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THE DAILY BEE.

Sworn Statement of Circulation. State of Nebraska, County of Douglas,

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19,027 Average GEORGE B. TZSCHUCK. Sworn to before me and subscribed to in my resence this 16th day of February, A. D. 1889. Seal, N. P. FEIL, Notary Public,

Seal. N. P. FEIL, Notary Public. Biate of Nebraska, George B. Tzschuck, being duly sworn, de-poses and says that he is secretary of the Bee Publishing company, that the actual average faily circulation of The DAILY BER for the month of February, 1888, Was 16,092 copies; for March, 1888, 19,689 copies; for April, 1888, 18,744 copies; for May, 1888, 18,183 copies; for June, 1888, 18,244 copies; for July, 1888, 18,063 copies; for August, 1888, [8,18] copies; for September, 1888, 18,164 copies; for October, 1888, 18,944 copies; for Novem-ber, 1888, 18,954 copies; for Novem-ber, 1886, 18,954 copies; for Novem-ber, 1886, 18,954 copies; for October, 1888, 18,944 copies; for October, 1888, 18,945 copies; for October, 1888, 18,945 copies; for Novem-ber, 1888, 18,944 copies; for Novem-ber, 1888, 18,945 copies; for Novem-ber, 1898, 18,945 co

MR. CLEVELAND has enjoyed his last cabinet dinner. Of course cabinet pudding was on the bill of fare.

SENATOR MANDERSON has boldly walked into the lair of Nebraska's hungry office-seekers, like Daniel in the lions' den.

JAY GOULD is again quoted as about to retire from business. This is the cold wave signal for the foolish lambs to keep out of Wall street.

THE cabinet tinkers will be looking for a new job after the fourth of March. poor feilows. General Harrison will relieve them of further anxiety soon.

than

DENVER accuses the army of real es tate agents of Kansas City of finding it much more profitable this winter to hire out as small pox nurses. Now are the honors even.

ARIZONA is the sphinx among the territories. While New Mexico has been clamoring for admission, Arizona sits glum and silent, with no aspirations for statehood.

COOL heads and conservative judgment will go far in reaching a satisfactory agreement between contractor

AN APOSTLE OF PEACE. A Baltimore paper that has assumed the duty of giving the world the history and motives of the outgoing administration from the lips of its members, has presented Mr. Bayard's explanation of the principles and policy which have guided him as secretary of state. The question may naturally suggest itself whether Mr. Bayard has had any policy, and whether he has not simply drifted along in a continual state of uncertainty as to what should

be done and how to proceed, but at any rate the secretary of state claims to have had a policy, and that its cardinal principle was to preserve the peace. During all the past four years in which the country has regarded with a keen sense of humiliation the denial of our rights by other countries, complacently tolerated or but meekly protested against from Washington, the great solicitude of Mr. Bayard has been to avoid any appearance of a disposition to 'swagger about among the nations of the earth." He has looked apprehensively upon everything that might encourage the military spirit among us, viewing such a condition as pregnant with danger. The underlying spirit of his policy, as he tells the country, has been to "humanize international relations." If he has had any success in

this direction it is not apparent. Mr. Bayard's statement of his views and policy sufficiently explains the namby-pamby course of the state department since he has been at the head of it, and fully justifies the strictures of Arthur Richmond upon the conduct of our foreign affairs during the past our years. No intelligent American citizen has been any less desirous than Mr. Bayard to maintain peace with the world, but a great nation may firmly and vigorusly insist upon its rights without provoking war, and without ican project, deserves to be encouraged. being subject to the imputation of "swaggering around among the natives of the earth." But even with these consequences in view as inevitable it is still the duty of a nation to insist upon its rights. The individual who demands

everything he may lawfully claim does not thereby become a bully, and if those who seek to injure him make his just demands cause of hostilities the fault is not with him. Similarly a nation whose rights are clear is bound to insist upon their being respected at whatever cost. Had this principle governed the conduct of Mr. Bayard, rather his solicitude for "substituting pacific methods for force" and harmonizing international relations, undoubtedly we should long ago have reached a satisfactory arrangement with Great Britain regarding the fisheries controversy, and Germany would not have ventured upon the high-handed proceedings in Samoa inimical to our interests. The United States is in a position to require fair and respectful treatment from other nations, and it will undoubtedly be its policy for some years to come to firmly insist upon such treatment. In this way it will show itself entitled to respect and recover the dignity and character

the government, financially or otherwise. A clause provides that the company shall give six million dollars of the stock, or six per cent of the whole, to the government of Nicaragua, in payment for the concession to the company by that government of the franchise and a million acres of land. The company consists of wealthy and enter-

