

THE SLOCUMB LIQUOR LAW.

Its Constitutionality to be Tested in the United States Supreme Court.

WORK FOR YOUNG MEN.

What the Y. M. C. A. is Doing—He Danced on the Table—Wanted a Watch—General Police and Court Local News.

Testing Its Constitutionality.

Attempts have been made from time to time to test the constitutionality of the Slocumb liquor law in the lower courts and the supreme court of Nebraska. In nearly every instance, however, the law has been upheld. It has just developed that the supreme court at Washington will soon be asked to pass upon the constitutionality of the statute.

Some two years ago a case was started in the district court, which attracted no little attention at the time. It was entitled Metts & Kame, vs. D. L. McKinnin. It appears that the plaintiff, who was a liquor firm in St. Louis, sold to the "ex-councilman from the Third" a large bill of goods, for which for some reason he refused to pay. He interposed in defense a plea that the St. Louis firm had no license to sell goods in Nebraska, and hence could not do business in this state. Mr. Warren Switzer, who represented the St. Louis firm, on the other hand, argued that the Slocumb law provided that an applicant for a license must first show that he is of good moral character, and a resident of the state. This latter condition the St. Louis firm could not comply with inasmuch as they were residents of Missouri. So that it would be of no use for them to apply for a license under the Slocumb law, as from its very provisions they could not obtain one. Hence the law was unconstitutional inasmuch as it disregarded the clause in the constitution which says that no state shall have the power to regulate or interfere with interstate commerce and that all citizens of the United States shall enjoy the same some privileges and immunities in one state that they do in another. Judge Wakeley decided in favor of the defendant and the case was appealed to the supreme court of the state, where the decision of the lower court was affirmed last summer.

Mr. Switzer has received instructions from Messrs. Metts & Kame, of St. Louis, instructing him to appeal the case to the United States supreme court in order that the constitutionality of the law and the rulings made there under may be definitely and finally settled.

Mr. Switzer informed a reporter to-day that he was busy working on the papers and would file them within the next few days. The case is one of the greatest importance and its issue will be awaited with no little interest.

It is singular that on January 18 the supreme court at Washington rendered its opinion in an appeal from a similar case—that of Samuel Walling vs. the people of the state of Michigan. In June, 1883, Walling, the plaintiff in error, was prosecuted in the police court of Grand Rapids, under the statute imposing a tax upon persons engaged in the business of selling liquor in that state to be shipped from any other state. He was a drummer for the firm of Caynath & Co., of Chicago, and he was charged in one count with selling liquor at wholesale without a license, and in another with soliciting and taking orders for its sale without a license. He was convicted and sentenced to pay a fine and was imprisoned in default of payment. He appealed to the county circuit court, in which he was tried by a jury and found guilty. The case was carried to the supreme court of Michigan, which decided against Walling. The question in the case is whether the statute under which Walling was prosecuted is repugnant to the constitution of the United States. This court held, Judge Bradley delivering the opinion, that a discriminating tax imposed by a state, operating to the disadvantage of the products of other states when in transit is, in effect, a regulation in restraint of commerce among the states, and as such is a usurpation of the power conferred by the constitution upon congress. The United States supreme court of Michigan held that the tax imposed by the act is an exercise of the police power of the state for the discouragement of the use of intoxicating liquors and the preservation of the health and morals of the people. The supreme court of the United States held that this would be a perfect justification of the act if it did not discriminate against the citizens and the products of one state and thus usurp one of the prerogatives of the national legislature. The court concludes its opinion as follows:

"We think that the act in question operates as a regulation of commerce among the states in a matter within the exclusive power of congress, and that it is for this reason repugnant to the constitution of the United States and the judgment of the supreme court of Michigan is reversed and the case remanded with instructions to take such further proceedings as may not be inconsistent with this opinion."

WHAT IS BEING DONE.

The Y. M. C. A. and Its Work for Young Men.

