# IT GOES DOUBLE-BARRELLED.

## The Dual Submission Bill Declared to Be Constitutional.

## THE SUPREME COURT DECISION.

### Electors May Vote for Either of the Propositions, But Votes Cast in Favor of Both Nullify Each Other.

LINCOLN, Neb., Feb. 27.—[Special to THE BEE.]—The opinion of the supreme court as to the constitutionality of the proposed double-headed proposition that the people vote upon prohibition and high license was handed down, to-day. It is an exceedingly long document, and declares the proposition constitutional. It first gives the measure in full with the records of the journals in relation to it, recites the position taken by those who contend for the unconstitutionality, and gives the points in Mr. Webster's brief.

The opinion sets forth at great length a number of decisions in cases deemed to be similar to the case under consideration, and quotes freely from "Jamison on Constitutional Conventions" in support of the conclusion reached.

On the plea of abatement in one case cited, then pending in the United States supreme court, the objection was made that: "The amendment has not been proposed in the form prescribed in the constitution, and is therefore void." Nevertheless, after argument, the amendment was sustained by the court and that decision has been followed in making all the amendments to the constitution of the United States from that time to the present. In discussing this subject Judge Jamison cites the varying methods of different states as to the manner of proposing amendments, leading the court to declare that there is no uniform practice in submitting propositions. It further declares that none of the provisions of the constitution relating to "bills" have any application to proposed constitutional amendments.

"The phrase, 'Be it enacted,' while ordinarily applied to the passage of bills, may be used to pass a mere resolution or proposal. There would seem to be nothing in this objection. It will be conceded that under our constitution it is unnecessary to submit a proposition to amend the constitution duly passed by each branch of the legislature, to the governor for his approval, as such proposition is not ordinary legislation."

It is next stated that the resolution is not invalid by reason of having gone through any process not required by law, provided it has gone through every process so required.

"The constitution," says Judge Maxwell's opinion, "does not provide the form of a proposed amendment to the constitution, and while the proper form would seem to be 'Be it resolved,' etc., it does not render any other proper formula unavailing or void. The first objection therefore in the brief of Mr. Webster is overruled.

"It is claimed that the proposed amendment is unconstitutional for the reason that it is in conflict with section 21, article 1, of the constitution, which provides that 'All elections shall be free and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.' It is said in Mr. Webster's brief that we must consider the present doctrine of an act of the legislature. As yet it is no part of the constitution. Does the act, as now framed, in one of its necessary parts conflict with the existing constitution?

"Section 2 of the act provides that on the ballot of each elector there shall be printed or written the words, 'For the prohibitory amendment,' or 'Against the prohibitory amendment.'

"Second. 'For' the license amendment, or 'against' license amendment.

"It seems clear that there must be printed or written on the ballot of each elector, words For each of the amendments or Against each of the amendments. After providing what shall be written or printed on the ballot of each elector, concerning the prohibitory amendment, the section provides:

"'There shall also be written or printed on the ballot of each elector an affirmative or negative concerning the license amendment.'

"The conclusion is, that there shall be on each ballot, words 'For Both amendments or Against Both amendments.'"

In support of this proposition, the case of Allen vs Louisiana, 103 U. S., 84, is cited, and Judge Maxwell concludes: "To be effective but one of the propositions can be adopted and become part of the constitution. The proposed amendments are not dependent upon each other and, therefore, are not in conflict with the constitution."

2. "Mr. Webster, in his brief, contends that the proposed amendments must be submitted together, that is, an elector must vote for both amendments or against both amendments."

After citing the original measure and the amendments thereto, the court rules:

"The propositions are to be separately submitted. They are independent proposals, both intended to place restrictions upon the traffic in intoxicating liquors as a beverage. It is a well known fact that the unrestricted traffic in intoxicating liquors, as a beverage, produces destitution, misery and crime, fills poor houses and prisons, and indirectly adds largely to the burdens of taxpayers. How best to control this evil, has occupied the attention of wise and thoughtful persons for many years, and the inquiry is, what system will produce the best practical results? On the one hand, it is claimed that in the present state of public sentiment the most effective restriction can be obtained by placing licenses at so high a sum that only reputable and responsible persons can engage in the business, and they are under such liabilities and restrictions as prevent sales to minors, drunkards or to anyone on Sunday or election days or at any time in sufficient quantities to produce intoxication, and by making persons engaged in the business, and the surties on their bonds liable for any damages sustained by anyone from the sale of intoxicating liquors. On the other hand, the opponents of license claim that the only effective mode of controlling the traffic is to prohibit it altogether. The legislature recognizing this divided state of public sentiment has in effect said to the electors of the state 'Choose ye which system ye will have,' and hence has submitted both questions. Electors in casting their ballots for or against a proposition are supposed to be, and as a rule are governed by principal, hence, if one votes in favor of prohibition it will be rare, indeed, that he will vote in favor of license: So if he votes for license he will not vote for prohibition. The proposed amendments provide for different and contradictory modes of controlling the liquor traffic but one of which can be effected if adopted. The propositions being independent, however, an elector may vote for one and against the other, or for or against both. If both should receive a majority of all the votes cast, however, the amendments being irreconcilable, both would fail. Such a contingency is so remote that it scarcely need be considered.

