

THE POPULISTS LOSE

THE DUNSMORE HOUSE DECLARED TO BE ILLEGAL.

SO SAYS DISTRICT JUDGE HAZEN.

Payment of Salaries Under the Populist Appropriation Bill Enjoined - Colonel Gunn Case Delayed - Colonel Hughes to Be Court-Martialed - Plans of the Populists - New Appointments.

TOPEKA, Kan., Feb. 20.—Judge Z. T. Hazen of the district court of Shawnee county this morning sustained the motion of the Republican house for a permanent injunction restraining the state treasurer from paying any warrants issued by authority of the legislative appropriation bill, passed by the Populist house last Tuesday, but his decision is not final for the case was at once appealed to the supreme court.

The question turned largely upon the decision rendered by the supreme court of Ohio, wherein it was held that the journal of the legislature was conclusive evidence of the existence of that body and that the courts were bound by the recitals of the journal as to any matters of fact that went to make up the enactment of a law. The judge, however, held that the Ohio case was not applicable for in the Kansas instance the existence of the defacto body was questioned. Here there were two bodies, each claiming legislative powers and the courts must of necessity determine which is clothed with those powers.

Judge Hazen's election was oral and he said the question at issue was one that might be raised in any court and that he had investigated in the public interest as to who was the speaker. Then it became a matter of fact on which the court might hear proof. If in fact the appropriation bill was invalid, these state officials had no authority to pay out public moneys under it, and the court had jurisdiction to determine whether or not the appropriation bill was invalid.

THE SPEAKERSHIP MADE AN ISSUE.

The decision in brief is that the appropriation bill is invalid because it is not signed by the speaker of the house of representatives of Kansas. It bears the signature of Speaker Dunsmore of the Populist house to be sure but Judge Hazen by inference says that Mr. Dunsmore is not speaker of the house of representatives of Kansas.

The injunction granted to-day settles the illegality of the appropriation bill so far as the district court is concerned. There will be no second hearing, because before the time for it arrives the supreme court will have ruled on a parallel case and that ruling must necessarily be final.

THE TREASURER RESPONSIBLE.

The majority of the Populist members had already procured their money from the auditor before the injunction proceedings were brought, \$20,000 having been paid out per diem dues and salaries, and it is a question of much interest as to how they can recover this money in the event of the supreme court sustaining Judge Hazen's decision.

Judge Webb, T. F. Garver, Chester I. Long and several other prominent attorneys agreed that Treasurer Bidle, who paid out the money on the auditor's warrants, was responsible to the state for the money expended and that he could be sued on his bond for its recovery.

THE GUNN TEST CASE DELAYED.

The habeas corpus case of L. C. Gunn, brought at the instance of the Republicans to test the legality of the Douglass house, was called in the supreme court this morning, but at the request of counsel for Gunn was continued until Tuesday morning at 9 o'clock.

SCHEMES OF THE POPULISTS.

Populist Speaker Dunsmore said that the legislature would have adjourned and gone home before the supreme court could decide the test cases. He said he thought all the bills it was intended to pass would be rushed through next week. It seems to be in pursuance of this idea that the Populists are seeking to delay the decisions in the two cases. They want the court to be confronted with the alternative of accepting the Populist house laws or of trying up the appropriations for two years.

A SENSATIONAL PRAYER.

Chaplain Biddison's prayer in the senate this morning caused a sensation among the senators. It was only one sentence long. He said: "May God have mercy upon this treason infested state amen." The Republican senators, whose party had been charged with treason during the late unpleasantness, looked at each other as though they had been hit.

THE COLONEL HUGHES MATTER.

Colonel Hughes will be tried by court martial for insubordination. He said to-day that he would not be satisfied unless the trial should be held as soon as possible. "There are three ways an officer of the militia can leave his charge," said he. "Die, resign or be dismissed after trial by court martial. I expect to be tried, I don't expect to get my shoulder straps back again, for I think the Populists will reorganize the militia as much as possible so as to get men who will be in sympathy with their cause. I am told that my commission as colonel has not been revoked but that I am dismissed from the service. I want a trial and dismissal in a formal and military manner before I will be satisfied."

NEWS ABOUT THE STATE BOARDS.