"Yes" said Secretary Joplin of the Y. M. C. A. yesterday in answering the question of a reporter, "the work of raising the funds for our new building is getting on finely. Already nearly \$30,000 has been subscribed and the canvass has not been at all actively pushed. The business men are taking hold of the project with wonderful enthusiasm. One gentleman who is not a member of any church and who was never known to give anything for a similar purpose before, came in and voluntarily subscribed \$500 the other day. That is just an example of the way in which our business men look at the scheme. We have met with such gratifying success so far, that we are now ready to buy our lot on the corner of 16th and Douglas streets. The deed is now being drawn up and as soon as the title is perfectly secured, we shall pay the cash.

I think that business men would take still greater interest in the association if they knew the work we are doing. Let me give you a few illustrations. "Some weeks ago there came here from the east a young man and his wife. The former secured a position in the Union Pacific headquarters and was getting along finely until he was taken ill. For weeks he was sick, and finally his money gave out. His wife was in the last extremity of despair when some of the Y. M. C. A. boys took hold of the case. They rented a house, furnished it completely, and moved the sick man and his wife into it. The invalid is now on a far way to recovery and the boys have agreed to board and lodge in the house, until an equivalent has been rendered for the cost of furnishing it.

"Another case is that of a young man who came here a few weeks since from Denver. He had been out west in the hope of regaining his health, but was returning home, little or no better, to spend his last days with relatives. While in Omaha he was taken seriously ill that he could journey no further. He was taken care of by the members of the association who nursed him and provided two watchers

every night. Despite the best of medical care he died. The body was buried under the auspices of the association in Prospect Hill cemetery. His sister who arrived here in time to attend the funeral was deeply affected by the kindness shown to her brother by the strangers among whom he had fallen, and before leaving subscribed something to the new building as a token of her gratitude. "A few days ago a young man by the name of Cameron, son of a well known Baptist minister in Denver, ran away from home and came to Omaha. He loitered into the reading room one day, and I became engaged in conversation with him. He was a bright, intelligent fellow, and enlisted my interest and sympathy. We found a boarding and lodging place for the young man. On Friday night he started out for Cut-Off lake to see if he could get work cutting ice. That night he did not return. We became alarmed during the night, on the way to town. The next day, however, we started out on a search for him and found that he had spent the night at a lodging house near the lake. That day we received a telegram from his father in Denver, telling us to send him back home. A ticket was procured for the prodigal and that night he returned home, ready to "eat the fatted calf." I might go on and mention hundreds of other instances where the Y. M. C. A. has helped young men, but I think I have told you enough to show you something of our work."

"Is your reading room well patronized?" "Yes, our books show that we had an average of 130 visitors a day last year. The reading room is well stocked, having more than seven hundred volumes of every description. The library is also a well assorted one, of probably two thousand volumes. At the last meeting of the association it was resolved to appoint an assistant secretary to Mr. Joplin, to do the office work, take care of the rooms, etc., etc. This will give Mr. Joplin an opportunity to push an active canvass to secure funds for the new building."

Union machine sews backwards or forwards.

American and European national character masks at MAX MEYER & CO'S.

DANCED ON THE TABLE.

A Darkey Who Won a Game of Cards—Police Court Notes.

When the name of John Bunce was called in police court yesterday morning a jolly-looking negro came to the front. The judge announced that the charge preferred against him was that of being drunk and disorderly and raising a general disturbance. "Tells you how it was, judge," Bunce replied; "I was playin' a game of keards in a saloon on Capitol avenue wid another feller. We were playin' for de drinks. I had de ace and de deuce, and was kinder leery of his hand, which I 'ot from de way he acted, must hab been a mighty good 'un. But he had noffin but de four-spot 'un ten spot, and when he 'row down jack I trumped it wid the high keard, wid a great big yell says, 'High, low, de jack and de game!' I felt so good dat I just got up on the table and danced. Dat's all dere was to de judge."