prising men who have full faith in the project, and the construction of the canal will be carried on wholly by private capital. That all the conditions required by the bill giving the company a charter from congress will be complied with there cannot be a doubt. Doubtless many millions of dollars will be subscribed before the expiration of a year, and work will very likely be begun at once, the company, it is understood, having made all preparations to commence the work as soon as the organization is perfected under the charter. Before the three years have expired in which the company must commence operations in order to hold the charter it is probable the enterprise will be well advanced toward completion, the estimated time for the construction of the canal being from four to five years. The feasibility of this project, which has been under consideration for years, has been amply demonstrated by the most capable American engineers. while as to the great commercial importance of such a canal, all intelligent

opinions are agreed. There appears to be no doubt that the Panama canal must be abandoned, and in that event a resumption of work on it will doubtless not take place for a great many years, if ever. A ship canal connecting the oceans is a necessity to commerce of growing urgency, and this the Nicaragua enterprise will supply. It is an undertaking of great and far-reaching possibilities, and as a distinctly Amer-

THE PROTECTION OF STOCK. It is undoubtedly a fact that most people associate Dr. Billings and his remarkable experiments with the work of the live stock commission, and are thus led to an erroneous impression regarding the latter. It is desirable that this misconception should be corrected, in order that no injustice shall be done the commission and that the hog-cholera specialist shall stand apart on his merits. There is no connection whatever between the two. As to Billings, the evidence seems to be pretty conclusive that his experiments have not been a success, and if he is to be allowed to continue them the probability is that more harm than good will result. With regard to the live stock commission, however, there is no doubt that its services have been of value, although its cost has doubtless been greater than there was any need of. This is a fault which may be easily remedied, and one which by no means forces the alternative of abolishing the commission. Experience has unquestionably shown that an organization of this character is necessary to protect the stock growers of the state against the intro-

duction of diseased horses and cattle from other states, as well as to prevent the spread of disease originating in this state. To abolish the

would certainly be to throw Nebraska

of public improvements on a large scale. With her public spirited men working together for the prosperity of their city Wichita cannot fail to become a great market and trade center for the territory tributary to it.

THE people of northern Wyoming, specially in the coal and oil regions of that territory, are anxious to become better acquainted with eastern Nebraska. They want the railroads extended into their country, and are looking forward with anticipation to the day when their coal and their oil, their cattle and their sheep will be exchanged for the food products and manufactured commodities of Nebraska's commercial centers.

THE council has very properly taken action to include brick in the list of paving materials from which property owners may make their selection. It now remains for the proper authorities to institute an inquiry into the merits of the different qualities of paving brick in the market, and to submit such recommendations as seem necessary.

An Evidence of Barbarism. St. Louis Republican

It is probable that New York city base ball cranks will have to go to Staten Island to see the Giants play ball this year. All the patriotism that is inspired by the national game was not sufficient to prevent the vandal Gotham authorities from opening a street through the Polo park. Is civilization moving forward or backward !

Mr. Coleman's Brief Honora Philadelphia Record

Mr. Coleman may now prefix "secretary" to his name, but when he thinks of the near approach of March 4, and the number of vatriots who are willing to devote themselves to the development of flower seeds, of grasses and of trees, he doubtless feels like asking:

If so soon that I was done for. I wonder what I was begun for.

Kings Don't Flourish Here. Boston Globe.

So Sir John A. Macdonald wants some member of the royal family to come over to Canada, set up a throne and found a dynasty Maxmilian tried something of that sort in Mexico, and it ended in a tragedy. People who attempt to found a dynasty ip the new world are apt to die nasty deaths.

> Civilized By Republicanism. Kansas City Journal.

Behold how the republican leaven is working in Delaware. A bill is now pending in the legislature providing that hereafter no female shall be punished for any crime by the whip or the pillory.

What Boulanger May Learn. Denver News.

If General Boulanger marries an American wife, an intent he is credited with by a Paris telegram, he will gain a clear idea of local self-government.

An American Government Again. Philadelphia North American.

longer. Then we will have an American government once more.

Parnell's Pluck. Philadelphia Record.

Parnell is sick, but not sick of the fight That man would get up after a knock-down in the 10,000th round.

WEBSTER'S BRIEF. LONG It Arraigns the Dual Attempt at

Prohibition. TERSE AND CONVINCING LOGIC.

The Battle Before the Supreme Court Disconcerts the Upholders of Dempster's and Cady's **Combination Scheme.**

Before the Supreme Court.

