases of certain others which the commission intends to investigate in the immediate future. But charges have been made alleging various infractions of the law in several places throughout the country. Doubtless some of them are ill founded and all of them may be. The commission will conduct an investigation of all of them and find out the truth."

SAN FRANCISCO, Dec. 22.—Collector of the Port Wise, in discussing the charges made against him by Civil Service Commissioner Roosevelt, soon to be investigated, said: "I shall dodge nothing, and I court the most thorough investigation. I have scrupulously obeyed the law. For example, in the Midwinter fair months, I had the absolute appointment of the inspectors and I appointed nearly all republicans, because they were competent men. There are some cases where there is a question what the law is, and in such any man may make mistakes, but aside from these there is nothing that can be questioned. I defy Roosevelt or any one else to show that I have not scrupulously observed the law."

Meiklejohn Pushing Pension Claims.

WASHINGTON, Dec. 22.—(Special Telegram.)—Congressman Meiklejohn, member of the house committee on pensions, has this session called for the status of more than 100 pension cases and requested that they be made special by reason of the fact that the claimants reside in the drouth stricken section.

H. C. Brome, an Omaha attorney, is here on business.

Representatives Mercer, Meiklejohn, Hainer and Bryan of the Nebraska congressional delegation were present during the proceedings of the house today. Mr. Bryan will leave for home tonight. The others will spend their Christmas holidays here.

New Nebraska Postmasters.

WASHINGTON, Dec. 22.—(Special Telegram.)—The following postmasters have been appointed: Nebraska—Aspinwall, Nemaha county, J. S. Ebrother, vice J. W. Macomber, resigned; Austin, Sherman county, Elias S. Ogle, vice W. H. Ogle, removed; Ellis, Gage county, F. H. Hume, vice H. C. Martindale, removed; Hershey, Lincoln county, Lizzie Strickler, vice J. H. Hershey, resigned; Marengo, Hayes county, R. K. Nickerson, vice John Roe, resigned; Richfield, Sarpy county, E. L. Griffith, vice George Sutter, resigned. South Dakota—Mansfield, Brown county, W. B. Cannon, vice James Mansfield, removed.

Herbert Makes Some Christmas Presents.

WASHINGTON, Dec. 22.—Secretary Herbert today made several substantial Christmas gifts in the exercise of his clemency. Among them he remitted the unexpired portions of the sentences imposed upon Commander Heyerman and Lieutenant Lyman in consequence of the casting away of the Kearsarge. These officers had four months of their year's suspension remaining.

Mutsu May Be Japan's Representative.

WASHINGTON, Dec. 22.—Now that China has appointed commissioners to go to Japan to negotiate for peace, it is probable that the latter country will appoint commissioners to meet them. It is believed here that Mr. Mutsu, the minister of foreign affairs, will be Japan's chief representative. An armistice will likely be declared, pending the peace negotiations.

Engelhorn Gets His Land.

WASHINGTON, Dec. 22.—(Special Telegram.)—The secretary of the interior has rendered a decision on the appeal from the decision of the commissioner of the general land office in the case of Gottlieb Engelhorn against Levi E. Patterson, from the Chadron district, Nebraska. The judgment of the commissioner is affirmed and the land awarded to Engelhorn.

Priests Ordained by Cardinal Gibbons.

BALTIMORE, Dec. 22.—The following priests were ordained at the cathedral this morning, Cardinal Gibbons officiating: John C. Murphy, John T. Kinney, Thomas T. McDevitt and James Grace of Chicago; Bernard Cunningham, Louisville, Ky.; Jerome B. Hannington, San Francisco, and William Sharon, St. Paul, Minn.

To Open a Military Reservation.

WASHINGTON, Dec. 22.—Representative Doolittle of Washington has introduced a bill opening the Yashou island military reservation in Washington to settlement.

Their Commissions Made Out.

WASHINGTON, Dec. 22.—(Special Telegram.)—Scott McKim was today commissioned postmaster at Detroit, Ia., and Edward Gotthelf, at Marion, S. D.

Treasury Cash Balance.

WASHINGTON, Dec. 22.—The cash balance in the treasury today was $154,068,952, and the true amount of the gold reserve $88,921,559.