Everybody laughed and the judge relented. Bunce was released, with a warning not to make a habit of dancing every time that he won a game of seven up.

John Daily pleaded guilty to a charge of stealing a buffalo robe. He belongs to an old gang of thieves who have been operating about Omaha and Council Bluffs for several months past. The judge sentenced him to be confined in the county jail for twenty days on bread and water.

"I guess I've broken up that gang," remarked Judge Stenburgh complacently as Daily took his seat.

"Yes," retorted the prisoner, "and I'll be the worst broken up one in the lot before I get through with that twenty days on bread and water."

G. Gordon, an old Italian rag-picker and general roustabout, paid a fine of \$10 and costs for stealing a lot of bottles from George Duncan.

Fred Brooks and Charles Wilson, charged with being in the company of Hans Young's saloon on Saturday night, were released. Hans Young and his brother confessed to being the culprits and were fined \$10 and costs each.

Without an equal—Union sewing machine.

Masks and masquerade trappings at MAX MEYER & CO'S., 11th & Farnam.

HE WANTED A WATCH.

But Was Frustrated in His Attempt to Secure One.

A neat attempt to "fake" a watch in C. S. Raymond's jewelry store yesterday was frustrated by the watchfulness of one of the clerks. A well-dressed young man entered the establishment shortly after noon and asked to be shown some gold watches. Anticipating a good customer, the clerk produced a tray of valuable "tickers" and the alleged customer examined them carefully. While the clerk's attention was drawn in another quarter the young man quickly picked up one of the watches and slipped it into his pocket. He then announced that none of the watches suited him and was about to leave the store when the clerk noticed that one of the time pieces was gone. Jumping at the conclusion that the watch had been stolen by the prospective buyer, he detained him in the store and sent for the police. Officer Dempsey soon appeared and placed the man under arrest. He was immediately searched and the watch found in his pocket. The officer then took him to the central police station where he was locked up. The thief gives the name of Frank Meers and says that he has been in Omaha three weeks on board the City Hotel. He is a stranger to the police but is thought to be an expert sneak thief.

Shannon Letter Bill File, Filing Cabinets and Cases. Schlicht's Standard Indexes, 219 13th street, opposite Neb. Nat'l Bank.

Union machine has automatic tensions.

A Dangerous Walk.

The steps to the county house yesterday would have been greatly improved by the use of a shovel. They were slippery and afforded room for scarcely more than one person without danger to limb. The walk in front of the court house is a very bad one, and a few feet east of the steps is a hump covered with pressed and slippery snow over which a dozen people have already fallen. Yesterday, George Shields, attorney, fell over and increased the pain which he has been suffering for a few days in one of his limbs as a consequence of a fall occasioned by similar carelessness on the part of people who ought to keep their walks clean.

TO MY FRIENDS.

I have severed to-day my connection with John A. Freyhan & Co., agents for Frazz Falk, Milwaukee Beer, and have connected myself with STORZ & ILLER, bottling their special Brewing.

MUESCHNER SALVATOR.

Manager of Storz & Iller's Bottling Department, 1718, St. Mary's Ave. Telephone 687.

Self-threading—Union sewing machine

THE G. A. R. REUNION.

An Effort to Secure Its Being Held at Omaha Next Year.