The governor this morning announced the removal of John Smith, Sol Miller and J. S. Emery as members of the state board of public works and the appointment in their stead of S. M. Scott of McPherson, William Wykes of Sumner and R. S. Keppley of Shawnee. The latter is a Democrat and succeeds J. S. Emery. The other two are Populists. They will assume their duties April 1. The executive council this morning

approved the bond of P. R. Maxson and W. D. Vincent, the new railroad commissioners. The bond of John Hall was approved some days ago. R. C. Bradshaw, whom the council recommended for secretary of the board, will not accept. He was a candidate for commissioner and he will not have a subordinate place. Attorney General Little said this morning that Mr. Hall and Vincent would be put in office at once as he thought that if there was to be a political migration it would be a good idea to get all the contested points before the courts and be done with it.

GUILELESS KAUHLANI.

She Sends a Plaintive Appeal to the American People.

LONDON, Feb. 21.—The Princess Kaiulani sends the following address to the American people: Four years ago, at the request of Mr. Thurston, then Hawaiian cabinet minister, I was sent away to England to be educated and fitted for the position, which by the constitution of Hawaii I was to inherit. For these years I have patiently striven for my return this year to my native country. I am now told that Mr. Thurston is in Washington asking you to take away my flag and my throne. No one even tells me this officially. Have I done anything wrong that this wrong should be done to me and my people? I am coming to Washington to plead for my throne, my nation and my flag. Will not the great American people hear me?"

Will Go Before the Senate.

WASHINGTON, Feb. 18.—Paul Newman, the envoy of Queen Liliuokalani to the United States, accompanied by Prince David of the royal family and two servants, reached the city late last night. Owing to the absence of the president and secretary of state, Mr. Newman will submit the queen's case to the senators themselves.

While the annexation commissioners were paying their respects to Secretary Elkins at the department this morning, Paul Newman, was in consultation with Acting Secretary Wharton of the state department, with whom he had a long talk concerning the object of his visit. Mr. Wharton could, of course, do nothing and Mr. Newman said that his only chance for success, fully representing the claims of the ex-queen lay through the medium of congress.

Prince David said: "We do not intend to make a struggle against annexation. If the United States government sees fit to annex Hawaii we shall make no complaint."

RIDDLED IN HIS CELL.

A Negro at Moberly, Mo., Shot Fatally for Insulting Woman.

MOBERLY, Mo., Feb. 20.—Yesterday afternoon John Hughes, a negro who was studying for the ministry, insulted a young woman on the street. He was quickly arrested and hustled into the lockup.

About 10 o'clock this morning while the attention of the guard was diverted, three unknown men, supposed to be brothers of the young lady, entered the cell room and literally showered bullets at the negro.

Four shots took effect, one entering his mouth and coming out under his jaw, another splitting his knee cap and the others hitting him in the body. He is not dead, but will probably die.

A PRIVATE HOME PREFERRED.

President-Elect Cleveland Will Not Occupy the White House for a Time.

NEW YORK, Feb. 20.—President-elect Cleveland has decided not to make the executive mansion his private residence March 4, says the Washington correspondent of a local paper, but will establish a branch White house instead. He has written to a prominent real-estate man authorizing him to rent for the use of the president and his family the old Admiral Porter homestead, 1710 H street, Northwest. This house is one of the historic landmarks of Washington and was occupied by Admiral Porter and his family for many years.

CONFIRMED BY THE SENATE.

Judge Jackson Will Take a Place on the Supreme Bench.

WASHINGTON, Feb. 20.—Judge Jackson of Tennessee was confirmed as associate justice of the United States supreme court this afternoon by the senate.

Three Train Men Meet Death.

DENVER, Col., Feb. 20.—Two passenger trains on the Colorado Midland met in a head end collision east of Bath this morning and Engineer McCollum, Fireman McIntyre and Brakeman Bowersock were instantly killed and Engineer Kissel and Conductor Miller slightly injured. The passengers escaped with slight injuries and cuts, excepting Miss Julia McMullen, who was injured internally and cut by glass.

Fireworks for Cleveland's Inauguration.

St. Louis, Mo., Feb. 20.—Four carloads of fireworks, weighing about 24,000 pounds, were shipped yesterday to Washington for the Cleveland inauguration ceremonies March 4, by the St. Louis fireworks company. This is the first time a Western house has shipped the inaugural pyrotechnical display.

George R. Peck to Leave Kansas.

TOPEKA, Kan., Feb. 20.—It is reported on good authority that George R. Peck, general solicitor of the Santa Fe, has been ordered to Chicago and will hereafter make his headquarters in that city. Mr. Peck is said to be now packing up, preparatory to moving his family to that city.

Will Appoint a Senator.

