### THE GUBERNATORIAL CASE.

Arguments in the Quo Warranto Before the State Supremy Court.

A HARD - FOUGHT LEGAL BATTLE.

Blair and Mason Open for Thayer, Followed by Cowin and Howe for Boyd, While General Webster Coses,

Liscon, Neb., March 12.—[Special to The Bar.]—The supreme court was filled with interested speciators during the agraments of the coarselon the demutrer filed by a Governor Thayer to the answer of Governor Boyd in the que warrante case, because our constitution is stated in the original states in all respects whithout the answer of Governor Boyd in the que warrante case, the original trumber of visits shall true and heighted he and the interest of the United States and the original states in all respects whithout the rights of the original states in all respects whitesometric trumber of visits shall true and heighted her wall by a state in all respects white of its report of cultimostic forms and the men out upon the frontier, to form a government for the men out upon the frontier, to form a government for the men out upon the frontier, to form a government for the men out upon the forms the men out upon the frontier, to form a government for the men out upon the frontier, to form a government for the men out upon the frontier, the men out upon the frontier, the men out upon the form a government for the men of they would do so acceptably to continue of the constitution in the que warrante case, because our constitution is stated in all the original that the men out upon the frontier, to form a government for the men out upon the forms and covernment for the men out upon the forms and the men out upon the forms and covernment for the men out upon the forms and covernment for the men out upon the forms and the men out upon the forms and covernment for the men out upon the forms and covernment for the men out upon the forms and covernment for the men out upon the forms and covernment for the men out upon the forms and covernment for the men out upon the forms and covernment for the men out upon the forms and covernment for the men out upon the forms and covernment for the men out upon the forms and covernment for the men out upon the forms and covernment for the men out upon the forms and covernment for the men o The case was opened by Mr. Blair of ex Coverner Thay or's counsel,

self. The burden rested upon the respon-dent, and not only that but also the continued

deal, and notedly that but also the continued that is so, the constitution makes the person existence of every qualication emitting him that has the highest number of votes the sucand been naturalized and had been voting, as

a consequence, ever since.

Mr. Blair then symposized the Lands case of office until their successors are elected and Minnesota where a German had taken out qualified. Let me pit a case. Suppose Boyci his first papers and declared his intention to become a citizen of the United States. He votet, sat on puries, held office just the same as Boyd's fathere had done. Subsequently, somebody, brought suitagainst him in the district court but an appeal was taken to the district court of the United States. It was afterward sought to bring it back to the former court. No state could make a foreigner a citizen without compliance with the act of congress. It was an underliable and admitted fact that there had never been a time prior to Decem-

ber 16 last when Boyd had a legal right to governor shall perform the duties. Are these sections inconsistent? Not at all. Why not? Che says that he shall hold his office until in 1854. The residents who were herethen, if they were citizens of the United States, or had declared their intention to become city zens of the United States, rnight vote for the organization of the territories but only the organization. In the first election then in 1855 none but citizens of the United States could vote It was then organization. t none but citizens could Boyd has not taken out his first papers until December 16, sa that he has been voting illegably, innocently perhaps, ever since he has been in Nebmslen. In New York a man could not In New York a man could not vote until after he had taken outhis second papers. The declaration of intention to be ie a citizen. Merse declared, had no effect

He then discussed the right of Governor Thayer to hold over. The term of office of governor was two years, or until his successor was elected and qualified. The latter was a contingent extension. If a vacancy then occurred the constitution provided that the lieutenant governor should step in. The failure of John M. Thayer to again qualify and file a bond in this case created no

Judge Mason's Effort. Mason followed. He read the suswer of Governor Boyd and commented upon its features as he proceeded, and, ad-mitting that all its aid was true, asked what did it show. That on the 16th of last Nevern-ber James E. Boyd was not a naturalized citizen of the United States and that his father had come to this country beforethe young man had attained his eighteenth year. The father had taken out his natural action pa-pers only in October last. These were ju-dicial records. The fact looked them is the

face that, during all these years, innocently perhaps, they had been masquerning asciti-zens, but that didn't make them elizens. He then read the section of the answer specifying that ex-Governor Theyer could not be succeeded by himself because he had not qualified. When, the speaker said, it had been escertained that no suchas been elected, then it was Mr. Thayer was required to qualify. certain if any body had been elected to the office—to ascertain if Boyd was eligible: When they had ascertained that fact, that would be the time for Thayer to qualify.

He then referred to the fact of Thaver having retired from office, and said that the chambers (meaning the governor's rooms) were one thing and the office was another. That view would be upheld by the courts if the opinion already expressed by it was right,

which held that he would lose none of his rights when he left his chambers. If James E. Boyd was a citizen of the United States, he was governor of the state of Nebraska, and the moment counsel on the other side showed that fact Mr. Thaver's counsel would, as they had said before, fold their tents like the Arabs and salently steal away. So long as the present record looker them in the face, Boyd was not and never had been a citizen of the United States. So long as the constitution provided that he was not eligible to the office of governor unless he had been a citizen for two years prior to lection was here. he had been a citizen for two years prior to election, so long was be incompetent to hold the position he now holds. Nowhere has it been shown that he had complied with the law. If he had, why should be go to the United States court for naturalization! Why had be taken out the papers in the preamble of which it was recited that it was intended to naturalize a foreigner? Was it because the early effort in that direction had nied a

He then considered the objection to Gen Thayer's right to the office, and said that if no successor had been elected the constitution looked him in the face and told him to hold his office until his successor was elected. Regarding Boyd's coming to this country

he said the answer contained an admission that he was a foreigner and had been born of foreign parents. To become a citizen the

acts of congress provided certain uniform rules for maturalization.

