OLNEY ON THE INCOME TAX

Many of the Plaintiffs' Objections Simply Perfunctory in Character.

CONCEDES TWO POINTS FOR ARGUMENT

Plaintiffs' Contention Boiled Down to the Necessity for Assessment by Apportionment and Violation of the Constitution Regarding Uniformity.

WASHINGTON, March 12.—The proceedings in the income tax cases in the supreme court today opened with argument by Attorney General Olney on behalf of the government for the validity of the tax. The court room inside the bar was crowded, and there was no time when the limited capacity of the room was sufficient to accommodate the audience. Mr. Olney began by saying that the chief interest of the government in the litigation was limited to the constitutional questions which the several plaintiffs allege to be involved. Whether they are really involved, he would not attempt to determine. An examination of the plaintiff's bills, briefs and arguments seemed to him to show that many of the alleged objections to the validity of the income tax were simply perfunctory in character. "They are taken pro forma—by way of precaution—because of the possibility of a point developing in some unexpected connection—and just as a good pleader, be his knowledge of his case and of the pertinent remedies ever so thorough, never fails to wind up with the general prayer for other and further relief. No time need be spent in discussing the averments that the income tax law is an invasion of private rights or takes property without due process of law. The propositions are pure generalities, and if there is anything in them, it is because they comprehend others which are the only real subjects of probable discussion. Again, suppose it to be true that the income tax law undertakes to ascertain the income of citizens by methods which are not only disagreeable, but are infringements of personal rights, the consequence is not that the law is void, but that the hotly-denounced inquisitorial methods can not be resorted to. The like considerations apply to the objection that the law is to be pronounced void because taking the agencies and instrumentalities of the governments of the several states. It has not yet been definitely adthat the income of state and municipal securities is not taxable by the United States when assessed as part of the total income of the others.

ONLY TWO POINTS IN CONTROVERSY.

"If I am right in these observations," he continued, "the constitutional contention of the plaintiffs simmers down to two points. One is that the income tax is a direct tax and must be imposed according to the rule of apportionment, and the other is based upon the alleged violation of the constitution with regard to uniformity."

He declared that whether an income tax is what the constitution describes as a "direct" tax is a question as completely concluded by repeated adjudications as any question can be. It is not a direct tax within the meaning of the constitution unless that the concurring judgments of this court have all been erroneous. Speaking on another point raised by the appellants, he said, no land tax is aimed at or attempted by the statute—there is no lien on land for payment—and the whole scope and tenor of the statutes show the contemplated subject of taxation to be personal property and to be nothing else.

Mr. Olney devoted considerable time to the meaning of the word "uniform," as applied to the collection of imposts, excises, etc., declaring that the word had a territorial application and no other.

"The power to tax," he said, "is for practical use and is necessarily to be adapted to the practical conditions of human life. These are never the same for any two persons, and as applied to any community, however small, are infinitely diversified. Regard being paid to them, nothing is more evident or has been oftener declared by courts and jurists than that absolute equality of taxation is impossible—is, as characterized in an opinion of this court, only a 'baseless dream.'"

NEVER ABSOLUTELY UNIFORM.

No country, for example, no state of this union, ever adopted a plan of taxation that did not exempt some portions of the community from a burden that was imposed upon others. The power to do so is unquestioned and is universally exercised. Nevertheless, the privilege to exempt has bounds. It cannot be used without regard to the end in view, nor to gratify a mere whim or caprice. The rules of uniformity place no restriction upon a division of the community into classes for taxable purposes which the legislature may deem wise. Uniformity between members of a class created for taxable purposes is required. It is quite beside the issue to argue in this or any other case that congress has mistaken what public policy requires. On that point congress is the sole and final authority, and its decision once made controls every other department of the government. The statutes make no exemption of a class that is based on some obvious line of public policy, and the class being established, one uniform rule is applicable to its members. Take for example the principal classification of all—the grand division by which the entire population of the country is separated into people with incomes of $4,000 and under who are non-taxable and people with incomes of over $4,000 who are taxable. It is manifest that in this distinction congress was proceeding upon definite views of public policy and was aiming at accomplishing a great public good. It was seeking to adjust the load of taxation to the shoulders of the community in the manner that would make it most easily borne and most lightly felt.

Take another illustration—that of business corporations. The net incomes are taxed at the standard rate of 2 per cent, but undiminished by the standard deduction of $4,000. The result may be that a man in business as a member of a corporation is taxable at a little higher rate than a man in the same business by himself or as a copartner. Here, it is claimed, is a distinction without a difference. It is common knowledge that corporations are so successful an agency for the conduct of business and the accumulation of wealth that a large section of the community views them with intense disfavor as maliciously and cunningly devised inventions for making rich people richer and poor people poorer. When, then, this income tax law makes a special class of business corporations and taxes their incomes at a higher rate than is applied to the incomes of persons not incorporated, it but recognizes existing social facts and conditions which it would be folly to ignore. Mr. Olney closed as follows:

STAKES ARE ENORMOUS.