INCOME TAX IN THE COURTS

Broker Moore Files a Suit to Enjoin the Collection of the Same.

CLAIMS IT IS UNCONSTITUTIONAL

Is Unfair and Discriminating in Its Provisions and Unless the Collection is Enjoined the Complainant Will Have No Adequate Redress.

WASHINGTON, Dec. 22.—The first steps have been taken in the district supreme court to test the constitutionality of the income tax laws. J. B. Wilson, as counsel for John B. Moore of the New York firm of Moore & Schley, applied to Judge Cole of the equity branch of the supreme court of the District of Columbia for an order restraining John S. Miller, commissioner of internal revenue, from assessing and collecting a tax upon his income. Because of the importance of the action, it is expected that the court will fix an early day for the hearing.

This is only one of a number of legal attacks that will soon be made upon the income tax, and each suit will be based upon different grounds. The moving parties are New York business men. It is the intention of a number of these individuals to refuse to pay the tax and appeal to the courts in each case.

Mr. Moore's complaint in detail sets out his case under six heads, and his prayers in four. He represents:

First, that he is a citizen of the United States and of the state of New York, residing and doing business in the city of New York, and brings this suit in his own right.

Second, that the defendant, Joseph S. Miller, is also a citizen of the United States, occupying and discharging the duties of the office of commissioner of internal revenue, and as such is sued.

Third, that the complainant is a shareholder in divers corporations, organized, existing and doing business in the United States, under and by virtue of their respective acts of incorporation, and which said corporations have net earnings from which they pay dividends to the complainant and also to other stockholders, from which net earnings there will be paid to the complainant during the year 1894 divers sums of money as such dividends.

Fourth, that, independent of and in addition to these dividends, the complainant has an income—derived from the gains and profits of his business, and embraced within section 27 and 28 of an act of congress entitled "an act to reduce taxation, to provide for the government and other purposes," the present tariff act, which became a law without the approval of the president of the United States—largely in excess of the sum of $4,000 per annum and upon which income, including the dividends before mentioned, the defendant, commissioner of internal revenue, has threatened to, and, unless restrained, will proceed to assess the sum of 2 per cent on the amount of your complainant's income in excess of $4,000 per annum.

ENTAILS DOUBLE TAXATION.

Fifth, the complainant further shows by reference to section 29 of said act of congress, that these corporations are also required to pay a tax of 2 per cent on their net earnings and by sections 27 and 28 of said act the complainant is required to pay a like tax upon the said moneys so paid to him, as dividends, thereby wrongfully duplicating the tax on the complainant. By referenceto section 27 of the act the complainant shows to the court that said taxation is unjust and unequal in that it discriminates against the complainant for the purposes of taxation between persons who are citizens of the United States and wrongfully exempt such persons from taxation aforesaid who have an income up to and not exceeding the sum of $4,000 per annum and thereby complainant and all others in the same condition, is denied the equal protection of the law. Further, by reference to sectionns 27 and 28, it is shown to the court that there is associated with the taxation of citizens of the United States and subject to the proposed taxation and not separable therefrom the provision that the persons who are aliens but who reside in the United States, whether permanently or only temporarily, shall likewise be subject to the payment of the income tax, although such income is derived wholly from rents, interests, dividends, salaries, or from any profession, trade, employment or vocation carried on elsewhere than in the United States, thus undertaking unlawfully and without authority to tax the incomes of citizens of foreign countries alien to the United States, who have within the United States a temporary residence for temporary purposes, although incomes are derived wholly from sources not within the jurisdiction of the United States.

No exemption is made in the act from the taxation of the incomes of incorporations within the United States, of which there are many, which, although carried on for profit, are created, owned and operated by the several states as government institutions for the promotion of the police and other public functions, which corporations are not subject to taxation by the United States. It is also shown that the assessments are to be made upon the income of the complainant and others that had been earned and received prior to the time the provisions of the act took effect, and that the said taxes are not within the constitutional jurisdicion of congress to impose.

NO REMEDY IF HE PAYS.