If Boyd's father had completed his naturalization, where is it! Where was it! In what court? The counsel on the other side should plead to a state of facts and not

of theories. Was the naturalization perfected in a justice court which didn't have a seal He asked them to tell him where the cour was and he would examine its record. We did they know there was no record. If the Ifthe had known that there was a record of Boyd' father's citizenship they would have pro-claimed it to the heavens and the circumanblent air in which they were so glorously salling. It had been his aim toralse the suit above the miserable order of petty fogging and elevate It to the importance of a state case which should go abroad all over this great land.

The speaker thought pretty well of Gov ernor Boyd, even if he had been seeking office for thirty years. He then referred to the governor's records a solcher and asked what it consisted of. Wasit to take a gun and shoot at a few Indians because they were killing some old worman's cow! The demurrer asked what if he did! It also asked, was he

What was the substantial part of naturalization! The substantial part of naturaliza-tion was the renunciation of allegiance to all foreign powers, princes and potentiates, and to take allegiance to the country of his choice and the constitution. In an their pleading counsel for Boyd had not shown that he had renounced any foreign prince, power or potentate. There was therefore no power on earth to make him eligible. He was ineligible, and consequently couldn't hold this office. It had been urged repeat-edly that be had qualified; but if he had, eligibility went much further than qualifica-tion. Would the court send counsel to Ohio to look for an unknown court! If counsel had named a court he could go to it and get the record of the naturalization of Boyd's father. But they gave no information on the father. But they gave no information on the subject, and the presumption was that no record on the point existed. The demurrer should therefore be sustained.

General Cowin's Argument. "There are three points that I desire to present to the court. I will only mention two of them, and the third I will take more

"First, we submit that the court has no purisdiction to determine this contested elec-

Scond, we contend that Thayer is not chigrible.
"Third, that James E. Royd is a citizen of the United States as fully as any native born. citizen, not only since he took out the papers we, for instance, were ta assex Canada, if on December 16, but ever since the year 186, we were to follow the individual naturaliza-

officers by the two brosses together. other tribunal than that pointed on by the constitution can be that case. The contest may be made not only by Thayer, but by my elector of the state. That is one of the provisions of section 64 of that act. "Tassert that there has not been one authority click in the brief of relater that

of governor. Our constitution has made him

the successorwhether he's clicible or not. This court has so decided that all of the state

that thereupon they were entitled to be conducted into that office tion qualifying. If

was divested of all question of irreligibility. Suppose the legislature had declared him elected, as it did, and he had falled to qualify.

Now you say under this provision of the con-stitution the aid term continues. Does it? Does it continue? If you are going to give a literal construction to the constitution it does

because that constitution says he shall hold

until his successor is elected and qualified. But does he? Not at all, because that is a

reperal provision in respect to all state exec

his successor is elected and qualifies, and an

other says if he doesn't qualify the heuteant

governorshall perform his duties. Is not there an inconsistency? No. Because on the adoption of the constitution in 1875 two per-

sons are elected qualified to hold the

office of governor; is the lieuten-ant governor and the other the governor. When these two persons are elected and qualify, and the governor fails to

qualify, the lieutenant governor, under the

special constitutional provision, assumes the

littles of the office, and therefore, as succes-

sor of the old governor, is elected and quali-

The United States. It is conceded by all that James E. Boyd is competent and capable under the laws of the United States to be-come a citizen without any act on his own

constitution was such that it was competent for Mr. Boyd to become a naturalized citizen

without any affirmative act on his part. A

great many rights are given to persons as citizens after they have taken out their first

papers. The rule has been adopted that a person who has taken out his first papers is entitled to the protection of the government,

and it has been questioned unless undersome treaty between the government and the or-

igmai country from which the party came.

But this is not the point I was going to make. Let me refer to another matter.

They say in our answerthat we state on in-

formation and belief that Joseph Boyd took out his papers. Why did you not name the court! they say. The informa-tion that came to me was that Joseph Boyd's

vote was challenged, and that he qualified

There was a question about these matters

that that may have no bearing upon his eligi-bility, but at least he is a citizen now and has been a citizen be youd question from the time

that he took out his papers. That is the rea-son that this was done. I will venture the

izenship. There are very many ways of ac quiring citizenship. It may be by treaty, by

that territory became by that union a citizen

of the state of Nebraska and of the United

voters, and meanly ling that can be urged against it is the qualification with respect to voters, and it was not intended that any other persons should be citizens. After the organic act it was competent for the legislative assembly to adopt any rule which

itsaw fit with respect to the eligibility of persons to held office and vote—to give the right of franchise to residents of one, two

three months or six years. The right of citizenship and the right to vote have nothing in

ommos as a general thing. Persons may be

with respect to the elective franchise has nothing to do with the question of citizen-

to do with the question of citizenship. Under the act of 1867 this state shall be act mitted on an equality with the original thirteen states.