"It would certainly be a mistake to infer that this great array of counsel, this elaborate argumentation and these numerous and voluminous treatises miscalled by the name of briefs, have any tendency to indicate anything extraordinary or unique either in the facts before the court or in the rules of law which are applicable to them. All these circumstances prove is the immense pecuniary stake that is being played for. It is so large that counsel fees and costs and printers bills are absolutely of no consequence. It is so large and so stimulates the efforts of counsel that no rule or principle that stands in the way, however well settled and however long and universally acquiesced in, is suffered to pass unchallenged. It is matter for congratulation, indeed, that the existence of the constitution itself is not impeached and that we are not treated to a logical demonstration that, for all taxable purpose, we are still under the old articles of confederation. Seriously speaking, however, I venture to suggest that all this laborious and erudite and formidable demonstration is bound to be without effect on one distinct ground. In its essence and in its last analysis, it is nothing but a call upon the Judicial department of the government to supplant the political in the exercise of the taxing power; to substitute its discretion for that of congress in respect to the subject of taxation, the plan of taxation and all the distinctions and discriminations by which taxation is sought to be equitably adjusted to the resources and capacities of those who have it to bear. Such an effort, however weightily supported, can, I believe, have but one result. It is incvitably predestined to failure unless this court shall, for the first time in its history, overlook and overstep the limits which separate the judicial from the legislative power, and the scrupulous observation of which is absolutely essential to the integrity of the constitutional system of our country."

When Mr. Olney closed James C. Carter began his argument. He stated that he appeared for the Continental Trust company, which had been advised that the tax was constitutional, and he was glad to say they had decided to obey the law, for he was pleased that there were some rich men who did not object to the imposition of such a tax. He said the juniors in the case, Messrs. Guthrie and Whitney, had confined themselves to the law, and it remained for "the master" (by which term he meant to designate Senator Edmunds), to show that the question was one not confined to such narrow limits and to show it dealt with the fundamental principles of the government and dealt with the entire governmental fabric, and in doing so, he asserted Mr. Edmunds had demonstrated the question was one with which the court was not called upon to deal.

CONGRESS SUPREME IN ITS SPHERE.

Mr. Edmunds had complained of the injustice perpetrated by the last congress. Do we not all know that any congress can, if it sees fit, and desires to exercise its prerogatives, trample upon the interests of the people? The court cannot protect us. There is no redress. Congress has also functions as well as the courts. It was to be regretted that in some cases better men were not sent to congress. "I am not," he asserted, "one of those who believe congress has retrograded; at least, if I did believe it, I should not assert it here," which declaration caused the court to smile and sent a ripple of laughter through the entire audience.

Mr. Carter asserted that he agreed with counsel for the appellants in the necessity for equality in taxation, but he stated that the true test in the matter of equality was the ability to pay, accordingly the principle of levying burdens.

Mr. Carter dwelt upon the tendency of people to evade taxation and took issue with Mr. Edmunds on the point that the people do not pay the great burden of the taxes. The rich, he said, were able to defend themselves, while the poor men were not able to do so. "Inevitably," he declared, "the poor must go to the wall. The object of the income tax was to, in a measure, correct this inequality and shift a part of the load from the shoulders of the poorer classes to those of the more opulent."

Touching the question of exemptions, he said it was necessary to make them, as for instance, the wages of the laborer and the incomes of the lower and middle classes. What then have you left but the incomes of those who have all that is necessary to supply the wants of life and a surplus besides? "There is a source of taxation which no wise statesman should leave untouched, for he can take from that source without affecting the comfort or welfare of any human being. Why, for instance, should not Mr. Edmunds pay a tax upon a fee of $5,000 the same as the Vermont man who owns a $5,000 farm? No, the income tax had proceeded on the ground that a part of the burden of taxation should be levied on the rich and not on the poor, just as a wise economist in private life would not live upon his capital, but would devote his income to that purpose."

JUSTICE GRAY ASKS A QUESTION.

Furthermore, the capacity to collect as well as to levy a tax was held in mind. If, for instance, the limit in the income tax law had been placed at $20,000 instead of $4,000, it might be that in Texas there would be no one with sufficient income to make the law applicable to him and thus Texas would remain altogether untaxed under that law."

At this point Justice Gray interrupted Mr. Carter to ask if he did not believe the framers of the constitution had meant in specifying duties, imposts and excises, that all other taxes should be regarded as direct and to hold to the idea then so prevalent of coupling taxation and representation, but Mr. Carter replied that such a construction would put a limit upon the constitution by implication which he did not believe would fall within the duty of the court. The framers of the constitution evidently proceeded upon the theory that they had disposed of duties, imposts and excises by proscribing them, while all other taxes provided must necessarily follow the rules of apportionment. He did not believe they would have been caught in such a predicament.