No title is necessary to a proposed amendment or amendments to the constitution, and if a title has been inserted, it may be treated as a nullity. A proposition to amend the constitution, when adopted by the necessary three-fifth vote of all members elected to each house, is in no sense a law. It is a mere proposal based, it is to be presumed, upon a public demand for its submission, but it will possess no validity until ratified by a majority on all the votes cast at the election. If two or more propositions are submitted they are to be submitted separately. There is good reason why but one subject should be embraced in a bill designed to secure a law by the action of the legislature or government, and that the subject should be clearly expressed in the title, as without such condition, experience has shown the provisions of a very objectionable character which there was no possibility of passing independently, were attached to merited bills and smuggled through, or knowingly voted for by members to prevent the defeat of meritorious measures. In other words, as said the court in White vs Lincoln, 5 Nebraska, 555. The object 'is to prevent surreptitious legislation by incorporating into a bill obnoxious provisions, which have no connection with the object of the bill, and of which the title gives no indication.' No such reasons, obtain, however, in submitting a proposition to the amendmen of the constitution, so far as they relate to bills not applicable.

"Mr. Webster in his brief, page 41, says: 'Treating the whole bill for an alternative vote, it is subject in principle to the same objections which this court made to that form of a proposition in Jones vs Hurlburt, 13 Nebraska, 123, and Spurk vs Lincoln & Northwestern railroad company, 14 Ind., 293. In those cases it was held in effect that the grant was void for want of a specific grantor. * * * * The law has no application to this case, even if we apply it to the action of the house in amending the senate bill.

"Mr. Webster in his brief also contends that the proposed amendments were not entered on the journals as required by the constitution. The journal of the senate shows that senate file No. 31, as it originally passed that body is spread at length on such journal, and the house journal shows that the bill with the amendments made by the house are entered at length on such journal. And when the senate concurred in the house amendments, such amendments were spread at length on the senate journal. Thus the entire propositions are entered on the house journal, while the senate journal shows the propositions in two sections. The same question was before the supreme court of Kansas in the prohibitory amendment cases—24 Kan., 710—where the proposed amendments had not been spread at length on the journals of the respective houses. The court, by Brewer, J., says: 'Is a proposition to amend the constitution in the nature of a criminal proceeding, in which the opponents of change stand as defendants in a criminal action, entitled to avail themselves of any technical error, or mere verbal mistake, or is it rather a civil proceeding, in which those omissions and errors which work no wrong to substantial rights are to be disregarded? Unhesitatingly we affirm the latter. The central idea of Kansas law, as of Kansas history is, that substance of right is grander and more potent than methods and forms. The two important vital elements in any constitutional amendment are the assent of two-thirds of the legislature and a majority of the popular vote. Beyond these, other propositions are mere machinery and forms. They may not be disregarded, because by them certainty as to the essentials is secured. But they are not themselves essential. Take a strong illustration: The constitution requires that the 'secretary of state shall cause the same to be published in at least one newspaper in each county of the state where a newspaper is published for three months preceding,' etc. Suppose a unanimous vote of both houses of the legislature and a unanimous vote of the people in favor of a constitutional amendment, but that the secretary had omitted to publish in one county, in which a newspaper was published, would it not be simply an insult to common sense to hold that thereby the will of the legislature and people had been defeated? It is within the power of the secretary, either through ignorance or design, to thwart the popular decision? Is he given a veto, or can he create one? This may be an extreme case, but it only illustrates the principle. The records of the proceedings of the two houses are made, not by the houses themselves, but by clerical office. True they are under the control of the respective houses, but in fact the records are made by clerks. May they defeat the legislative will? The constitution does not make amendments dependent upon their approval or their action. To insure certainty and guard against mistake, journal evidence of the amendment and votes is prescribed, but this is mere matter of evidence, and not the substantial condition of constitutional change. The case cited from Kansas seems to state the law correctly and has our approval. The case at bar, however, is much stronger than the one cited. The maxim of the law is 'Id certum est quod certum reddi potest,' that is certain which may be rendered certain—2 Blackstone Comm. 143; 4 Kent do Comm. 462. This maxim is constantly applied in the construction of instruments effecting the title and possession of real estate and other matters of importance, and is applicable to a proposition to amend the constitution. The journals of both houses snow that the identical propositions now before us were duly passed by both houses and are entered on the journal of the respective houses with the yeas and nays, the only objection being that in the senate journal the propositions amended by the house is not entered at length in one place. This in our view is not fatal to its validity.

"There is another reason why the court will not declare the propositions invalid because not entered at length on the state senate journal. The legislature is still in session and each house has complete control of its journals during this session to amend or correct the same, to confirm to the facts.