Here General Cowin read the act and said

"This is justice, this is equity and in conso-nance with the fundamental principles of our government. When we organized the gov-

ament we organized it on the inalienabl right of men and agreed to associate them selves together into a civil community is which we should maintain the inallenable

rights of men. Those in Henablerights have been sounding in the air from that time t

this, and will go on the music of this nation until it shall cease to be a nation. One of those inalicable rights was the right of citizenship, the most sacred right that was ever conferred upon a man, being an inalien

able right in a community to be a criticen of that community. The criticenship was not conferred by an act of congress. It was not

onferred by any legislative or constitutional proceedings of the original states, but was malienable in the citizen who assisted to

ien or whether he was born here or born

"It made so difference. When Massachu

etts was formed into a state, the people of he state of Massachusetts, every bona fide ahabitant of the state was clothed with the

inalienable right of citizenship. The ques-tion of the admission of the older states has

exactly the same conditions and it is the in-

allegiable right of all parties in the territory

Here the speaker cited and read the con-

stitution of Nebraska upon this subject, as well as many other authorities sustaining the

position taken by him.
"I want to assert," costinued General
Cowin, "that every state that comes into the
union, leaving out of consideration the conunion of the repelstates, comes in with every

bons fide inhabitant as a citizen of that state

Here a large number of cases were cited.

"Before the act of 1795 with respect to the saturalization," continued the speaker, 'each

state had its own law in regard to the natur-lization of persons. At that time a uniform rule was adopted in the naturalization laws.

but that did not apply only where application was made for individual naturalization. It

on an equality with the inhabitants of the

did you

It does not come under the category of these who have an act affirmatively to per-form. When he was a boy of sine years the

TETAL

itive officers. There is another section pro-iding that in certain cases the lieutenant

above all other laws except the constitution."

Here the speaker read the treaty.
"Congress by the enabling act," said the speaker, "valled apon the actual in hasitants.

coeds on the theory advances and urged against the citizens hip that there was no citizenship intended on the admission of the

state in the traion, except that provided with France by treasy of 1808 That treaty is

tion and laws of the several original states was a right not conferred by the original Mr. Hair's Argument.

Mr. Hair said that an important feature growing quowarrantocases was that the relator was not obliged to show title in him-self. The harden are harden for the persons declared elected and that the remaining quowarrantocases was that the tree have the persons declared elected and that there are a first that the remaining that the first that there are a first that the remaining that the first that there are a first that the remaining that the that the remaini lawson acted thereunder, but the fact is that citizenship in the original colonies upon organization into states, was one of the in-mitenable rights of man as a member of the society organizing a civil community, a state, to the office.

It had been averred that Mr. Boyd had not say the largest number of legal votes. It inhabitants thereof. And the nation was an come to this country as a young man and did not say 'nn eligible party.' It says the first scaled in Ohio before he became twenty—party that has the largest number of votes well as of the constituted states. And upon the formation of the general shad be entitled to the office.
"We have one section of the constitution which says the executive officers—shall hold government every state that was admitted into the union carried with it the right of citizenship to every bona fidein habitant of the soveral original states, not by vir-ture of any law but by virtue of the inalionable right of rang in his association with others to form agovernment. There fore every bona fide inhabitant of the original states on the admission of such states into the union be came ipso facto citizens of the United

> Here General Cowin cited a large number authorities from the supreme court of the niled States sustaining his doctrine. He

"Everynew state that has been admitted into the union has been admitted into all the rights, privileges and immunities awarded to he original states. And I claim for No braska, as a constituent member of the great union, and for everyone of its bona fide inhabitants, the same rights granted by the en-abling act of congress that belonged to the inhabitants of Massachusetts, New York, South Carolina, and every other original state making everyone of our bona fide inhabitants citizens upon admission to the union. To deay us this right is to deny us that grand right of equality with the other states. Who dares say in Nebraska-who dares pronounce a judgment in Nebrasia, that the pioneers in this country, who opened his great west to aviliation, who n fled. They are in perfect harmony. One is general and the other special. "I assert that James E. Boyd is a citizen of can harvest field; that when these pioneers were invited by congress to organize a state government, with a guarantee of all the rights to its inhabitants that was conferred upon theoriginal states who dare say that these pioneers did not, when admitted into the union come in with all the rights given to South Carolina and the other original states,

of all, the rights of citizenship." a root of all, the rights of citizenship." tion of the territory of the United States organized under what was known as the ordinance of Ohio were authorized by an enabling act of congress to form a state gov-ernment with a view to being admitted into the union as a state with all the rights of the original states, a state government was or-ganized, and on that organization the great state of Ohio became one of the members of the actional union with the same rights as these accorded to the original states. The enabling act of Ohio and the act of admission as a state is the same as that of Louisiana, and the same as that provided for the organization of the state of Nebraska. Every bona fide in habitant of the territorial domain of the state of Ohiowas held to be a citizen of the state of Ohlo and the United States by virtue of its admission as such state, and every alien became by the enabling and admission acts a citizen of the state and of the union without further naturalization."