Discussing the question of the meaning of the word "uniformity," as used in the constitution, he said it was known that the framers had in mind territorial uniformity, but it was not known that they meant general uniformity. Nor could he find an injunction of uniformity in the word "tax" as others professed to do.

Mr. Carter was discussing the question of classification when interrupted by Justice White with an inquiry as to how he would account for the various decisions of the courts to the effect that attempts at classification were in fact not classifications, but mere evasions.

"When," replied Mr. Carter, "there is an evasion I grant it is an exercise of arbitrary power, but when these acts are based on public grounds and do not constitute an arbitrary proceeding, the act is legitimate. Congress, in such a case, is seeking to establish its own policy. It may be right and it may be wrong, but it is guilty of no evasion, and it does not become necessary for the courts to interfere.

With regard to the assertion that the subject of taxation in the case of state and municipal bonds was not in the power of congress, he maintained that the question had never been determined and was open to argument.

CHOATE MAKES THE CLOSING PLEA.

Mr. Choate followed Mr. Carter, speaking for the appellants. His is the closing argument in the case, and as he began only forty minutes before the court adjourned for the day he had only fairly opened when the hour for adjournment arrived.

"After Jupiter had thundered all around the sky and had levelled everything by his thunderbolts," Mr. Choate began, "Mercury came out from his hiding place and looked around to see how much damage had been done, but he knew that it was only stage thunder, and was enabled to reassure gods and men."

He came as Mercury did, to bring calm and assurance, and he would not attempt to vie with Mr. Carter. He declared he had never before heard the argument used by Mr. Carter that the popular wrath might in any event sweep the supreme court away. He had been likewise surprised to hear that congress was to be the sole judge of the powers confided to it by the constitution. As for himself, he believed there were private rights of property to be considered, and he believed this court was delegated to pass upon such questions as were here involved without asking the consent of the attorney general or any one else. He declared the income tax was communistic, and said it was defended here upon principles as communistic, socialistic and populistic as had ever been addressed to a popular assemblage, and he had been astonished that the attorney general had made a plea for its toleration on the ground that it was directed only at the rich. Mr. Choate said if the law was enforced New York, New Jersey, Massachusetts and Pennsylvania would pay nine-tenths, yes, nineteen-twentieths, of the tax. This, he declared, was sufficient evidence of inequality. He controverted the position that there was no help for this state of affairs.

He thought it would appear differently in case it could be shown the constitution had been contravened. He did not believe under the constitution congress could undertake the functions of levelers. If the exemption as now provided was sustained by the court it might be extended. If the power was to be checked it must be checked now. Stating the plan of his review, Mr. Choate said his position was that the income tax was wholly void because absolutely and in all its parts it was a direct tax and not imposed by the rule of apportionment. He admitted the possibility of the unwillingness of the court to accept this view in all its breadth, and for this reason he would present the case on somewhat narrower grounds, in accordance with former precedents, in all matters except in the case of the income tax. The basis of his argument would be the clear distinction between direct taxes on the one hand and excises and imposts on the other. He would assume that all duties, imposts and excise taxes were shut out from the class of direct taxes, while on the other hand any tax on the income from real estate, etc., was a direct tax and therefore inhibited by the constitution. Mr. Choate will take up the constitutional aspects of the question upon the opening of his argument tomorrow.

Not Money Enough to Do Business.

ST. JOSEPH, March 12.—H. M. Garlich, a member of the State Board of Fish commissioners, sent his resignation to Governor Stone yesterday to take effect immediately. The yearly appropriation for the board had been placed at $15,000, although, Mr. Garlich says, $24,000 is needed, and it is for this reason he resigns.

MIGHT CALL CONGRESS BACK

If the Income Tax is Defeated in Court an Extraordinary Session is Probable.

MANDERSON TALKS ON THE SITUATION

Deficiency in the Revenue Certain to Follow if the Law is Held Unconstitutional—Will Demand Immediate Remedial Legislation.

WASHINGTON BUREAU OF THE BEE, 1407 F Street, N. W., WASHINGTON, March 12.