"Upon the whole case there is nothing in the propositions in conflict with the constitution or that renders them invalid."

### Turned the Laugh on Howe.

LINCOLN, Neb., Feb. 27.—[Special to THE BEE.]—The senators will have their joke, and Church Howe yesterday offered the following resolution:

Whereas, The following appears in an evening newspaper:

NEBRASKA CITY, Feb. 26.—Highway robberies have been perpetrated or attempted, nearly every night for a week in this city. Last night three well known citizens in different parts of the town were held up at the point of revolvers by two men at different times and robbed. The town is run over by tramps, and the live men who constitute our police force are powerless, consequently no arrests. Men are becoming afraid to venture out at night; therefore, be it

Resolved, That the commander-in-chief be and he is directed to at once call out the militia and march at once upon Nebraska City, and restore law and order; that Senator Ransom is hereby excused by the senate and directed to report to the commanding general as chief of artillery.

On motion of Senator Norval the resolution was referred to the committee on labor, of which Senator Ransom is chairman.

This morning Ransom made the following report, which was read amid much merriment:

Mr. President: The chairman of your committee on labor, to whom was referred the annexed resolution ordering him to report to the commanding general and assist in subduing the robbers, tramps and highwaymen operating in Nebraska City, begs leave to report that under his direction, and with leave of the commander-in-chief, the army moved on the enemy last night and drove him back to his home in Nemaha county, and he is now encamped around Howe station, in that county. Several prisoners were captured, and on their persons were found annual passes on the Missouri Pacific railroad in this state. Hon. Church Howe, a member of this body, who had been selected as sutler, went over to the enemy to trade with them, and he was at once recognized and was claimed by the enemy as their leader. Howe is now on the right wing, near the Peru normal school, but refuses to allow his men to go near the school building, fearing there may be an explosion of unexpected oil stored there. Scouts report the enemy in charge of all the roads, and Howe, having openly declared that he was out of politics, is gathering and enlisting recruits rapidly to his support. He has agents in the capitol now negotiating with the live stock commission with a view to having that body move on our horses and animals. I recommend that the veterans be ordered to the front, and that Hon. Church Howe's seat in this body be declared vacant, and that Hon. R. S. Norval be cashiered for stopping to raise a constitutional objection when our men were crossing the Nemaha river under heavy fire.

P. T. RANSOM,
Chairman.

### Ijams' Election Bill.

LINCOLN, Neb., Feb. 27.—[Special to THE BEE.]—Senator Ijams' bill amending the election law adds a proviso limiting justices of the peace in metropolitan cities to six. It is of such general interest to Omaha that its text is here given in full:

Provided also, that in all cities of the metropolitan class there shall be but six (6) justices of the peace and no more for each of such cities, and for the purpose of establishing this plan, it shall be the duty of the county board in the county in which such city or cities shall be situated, on or before the first day of September, 1889, in counties in which there is a city already of the metropolitan class, and in all other counties on or before the first of September after which a city therein shall become a city of the metropolitan class, to divide such city into three districts, numbered respectively first, second and third, and shall be composed of two or more wards or voting districts, as the case may be, comprising compact and contiguous territory, and embracing as near as possible one-third of the population of such city, and not subject to alteration oftener than once in four years, and two justice of the peace shall be elected from each of said districts by the qualified electors of said districts, who shall provide and maintain an office or place for holding court in the district in which they shall have been elected. And it shall be the farther duty of said county board after they shall have established the districts as aforesaid; and thirty (30) days prior to the next election at which justices of the peace are to be elected to publish three times, in some newspaper printed and of general circulation in said city, a notice of the fact that such districts have been established, describing the same by boundaries, and also prepare and file in the office of the county clerk a plat showing and describing the boundaries of the respective districts aforesaid; the costs of which publication and plat to be paid by the county. And for the neglect or refusal of the county board to attend to all or any of the duties herein mentioned, each member thereof shall be deemed guilty of malfeasance in office, and shall be fined as by law now provided.

### Billings Seeking Revenge.

LINCOLN, Neb., Feb. 27.—[Special Telegram to THE BEE.]—Ex-Chancellor Manatt being sick to-night, the committee for investigating the state farm examined no witnesses. Governor Thayer and Prof. Billings were present. The governor was invited to address the committee, and read Billings' letter offering to Frank R. Morrissey material to fire hot shot into the governor. He said he would be glad to have Billings explain what he meant. Billings said that the live stock commissioners were riding on passes and charging the traveling expenses to the state. He asserted that the veterinarian was incompetent, and charged the commissioners with neglecting the plain provisions of the law for suppressing glanders. He therefore thought the governor responsible for their extravagance and mismanagement. The governor and members of the committee catechised Billings as to his quarrel with the commissioners, and showed plainly that his attack on the governor was petty spite. Billings' charges were general and not sustained. Sharp cross-questioning showed him up in an unenviable light, and the members of the committee expressed the fullest confidence in the governor.