vote was challeriged, and that he qualified himself; that was after he took out his first papers. That some of the records of the court are barned. These are matters that we ascertained, and I would not permit! to be part in that he had done it, but it was our information and belief. Joseph Boyd is an old man nearly eighty years old today. If he took out his final parager it was pearly forty. Here General Cowin referred furthur to the Louisiana purchase from France and the treaty known as "the Paris treaty" entered took outhis final papers it was nearly forty years ago, and he might have forgotten whether he had taken them out or not. He Paris in 1803, stating upon what terms the great Louisinean grant, which included the territory of the state of Nebruska, was coled supposed he had. The supreme court of the United States has decided that it is not necessary to have a judge of the court admit a to the United States. He contended that by the third section of the Paris treaty all the person to chizonship. They say, why did you take out your papers on December 16? inhabitants of the coded territory in due time to be admitted into the r and as Mr. Boyd was elected governor of this state he wanted to place himself in a position that there would be no question about his citizenship at the time that he entered upon the duties of his office, although we concede according to the principles and constitution of the government of the United States, with all the rights and privileges of its citi-

The speaker proceeded "I now desire to call the attention of the court to a case, the decision of which is the acknowledged law of the land and conclusive in favor of the absolute chizcuship of James E. Boyd since the admission of the state of In chraska into the union.

son that this was done. I wan to the the assertion that there are thousands of instances where the papers are taken out the second time. They tell us there are only two ways of acquiring cit-"After the war with England in 1812 alasy was enacted in the territory of Orleans, being a portion of the Louisiana grant, providing that all fereigners should bee naturalised within a certain time under the laws of congress, providing a uniform rule of naturalisation, and ton failure to do so they should be considered alien enemies and liable general law, as has been in this case. The position I take, in my opinion, cannot be gainsaid. It is incontrovertable. On the admission of the state of Nobraska into the union in 1867, every bona fide inhabitant of to arrest and punishment. After the admisto arrest and punisament. After the admission of the territory of Orieans in to the union in 1812 as the state of Louisiana a large number of persons claiming to be British subjects and aliens were arrested as aliens who had falled to become naturalized. Several of them were discharged by the supreme court of the state of Louisiana on the ground that they were States. The organic set providing for the organization of the territory provided, among otherthings, for the qualification of voters, and the only thing that can be urged of Louisians on the ground that they were notations, though they and never been nat-uralized under the naturalization laws of opinion of that tribunal on the question of citizenship. The United States courtheld that as these persons, though never naturalized under the naturalization laws of con-gress, were bona fide inhabitants of the terlitzens and not have the right to vote, and ste and not be citizens. The restriction ship. All women born or married here are citizens. The question of the restriction of the elective franchise has nothing whatever original states, which was the exact language of the admission actof the state of Nebraska, they became, the court declared, by that not of admission isso facto citizens of the United
States and of the state of Louisiana."
Manyother cases were here cited upholdthe state of Ne

ing the same doctrine.
General Cowin here asserted that his proposition was incontrovertable that when the state of Nebraska was admitted into the the citizens of the original thirteen states. He asserted "to deny us that right would not only be sa outrage, but a crime upon the

"It would be depriving ourselves," contin-ued the speaker, "of the rights guaranteed to us by congress that we should come into the union on an equality with the original states, whose inhabitants came in with full citizenship. These rights, privileges and immunities were not granted to the mountams, priaries and rivers of Nebraska, but to the men, women and children, bonn fide inhabitants thereof. It was these men, women and children, inhabitants of the territory, who were invited by the congress of the United States to form a government for themselves, with a pledge and guarantee that they should be admitted into the union on al terms with the citizens of the original

"Tellme, when we were called upon to form a government, why should it say only a part of you will be admitted and a part shall not. We have the right under the principles of our constitution to gome into the union on

an equality with every state of the original states to come in as a state. state of Nebraska demanding for it the same rights of Massachusetts, New York, Con-necticut and South Carolina. Every inhabitant of the territory at the time the state was admitted into the union became a clizen of the United States, and now not even technicality can drive us out of office. You can argue on the right of suffrage under these acts all you piense. They all come to it at last that it is the inhabitants that are admitted. I say that not even a technicality will drive us out, but suppose it may † I do not know, but it may be so. I do not know but though James E. Bayd was called upon to participate with others to form a constitution for the state of Nebraska, in which the United States government guaranteed all the rights awarded to the original states, that he may now be driven out. That may be, but

when the state of Nebraska was admitted into the union.

"New in the first point the question involved is the electron of executive efficers of this state. I find this in the constitution, that contests for all executive officers shall live there now?"

When the state of Nebraska was admitted into the union.

"New in the first point the question involved is the electron of executive efficers of this state. I find this in the constitution, that contests for all executive officers shall live there now?"

When the state of Nebraska was admitted into this government. They executed "Who live there now?"

When the state of Nebraska was admitted into this government. They executed the union who lived in Nebraska the classification of the legislature of the contest of the legislature of the contest of the legislature of the contest of the legislature, but a contest of the legislature, but a contest for according about the people of the legislature, but a contest for according to the constitution. The state of the people of the legislature, but a contest for according to the constitution of the state of the legislature of the contest is to the contest is to the people of the legislature, but a contest for according to the contest to the people of the legislature, but a contest for according to the contest to the people of the legislature, but a contest for according to the contest to the people of the legislature, but a contest for according to the contest to the people of the legislature, but a contest for according to the contest to the people of the legislature, but a contest to the contest to the people of the legislature of the contest to the people of the legislature of the contest to the c maliciable right of this state to come this maliciable right of this state to come this this great nation on an equality with all the atherstates giving to every inhabitant con-ouship: standing open the rights of the maminitants acquired under that administr dor; standing upon the acquired rights as announced by the electors the will of this great people; standing upon the rights as announced by the law; standing upon the rights of the citizens as upheld by the state, upheld by the people and as upheld by the tegrity of a rigion.