LINCOLN, Neb., Feb. 20.- [Special to THE BEE.]-The hearing of arguments by the supreme court in the validity of senate file 31, the submission bill, was begun at half past two this afternoon. About twenty-five spectators were present among whom were only three four members of the legislature. The assembly was without incident of special note. The room is small and stuffy. It was barely large enough to hold the small audience. The attorneys were closely crowded by the spectators; the opening and closing of the door made frequent disturbance, and the event was devoid of much of the dignity and decorum which the ordinary person would unagine in a proceeding involving such important interests.

The hearing was opened by Attorney Gen-eral Leese. Mr. John L. Webster sat at his left, leaning upon his hand, while his elbow rested on the long table in front of the three judges. His eyes were cast down in an atti-tude of quiet, close attention. Sitting a little back from the table was Mr. G. W. Am-brose, of Omaha. His hands were clasped across the top of his head. He leaned backward and his eyes were gazing into vacancy. At the right af the attorney general sat Representative Rayner taking notes. back of him was Mr. C. A. Robbins, of Lin coln, who represents the anti-saloon repub a dignity and attention befitting the occasion, and moved about from time to time to relieve a constraining position, now resting their heads upon their hands and again clasping their hands in front of them. The attorney general apologized for no

having an elaborate argument by saving that he relied upon his associates to supple ment his statement. He argued that the proposing of an amendment to the constitu-tion is not a legislative act, and quoted Cooley on constitutional limitation and other authorities in subport of his proposition. this be true, senate file 31 does not come within the scope of section 11 of article 3 of the constitution, which provides "that no

bill shall contain more than one subject, and he same shall be clearly expressed in its "There is no question but what the elect

ors can vote on either proposition as sub-mitted, but the vote would be a stand-off in the canvass. Then the two propositions are so adverse to each other that it is not at all probable that any man will vote for or against them both, unless it is caused by not understanding the question upon which he casts his ballot.

'If both propositions secure a majority of all votes cast, the result would be to leave the question where it is at present, as prohibits and the other regulates. E Eacl would bear equally on the subject, and neither could be enforced without a violation of the other. The real effect would be to leave a blot upon the constitution." The attorney general's argument was lim

ited to the clucidation of the several ques tions propounded in the house resolution to the supreme court. His argument was short and devoted chiefly to demonstrating that proposal by the legislature to amend the con-stitution is a ministerial act and that consequently senate file 31 was not subject to the rules governing an act. He was followed by Hon. John L. Web-

The interregnum will last only two weeks ster, of Omaha, with an elaborate argument against the validity of the bill. Before him he laid his printed brief, to which he occa sionally referred. He spoke in an caraes conversational tone, free from declamatory efforts. For emphasis he tapped the open orief with his eye-glass, which he held in his right hand, occasionally varying the act by bringing his left forchinger down upon the brief with a little emphatic thud calculated to make the accompanying statement im-pressive. While Attorney General Leese

in coming to the conclusion that the constint total method of proposing amendments to the constitution is by a joint resolution, and not by an act of legislation? If that be the method contemplated by the constitution, where does the authority exist to resist to an entirely different method, as was done in the case at bar! If the legislature can ignore the requirements of the constitution as to the method of proposing an amendment to that instrument, why may that body not ignore its requirements touching the three fifths vote! If the submitting an amend ment by an act of legislation, surrounded by all the forms and characteristics of ordinary legislation, be not the manner provided by the constitution, such proceeding must be out-side the constitution, and the result evidently follows that the same is unconstitu tional and void." Mr. Webster iaid down the proposition that

the measure under consideration was legisla-tion. It was presented as a "bill." It had an enacting clause when introduced in the nate, and had it when finally adopted. fere are the primary elements of legislation Section 2 of the act provides the manner of voting on the amendments by defining what shall be written or printed on the ballots.

That is legislation. Section 3 provides where the amendments shall be placed in the constitution, if carried. and the number of votes necessary to carry the amendments. This is legislation

"It does not alter the condition of the case to say these things were unnecessary in proposing amendments to the constitution," said Mr. Webster. "We actually find them in the act, and we must consider and deal with what we find there." If the framers of the constitution had in

tended that amendments were to be sub mitted by a 'bill' or 'act' of the legislature. they would have so said and provided, bu they did otherwise. If it is to be said or ad mitted that an amendment can be submitted to the people by legistation such as this, then why not say that when an act is passed by the necessary vote to make it a law, to wit: a majority of all the members elected to each house, that such amendment is properly and logally submitted."