There is a strong desire on the part of many of the leading members of the G. A. R. in this city, to secure the next reunion of the department of Nebraska, for this city. The annual meeting of the latter will be held in Red Cloud next month, at which a number of bids from the interior towns will be made for the reunion. Each town will guarantee a certain amount of money together with fodder, wood, water, tents and a number of other essentials, in consideration of being voted the gathering. The reunion is a big undertaking, and has seldom been a success. The guarantee required by the department is generally too great to be voted by one-half of the cities which wish to secure the affair, and the management of it is of more magnitude than most of the aspiring ones can handle. Besides, it is not every place which would be convenient for such an enterprise, because the great essential location—Omaha has never had a soldiers' reunion. It is abundantly able to give any guarantee that may be required, and is, besides, so located and capable of accommodating thousands that little opposition could be made to it in this respect. For these reasons some of the soldiers are agitating the question of securing the big gathering for this place. They say that the several railways in connection with the Belt Line, would be able to handle thousands of people without requiring a change of cars. Besides that the presence here at that time of a certain entertainment of great interest to all classes of people who are in course of preparation, would cause Omaha to be preferred, especially by soldiers. They claim, further, that a reunion would mean thousands of dollars to the merchants of the city. The attendance in family cases is composed of veterans and families who come to stay a week, and not, as at a state fair, to remain but a day. All of these would find some time to visit the city and make purchases before returning home. The G. A. R. men feel that citizens should take an interest in the matter, and be ready to second the move if it shall be decided to make it.

The noiseless Union sewing machine.

THE FIREMEN'S BALL.

It Will Occur on February 12, at Cunningham Hall.

The engineers' ball turned out so successfully that the firemen have determined to "try it on." The third annual ball of the Overland Lodge, No. 135, Brotherhood of Locomotive Firemen, will take place at Cunningham hall Friday evening, February 12. Every arrangement will be made for the comfort and convenience of the guests, and all will doubtless enjoy a good time.

The master of ceremonies will be G. T. Anderson.

Committee of arrangements—G. T. Anderson, L. H. Winslow, G. C. Fair, F. M. McCall, J. Reynolds.

Reception committee—J. B. Fair, E. E. Fair, H. P. Callahan, R. J. Bowen, Joe Soromson.

Committee on invitation—A. R. Battey, C. D. Sperry, F. W. Perkins, J. W. Clark, J. T. Baird.

Floor managers—Sam Anderson, J. C. Sweeney, R. J. Gentlemen, Burt Henney, W. H. Bay, J. W. B. Bodenhamer, J. F. FitzMorris.

The Union sews backwards or forwards.

Competition in Paving.

It may not be generally known, but it is a fact nevertheless, that the time for opening the bids for the paving which has already been advertised for, has been extended from the 8th of February to the 26th of March. City Engineer Rosewater says that the competition promises to be most lively and the probability is the city will be enabled hereafter to use granite for curbing instead of Colorado sandstone as heretofore. Granite is used for this purpose in St. Paul and in other cities, and he does not see why it being superior material, it should not be used for that purpose in this city.

Mr. Rosewater is also of the opinion that the competition in bidding will result in a number of bids, with guarantee as to material and permanency for the very best kind of wooden pavement.

The intersection fund this year amounts to about \$45,000. This will probably allow a paving of streets which would cost the property holders about \$300,000. It may be necessary, in addition to this amount, the engineer thinks, to vote \$50,000 more paving bonds, in addition to those now available, because they would not be available until the appraisal is made in July.

Union Sewing Machine, 206 N. 16th St

The largest and finest assortment of German and French masks is to be found at MAX MEYER & CO'S., 11th & Farnam.

LAWYER OVER A SUICIDE'S EFFECTS.

In Justice Anderson's court yesterday the case of Pease Bros. and Rose Bros. against Mrs. Clara Starr and Mr. William H. Lyon was on trial. The case is one which arose from the trouble over the effects of the suicide, Frank V. Adams, who took poison on the 24th of December last. Adams bought some \$300 or \$400 worth of goods from Pease Bros. and Pease Bros. on credit, and after his death they attached the property. This action was contested by William H. Lyon and Mrs. Starr, the lessees of the building in which Adams roomed, on the ground that he owed them a large amount for rent, for security of which they held his property. The plea of Messrs. Pease Bros. and Rose Bros. is that Adams obtained the goods from them under false pretenses. Mrs. Starr succeeded in proving a claim on the furniture to the amount of the rent due on Adams' room, and the sting parties secured the balance of the furniture.

We have \$30,000 to loan at low rates in sums of \$1,000 to \$10,000 if taken within ten days. J. W. & E. L. Squire, Council Bluffs.