CHRYSTEN, Wyo., Feb. 20.—The legislature has adjourned sine die without electing a senator. The senatorial position will be filled by appointment. It is expected that Governor Osborn will appoint A. L. New.

Postoffice and Store Burned.

OAK GROVE, Mo., Feb. 20.—The postoffice and store kept by C. W. West at Pink Hill, four miles northwest of Oak Grove, was destroyed by fire last night. The loss entailed was about \$1,500, and is a serious one to the little town.

A LITTLE BIT OF A BOY.

There never was a smile in a weary while, And never a gleam of joy, Till his eyes of light made the whole world bright— A little bit of a boy!

He came one day when the world was May And thrilling with life and joy; And with all the roses he seemed to play— A little bit of a boy!

But he played his part with a human heart, And time can never destroy The memory sweet of the pattering feet Of that little bit of a boy!

We had wondered how he could play all day With never a dream of rest; But once he crept in the dark and slept Still on his mother's breast!

There never was a smile in a weary while, And never a gleam of joy; But the world seems dim since we dreamed of him— A little bit of a boy!

—Atlanta Constitution.

THE HEILMAN TWINS.

From the very hour that the Heilman twins were born the vox populi of Nipponese Valley declared in uncompromising terms that nothing but trouble could come of it. Not that twins were usually regarded as unlucky; only there was something uncanny about the Heilman twins. It was not natural that they should be so exactly alike, even to the tiny "cow-lick" that developed above the left temple of each of them as soon as their hair began to thicken; therefore the Dutchmen disapproved of the twins.

When the twins went to school the trouble became worse than ever. At home when one of them was unusually naughty, unless caught in the act, she usually escaped punishment, because Mrs. Heilman could not tell which was the guilty one. Occasionally, however, she squared the account by administering a sound spanking to each, which proceeding covered all the ground and soothed her own conscience.

But Mrs. Heilman's system of duplex spanking obviously would not do at school. No teacher would dare to punish two scholars for a fault of which only one could possibly be guilty; so the twins led their long-suffering preceptor a miserable dance. At first they were allowed to sit together, but when it was discovered that Bertha had been reciting history and geography for both, while Greta attended to the arithmetic problems of the whole family, the teacher rebelled. If the girls had been physically inseparable, like the Siamese twins, this style of education would have served well enough; but as ultimate separation was to be expected in the nature of things, this division of labor had to be stopped. So the twins were placed on opposite sides of the room, in spite of energetic protests and unlimited promises of reformation.

But the purgatory of the school mistress could not last forever, and in course of time the twins went forth, seeking fresh worlds to conquer. A fertile field for their ingenuity immediately presented itself in the multitude of young men who appeared as candidates for the favor of either—or of both—of them, and in their new roles they found as much amusement as ever in exchanging names to the bewilderment of their admirers. This had its disadvantages, though, for naturally, the young men were chary of showing a decided preference for either sister at the risk of finding himself the next day mistaking the other for her. It might lead to awkward situations, they thought. So, though admirers were plenty, it appeared that earnest suitors were few.

Few, but not altogether lacking. There were several youths who had strong feeling in regard to one or the other of the twins. One of these, who was either more rash or more in earnest than the rest, boldly avowed a preference for Bertha and in some inexplicable manner he seemed able to distinguish her from her sister. How he did it no one could guess, himself least of all, but certainly rarely made a mistake.

Bertha had no special regard for Peter Updegraff and was careful to make him understand this. But Peter was a Pennsylvania Dutchman of the good old type—rather dense and heavy, with an enormous fund of perseverance, sufficient to keep him struggling all his life to attain any single object upon which he had set his heart. He was not otherwise objectionable, being quite up to the average of the valley in the matter of brains and considerably above in the matter of property. But these things did not move Bertha, and being a good-hearted girl she endeavored to escape all appearance of flirting with him as soon as she found the jest becoming earnest. Still she liked him well enough and common civility forced her occasionally to accept some slight attentions which she would have avoided if she could. Therefore it happened that one afternoon she rushed up stairs in great haste in search of her sister.

"Oh, Greta!" she cried, as she burst into the room, "there's Peter Updegraff coming up the road, and I had forgotten all about promising to go sleighing with him to-day."

"Well, what of that?" queried Greta, lazily. "I suppose you can go, even if you did forget it."

"Well, but I don't want to go. I know he is going to ask me to marry him to-day and I don't want to go with him. Can't you go—he'll never know the difference."