This position was a cisions and authorities. was again fortified by de-

The next point advanced was that the proposed amendments were not entered on the ournals as required by section 1 of article 15 of the constitution.

The original senate file 31 was entered the journal of the senate. The bill as it passed the house seems to have been entered on the house journal. When the bill cam back to the senate the amendments proposed in the house were entered in the senate journal, but the hill as amended, was not entered upon the senate journal as tirety, or in the form of a completed instru ment

"The constitution requires that the proposed amendments shall be entered on the journals," said Mr. Webster. "This language contemplates that the proposed amendments in the completed form in which hey are to be submitted to the people shall e entered at large upon the journal of each house. These journals are made the record of the amendments so proposed. It is to this record the people must go to find amendecord the people must go to entirely un like an act of legislation in this regard. It evidently is not the intent of the constitution that the proposed amendments may be scat-tered through the journals in fragments, 'here a little and there a little.' This would require a skilled legislator to gather up the fragments and join them together, to find out what was submitted to the people. These amendments are proposed to the electors made up of men of all classes and degrees of learning, and should appear in a form that will address itself to their common under-

standing." Re quoted the opinion of the Iowa supreme court on a prohibitory amendment, which embodied an argument from Cosley's constitutional limitations. The conclusion of the lowa court and of Judge Colsey is that the direction to enter proposed amendments upon the journals is mandatory. Other de-

cisions are on a line with this position Section 2 of senate file 31 is in conflict with section 22 of article 1 of the constitution. After providing what shall be written or printed on the ballot of each elector concerning the prohibitory amendments, section 2 provides: "There shall also be written or printed on the ballots of each elector" an affirmation or negative concerning the license amendment. The conclusion is, that there shall be on each ballot words for both amendments or against both amendments.

Mr. Webster argued: "If the electors use the ballots which this law has provided for

amendment. When not limited by the con stitution the legislature is supreme in such matters. He maintained the form of ballot in the bill was in accordance with a provision of the constitution and must of neo valid

Mr. Ambrose contended that an act of 1877 gave a legislative interpretation to the constitution and established the proposition that a constitutional amondment must be submit

a constitutional amendment must be submit-ted by joint resolution. All amendments submitted since 1875 have been by resolution. Mr. Ambrose also touched upon the points already argued by Mr. Webster. Mr. Robbins closed the argument by con-tending that the court should uphold the evident intent of the legislature. He quoted Webster's definition of propose, and argued that an amendment could be proposed by a bill, or any one of several methods. He ad-dressed himself briefly to various arguments advanced, but did it disconnectedly. advanced, but did it disconnectedly. The hearing lasted over four hours. Mr.

Webster's argument was a masterful effect, ucid and logical, and occupied nearly two ours. All three of the counsel for the state pleaded lack of preparation, and their fire was scattered. They were unprepared for the line of Mr. Webster's argument and their rebuttal was lamentably weak, rambling and

irrelevant. The court has taken the matter under adment, but will allow counsel to submit additional argument to morrow morning. There is no means of tolling when the court's opinion will be delivered.

PLUCK AND RESOURCES.

These Made Chicago, They Will Now Make Omaha.

R. F. Williams of the Co-operative Land & Lot Company, speaks :

"Almost daily, we are asked from a disance, is your city's future very promising? Do you think Omaha will continue to grow n the future as it has in the past ! What reasons have you for thinking Omaha will make a great city! and many kindred questions to answer, which let me make use of in your columns.

"One has but to look at and consider the geographical location of Omaha, to be convinced that she is yet in her infancy, and a very healthy child, surrounded by the grandest resources that ever nourished a city into strength and greatness. In the recent past one could hear it said, Chicago is our modern Rome; all roads lead to her gates. But Chicago is waking up to find a mighty rival in the west, cutting of her supplies. The great stream of commerce that washed such wealth to the city of the lakes, is being mightily impeded in its course, and the time is not far distant when Chicago will thankfully receive the waste that flows over the dams. To judge the future of Omaha, we have but to giance at the history of our cities. What made Cincinnati?' Her western resources. What, to a large extent, checked her growth? Her rival, Chicago, in the west. What made Chicago? Her western resources. And what does Chicago fear to-day! She fears that Omaha will dictate to her in the future, as she has dictated to Cincinnati in the past. The reason for all this is obvious—'Westward the course of empire takes its way;' the corn and stock raising industries go hand in hand with civilization, and it has long since been proven that it is more profitable to consume our corn and pack our meats where they are grown than to ship at great expense and risk to distant