"I can see but one reason," says ex-Senator Manderson of Nebraska, "for the calling of an extra session of congress. I have never thought that an extra session of congress would be called, and I do not now agree with the agitators of that possibility, but I can see in the immediate future one contingency which might induce the president to believe that an extraordinary session of the Fifty-fourth congress should be called. I have always believed that the income tax clause of the revenue bill of 1894 was unconstitutional. I believe now that it is unconstitutional, and I am confident that the supreme court will decide in the case pending before it that the income tax cannot be collected, for the reason that it is unconstitutional. In the event of such a decision from that tribunal, there would be a manifest deficiency in the revenues of the government, which might influence the mind of the president to such a degree as to induce the belief that an extraordinary session of congress should be called, and of course if the president should entertain such an opinion he would not hesitate to issue a proclamation convening the new congress for the purpose of bringing about remedial financial legislation. I do not believe that there is a democrat today living who is old enough to remember the experiences of himself and his neighbors with the income tax of war times who will say that he believes the income tax is constitutional. It is a direct tax, pure and simple, and places upon a certain class of citizens a greater burden of taxation than is imposed upon other citizens having equal rights before the law, and under the constitution. I recollect very vividly how unpopular the income tax was in the army. Officers went very unwillingly to the paymaster and permitted deductions from their salaries on account of that direct tax. Of course we all realized that it was one of the hardships of war, and apparently a necessity for the revenues of the government at that time, but we regarded it as a great hardship to be obliged to give up to the paymaster a percentage of our pay when the greater portion of it was already mortgaged. Of course we bought all of our rations, and were indebted to the sutler, the commissary and to the quartermaster, for many of the necessities of life, as well as what were then called some of the luxuries of life in the field. We would draw the pay due us for three or four months and give to the paymaster such deductions as he demanded for the income tax, and then were obliged to distribute our money to the sutler, commissary and quartermaster. The income tax was a hardship, and the only possible excuse for it at that time was that it was one of the necessary hardships of the war; but it was as unconstitutional then as it is unconstitutional today. I can, however, see no other ground for the rumors which are prevalent to the effect that the president intends to call an extra session."

HENDERSON AND CANNON FRIENDLY.

Colonel Henderson of Iowa is now the senior republican member of the house committee on appropriations. By all rights of precedent and procedure, Colonel Henderson is entitled to the chairmanship. The fact that ex-Chairman Cannon is a candidate for the chairmanship has given rise to a rumor that Henderson and Cannon are at outs, and saying hard things about each other. As a matter of fact, there are no better friends in congress than Henderson and Cannon. They live at the same hotel when in Washington, have rooms on the same floor, eat at the same table, and love each other as brothers; even better than some brothers. During Colonel Henderson's recent confinement to his room on account of a second amputation of his leg, one of his most genial companions was Mr. Cannon, who spent many an hour in his room, telling stories, playing cards and narrating the daily events at the capitol to divert and amuse his friend. No matter to whom that important chairmanship may go, Cannon and Henderson will continue to be friends. Concerning Colonel Henderson, in the conversation above referred to, Mr. Cannon said:

"He is one of the noble fellows of this earth. His soldier record is superb. As a legislator he has been honest, faithful and painstaking. He would be a good chairman of that committee. He has been a member of it for about ten years. His appointment would be a wise one, for he is capable and honorable. But of course I want it myself, and hope that I may get it."

During the last few days of the Fifty-third congress, when there seemed to be a possibility that some of the appropriation bills might fail, there was a great deal of gossip concerning the possibilities and the probabilities of the necessity of an extra session of congress, but when the time for adjournment arrived all of the great appropriation bills had been passed, and had received the approval of the president, so that, unless the supreme court decision may render it necessary, there is not now, and there is not likely to be in the immediate future, any necessity for a proclamation convening an extra session.

WORK ON RIVER IMPROVEMENTS.

Captain H. Hodges, who has charge of improvements on the Missouri river, between Stubbs Ferry, Mont., and the lower limits of Sioux City, has submitted his report of the work done during the month of February at Sioux City. Operations have been confined to calking and repairing barges. The river is still closed and no further operations can be undertaken as yet. At Pierre, S. D., three carloads of lumber were delivered under contract by James H. Owen, two of which were rejected. The repair of the plant at that place has been in progress during the month. The report states that at both Sioux City and Pierre the repairs to the plants will be continued during the month of March, and material will be received.

Lieutenant Colonel MacKenzie, who has part of the improvements on the Mississippi river, with reference to the operating and care of the Des Moines Rapids canal says: "That the canal has been closed to navigation during the month and a portion of the repairing operating force has been employed in the machine shop on miscellaneous repairs, and a small additional force has been repairing the plant." The work of construction of dams and shore protection from Dubuque to Clinton under contract with Jachman, has been kept up during the month and will be continued during the current month.

Postmasters were appointed today as follows: South Dakota—Bakerville, Custer county, Melvin Lucas, vice A. D. Ennis, resigned. Iowa—Genoa, Wayne county, W. T. Close, vice C. W. Heckerhorn, resigned.

F. B. Riley has been awarded the contract for carrying mail between Devoe and Faulkton, S. D., at his price of $176.75.

AMERICAN CATTLE ALMOST FREE.

German Animals Show a Larger Percentage of Disease Than Ours.