### The House Employes.

LINCOLN, Neb., Feb. 27.—[Special Telegram to THE BEE.]—Lightning will certainly strike some of the employes of the house to-morrow. The Hampton committee will hand in its report, and it is almost certain that the reduction recommended will be very radical. Some members favor cutting the whole number down to forty, and this is considered by many to be too extreme a step. It is understood that the full force of the recommendation will fall on the engrossing rooms, though no department will be spared. It is whispered that the farmers at a recent meeting decided to stand by the report. Hampton, the chairman, is an influential farmer and will likely have the solid support of that class in his effort to reduce the running expenses of the legislature.

### The Paulsen Bill.

LINCOLN, Neb., Feb. 27.—[Special to THE BEE.]—Following is the text of Senator Paulsen's last bill:

"That all deeds, mortgages, or other instruments in writing, for the conveyance of, or affecting the title to, lands within this state, which have heretofore been made and executed, and which have been duly recorded in the proper counties ten years before the passage of this act, such title not having been questioned, but which have not been attested by subscribing witness, or the officer taking the acknowledgement has not fixed his seal to such acknowledgment, the same and the record thereof shall be as good and valid in law and equity as if said instrument had been attested by subscribing witness and the seal of the proper officer had been attached thereto."

### The Supreme Court Amendment.

LINCOLN, Neb., Feb. 27.—[Special to THE BEE.]—The proposed constitutional amendment for five supreme court judges provides for the election of three judges at the first general election in 1891, one for one year, one for three and the other for five. The two holdover judges are to serve out their terms. Thereafter one judge is to be elected each year, and the term of office will be five years. The feeling is prevalent in the legislature that the court should be enlarged, and the proposal will undoubtedly be adopted.

### Senate.

LINCOLN, Neb., Feb. 27.—[Special to THE BEE.]—The senate devoted a half hour this morning to receiving several committee reports and reading two or three house bills a first time, and then adjourned till 2 o'clock, in order to let the committees work up more raw material. Several railroad bills, although reported adversely, were put on general file for consideration.

AFTERNOON SESSION.

The senate at once went into committee of the whole to discuss the Raymond banking bill.

The committee's amendment exempting savings banks from the clause regulating capital stock according to population was objected to and passed over. The point was raised that commercial banks would evade the law by establishing a savings department.

Several minor amendments were made in addition to those noted in THE BEE'S review of the bill published a few days ago. The bill provides for state inspection and public statements, and fixes severe penalties for receiving deposits when insolvent and for misleading representations to the inspector.

After spending the afternoon on a great number of small amendments, the bill was sent back to the banking committee to be put together and returned in an understandable condition. The senate then adjourned.

### House.

LINCOLN, Neb., Feb. 27.—[Special to THE BEE.]—The house took up the bills on third reading that relate to county and township organization. Nine bills of this character were passed. They all are intended to simplify the local administration of affairs in local government. The changes made affect counties only under the county and township organization laws. The most important changes are as follows.

To provide for the election of one-half of the members of the board of supervisors each year instead of all of them at once, and to provide for the disbursement of the funds belonging to school districts and townships direct from the township treasury under the present law. These funds are all turned over to the county treasurer, who takes out his 3 per cent commission.

By the passage of these bills this amount will now be saved to the respective townships. These measures were all passed by a large majority.

Senate file 29, a bill extending the time of payment on school lands, was extended to January 1, 1900.

Caldwell said the money was well invested in these lands; that the amounts due are a first mortgage and the time is asked by a large number of owners.

The bill was killed by a vote of 74 to 19.

AFTERNOON SESSION.

The house continued the work of disposing of bills on third reading.

House roll 184, a bill compelling adjacent owners to pay one-half of the value of a lawful line fence, was passed.

The opinion of the supreme court affirming the constitutionality of senate file 31, the dual submission bill, was announced and on motion of Christy, of Clay, the reading of the decision was dispensed with.

Cady moved to make a special order of house roll 337, a bill granting a bounty of 2 cents per pound on all sugar manufactured in this state, for Tuesday next at 2:30 p. m.

Majors moved to go into committee of the whole to consider senate file 3, the Ransom valued policy bill.

Baker strongly opposed the motion, and moved to substitute the registration bill.

After some further debate the motion carried.

Specht made a strong speech in favor of the bill, and Towle insisted that the bill should be passed just as it came from the senate.

Efforts were made by White and Cady to amend the bill, but in vain.

The amendment by Cady exempted the buildings on which two policies were written.

Whitehead spoke in favor of the bill. He said the bill was an exact transcript of the Wisconsin law on the same subject. He lived in Wisconsin when that law was enacted and the measure worked well. He thought the argument that the law would increase the number of incendiary fires very weak.

Dempster suggested that from appearances the oil room lobby had been getting in its work.

Towle took the floor and declared that every amendment was intended to weaken the measure. "The bill is good enough now," continued Mr. Towle. "Vote down all of these amendments, and let us put the bill through."