"But it may be asked, will not some city spring up west of Omaha, rivaing her!, as these cities have been rivaled in their turn? We can safely answer no. I deem it impos sible. The distance from Chicago to Omaha is about, or nearly equal to the distance from Omaha to the mountains, and when new cities are laid out west of us they are either too close to Omaha to flourish long, or are so close to the mountains as to limit their resources. Thus Omaha will be the great western city of the Mississippi valley. The enterprise of her people is unsurpassed on any quarter of the globe, and the coming season holds out every promise of prosper-ity. The vast amount of money and labor that will be expended in building our mam-moth postoffice, in building our city hall, in motions our provide the season of the season of the season of the motion of the season of the s moving our army headquarters, in grading our streets, in constructing and operating miles on miles of cable and motor lines, be sides many private building enterprises, will surely furnish ample employment to all; and with everybody at work prosperity is ours and Omaha will boom as she has never boomed before."

and their employes for the coming building season.

IT has now been determined that Informer Le Caron was once a grave robber. Whether or not he ever picked pockets is a point that will probably be passed upon in the near future.

It is now definitely settled that Nebraska will not officially be represented at the New York celebration over the centennial of Washington's inauguration to the tune of twenty thousand dollars.

WHILE the baby question is being wisely discussed by local contemporaries, the American father tramps the floor at midnight and longs for the squall to cease, just as his father did before him.

AUSTRALIA and New Zealand are not at all backward in coming forward to the support of the United States in the Samoan controversy with Germany. Such an act certainly evinces a kindly disposition toward America which is refreshing.

THE people of several cities and towns of Illinois have by popular vote decided who shall be postmaster of their partic ular locality. General Haraison would undoubtedly prefer to have more of such endorsements and recommendations to assist him in making appointments.

THE tendency to rail at sacred things is to be deplored. This tendency is to be noted in some accounts of revival meetings now in progress in this city. Reporters, in their desire to be funny, wantonly gibe, not at the evangelists, but at the principles and teachings fleemed holy by the Christian world, and respected by decency outside the pale of Christianity.

THE failure in the present congress of the bill providing for the funding of the Union Pacific's debt to the government seems assured, due chiefly to the persistence with which the friends of the Central Pacific in congress have demanded that that road should be included in the bill. Some time ago it appeared probable that the measure would pass, but the scheme to prolong the power of the Union Pacific to compel the people of the west to pay its debt to the government has had a less hopeful outlook ever since Mr. Adams announced that the department organfized to work upon the congressional intellect and keep the press properly informed as to the merits of the scheme would be abolished. It will be remembered that Mr. Adams then made the confession that nothing was to be expected from the present congress, and referred regretfully to the time he had wasted. He was doubtless then aware of the move the Central Pacific people intended to make, and foresaw its fatal effect. The failure of the measure will be a victory for the people of the west, but it is hardly to be supposed the corporations will not renew the contest in the next congress. They must do so, however, under the circumstances, at somewhat of a disadvantage.

SHOULD NOT BE TOLERATED. The action of the horse railway company in petitioning the council for authority to erect electric motor poles along its lines, seems to indicate an intention on the part of that company to substitute electricity for horse power on all or a part of its lines. The move will meet with the opposition of the business men of this city, and a very decided stamp of disapproval will be placed upon the proposition of the horse railway company. If our business thoroughfares are to be crossed and recrossed by poles and wires they will be well nigh obstructed and the impediment thus offered to the fighting of fire will be a very dangerous menace to the city. These wires are placed at a height of

that have been lost under the present

administration.

sixteen feet, and even lower, so that a wagon load of hay cannot enter Omaha upon any of our thoroughfares, nor can any house-mover or furniture express man do business without constant risk of life or destroying the wires.

The telegraph wire nuisance must be abated at all hazards. It will not do to make flesh of one company and fish of another. THE BEE is decidedly opposed to any attempt on the part of the horse railway company, or any other surface tramway company, to string wires in the principal streets, or on any business street of the city. If these companies are not able to operate their roads by storage batterics, let them use horse power, build cable lines or put their wires beneath the surface. The sooner this is done the better it will be for all concerned. The plea that subways, or underground wire systems, are still an experiment is no longer tenable. In all the large cities of the east the wires are rapidly being placed underground and the pole nuisance has been done away with. Omaha is a metropolitan city and not a village. She cannot afford to have her streets obstructed by overhead wires while at the same time no property owner is allowed to hang out a sign or avail himself of any space beyond the curb line of the street.