WASHINGTON, March 12.—In reviewing an article by Veterinarians Boysen and Vollers on the importation of American beef cattle, the Hygienische Rundschau, Hamburg, under date of February 15, says: The authors protest against the misrepresentations and fears which are scattered through the newspapers that tuberculosis exists in cattle in America to an enormous degree, and also that pleuro-pneumonia is still more prevalent and that the American stock raisers are forced on this account to ship their cattle to Europe at a merely nominal price. In Hamburg from the year 1889 to the present time there were in all 1,104 and in other German cities altogether 918 imported cattle slaughtered. These animals were subjected to a careful veterinary inspection, not only before being slaughtered, but afterward as well. It was impossible to fine pleuro-pneumonia in a single case, while tuberculosis was present in only four of these animals. In two of the latter the entire carcasses were condemned, while with the other two it was only necessary to condemn single organs. Accordingly only one-twentieth of 1 per cent of the American cattle were tuberculosus, while 20 per cent of the German steers slaughtered in Hamburg have been found tubercular. It is noticed parenthetically that, strange to say, the American cattle were very free from liver flukes. The report considers the condition of the stock as fully equal to that of the stock raised on home meadow lands. Boysen and Vollers see a coming danger in the American meat for the German producers for the German meat trade, which is well founded, not only on account of the lower price, but in the high standard of cattle breeding and in the perfection of the American cattle. The German stock raisers are advised to study the achievements of Americans in stock raising and to consider how the tuberculosis which is constantly spreading around them in the German stock may be arrested.

TIMBER ON PUBLIC LANDS.

Congress Made No Provision for the Preservation of Forests.

WASHINGTON, March 12.—There is some regret expressed in the Interior department over the failure of congress to amend the present laws relating to the cutting of timber on public lands and for the disposition of timber, not only upon the forest reservations, but upon other timbered lands. Secretary Smith said that the substitute framed by Senator Teller, which passed the senate about a week before the final adjournment of congress, and which never received further consideration owing to the lack of time, was satisfactory to the department with one or two exceptions, and these were of such a minor character that little trouble was anticipated in finding an adjustment. The fact that nothing has been done leaves the secretary without measures or means to protect the forest reservations or to dispose of timber upon other lands except under the permit system, which he has not found advantageous. Another effort will be made in the next congress to secure legislation for the better protection of forests on the public lands.

WESTERN LEAGUE SESSION CLOSED.

Disputes All Settled and a Schedule for the Season Finally Adopted.

MILWAUKEE, March 12.—The board of directors of the Western league met today at the St. Charles hotel and settled a number of disputes. Tony Mullane was awarded to St. Paul and Perry Werden was ordered to play with Minneapolis. The schedule committee worked all night on a schedule, and today submitted it for consideration. It adopted the schedule for next season shortly before midnight. The season opens May 1, as follows: Kansas City-St. Paul at Kansas City; Milwaukee-Minneapolis at Milwaukee; Detroit-Toledo at Detroit, and on May 2, Indianapolis-Grand Rapids at Indianapolis. Holiday games are as follows: Minneapolis and St. Paul play two games July 4 at Minneapolis; Kansas City and Milwaukee two games July 4 at Kansas City; Grand Rapids with Kansas City at Grand Rapids, two games, May 30; Detroit and St. Paul, two games, at Detroit on September 2; Toledo and Minneapolis at Toledo, two games, May 30; Toledo and Milwaukee at Toledo, two games, September 2; Toledo and Detroit, two games at Toledo, July 4; Indianapolis and St. Paul at Indianapolis, two games, May 30; Indianapolis and Kansas City at Indianapolis, September 2, two games; Indianapolis and Grand Rapids, two games at Indianapolis, July 4.

RESULTS ON THE RUNNING TRACK

Rey Alta at 12 to 1 Was the Good Thing of the Day at Bay District.

SAN FRANCISCO, March 12.—The departure of a number of stables for the east has made no difference in the size of the fields and all the events today were well filled. Rey Alta was the good thing of the day. He opened at 20 to 1, and was backed down to 12 to 1. Jim Neal won $8,000 on the race. In the third race, Adolph, 20 to 1, was left at the post. Bell Ringer, 10 to 1, broke down in the steeplechase and did not finish. Summary:

First race, about six furlongs, selling: Don Caesar, 106, Griffin (9 to 10), won; Prince Devine, 97, Chorn (5 to 1), second; Emma Mack, 95, Sloane (10 to 1), third. Time: 1:14. Rosalie, Ed Stanley, Mowitza, Mendocino, Haymarket, Sissy Jupe, Vangadene and Santa Rosa also ran.

Second race, six furlongs, selling: Rey Alta, 105, Sloane (12 to 1), won; Arnette, 88, Qinne (2½ to 1), second; Ledalia, 100, Griffin (15 to 1), third. Time: 1:15. Toby, Burmah, Terra Nova, King Sam and Sympathetic's Last also ran.