"Yes, he would," returned Greta. "He doesn't often make a mistake and if he's going to propose to-day his eyes will be sharper than ever."

and I can refuse him with a good deal of vigor, if he makes it necessary." Bertha's intuition was correct. Greta saw at a glance that Peter had something of great import on his mind, and when he failed to notice the substitution she felt sure of what the "something" was. But she did not intend to have any declaration if she could avoid it, and she cleverly staved it off until they were far down the valley. Only she could have remembered that when Peter Updegraff had once made up his mind nothing else than a physically insurmountable obstacle could prevent him going straight to the end. Out it came with an overwhelming rush and she was obliged to let it go until he had finished. Then she turned and faced him.

"Are you sure it is really me that you want? Don't you care more for Greta than for Bertha?"

"No, of course not. Haven't I been trying for the last year to prove to you that I loved you? I care nothing for Greta, except as your sister."

"Then you love me, but care nothing for Greta—is that it?"

"Yes, except as your sister." She leaned back and laughed.

"You say you don't love Greta and do love me—meaning Bertha, of course—and yet all this while you haven't found out that I am Greta. I'm afraid you are not quite yourself to-day, Peter."

She had not intended to betray the deception, and she spoke on the impulse of the moment, the spirit of mischief carrying her away. Updegraff started, and gazed long and earnestly in her face, while the horses were checked by his sudden movement. And as he gazed the scales fell from his eyes and he knew that the girl spoke the truth; as she was Bertha's sister. He drew a quick, gasping breath and his head drooped forward upon his knees for a moment. His evident agony and mortification moved the girl to pity for him and shame for her own unthinking act. But she did not know how to repair it, and she sat silent, until he raised his head again. Then she was more than sorry—she was frightened. He turned upon her—just once—a face of furious anger and deadly hate; she saw that she had roused to the utmost the sleeping devil within him, and she shrank into the farthest corner of the seat in awful terror.

Not another word or look passed between them as he turned the horses and drove swiftly homeward. She knew the deadly violence of Updegraff's temper, and she knew that it had never been so roused before. She sat, there, white and trembling, wondering why he did not kill her, almost expecting him to do so; even the sting of the frosty air failed to bring color to her cheeks. And he sat by her side, fighting such a battle with the demon of anger within him as left him as weak and trembling as herself. She never knew that, but for being Bertha's sister, she had been a dead woman within ten minutes after her last speech to him; nor did Bertha ever guess that for her sake he had fought the greatest battle of his life, and conquered. But it was a dearly bought victory.

They never saw the old Peter Updegraff again. Neither of the twins ever spoke of what had taken place that afternoon; but, somehow, a fairly accurate outline of the story was soon bruited about all over the valley. It may have been that Updegraff, in the first violence of his passion, unwittingly betrayed himself. But, a few days later, a young friend rashly made a joking allusion to it, and it became necessary for the doctor to set several broken bones and bandage sundry cuts and bruises.

Updegraff walked home unmolested and stayed there for three weeks brooding over his mortification. Then he stayed there three months longer with shaven head and often with straps on his powerful limbs to restrain his violence. When the brain fever left him and he emerged once more he could hold up his head, for the fever had taken part of his mind and he never recovered it. He never again failed to distinguish the sisters, though the memory of that afternoon was gone. Its only effect was an unnatural fear of Greta Heilman. At her appearance he would fly in mortal terror and she was thus debarred from making any attempt at what slight reparation was possible. To keep out of sight was the greatest mercy and favor she could show him—the perpetual reminder of her thoughtlessness and an ever-recurring source of shame.

But the Heilman twins never exchanged places again.—Philadelphia Times.

Some Curious Punishments.

During the time of Richard I., and by the advice and consent of that monarch, the British parliament promulgated some strikingly original codes for the maintenance of order on his majesty's fleet. Thus, if any seaman killed another on shipboard he was to be bound face to face with his victim by means of stout thongs "of not less than three-ply," the living and dead bundle to be thrown overboard together. Any man who maimed another, the same having been done with malice intent, was ordered to be served in like manner as his victim. One section of this law read as follows: "He who draws bloude from another by wilful blow struck, be that blow struck with a weapon or with hee's hand only, must lose the hand with which the wound was inflicted; a hand blow that causes no bloude to flow must be punished by ducking the offender thrice."

Ready to Be Reconciled.

"The court gave her a divorce but refused the alimony." "What will she do now?" "Marry him again and wait for a stronger case.—Detroit Tribune.

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