THE NICARAGUA BILL SIGNED. The president has signed the bill giv

ing a charter to the Nicaragua cana company, and that corporation thereby receives national recognition, with all that may apply. The bill provides that the capital stock shall be one hundred million dollars, all of which is to be issued from the principal office in New York, but none shall be issued until ten per cent of the par value shall be paid in, and at least a million dollars shall be subscribed for stock within a year after passage of the bill, Congress shall have power to alter or repeal the act whenever, in its judgment, the public good requires it. and the government shall not be in any way hable for the debts or contracts of the company. Unless work on the canal be begun in good faith within three years the act will become null and void. A majority of the directors of the company must be citizens of the United States.

These are the principal provisions of thd act, which in no respect involves

open to the invasion of diseased stock from all the territory contigious to the state, with the effect of very soon destroying our cattle interest and bankrupting hundreds of farmers and stock growers. It would inflict an irreparable damage on the state, from which it would take years to recover. What is required is such judicious ' regulation the live stock commission as will produce the best results at the least cost. and which will prevent all forms of extravagance. The account rendered of expenditures during the last two years appears to show that more money was expended than was necessary to the efficient performance of the labors of the commission. There was too great liberality in the matter of personal expenses, and doubtless in some other respects. This, as we have said, is remediable. But the protection of the stock interests of the state against disease from within and without cannot be abandoned without inevitable disaster to those interests, and there is no way of adequately providing such protection except through a thoroughly competent commission.

THE legislature of Nebraska does not stand alone in endeavoring to pass valued policy bills. The legislatures of six states are considering the question of requiring insurance companies in case of total loss by fire to pay the full amount written in the policy. It has been brought out in the course of testimony that gross injustice has been done to policy holders by undervaluing their losses through an understanding existing between insurance companies little short of a trust. An appeal from a decision of the underwriters means to the insured expensive litigation and long delays, so that he is too often compelled by stress of circumstances to accept whatever terms of settlement the companies may offer. It has been furthermore shown by the statistics of fire losses of those states where the valued policy is in effect, that the law neither tends to encourage fraud nor incendiarism, as is charged by the insurance companies. The legislature of our state will fail in doing its duty to the people if it permits its sound judgment to be warped by false arguments of the insurance lobby.

OUR citizens extend a hearty welcome

to the delegation of Wichita's business men visiting Omaha for the purpose of viewing the public works and great industries which have made our city famous. Wichita, like Omaha, is the center of a corn and hog region, and the two cities have many interests in common. It is a compliment which Omaha cannot fail to appreciate and one which our city will be most happy to reciprocate, that citizens of the third metropolis of Kansas, have passed by Kansas City to pay their respects to the leading city of Nebraska. It is a recognition of the good name which Omaha bears abroad, and it is

evidence of Omaha's prominence as one of the leading cities of the country. Wichita is about to inaugurate a system

Encouraging Building Associations OMARA, Feb. 19 .- To the Editor of THE BEE: The agitation for the control of building and loan associations is certainly a

sten in the right direction The vast sums entrusted to the care of these associations are taken principally from our citizens who labor for stated salaries, on whom a possible loss would fall very heavily. It is my opinion that any measure looking to the better regulation of these associations, under laws which will not cripple their use fulness, would meet with the hearty approval of all those interested in such institutions. I am in favor of a law putting building and loan institutions under the banking laws, o the inspection of the auditor of state, to the end that the workings and standing of associations may be ascertained by a regu-larly constituted officer of the state, thus proand the shareholders. Unlike banks, the amount of cash in sight is very small, in consequence of which the securities are n consequence of which the the points to be looked to. As these institu tions loan their funds only upon real estate security, and depend for profit upon the compounding of interest, it is plain to be seen that building associations are more se-cure and safe in their plan and action than darmists would like one to believe. There s no dispute as to the benefits derived from hese institutions. They should not be restricted in their use

ulness, for they are an important factor in the cause of thrift, and members thereof oon find themselves in possession of amount of money accumulated from their small savings far beyond their most sanguine

expectations. U. S. LOAN AND INVESTMENT Co., U. S. LOAN AND INVESTMENT Co., Per M. H. Sloman, Secretary.

THAT TROUBLESOME ROOF. The Covering of the County Hospital Leads to a Secret Jangle.