Speaker Watson explained the contracts as they are now made under the present law. He could see no reason why Mr. Cady's amendment should be adopted.

Mr. Hall stated that the edict has gone forth that this bill must be passed just as it came from the senate. For his part, he was glad this bill was before the house. It gave the members a chance to make a record. When a bill reducing railroad charges was up for discussion the members were very timid, but now they all seemed to be a unit in favor of this measure aimed at the insurance companies. There was not a single petition in favor of this bill on file in the house. Every time an insurance company is compelled to pay more than the true value of the property its ability to adjust honest losses was diminished. He said he was aware the bill had been considered in a committee outside of the house and that nothing that could be said on the floor could change that decision. Still, he believed the measure of doubtful utility and had not proved a success wherever tried.

Gilchrist quoted a number of statistics proving that the insurance companies were reaping a rich harvest from premiums on over valuation.

Speaker Watson warmly defended the bill and said it would prevent litigation to a very large extent.

Scoville thought the bill of vital importance, and that the best interests of the people demanded its passage.

Burnham thought the legislature, by passing this measure, was putting a premium on arson, and that incendiary fires would light up the horizon in every direction.

Every amendment was voted down, and, after some time spent in filibustering, the bill was reported back and put on its passage. The final vote stood 79 yeas and 7 nays. Those voting against the bill were Berlin, Burnham, Cushing, Gardner, Hall, Rayner and White.

### Legislative Gossip.

LINCOLN, Neb., Feb. 27.—[Special to THE BEE.]—The governor sent the senate, with his approval, a bill to empower the supreme court to reduce the sentence of a district court in a criminal case when such sentence shall seem to be excessive.

Senators Raymoud, Hoover and Wolbach were appointed a committee to wait on the governor to ascertain his wishes with reference to Nebraska's participation in the Paris exposition.

Among to-day's visitors were Will McCague, of Omaha, and Miss Pauline Goldsmith, of Philadelphia.

The senate committee will favorably report the South Omaha charter as it came from the house.

The Douglas county delegation has decided to support the senate bill directing the governor to give a deed for the Omaha high school grounds to the city. Hungate was the only one who dissented.

Of the twenty-seven votes that were cast for the Gilbert usury bill, declaring all contracts for usurious interest void and forfeiting the principal of all such notes, twenty-five came from farmers. Johnson of Phelps, who is an editor, and Dr. Kieper of Pierce were the others. When the roll was called on this bill several members skipped out into the cloak room and a few sat silently in their seats and dodged the vote.

Hon. Christian Specht, of Omaha, received a fine bouquet from some admiring friends, and not being in the hall when it arrived, the beautiful testimonial was appropriated by Fieldgrove, who had fairly opened the box and began to inhale the sweet odor when he was intercepted by the real owner. After several adventures of a thrilling nature the bouquet finally landed on the desk of the member from Douglas, but the box was entirely demolished. Fieldgrove intended to divide the flowers with Dick Berlin.

### Advise to Mothers.

Mrs. Winslow's Soothing Syrup should always be used for children teething. It soothes the child, softens the gums, allays all pain, cures wind colic, and is the best remedy for diarrhœa. 25 cents a bottle.

## SMALLPOX SCARE.

### A Rigid Quarantine Against Maryville, Kan., and Vicinity.

ST. JOSEPH, Feb. 27.—[Special Telegram to THE BEE.]—The people of Atchison, Holt and Nodaway counties are greatly alarmed for fear the smallpox, now an epidemic in Maryville in a light form, shall spread. As a result, a rigid quarantine has been established against all points in the vicinity of Maryville and against St. Joseph and Kansas City as well. Last night Deputy Internal Revenue Collector J. W. Walker returned from a trip to the upper counties and said that he had been met by a quarantine committee with shot guns at several points. At Bigelow he was warned not to get off the train. The warning was repeated at Mound City. He says the people are almost panic stricken and are prepared to resort to desperate measures. There are cases of smallpox near Skidmore and others near Mound City, all from exposure at Maryville, and there is great fear that this case will spread. From another authority it is learned that the farmers of the upper country are arming themselves and congregating in squads on the principal roads leading into town and are warning all strangers to keep away. The railroad towns are provided with doble guards, one to visit all trains and prevent people from stopping. There is smallpox in Maryville, in Kansas west of St. Joseph and in Kansas City. Mr. Walker was asked why the upper counties had quarantined against St. Joseph. "It is not," said the city marshal of Bigelow to Mr. Walker, whom he met at the train, "that we think there is smallpox at St. Joseph, but because we do not care to take the chances. There is smallpox in Kansas City, and the trains from that point came through St. Joseph. We have quarantined against all points south of Maryville." The result of the agitation is that business is almost at a standstill. The quarantining, Mr. Walker thinks, will be raised in a day or two, as the excitement will probably die out for want of fuel.

Fine piano tuning at A. Hospe's.