Keeping the Sewer Grates Open.

A force of men were yesterday engaged in chopping snow from the Farnam street gutters and throwing it out into the roadway, in anticipation of a thaw. Engineer Rosewater said that even a heavy thaw would not raise the water above the sidewalk, especially if the openings to the sewers should be kept clear. The only danger to be apprehended was a heavy rain storm accompanying the thaw, which might cause some annoyance.

The County's Wards.

Commissioner O'Keefe says that a great deal of the suffering which the county has to relieve is found in the Bottoms. There the people live in abject poverty and in frail board shanties and dilapidated tents, through which the cold penetrates without apparent difficulty. To the list of needy applicants in the charge of the county was added yesterday a new one, the party being a colored man in indigent circumstances.

New County Plats.

County Surveyor Smith with his assist ant from this time until March 1, will be

busily engaged in revising all the plats and charts of his office to make them conform to the many changes which have taken place in the ownership of county real estate during the past year. The transfers of property have been enormous, and the purchases and condemnation of property in the interest of the Belt and other railway lines has removed a vast amount of real estate from the ownership of people, for which, of course, they will refuse to be taxed. These changes will be ready in time for the assessment, and of special value to the new owners, who, if not this way assisted, would be subject to great annoyance.

Union Sewing Machine, 206 N. 16th St.

The Lowest Grading Contract.

The contract for the grading of Harney street from Fifteenth to the western end of McCormick's addition has been let to Jas. Fox, at 12 1/2 cents per yard, including all the over haul.

The contract for the grading of Sixteenth street from Howard to Farnam has also been let at the same figure to the same firm. This is claimed to be the lowest figure at which grading has been let in this city in five years. At present, on Sixteenth, the cut will be nearly ten feet, thus improving that thoroughfare greatly, and making ready for a proper thoroughfare for the new board of trade.

Light running Union sewing machine.

The Street Commissioner's Work.

Street Commissioner Meany Sunday set a force of four men to work repairing a culvert at the corner of Eighteenth and Dorcas streets. The box at that place would prove too attenuated to stand a heavy thaw. His men having not been doing much this month, and Mr. Meany thought his bill of expenses would not reach a very high figure.

To-morrow he will set a force of men to work building a catch basin on Eighth and Sherman streets. This will drain Park north to Clark street, and Clark south to Sherman. The cost will be above \$20.

On Wednesday he will build a culvert on Saunders street near the Patrick farm. This will be 60 feet long, 10 feet high and 6 feet wide. It will cost about \$300.

Union sewing machine, latest and best.

G. H. Wood & Co.'s Attachment.

Sheriff Coburn was working yesterday in making a list of the effects of the firm of G. H. Wood & Co., the Sixth street plumber, whose property has been attached by A. L. Strang & Co. He will store away the property and make return of same to the court. The firm has until the 23d of February to answer. The claim of \$488.44 will be amply satisfied by the attached property.

DR. PRICE'S SPECIAL FLAVORING EXTRACTS MOST PERFECT MADE. Purest and strongest Natural Fruit Flavors. VANILLA, LEMON, ORANGE, ALMOND, ROSE, etc. Color and delicately and naturally as the fruit. PRICE BAKING POWDER CO. CHICAGO. ST. LOUIS.

OMAHA MEDICAL INSTITUTE. FOR THE TREATMENT OF ALL Chronic & Surgical Diseases.