Fifth, it is also alleged that the commissioner is taking steps to make an assessment against the complainants and collect not only for the first year's income tax, but also by the requirements of the act for the incomes likely to arise yearly and continuously until 1900. The commissioner and his subordinates are now taking necessary steps to make the assessments and collections of the income taxes. It is averred that if the taxes are collected, although unlawful and unjust, the complainant would have no remedy to recover from the United States, or only by long litigation, rendering the remedy useless. The act, it is charged, is invalid in the provisions so imposing the income tax, and in such provisions is unconstitutional, inoperative and void; if the taxes are collected he would be without adequate legal remedy for redress of the illegal collections, in view of the continuousness of the taxes, as provided, until January 1, 1900. Unless restrained by the court, the complainant, as to the illegal assessments, will be subjected to the harassment, expense and annoyance of a multitude of suits resorted to during the period in enforcing the assessments. On this ground it is prayed:

First, That a subpœna issue to require the commissioner of internal revenue to appear and answer this bill, but not under oath, such answer being expressly waived.

Second, That during the pendency of the cause, the commissioner and persons acting under his authority be restrained and enjoined from any act looking to or contemplating the collection of the income tax as provided by the act.

Third, That on final hearing of this cause the defendant and all persons acting under him and by his authority may be perpetually restrained and enjoined from doing any act or acts so looking to or contemplating the collection of such tax or any part thereof, as provided for in that act of congress.

Fourth, And for all further relief that may be just and equitable in the premises.

The case will probably be brought up for trial in the equity court before either Judge Cox or Judge Hagner early in July. Ex-Senator Edmunds of Vermont has been retained by Broker Moore and will take a prominent part in the trial. The other counsel are Judge Jeremiah Wilson and Judge Samuel Shellabarger.

BRYAN ASSAILS CLEVELAND.

Stood by the First Democratic President on the Currency Question.

WASHINGTON, Dec. 22.—There were but few members on the floor this morning.

Three bills were passed by unanimous consent before the regular order was demanded. One was passed on motion of Mr. Doolittle, republican of Washington, to grant American registry of the barks Linda of North Carolina and Archer of Washington; the others passed, respectively, on motion of Messrs. Painter, democrat of Kentuck, and Gear, republican of Iowa, were pension bills.

Debate on the currency bill was then resumed.

Mr. Coombs, democrat of New York, opened in favor of the bill.

Mr. Bell, democrat of Texas, followed in opposition to the bill. He said the argument of the advocates of this measure reminded him of Touchstone's plea for Audrey in "As You Like It." Touchstone confessed that Audrey was not particularly favored, but she was "mine own."

Currency reform was to become a fad, he thought. He noticed that its practical direction was toward contraction. A witness before the committee had been frank enough to confess that the repeal of the purchase clause of the Sherman act was only the "first step." It was now proposed to retire the entire greenback circulation.

Mr. Bowers of California and Mr. Bryan of Nebraska also opposed the bill. The latter attacked the secretary viciously for dumping into the committee on banking and currency and the house, a hastily considered bill like the one pending. Its weakness was demonstrated when, after four days of verbal bombardment, it had been practically withdrawn and another measure substituted. Mr. Bryan said that, stripped of its verbiage, the bill was a simple proposition to authorize the government to loan banks money at a low rate of interest, or at no rate, to be in turn loaned by them at whatever rate they could secure. Mr. Bryan directed attention to the contradictory views of Cleveland and Jefferson, the last and first democratic presidents on this subject.

"Mr. Cleveland thinks," said he, "that the issue of currency is a function of the banks. Jefferson declared such an issue is a function of the government and thought the banks should go out of the issuing business. I am not ashamed that I stand by Thomas Jefferson and not Grover Cleveland."

Mr. Bryan said he had been and was now in favor of gold and silver money because the amount of money would depend on thee law of supply and demand.

At the close of Mr. Bryan's speech, the house, at 5:10 p. m., adjourned until January 3, 1895.

Appointments Confirmed by the Senate.

WASHINGTON, Dec. 22.—The senate in executive session today confirmed the following nominations: Charles H. Mansur of Missouri, to be assistant comptroller of the treasury, office created July 31, 1894; Marshall Petet of Veedersburg, Ind., to be Indian agent, Klamath agency, in Oregon, and Thomas B. Tetter of West Virginia, to be Indian agent of the Fort Hall agency in Idaho.