## LOOKS LIKE MURDER.

### Suspicious Death of a Santa Fe Section Boss.

KANSAS CITY, Feb. 27.—[Special Telegram to THE BEE.]—The coroner's inquest was held at Independence to-day on the body of Barney Moreland, who was found dead on the Santa Fe track near Courtney, in this county, on Monday. The jury returned a sealed verdict, but it has leaked out that it is a case of murder. Moreland was a section boss on the Santa Fe and was drinking on Monday with a discharged section hand named McGuiness. He was known to have had $250 in his clothes, and when found had only $100. McGuiness has not been seen since Tuesday morning, and is supposed to have killed Moreland and after robbing him of the $150, laid the body on the track. It was run over by the Santa Fe eastbound train and horribly mangled, but when picked up by the trainmen the body was stone cold, which fact aroused the suspicion, and the subsequent investigation which points to murder.

The soft glow of the tea rose is acquired by ladies who use Pozzoni's Complexion powder. Try it.

### The Michigan Prohibitionists.

LANSING, Mich., Feb. 27.—The prohibition state convention for the nomination of a justice of the supreme court and regents of the university, met here to-day. The sentiment of the delegates is clearly against local option, and the resolutions declare unalterable opposition to any law which legalizes traffic in intoxicating beverages in any portion of the state or nation, by whatever name such law may be known.

### The Land Grant Forfeitures.

WASHINGTON, Feb. 27.—There was no meeting to-day of the conferees on the land forfeiture bill. Notwithstanding the excellent prospects last week on agreement, all hope of reaching one has now been given up by its friends.

### The Death Record.

RICHMOND, Va., Feb. 27.—Ex-United States Senator John W. Johnston died here to-day.

# LOOKS BAD FOR MRS. ALDRICH.

## Prof. Haines Swears to the Finding of Strychnine.

## HE PRODUCES IT IN COURT.

### A Servant Girl Gives Some Damaging Evidence—Suspicious Absence of a Township Treasurer—Other Nebraska Items.

### The Aldrich Poisoning Case.

HASTINGS Neb., Feb. 27.—[Special Telegram to THE BEE.]—The case of Mrs. Aldrich, charged with poisoning her husband, is exciting much interest. Henry Neimeyer, a hired hand on the Aldrich farm, is held as accessory. The preliminary examination was conducted before Judge Fleming to-day. Twenty-one witnesses for the prosecution were examined and adjournment taken till to-morrow afternoon. Prof. Haines, of Chicago, on the stand exhibited ninety-six one-hundredths of a gram of strychnine which he swore was taken from the stomach of the late Mr. Aldrich. Considerable excitement was caused when testimony was introduced to-day to prove improper intimacy between Dr. Naultons, jr., of Hastings, and the defendant, before the death of her husband. Elizabeth Nau, a servant girl, gave damaging evidence on this point. She related domestic troubles which occurred on the doctor's account, and testified to Mrs. Aldrich, referring to her husband, saying: "The cuss is hardly worth poisoning." C. H. Tanner, attorney for the defense created a dramatic scene in the cross-examination of the witness, and the court session closed for the day in the midst of the sensation.

### Milford's Big Ice Industry.

MILFORD, Neb., Feb. 27.—[Special to THE BEE]—The fourth mammoth ice house is now being erected just east of Shogo island, near this place. Last summer Messrs. P. H. Cooper and T. A. Carothers, the big ice men of Lincoln, secured a lease of the ice right on the pond above the mill dam for twelve years, and as soon as the ice was ten inches thick they commenced cutting. A special train carried from twenty to thirty cars to Lincoln every day for three weeks. Having filled their houses at the capital city and supplied the shipping demand, they commenced the construction of ice-houses here. They filled three as fast as they were built, and are now at work upon the fourth, size 100x100 feet. Three combined make an ice-house 100x300 feet in size, and the other is about 100 feet square. About forty men have been at work since the cutting commenced. Wood Bros., of Kansas City, also became interested here, and about one-half the ice will be shipped to Missouri.

### A Hard Case.

DAKOTA CITY, Neb., Feb. 27.—[Special to THE BEE.]—Sheriff Brasfield lodged a wooden-legged man in jail here last night, charged with petty larceny. Since his confinement it has been rumored about that the peg-leg is an all-around hard case. A traveling man who saw him as he was being taken out of the Covington jail and brought to this place, declares that he lost his leg while attempting to rob a bank down in Missouri some years ago. He was shot at the time, three buckshot entering his leg, which necessitated amputation. "Spike" Howard is the cognomen under which he has been sailing while in Covington, where he robbed the Ferry house Monday night, of a few old clothes. It is claimed that he is wanted in several localities for more serious offenses.

### Breach of Promise and Libel Suits.

DAKOTA CITY, Neb., Feb. 27.—[Special to THE BEE.]—The breach of promise suit commenced against Judge T. L. Griffey by Miss McConahey has created more business for the legal lights of this section than any one event known to the history of Dakota county.

The long talked of criminal libel suit of Attorney Thomas J. King against the Argus was filed before Justice Jay last night, and it is understood that King will follow it up with a $10,000 civil suit for damages, which which will be filed within a few hours.