Third race, seven furlongs, selling: Lonnie B, 126, N. Carr (2 to 1), won; Remus, 128, Smith (20 to 1), second; Wawona, 125, Griffin (1 to 5), third. Time: 1:29¼. Barcaldine, Little Bob Warrago, Olivia, Huntsman, Red Pat, Robin Hood I and Adolph also ran.

Fourth race, mile and a half, steeplechase: Three Forks, 126, Clancy (2½ to 1), won; April, 115, Cairns (8 to 1), second; Wyanshot, 133, Allmark (8 to 1), third. Time: 3:22. Guadeloupe, Nestor, Relampo, Major Ban, The Lark and Bell Ringer also ran.

Fifth race, six furlongs, selling: Hyman, 100, Chorn (4 to 1), won; Mary S. 102, Griffith (4 to 5), second; Thorn, 109, Covington (10 to 1), third. Time: 1:14. Mahogany, Harry Lewis, Roeation and Miss Buckly also ran.

NEW ORLEANS, March 12.—Weather rainy and warm; track dead. Results:

First race, five furlongs: Chenoa (3 to 1) won, Herkimer (4 to 1) second, Maquon (9 to 2) third. Time: 1:01½.

Second race, six furlongs: Virgin (3 to 1) won, Lucasto (7 to 1) second, Joco (20 to 1) third. Time: 1:18½.

Third race, seven and a half furlongs: Mote (5 to 1) won, Rapidan (4 to 1) second, Void (3 to 5) third. Time: 1:39.

Fourth race, six furlongs: Gold Dust (7 to 1) won, Tramp (4 to 1) second, Hodgson (6 to 1) third. Time: 1:17¾.

Fifth race, six furlongs: Colonel A. T. Moore (4 to 1) won, Verdi (3 to 1) second, Adah Foy (20 to 1) third. Time: 1:21.

Wolf Chase Coming Up.

An old-time wolf chase has been on the tapis among hunters of Omaha for some time. Several lovers of the sport are the possessors of excellent foxhounds. To decide the relative merits it has been agreed that two wild wolves will be turned loose at 11 a. m., Friday, March 18, one mile west of Florence on the Nelson dairy farm. The wolves will be given thirty minutes start and then the hounds will be given the scent.

The owners of good hounds of Omaha and Council Bluffs will enter. There is no money consideration, but all who desire to participate will notify Peter Stock, 1811 St. Mary's avenue, not later than Thursday evening.

Eastern Iowa League Formed.

CEDAR RAPIDS, Ia., March 12.—(Special Telegram.)—A base ball organization to be known as the Eastern Iowa league was formed in this city today. The league will consist of seven Iowa and one Illinois towns. Officers elected were: President, Tom Loftus, Dubuque; vice president, R. W. Sweeney, Galesburg, Ill.; treasurer, T. S. Metcalf, Cedar Rapids; secretary, George S. Shugart, Dubuque. Salary limit was fixed at $500. The season opens May 19 and continues four months. The league comprises the following cities: Dubuque, Davenport, Cedar Rapids, Clinton, Burlington, Waterloo and Marshalltown, Ia., and Galesburg, Ill.

Pigeon Race Up the Coast.

SAN FRANCISCO, March 12.—A pigeon race is being arranged for next June, the course to be from this city to Portland, or a distance of over 700 miles on the air line track. Southern birds have gone into training for the race with a $500 stake and ten times that sum in side bets. The owners are rival pigeon fanciers of Portland. The trainer started the birds on a trial trip at 9 o'clock this morning. They are expected to arrive at Portland in twenty-four hours. The pigeons will be sent to and from over the air line track at frequent intervals until the day of the race.

Baldwin's Memphis String.

LOS ANGELES, March 12.—E. J. Baldwin has shipped the following horses to Memphis: San Diego, Eldorado, Ray El Santa Anita, Arapahoe, Happy Days, Salonica, Caracas, Rey Del Carredes, Granada, Alamo, Santa Cruz, La Fiesta, Chiquita, Lary Diamond, El Capitan, Florentia, La Paloma, Auriola, Onalaska, Elaine, Del Coronado, Visalia, Queen Alba, Volate, Argentine, Ramiro, Falling Water, Lavinta and Alvarado.

Chance for McAuliffe in Mexico.

CITY OF MEXICO, March 12.—James F. Carrol, in answer to Jack McAuliffe's sweeping challenge to fight him to a finish for the lightweight championship of the world, claims that when McAuliffe bested him they fought out of class. The Mexican National Athletic club will hang up $6,000 for the contest.

Rival for Bay District.

SAN FRANCISCO, March 12.—The Pacific Coast Jockey club, headed by Ed Corrigan and Adolph Spreckels, has been incorporated and work on the new track at Ocean Side will soon be commenced.

Grand Jury Not Ready Yet.

NEW YORK, March 12.—The extraordinary grand jury again disappointed the crowd that gathered in the court foyer and terminer by not reporting today. After adjournment District Attorney Lindsey and Judge Ingraham went to the judge's private chambers.