Mr. John D. Howehad allowed attexcept.

few moments of his time to be consumed by leneral Cowin but insisted that Thayer had failed to qualify and was not consequently entitled to the office.

General Webster's Closing.

"May it please your honers: It is pressed pon the attention of this court that the quity and conscience of this contoversy ests with the claim of Governor Boyd. It is charged against as that we are trying to un-sent Governor Boyd and to reinstall the error Thayer in office upon a technicality. I wish to answer that charge. We have planted the claim of Governor Thayer upon e constitution of the state. We are here to shold the constitution of the state. I am ie of those persons who believe that th one of those persons who believe that the charterest rights of the state, embodied in its constitution, are greater than the claims of any individual man who holds an office. Good government can only be minimized by obedience to the laws embodied in the constitution. It is a most minimal proposition that to sustain and up-hold the constitution of the formula for the constitution of the formula for the constitution of the c old the constitution is contending for a tech icality. If the conscience of the people is of in favor of sustaining the constitution then it is high time for its repeal. From the argument of the counsel on the other side, they would trample the constitution under they would trample the constitution under their feet, and disregard the rights of Ameri-can ditzenship, for the mere purpose of keep-ing as individual in power. "Such is the burden of the doctrine by which tyrants size upon a throne, by which

surpers seek to establish government, but it should find no just place in the American

"The primary question, and the only ques on, now to be considered is whether James Boyd was a citizen of the United States by down a citizen of the cinted States two years previous to his election. His bounsel are here confending that he was and a such a citizen. Yet we find, attached to his asswer, an exhibit from the records of ne United States court, stating that in the north of December last be made application the federal court, as amalien, to be admited into citizenship, and that he called two of his friends to go before the court last Decem-ber and there testify in his behalf, so as to trible him to take the oath of allegiance to he United States, and to disayow his alegiance to the queen of Great Britain and reland. From the record it would appear but James E. Boyd snew that he was not a itizen of the United States when he obtained his adjudication from the United States ourt, sitting in Omahalast December, adnitting him as a citizen of the United States romthatdate. The heading of that record, as attached to his answers: "In the matter of the application of James E. Boyd, an alien, to be admitted to citizenship." This is not only a confession that James E. Boyd was not actized at that time, but that he was an allen when he made application to

scome a citizen.
"We also find in his answer the admission hathis father was an alien until the mosth of October, 1800, and that at that time he ikewise called into court his neighbors and friends as witnesses to prove that he pos-sessed the necessary qualifications to be ad-mitted as a citizen of the United States. The record discloses that his father was admitted to citizenship in October, 1890. We have in the answer, therefore the admitted fact that both James E. Boyd and his father, Joseph Boyd, were not citizens of the United States. but that both were aliens at the time of the lection in 1890, "In the face of these admitted facts, it is

claimed that James E. Boyd is nevertheass a citizen of the United States. It is contended that James E. Boyd became a citizen by virtue of the treaty of Paris by which Louisiana territory was purchased from the into by Napoleon as first coasul and the United States, executed and concluded at article 3 of thattreaty. Inhabitants of such erritory shall be incorporated into the union f the United States and admitted \* \* \* \* o the enjoyment of all rights, privileges and immunitles of citizens of the United States You will observe that the language relates soler to the inhabitants of Louisiana territory in 1863. James E. Boyel was not an in-habitant of that territory at that time, for he says in his answer that he was born in lee land in 1834. It has been held by courts on everal occasions that persons who did not ive in that territory in 1803 did not and could not become citizens of the United States by reason of that treaty. In the case reported n 3d Alabama, it was held that a person who moved into that territory after the adopon of the treaty but before the territory was admitted as a state into the union was not a citizen of the United States, that he could not become a citizen of the United States by the simple fact of the admission of the territory as a state into the union.

"it is text contended by General Cowin that the enabling act of 1864 authorized the initialitants of the territory of Nebraska to 'frame for themselves a constitution and state government' rade all such inhabitants citizens of the United States. It will be ob-served that nowhere in the enabling act is an ything said on the subject of citizens hip or the rights, privileges and immunities of the inhabitants of the territory.

"Cowin contends, however, that the last paragraph of section 5 of the enabling act, of Louisiana on the ground that they were not alies, though they and never been naturalized under the naturalization laws of congress. So great was the excitement concerning the matter that several cases were transferred to the federal court to obtain the constitute of the United States.

"The only force and effect of that provision was to admit Nebraska in its sovereign capacity as a state into the union on an equal footing with the original states. Congress was not speaking in that section of the rights ritory of Orleans at the time the territory or privileges or immunities of inhabitants was admitted into the union as the state of the union as the or privileges or immunities of inhabitants who lived in the territory of Nebraska. Conas a political organization, forming a part of the general government. Congress was not dealing with the political rights or privileges "This law suit is not a question whether

the state of Nebraska forms a part of the general government. It is not a suit brought to determine the rights of the state of No braska as a state to claim any management in the governmental affairs. The question involved deals with James E. Boyd as as in union everyone of its bona fide inhabitants involved deals with James E. Boyd as an in-became ipso facto citizens of the United dividual, that is to say purely and simply States upon the same terms and equality as whether James E. Boyd is a citizen of the United States.
"The trouble with General Cowin's argu-