It is also almost equally certain that Miss McConahey will institute libel proceedings against the same paper, and it now looks as though Judge Wilbur, owner of the Argus, will have plenty of business to occupy his mind for some time.

### A New Court House.

FREMONT, Neb., Feb. 27.—[Special to THE BEE.]—The supervisors of Dodge county are in session here. They have just adopted plans for the new $60,000 court house, to be erected this year. There were eighteen sets of plans in competition, the lucky architect being George E. McDonald, of Superior. The plans provide for a very handsome structure 55x125 feet in dimensions. It will be of brick, with stone trimmings and stone corners. There will be a central dome over one hundred feet in height. The building will be three stories high and one of the handsomest as well as the best arranged court houses in Nebraska.

### Columbus Items.

COLUMBUS, Neb., Feb. 27.—[Special Telegram to THE BEE.]—Deputy Sheriff D. L. Thompson, of Richardson county, Nebraska, arrived in this city this evening by the B. & M. and will take with him on his return the three men arrested for selling jewelry belonging to A. J. Wanner, of Falls City.

Dr. J. E. Polley, the oldest man in Platte county, died at his residence in the southeastern part of the city, at 7:30 p. m. Had he lived a few months longer he would have been ninety years of age. He was an old resident of Columbus and much respected by all who knew him.

### Driving Park Subscribers.

NEBRASKA CITY, Neb., Feb. 27.—[Special to THE BEE.]—A meeting of the subscribers to the Driving Park association was held last night and the organization perfected by electing M. L. Hayward president, F. M. McMillan secretary, and Colonel Wilson treasurer. Five vice presidents and nine directors were also elected. Articles of incorporation were drafted and adopted, which were filed to-day. About $5,000 in new stock has been taken, which, together with the old, will insure the success of the association.

### Returned From Canada.

FREMONT, Neb., Feb. 27.—[Special to THE BEE.]—Sheriff Mallon returned to-day from Chicago where he went a few days ago with a requisition from Governor Thayer for Robert Clark, the embezzler, who got away with $2,600, belonging to ths Howell Lumber company, at North Bend, about a year ago. Clark states that since his departure he has spent a great deal of his time in Canada, but some time ago returned to the United States and has since been dodging officers.

### A Suspicious Absence.

BLAIR, Neb., Feb. 27.—[Special to THE BEE.]—Robert Schafer, a hardware merchant at Kennard, this county, and township treasurer, has been missing for about ten days, and now it is discovered that about $3,000 of the township funds is also missing. An effort has been made quietly by those interested to find him, but so far no trace has been discovered. He has left a young wife and child without means to live upon.

SICK HEADACHE

CARTER'S LITTLE LIVER PILLS.

Positively Cured by these Little Pills.

They also relieve Distress from Dyspepsia, Indigestion and Too Hearty Eating. A perfect remedy for Dizziness, Nausea, Drowsiness, Bad Taste in the Mouth, Coated Tongue, Pain in the Side, TORPID LIVER, &c. They regulate the Bowels, and prevent Constipation and Piles. The smallest and easiest to take. Only one pill a dose. 40 in a vial. Purely Vegetable. Price 25 cents.

CARTER MEDICINE CO., Prop'rs, New York.

### Horse Thieves Captured.

NEBRASKA CITY, Neb., Feb., 27.—[Special Telegram to THE BEE.]—Charles Waggoner and George Peddie, the two men arrested for stealing ex-Senator Van Wyck's horses, were to-day identified as the men who committed the highway robberies Monday night. They claim to have secured the horses by trading, Peddie says. Both men are from Omaha, having lived there three years. They will have a hearing Friday afternoon.

### A Hundred-Yard Dash.

GRANT, Neb., Feb. 27.—[Special Telegram to THE BEE.]—A 100-yard foot race has been made between M. M. Makeever, of Osceola, and Abe Harper, (colored) of Grand Island, to be run at Grant, Saturday, March 9, for $100 a side. Both are ten second men and among the swiftest in the state. A good deal of money will change hands on the result.

### Nebraska Musical Association.

GRANT, Neb., Feb. 27.—[Special Telegaam to THE BEE.]—The Western Nebraska Musical association is in session at this place four days this week under the leadership of Prof. G. L. Potter, of this county. Many of the best singers in this section are in attendance.

### Acquitted.

NORDEN, Neb., Feb. 27.—[Special to THE BEE.]—Ed McBroom, who stabbed Mr. Wagner last week, when arraigned pleaded self defense. He was discharged. Wagner is getting better slowly.

### Real Estate Booms.

LOUP CITY, Neb., Feb. 27.—[Special to THE BEE.]—Over $50,000 worth of Loup City real estate changed hands one day last week.