MOB HELD FULL SWAY

(Continued from First Page.)

This trouble had been brewing for a long time, as every one knows, at least the papers would seem to give that impression."

General John Glynn, commanding the state troops, was seen this afternoon by an Associated press reporter and asked what action the militia would take in case of further trouble. General Glynn stated he was engaged in keeping Governor Foster well informed upon what was taking place here; that orders received by him from Governor Foster would not be disclosed, but that orders issued by himself he could make public, but he had not given any, awaiting the commands of the chief executive.

A visit was then paid to the British consulate on Carondelet street, between Canal and Common streets. The consul stated that Captain Woods of the British steamship Engineer had called upon him in the morning after Purser Bain was shot, and made a statement of the fact of the shooting. The consul declined to make any statement as to what action would be taken.

ONE OF THE INJURED DIES.

Leonard Mellard, the negro who was shot in front of the Sugar exchange this morning, died at the Charity hospital at 5:30 p. m.

J. H. Bain, the wounded purser of the British steamer Engineer, is comfortably quartered at the Touro infirmary. His wounds are by no means so serious as they were at first supposed to be.

Another body has been identified as that of Henry James, a colored laborer.

Henry Bland, a colored laborer, who resides in Algiers, crossed the river this morning in search of work, and had just left the ferry when the firing began. He received a load of shot in the body, and was taken back to his home, where he now lies in a dangerous condition.

The police, up to 8 o'clock tonight, had made but two arrests in connection with the riot. Mike Fitzpatrick and Robert Brooks, both white screwmen, were taken into custody in the morning. Both men were wounded, Brooks in the groin and Fitzpatrick in the wrist, and are said to have been shot by their comrades during the promiscuous firing. The prisoners were charged with inciting to riot and were remanded to await a hearing.

Calmly reviewing the happenings of the morning, everything would seem to indicate the attack to be a prearranged affair. It is rumored, and there is every reason to believe the rumor correct, that a secret meeting was held last night and the bloody affair of this morning carefully mapped out. The details seem to be that the crowd of rioters who were sent up town were residents of the lower districts, while those who were sent down town were those who live up town. The guns and rifles which were used by the down town men who went up town seem to have been deposited in the various saloons along the levee. The men assembled somewhere in the vicinity of Nun street, and in a dense fog proceeded up the levee. It seemed to be generally understood that the guns used by the men who went down town were taken to some place in the vicinity of the sugar refineries in a wagon and then were secreted until such time as they were required. It also seems to be agreed that in the preconcerted attack the shooting should be done between 6:45 and 7:30 o'clock, at a time when the men would be going to work.

NO FEDERAL INTERFERENCE NEEDED

State Authorities Considered Amply Able to Handle the Difficulty.

WASHINGTON, March 12.—The United States will not send troops to New Orleans until it has been fully demonstrated that the city and state officials are no longer able to maintain the peace and protect the interstate traffic. This determination was reached late this afternoon and telegraphed to United States Attorney Earhart at New Orleans. Mr. Olney, in speaking of the situation at New Orleans, said that so far as he has been able to learn neither the city nor the state authorities had called out the local militia or taken any vigorous measures to suppress the existing lawlessness. He had no doubt, however, of the ability of the local authorities to handle the mob if they really set about doing so, and in any event the government would not interfere until the situation was beyond the control of the state, aided by all the military force at its command.

The British officials here regard the present trouble in New Orleans as the outcome of racial agitation. The progress of the trouble is being closely observed by the British officials, though they feel confident the local authorities in Louisiana are doing everything possible to suppress the disorder, and if the trouble passes beyond local control the federal authorities will take such steps as are necessary to protect foreigners and Americans alike. If the offense was shown to be against Bain because he was an Englishman, it is expected Sir Julian Pauncefote will demand an explanation. If, however, the man's nationality had no part in the affair and he was hit because he was in the mob, then no attention will be given to the incident. The action of the Italian government at the time of the lynchings is cited as the ruling motive of the diplomatic aspect of the trouble. The lynchings were against Italians as such and not against a miscellaneous mob, including Italians.

Altgeld Congratulates Olney.

SPRINGFIELD, Ill., March 12.—Governor John P. Altgeld was this evening asked his opinion regarding Attorney General Olney's negative reply to the request of the United States district attorney at New Orleans asking for federal troops to assist in quelling the riots there. Governor Altgeld expressed some surprise that the national government should change its policy absolutely regarding the sending of troops into states where trouble existed. He maintained the position he took last summer when federal troops were sent into Illinois. He said Attorney General Olney was clearly right. He said in part: "This embodies the very essence of local self-government, and free institutions cannot exist without respecting this principle. The country is to be congratulated on the fact that the government at Washington can have a lucid interval."

Orders for Army Men.