ment is that it mistakes James E. Boyd for the state of Nebraska. I may add that a great many of my friends in Omaha have been making the same mistake ever since this controversy berau. "The force of General Cowin's argument

upon this question is endirely broken when I ask him this question: If the enabling act, admitting Nebraska litto the union as a state, made all the inhabitants thereof citizens of the United States, without any provision for naturalization, what became of all the Indi-ans which were living within the territory : "If his argument is worth anything no me can say that one of these Indians is not ligible to the office of governor of the state "I never before heard it suggested that en-"Inever before heard it suggested that on listment in the army, or shouldering of a musket to shoot Indians, made a person a citizen of the United States. I never before heard it suggested that if a man was president of the city council or mayor of the town, that that made the man a citizen of the United States. The constitution of the United States provides that coursess shall establish

States provides that concress shall establish uniformrules and laws for naturalization of allens. The very foundation of our great ariens. The very foundation of our great government rests on citizenship. Amons have no rights in this country save by the sufferance of the general government. Our constitution spreads itself out over this great country of ours for the presents who may desire to leave their native shores, and enjoy the benefit of citizenship in these United States, should comply with the laws United Sintes, should comply with the laws established by congress, whereby they may this great republic. If they have failed to tuke this step, they should not ask the supreme court of a state like this to keep that allen in the occupancy of the chief executive office, as suler over this scopic"

The case was taken under advisement. The court will meet again next Tuesday.

## CREED OF THE NEW FAITH,

National Citizens' Industrial Alliance Gospel Expounded by Its Ablest Advocates.

ELUCIDATION OF THE ORDER'S AIMS.

Progress of Bes Moines' Assembly-Roster of Its Officers-Last Night's Speakers General Van Wyck's Address.

DESMOTES, Ia., March 13. | Special Telegram to Tue Bre. - The National Citizens' adustrial alliance, which originated in Kansas and acted with the farmers' alliance in that state during the last company, has been quietly introduced into this city, a local assembly having been organized a few days since by National Secretary W. F. Rigstmyer of Topeka.

The assembly already claims a large membership of representive citizens. Colonel R. G. Scott is president, William Morphy vice president, E. B. Tuston secretary and H. G. Gue treasurer of the new enganization.

A public meeting was held tonight at the Grand open trouse for presentation of the principles and objects of the alliance and discassion of the political situation from the allance stundpoint. Among the prominent spenkers, present were ex-Senator Van Wyck f Nebraska, Hon. J. F. Willetts, national ecturer of the Farmers' Alliance and Inchestrial union; How J. H. Powers, president of the National Farmers' alliance; President O. B. Aylesworth of Brake university: General J. B. Wenver, ex-Lieuterrant Governor B. F. Gue and others

#### General Van Wyck's Speech. General Van Vyck delivered the andress of

the evening. He said: On receiving an invitation from your dis-linguished fellow citizen, General Weaver, to e present on this occasion, I readily accepted r the pleasure it would afford to meet with hieve the objects for which we are

rugging. He con, menced early, warnest aften, but you rave no heed; he entreated you to stop an hink, you would not; he told you of the "dangers to come," but you seemed content while money could be borrowed to pay the de-ficiencies of the year, and was waiting and vatching for the bed of roses which was romised by railroad attorneys.
Forseveral years on Fourth of July and

olitical meetings we have been assured by oquent orders that this is an era of univer sal prosperity, because the census reports show the millionare class to be rapidly triple ating millions, while producers and laborer re growing year by year more dependent

If this be so it is an alarming symptom, nd threatens danger to the republic. The istory of the few republics which have exsted, commenced the danger point just whe we are today, when an aristocracy of wealth controlled all its departments, and the great massin their material and political interest came slaves of its will. First, it is important to know the reason

why we are not prosperous. It is not enough that we should be arged contentment and ing hosmans, because we are as properm is other nations, while we have millions of die hands for want of employment and our rancies and warehouses are full of agricul-ural and manufactured products, while pany suffering are begging the priv-lege to toil so they can purchase. It is old confort to us that the conditions of the

old world are no better. We have been taught to believe we have a superior civilization, greater education, equal privileges to all, free and universal suffrage that every citizen, however humble is a sovreign; that our government is of, by, and or the people; that we open our gates and secken the oppressed of all nations to come a and share with us the benefits of free gov rnment, and in return we provide them with mgs and busks after the imiliade of the nations of Europe. These are the facts—what the cause? with

The people everywhere are industrious, ostling each other in laudable strife in all the avenues of trade and toil to secure the rivilege of labor-to secure its meagre

Neither did our troubles spring up in a Neither did our troubles spring up in a night—they have been years crowing. The people were too industrious, giving but little time to recreation, mental and social improvement, and by their neglect of political duties were the occasion of all the wrongs they suffer. While they slept the enemy not only sowed tares but coiled the chains which the ceping giant, now aroused, will break with

Power is always aggressive and wealth unntrolled ever demands more, finally the

Yet the people, against warnings, surfeclered to both and gave them possession of the national government, of most of the state overnments, and in the end offered them-elves as a sacrifice to the great Moloch by urning over with all the appurtenances, both the old political parties, and when, after years of entreaty by men like General Weaver, they saddenly are aroused, and in preparent horror find the enemy they have inited within have seized the keys, asked the cople to withdraw — which they obsequiously d- and then lecked the doors against them