DR. McMENAMY, Proprietor. Sixteen years Hospital and Private Practice. We have the facilities, apparatus and remedies for the successful treatment of every form of disease requiring either medical or surgical treatment, and in all to come and invest in it themselves or correspond with us. Long experience in treating cases by either enables us to treat many cases scientifically without seeing them. WHITE FOR CIRCULAR on Deformities and Braces, Club Feet, Spinal Curves of the Spine, DISEASES OF WOMEN, Piles, Tumors, Cancer, Catarrh, Bronchitis, Inhalation, Electricity, Paralysis, Epilepsy, Kidney, Eye, Ear, Skin, Blood, and all surgical operations. Batteries, Inhalers, Braces, Trusses, and all kinds of Medical and Surgical Appliances, manufactured and for sale. The only reliable Medical Institute making Private, Special & Nervous Diseases a SPECIALTY. ALL CONTAGIOUS AND BLOOD DISEASES, from whatever cause produced, successfully treated. We can remove Syphilis from the system without mercury. ALL COMMUNICATIONS CONFIDENTIAL. Give and consult us or send name and post-office address plainly written—enclose stamp, and we will send you in plain wrapper, our PRIVATE CIRCULAR TO MEN UPON NEURALGIA, NEURALgia, LYONIA, SEMINAL WEAKNESS, SPERMATORRHOEA, IMPOTENCY, BRONCHITIS, GLEET, GONORRHOEA, STRUCTURE, AND ALL DISEASES OF THE GENITOURINARY ORGANS, or send history of your case for our opinion. Persons unable to visit us may be treated at their homes, by correspondence. Medical Instruments KEPT FROM OBSERVATION, no marks to indicate cause of illness, by mail or express. FAVORABLE REFERENCES given in regard to our treatment. Full particulars free of charge. Omaha Medical and Surgical Institute, Cor. 13th St. and Capitol Ave., OMAHA, NEB.

The Caligraph Writing Machine. The Caligraph is rapidly displacing the pen. Reason how you may you cannot afford to do without it. No other labor saving invention has so lessened drudgery or brain and hand, or saved such a large percentage of done labor. Figure that it turns off but twice as much work in a given time as does the pen, it easily does three times as much and it gives you several free hours daily as and interest on your investment. For circulars and specimens apply to H. G. STRIPE, Omaha, Neb. Genl. Agent for Nebraska and Western Iowa. BUREAU of Underwood's best kinds of writing machines, on hand. Price \$1 each. ARCHITECTS. F. M. ELLIS & Co. Architects and Building Superint's. OMAHA, NEB. and DES MOINES, IA. 1119 FARNAM STREET, OMAHA, NEB. GEORGE BURLINGHOFF with F. M. Ellis.

THE ONLY MISFIT Clothing Parlors

1119 FARNAM STREET, 1119

Propose to continue their offerings of the sale of merchant tailors' misfits and uncalled for clothing garments until the last garment is sold. There still remains that excellence of high art from the leading merchant tailors throughout the country which is equal to any and surpassed by none made by any tailor in this or any other country. The agents are discontinued on the road at this season, in consequence the expense is cut off, from this source the management has made the consideration for the customer, and has cut 25 per cent less the original cost to the merchant tailor, making the garments less in price than an ordinary garment can be bought for. There still remains to select from, an

OVERCOAT

Table with columns AT, FOR, descriptions of overcoats and their prices. Example: AT 9.20 That was made to order by a leading merchant tailor for... FOR 22.00

And others more expensive. The above consists of every style of cut, in plain and rough fabrics and trimmed in proportion. To these are added suitings made in the most artistic manner, cut in any style man can wish to wear and will be cut in prices as follows:

A SUIT

Table with columns AT, FOR, descriptions of suits and their prices. Example: AT 8.70 That was made to order by a merchant tailor for... FOR 20.00

And others more expensive. These suits consist of Prince Alberts, four button cutaway frocks, cutaway sacks, double breasted sack and straight sacks and coats, and vests in Cassimeres, Worsteads and Reefers with a selection from separate

PANTALOONS,

Table with columns AT, FOR, descriptions of pantaloons and their prices. Example: AT 2.80 Will buy a pair pantaloons made to order by a Leading Merchant Tailor for... FOR 8.00

And others more expensive. These are all styles of cut and patterns including some beauties in spring bottoms. To realize the above facts is to see them now on sale.

AT THE ONLY MISFIT

Clothing Parlors

1119 FARNAM STREET,