WASHINGTON, March 12.—(Special Telegram.)—Captain William W. Gibson, Ordnance department, will proceed from Watertown Arsenal, Mass., to Providence, R. I., on business pertaining to claim made by the Builders' Iron foundry for work done in the manufacture of twelve-inch mortar carriage.

Captain William C. Rawolle, Second cavalry, is granted three months extended leave; First Lieutenant Harry C. Carbaugh, Fifth artillery, fifteen days extended leave; First Lieutenant John T. Thompson, Ordnance department, fourteen days extended.

FOR

FIFTEEN DOLLARS

Down and $8 monthly you can buy a fine

—PIANO—

Orchestral grand, 4 feet 6 inches high, 3 pedals, engraved panels, ivory keys, continuous hinges, choice of walnut, mahogony or oak case, stool and scarf..... $185

WHY PAY RENT

When you can have every dollar you pay right in your house, and thereby make a savings bank of your instrument?

Call on or address

A. HOSPE, Jr. 1513 Douglas St., Omaha, Neb.

Nicoll the Tailor

IS showing the most complete and handsome line of

Spring and Summer Woolens

in the city,

At prices to fit your purse.

"BREVITY IS THE SOUL OF WIT."

GOOD WIFE! YOU NEED

SAPOLIO

Fine Cooking at Home.

Some people think that they cannot prepare the delicate soups and sauces and delicious made dishes which are peculiar to the best French cooking in their homes. But by use of

Liebig Company's Extract of Beef

as a stock for Soups, Sauces, Made Dishes, they can be made easily, cheaply and successfully at home.

N. B. Get the genuine Liebig COMPANY'S and avoid disappointment. See that the signature of JUSTUS VON LIEBIG is in blue on the jar.

J. v. Liebig

W. L. DOUGLAS $3 SHOE IS THE BEST. FIT FOR A KING.

$5. CORDOVAN, FRENCH & ENAMELLED CALF. $4.$3.50 FINE CALF & KANGAROO. $3.50 POLICE, 3 SOLES. $2.50 $2. WORKINGMEN'S. EXTRA FINE. $2.$1.75 BOYS' SCHOOL SHOES. LADIES. $3.$2.50 $2.$1.75 BEST DONGOLA. SEND FOR CATALOGUE. W. L. DOUGLAS, BROCKTON, MASS.

Over One Million People wear the W. L. Douglas $3 & $4 Shoes

All our shoes are equally satisfactory. They give the best value for the money. They equal custom shoes in style and fit. Their wearing qualities are unsurpassed. The prices are uniform,---stamped on sole. From $1 to $3 saved over other makes. If your dealer cannot supply you we can. Sold by

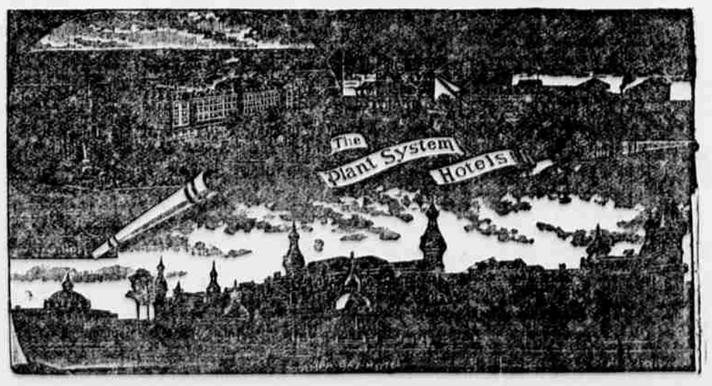
A. W. Bowman Co., N. 16th St.
C. J. Carlson, 1218 N. 24th St.
W. W. Fisher, Parker and Leavenworth St.
J. Newman, 424 S. 13th St.
Kelley, Stiger & Co., Farnam and 15th St.
T. S. Cressey, 2509 N St., South Omaha.

Plant System 12 Through Pullman Sleeping Car Lines Run Daily INTO FLORIDA via the . . . Plant System

A PAIR OF THE MOST SUPERB VESTIBULED TRAINS IN THE WORLD. ONLY ONE NIGHT OUT BETWEEN NEW YORK AND ST. AUGUSTINE.

3 GREAT WEST COAST HOTELS Owned and Operated by the PLANT SYSTEM.

MR. J. H. KING, Manager.



4 Fast Passenger Trains Charleston to Florida.

5 Fast Passenger Trains Savannah to Florida.

2 Fast Passenger Trains Atlanta to Florida.

2 Fast Passenger Trains Montgomery to Florida.

Plant Steamship Line 3 Elegant Ships Every Week Between Port Tampa, Key West and Havanna 1 Elegant Ship Every Week Between PORT TAMPA AND MOBILE.

B. W. WREN, Passenger Traffic Manager, SAVANNAH, GA.