## WILL STAY IN OMAHA.

### Mr. Herman Kountze Says the Recent Reports Are False.

Mr. Herman Kountze returned home yesterday from Denver. A reporter for THE BEE saw him at his residence last night, and in reply to inquiries regarding recent publications, in some of the city papers, that he proposed to leave Omaha soon and take up his residence in New York, said: "My attention has been called to what was printed, but there is absolutely no foundation for it. I have no idea where or how such a report originated. I have never contemplated moving to New York. Once every year the four Kountze brothers meet there, make a settlement of the past year's business and decide on what course shall be pursued during the ensuing year. My younger brother, who lives in Denver, and I went on three weeks ago for the annual meeting. We were there two days when a telegram came demanding our immediate presence in Denver to look after some very important business. We went direct there from New York. In consequence of this hasty departure the annual meeting had to be postponed. After the first my brother is coming on, and together we will go again.

"Nothing has ever been said about making any change in the present arrangement of the management of our business. The statement that Augustus proposes to retire has, to my knowledge, no foundation. Unless he should die or change his present plans, there will be no changes. In either event I cannot tell, of course, what might happen. I expect to remain in Omaha."

In addition to his conversation on this topic, Mr. Kountze predicted that the present year will be as prosperous as any Omaha has had. "I see no reason, from the indications, why business should not be good.

### Yankton's Boom.

YANKTON, Dak., Feb. 27.—[Special Telegram to THE BEE.]—Charles Brackebush, who has purchased nearly $1,000,000 worth of Sioux City real estate, invested over $10,000 in vacant property here to-day. He bought forty-four acres two miles from the business center, for $8,500, and will put in a general system of street railways and a motor line to run from the city to the insane hospital. J. T. M. Pierce, who proposes to build a railroad from Yankton to Norfolk, also has been a large buyer to-day.

The Norfolk line and the extension of the Manitoba from Sioux Falls to Yankton are both regarded as certain this season.

The Morrison house has been sold and papers drawn to Halliday, of Union county, Dakota, for $30,000, who will take charge in from thirty to sixty days.

### The Holcomb Rumor.

CHICAGO, Feb. 27.—[Special Telegram to THE BEE.]—Nothing definite has yet developed concerning the rumored severance of Vice President Holcomb's connection with the Union Pacific. Aside from the fact that President Adams and Mr. Holcomb came to words over an appointment, nothing is known of the matter in Chicago railroad circles. A quarrel is said to have been started between them the last day of the presidents' meeting, but was smoothed over by good management. The dispute is said also to account partly for President Adams' precipitate withdrawal from the presidents' meeting.

Those who take Dr. Jones' Red Clover Tonic never have dyspepsia, costiveness, bad breath, piles, pimples, ague and malaria, poor appetite, low spirits, headache or kidney troubles. Price 50 cents. Goodman Drug Co.

### Opposed to the Sunday Rest Bill.

WASHINGTON, Feb. 27.—In the house to-day Representative Rice, of Minnesota, presented a memorial of the secular society of Minneapolis in opposition to the Sunday rest bill, and proposed a constitutional amendment empowering congress to compel states to instruct children in "the common branches of knowledge and in virtue and morality, and in the principles of the christian religion."

### Will Represent Dakota.

SIOUX CITY, Dak., Feb. 27.—[Special Telegram to THE BEE.]—Company B, Second regiment of Dakota National Guards, left today to represent the big territory at Washington on inauguration day. This will be the only company from Dakota. Their expenses were paid by the citizens of Sioux Falls. They take with them thousands of boom pamphlets.

# FROM THE HAWKEYE STATE.

## A Confiding Farmer Fleeced of the Savings of Years.

## THE STATE ORATORICAL CONTEST

### Parsons' College Falls Heir to a Handsome Estate—The Soldiers' Home Fund—Other Iowa Notes.

### An Unfortunate Investment.

DES MOINES, Ia., Feb. 27.—[Special Telegram to THE BEE.]—A. Joynt, formerly of Grinnell, who has by honest toil during the past two years amassed $500, was led by the representations of a commercial drummer, last Wednesday to visit Clarion, Ia., to meet a man named Dennison, for the purpose of buying a half interest in a stock of groceries which the latter claimed to own at that place. The opening appeared to be a good one, and the business was quickly concluded, Joynt paying over $700 to his future partner. A few hours afterwards Dennison was arrested for forgery. The goods were taken possession of by former creditors. Everything else was in his wife's name, and in less than two days from leaving home the earnings of years were swallowed up and another victim of misplaced confidence was added to the long roll of such unfortunates.

### A Foolish Woman.

PELLA, Ia., Feb. 27.—[Special Telegram to THE BEE.]—Monday night M. P. Dingeman, a barber, got on a tear, and going to his home, in South Pella, began abusing his wife, driving her out of the house. She sought refuge with a sister living near. Dingeman followed her and and upon entering the house struck his wife's sister a severe blow in the face. The marshal being notified, went to the home of Mayor Van Vleet, who issued a warrant for the arrest of the pugilist with instructions to bring him at once to headquarters for sentence. In a short time the officer appeared with the victim and the mayor fined him $10 and costs, the fine