You voluntarily gave them unlimited pos-session, spread out and left inwatched all your jewels and if not by your invitation at by rour permission allowed them to

Under the pretext of protecting American abor, sugmatizing European as pauper abor, you gave the manufacturers and mine owners the prediege to tax, only limited by their greed, the laber of the republic, and then they protect it as the wolf does the tamb-by covering and devouring and today are consoling it by sweet-scented culogies hat it is no worse than the pauper labor of

They seized our immense domain which should have been the heritage of the people for ages and past it by lot worse than hat, apportion to every corporation which isks for it. They unlock the doors of the reasury and canture millions of hard-carned follars in the shape of bonds. This raid and robbery has been for years rganizing with greater case than did the

Mark the result. All these corporations. syndicates and trusts have been making millionaires with fabricus wealth, while the great producing class, the army of laborers, as steadily and year by year, been growing

Political philosophers have taught that the pusiness of the world is regulated by supply and decrated and the market cost is generally axea by cost of production. All these maximis fail, the products of the earth seem measured by no such tests. Cattle and hogs have seem gradually going down for four years, intil this winter they are still lower, while the corn which profuces them, by reason of failure of crops, is greatly advanced.

There is the no don't of the cause and restalls.

The farmer, as yet, cannot control produced the property, substantial brick buildings.

What then is the remedy? What shall we don't the farm to will be eracted.

The farmer, as yet, cannot control produced to the property, substantial brick buildings will be eracted.

The farmer, as yet, cannot control produced to the property, substantial brick buildings will be eracted.

The farmer, as yet, cannot control produced at a small special purpose, or where there are no buildings to the property, substantial brick buildings.

The farmer, as yet, cannot control produced at a small special purpose, or where there are no buildings to the property, substantial brick buildings.

The farmer, as yet, cannot control produced at a small special purpose, or where there are no buildings to the property, substantial brick buildings. credited as panishment for political crimes by the people in neglecting political duties. First there is to accomplish what you are

all seeking to do now.

Organize: Organize for the interests of producers and all tellers. To protect the unprotected against further spolation by the

Most of our misfertunes come from the ac quisence or assistance of the old parties just as slavery aggression was in its time. The old issues are passed away. The history of the aid parties for the last thirty years bet torbe embalmed in history. They will not ter be embalized in history. They will not be suitable auxiliaries for the hying and sterr issues of today.

The struggle now is for a home and bread for wife and children of free men white and

black and the weapons of political warfare heretofore will not assist us. Million of treasure, the great papers of the nation, ability and experience of trainer polthians and eminest lawyers, heretofore and

today are many for a suitable consideration to defend the demands and methods of capital and the insucerity of parties.

Loyalty to organization is taught as the greatest duty, and the hope of the nation is to be found in party success. You see what parties have done for the nation during the Instthinty years. Eachdid great good, yet they broke the record, one the champion and defender of slavery, the

other of corporations, so now a mixture of of modesty, sackdoth and askes would be ap-

Even now while the cyclone of the people's dignation was sweeping the country and an scream of currency was demartial, congressionly bors one car, seeming to vied, but are full that no benefit should come to the people, except the opportunity is given to increase the fulllounder class and under the retense of misking a silver dollar equal to a old dellar, they increase the value of silver s an article of commerce so that princely ordines were made, while the money power of the east's able to she track the \$1.80.00 er mouthand there is no perceptible add-

ion to our circulation. Trilling as was that benefit, it would never have passed except by the power of the bullion sorries; but for that feed college had been suried in committee rooms long are.

These evaluated it he mosey want to carre, so that interest shuil rule high. They will derate no westiam but gold. The vilver owners make no war on gold,

it they want currency confined to suver melold, thereby giving the 30 cents on every oliar, not only for American, but on Mexiforeign stiver, Let silver us a product tase its charges with other products. The people care but little for the weight or cost of silver, the quantity or cest of silver, the quantity or weight in the dollar, they want the much despised find parties, the government stamp that is good energing for them, for the balance they will neept the scription on the com "In Call we trust and they have faith to repose in that trust for

What the people demand the old parties ill not give. Without regarito gold or What the Pennis Without resure to gold or silver as articles of commerce, mercase circulation by additional greenbacks. The United States supreme court have decided their legality and experience is demonstrating every day their equal value to gold and discount respectively.

We need money reform as saily as tanif reform. The old parties are entrended in the money power, syndicates and corpora-tions, and those interests want neither re-

The people demand the repeal of the tanif on sugar because they did not believe the sugar planter should be enriched by com-pelling the consumer to donate 2 cents for each pound. Congress insuited the people by removing the tariff, but gave the planter wer to enter the treasury and tal are amount of your maney 2 cents for

Parebula the people more pointedly for during to ask of the Pharaota some restof from burdens they were insolenty fold they should put the triff in some form over though they were unading brick withoutstraw and to the sore spots on the body positic they would add a licelithy irritant, a smaplem in he shape of a theft from your pocket of 2 entsper sound for every pound of sugar alled by courtesy maple. This proposition

Maple sugar never until the era of these atterday political saints had any bounty or ariff that was not in infant industry, if the oduct was principally for the gratification