The board of county commissioners held a star chamber session yesterday in which some very animated and noisy discussion took place. The trouble hinges on an out and out dispute between the board and Mr Brown, a representative of the Indianapolis Iron Manufacturing company. This is the concern that secured the contract for furnish ing the iron roof to the new county hospital There is something like \$8,000 due them ye on their bill which was originally over \$16, 000. Two weeks ago the commissioners re-ceived a letter and a statement from them claiming that Ryan & Walsh were not coming to time according to agreement in paying the \$5,000 still due and asking to be protected against loss. At their regular meeting last Saturday the board expected to make another appropriation and certain bills for Ryan & Walsh, from which they might be able to figuidate these debts. It was desired, however, that Mr. Myers, architect of the building, should examine the work and pass judgment upon it before any more money should be ordered paid out. He more money should be ordered paid out. He failed to put in an appearance Saturday, con-sequently an adjournment wastaken until yes-terday. Mr. Myers arrived Monday morning. So did Mr. Brown, of the Indianapolis con-cern. That day these two gentlemen and the commissioners visited the hospital and made a thorough examination of the struc-ture. In the meantime some one it is not ture. In the meantime some one, it is not

stated who, conceived the idea that an oppor-tunity might be presented for an investiga-tion in the contract of the Indianapolis Iron

Manufacturing company. Yesterday the 1 and met in County Clerk Rocho's back office, with Mr. Brown and Architect Myers present. They locked the doors and went at it. They made the charge to Brown that his firm had not ful-filled its contract in furnishing as much iron for the roof as it demanded. This charge Mr. Brown denied most vehemently. It was also alleged that the contract called ior iron arches for some of the windows, which allegation he likewise flatly denied. For nearly two hours the wrangle was continued without any results.

Defaulter Moore Sued.

NEW YORK, Feb. 20.-Joseph A. Moore, the insurance agent of Indianapolis, whose extensive defalcation created such a stir some time ago, has been sued for \$30,000 by the Connecticut Life Insurance company.

held that senate file 31 should be treated as though it were a resolution instead of an act, Mr. Webster maintained that it was in every assential a bill.

Mr. Webster began his argument with statement showing the form of senate file 31 as originally introduced by Senator Lindsay and its form as amended. He then quoted from the senate journal showing the manner of concurring in the house amendments, and quoted the record of the secretary of state' office to show that the bill had been sent to the governor, though he had neither signed nor vetoed it.

Mr. Webster then undertook to show that the amendments in senate file 31 had not been proposed in the manner provided by the constitution, basing his argument on section 1 of article 15, which reads as follows:

"Either branch of the legislature may proose amendments to this constitution the same be agreed to by three-fifths of the members clected to each house, such pro posed amendments shall be entered on the journals, with the yeas and navs, and publeast lished once each week in lished once each were in at least one newspaper in each county, where a newspaper is published, for three months immediately preceding the at next election of senators and representatives, at which election the same shall be sub mitted to the electors for approval or rejec-tion, and if a majority of the electors voting at such election adopt such amendments, the same shall become a part of this constitution When more than one amendment is submitted at the same election, they shall be submitted as to enable the electors to vote on each amendment separately." The speaker then advanced these funda-

mental propositions: "Either branch of the legislature may pro

pose amendments. The other branch agrees to them. Three-fifths of all the members elected to each house shall agree to them. Such proposed amendments shall be entered on the journals.¹ This contemplates some thing entirely different from the passing of a 'bill,' or the enacting of a law. Section 10 of article 3 of the constitution says: 'No law shall be enacted except by bill.' No such thing is contemplated with reference to constitutional amendments. Every 'bill' shall have a title. No such thing is necessary with a constitutional amendment. Every law must have an enacting clause. No en acting clause is necessary in proposing con-stitutional amendments. A bill may be passed by the 'assent of a majority of all the members elected to each house of the legislature.' A proposed constitutional amend ment requires the agreement of three-fifths of all the members elected. A proposed of all the members elected. A proposed amendment must be 'entered in the journals.' A bill need not be entered in the journels, A proposed amendment need not be submitted to the governor for his approval, but every bill passed by the legislature 'shall be presented to the governor.' It is thus clear that amendments to the constitution caunot be 'enacted' or proposed by a 'bill.' None of be 'enacted' or proposed by a 'bill.' None of the provisions of the constitution relating to bills' have any application to proposing con stitutional amendments. In proposing amend ments to the constitution the legislature does not act in a legislative capacity. It action is analogous to that of a constitutional conven-tion, which is a mere recommendation to a body above and beyond it, which alone en-acted it intr a law. The action of the constitutional convention is merely ministerial. if a procedure contemplated by the legislature is to be ministerial it must be by reso Intion and not by an act of the logislature.' In support of these propositions Mr. Web ster cited several authorities and precedents, among them Jamison on constitutional con-ventions, Daniel Webster, Lyman Turmbul and Reverdy Johnson. He also showed that the uniform pratice of proposing amend-ments to the federal constitution has been by joint resolution. "From what has been said and quoted,"

argued Mr. Webster, "are we not justified

Children Cry for Pitcher's Castoria.