Why Are War Ships Not Kept in Hawaii.

WASHINGTON, Dec. 22.—Senator Lodge today introduced a resolution instructing the secretary of the navy to inform the senate why all ships of the United States have been withdrawn from the Hawaiian islands, and whether, in view of the interests of the United States and of the citizens of the United States a ship of war should not now be at the island and at Honolulu.

Havemeyer's Case Argued.

WASHINGTON, Dec. 22.—The cases of President Henry F. Havemeyer and Treasurer John E. Searles of the American Refining company, were argued in the district supreme court today. No decision was announced and no time indicated as to when one would be rendered.

MEIKLEJOHN IN A NEW ROLE

Captures a Murderer Who Stood the Neighbors Off with a Revolver.

TURNED HIM OVER TO THE POLICEMEN

Had Shot His Stepdaughter and Then Kicked and Stamped the Body of His Dying Victim—Murderer Supposed to Be Insane.

WASHINGTON, Dec. 22.—A horrible murder was committed in the northeast section of the city this afternoon. Joseph A. Bean shot and killed his stepdaughter, Mrs. Annie L. Leahy, sending five bullets into her body. When the deed was done and she lay on the floor in a pool of blood he kicked and stamped upon his dying victim. The noise of the shooting drew a number of citizens to the scene, but the murderer held them at bay, threatening them with his still smoking revolver. Congressman George D. Meiklejohn of Nebraska, who was on his way home from the capitol, heard the shots, and, hastening to the scene, succeded, unaided, in capturing the murderer. Bean is a carpenter by trade, but of late has been of dissolute habits, and for two months has not lived with his wife, who became tired of supporting him in idleness. Congressman Meiklejohn wears a Mason's charm and button, and when he appeared on the scene Bean noticed it.

"Are you a Mason?" he cried to the congressman.

"Yes," answered the latter, approaching.

"So am I," shouted the murderer, "and a Grand Army man. "I have killed a woman and they are trying to kill me. I want you to protect me."

While Bean was saying this the congressman slipped around behind him and pinioned his arms. In a moment he gained possession of the weapon and handed it over to the police, who took Bean to the station. Mr. Meiklejohn then quietly continued his journey home. It is thought that Bean is insane. He does not appear to regret his deed, which he says was an act of humanity nicely accomplished.

AMENDING TONNAGE LAWS.

Measure for Relieving American Ships of Onerous Burdens.

WASHINGTON, Dec. 22.—The house committe on fisheries and merchant marine yesterday considered a number of amendments to the bill regarding the movement of the net tonnage of American vessels.

Commissioner of Navigation Chamberlain proposed most of them and they are favored by the Cramps and other large ship builders. By the present law American vessels are given a much higher rating than foreign vessels of the same size, and as wharfage and docking charges are usually based on this rating, they are forced to pay more than foreign ships do for the same privileges. While other nations allow an American vessel to be measured according to their respective laws and thus to obtain the benefit of lower net tonnage and lower taxes, still this involves delays and expenses, and the custom of American masters appears to be to pay charges on the tonnage stated in their American registers. The committee finally decided a draft of a bill to be substituted for the one now pending before it and to be reported to the house as soon as possible. The reduction of net tonnage proposed by this bill will, in effect, reduce the operating expenses of every American vessel engaged hereafter in foreign trades. The bill brings the laws of the United States into substantial accord with the laws of Great Britain and other powers. It does not materially affect gross tonnage.

In detail it removes the present limits of 5 per cent for crew space and of 50 per cent for all deductions, including propelling power. The removal of these limitations conduce to the comfort and health of crews and to the construction of speedy vessels. It prescribes that spaces for the berthing of the crews shall be constructed and cared for with regard to the health and comfort of its members. There is now no statutory regulation in this country governing the construction of the quarters of the crew. The various deductions for propelling space, sail room, and navigation spaces, etc., correspond with the deductions permitted by Great Britain, Norway and other nations. It is proposed that the bill shall go into effect on the first day of next July. The owners of vessels documented before that date are thereafter to have the option of availing themselves of its benefits or retaining of their present measurement.