When liaby was sick, we gave her Castoria When she was a Child, she cried for Castoria, When she became Miss, she clung to Castoria Whyn she had Children, she gave them Cas

them, both constitutional amendments will have received the same number of votes, and

hence both constitutional amendments may have a majority of all the votes cast, or both amendments may have less than a majority of all the votes cast. It may be said the elector can erase one affirmative or one negative from his ballot. Physically he can but not under any legal sanction provided in this section. The constitution requires When more than one amendment is submit-ted at the same election, they shall be so submitted as to enable the electors to vote or each amendment separately.' Section 2 of the present bill is in a form which requires the elector to vote on two amendments jointly. This section is intended to regulate the election, and prima facie, at least, the

elector is expected to use the form of ballot therein provided for him. "The results ard three-fold: "First.—To vote for two inconsistent

mendments jointly. "Second. To vote against both amend-

ments jointly. "Third.-The elector to be deprived of his constitutional right to vote for either as his

onscience dictates. "If this section is void the whole act is void, as the section's were necessarily in-tended to go together as necessary, depend-

ent parts of the same act." Mr. Webster concluded with the argument that senate file 31 was repugnant to Amer-

icau principles and practices. It is a funda-mental principal of the election laws of this country that the electors shall not be ham pered at an election by inconsistent propositions. If both the amendments should re-

ceive a majority of the votes they would nul-lify each other, or the license amendment, being the last in order, would prevail.

Mr. Webster was followed by Representa tive Raynor, who had been busy making notes and consulting law books for the pre ceeding two hours. He said he had not been able to begin preparation until this morning. He contended that senate file 31 was a ministerial act purely, only a propos tion to let the people vote on proposed amendments to the constitution. It may it may have the characteristics of a bill in form bu not in substance. The constitution provides that a bill must have an enacting clause, but there is no such limitation as to the form of preamble for a proposition to submit an

For Weakness, Hysteria, and other diseases of the nervous system Skipped with Borrowed Robes.

Pearl Mackey recently loaned one of the solied doves in her palace of sin a silk dress and other toggery with which to make a presentable appearance. The recipient, who gives the name of Reah Boyd, left in the lead of night with this finery and went to boarding at another house. Pearl brought civil action and recovared the silk dress and the remainder of the wardrobe cannot be recovered.

Give it to the deserving

Poor The number of bright women who

no longer doubt that PEARLINE saves time, labor, wear and tear in all washing and cleaning, and is withal perfectly harmless, reaches millions-and increases daily-a fact proven by the consumption of the article, which is equal to two packages a year for every family in the land.

Every pound Package of Pearline which you give away will enable a poor woman to do in half a day, washing or cleaning that would consume a whole day if done in the ordinary way, with soap; besides, the work will be well and easily done, and the things washed (as

well as the woman herself) will not be rubbed to pieces. We think most women would appreciate such a present.

To prove all this, get a package of PEARLINE from your grocer, and wash or clean something by the laborsaving directions which are on every package.

Beware of imitations.

JAMES PYLE, New York

Wichita Wanderers.

Yesterday morning at 9 o'clock the Vichita delegates were met at the Wichita to South Omaha. The party was President Euclid Max Mover W. N. Nason and taken escorting Martin, Secretary W. N. Nason and Messrs. Max Meyer, C. O. Lobeck, James Grant and C. E. Sawyer, of the Omaha board of trade. The distinguished The distinguished gentlemen were escorted through the stockyards, packing houses and other places of interest. They expressed themselves as being surprised at the won-derful growth and prosperity of the Magic City. In

In the they were driven about Omaha, and at 6 o'clock was entertained at lunch by the Omaha club. They took the night train for home.

Judge Groff in Kearney.

Judge Groff says that he had a good time at Kearney, having lived there two years, prior to locating in Omaha. The people know him, and were naturally anxious that he should prolong his visit. The object of his trip was to decide a law contest in which John Price had sued the Kearney Land company for \$35,000 on a contract, and in which defendants set up a counter claim for dam-ages for \$16,000. After hearing all the testimony, arguments of counsel and everything else bearing upon the case, his honor con-cluded that Mr. Price was in the wrong and

found for defendants. **Horsford's Acid Phosphate**