Case planting without tariff or bounty there remunerative than corn growing, the otterroposes feerits a bushelbounty or raising corn -2 couts a pound for maple organ, why not 2 compare bushel for papeous. We now have right to a reduction of 2 entsper possed in the price of sugar. As sual the refineries and planters will prosay nullify the law and by combinations ab-lutely steal that from the people and is a w months compel the old price from the

they months compet the old price from the consumer, and the \$60,000,000 now paid into the treasury will curried the treasury. What, then, will you meetly pocket the autrage while the rabbers will pocket the plander? A government which believes in tariff robbery in its thost permittions form will no doubt be gratified if reducing the tariff of 2 cents increases the cost 4 cents. It is mirror unable to the corresponding to the tariff of 2 cents increases the cost 4 cents. It is miraculous how in every age good men, lefeuse of imperilled wrongs. In the time of theres I, the English church preached the logma of the divine right of kings. In this dogma of the divine right of kings. In this great republic, before the rebellion, men of tood, north as well as south. Ink of inspiration and to hold the Almighty responsible for the wickedness of men, prachimed the divine tright of skyers. great republic, before the reballion

Even now appeared as article prepared with much care by one of the most eloquent sulpst orators and eminent divines in the was startling in its novelly, startling in oppo-sition to what was popularly supposed to be the leachings of the old and new testament on the time when in the thunders of Sinni e wrath of the Almighty was haried gainst His chosen people if they enjoyed the twine gift by undang money through the amorent mode of interest or usery, and nore bitter derinciations against those the took raiment as security for chattel normance and failed to "deliver it unto him y that the sun goth down," to the time then Christ said it would be easier for a arnel to pass through the needle seve than or arichmum to enter the kingdom of God. When he drove out in disgrace from the emple or market place the money changers who were only engaged in the enjoyment of

he divinegift by the legitimate industry of kind of theology must be very comorting to corporation millionaires who water tock and wreck railroads to the Standard ill managers and others who destroy in-

Ividual enterprise.
If Bishop Newmaninterprets the Almighty orrectly, he is altogether too exclusive in the bestowal of divine gift to make it a part f the creed of faith and receive a niche is a evised catechism. The bishopshould organ-ec a bible class of trillionaires and see if hey are humbly comizant of the spirituality and divinity of their gift and properly resur-nize the hand of the Almighty in their

the rate.

There seems only one path to tread, a union of hearts as well as a union of hands, to accomplish one purpose. An association, not a party in the partisan meaning, with schemes and tricks as employed by old politicians, not ancuses as tryanical and upsuring, not cosses as despotic, illiberal and intelerant as cursed the old parties. Farmers and laborers must make common cause, and held ogether by mutual intenst, each recognize in each a worker for one end, neither seeking gain advantage by schemes and plots and othods that are disgraceful to old hardcaed

peace and Providence reasonably kind in Spot cash is paid in every case and all encumsending the early and later rain necessarily the agricultural and manufactured product is beyond the demand. Manufacturers can pany to utilize the buildings already on central production and when reduced labor is driven to the wall and it becomes a stern necessity to reduce the hours so that all can have employment. There is thea no doubt of the cause and re- have employment.

margis, if any. The time is here when no must determine why this long continued de-pression; and if it to over production, then must result fewer acres cultivated, with less product, better prices and fewer hours, or another army of men will be forced out of employment. This association of ten are liable to untakes. The brethren have made some is adjoining states, and it will be wise

to profit by them.
Don't forget that this applicing is for one object to seeme for labor a fare share of its proceeds. It is health brave no secial, moral, bilicous or position plank in its platform, and when an attempt is made openly of stealthily to carry any of them, disaster will

There is only one obsert to save the house and bread for wife and children. Scourse that first. The questions are purely function and intustrial. Weapon not the cause by extransours side issues. Other organizations oil take care of politics, merals and regreen, ally to the cause all who labor. Ascertain io causes absorbing the substance of the

people and war on them.

The middle and commission men are be prest by the same cause that impress you.

The retail deavers are your readed; they suffer when you suffer, and frequently height carry you whom the foan is greater than you can bear. Don't kiek at them because you can't find or foor the big boy who does the dischief, that is not manly or brave.
The villages and cities will be with you if ou will allow them.

Strike at the monsters who are never sub-fied always scheming to absorb the last ollar from labor.

Before the rebellion, Lincoln and Seward proclaimed the neurble could not exact one half feet and one half slave, and it did not. With equal trafficers, It now be said, this equible cannot be perpetuated if the fea-continue taubsorb the carrings and the toles year by ventrarywing more dependent.

In victors, illegal, disherest min-donate methods capital has done these great Why does it not lend a helping hand to priced its own miscloded.
They talk about radicalism when they have rovoked it. The people can recreatily see in great gulf between wealth and poverty when Christ depicted it in the parable of

Shall this system of robbery by continued until further exasperation and their relief comes in vengeance? Why were they not conservative in

homes for oppressing and plandering the

Today you are conservative. You conv Today you are conservative. You only ask the privilege to tall and table paid fair compensation. You desire that money should have a fair rate of interest and that railroads should have liberal dividends on actual cost. How conservative you may be one year oneswill depend upon how conservative conservative mouster syndicate and corporations may 2, who have been stealing the substance of f musching the bones. You are now trying to drive the boys out of the trees with grass; you may be compelled

o throw stones. They may frighten the people and legislature this year. If no concessions are made another year at the ballot they will be ready to determine what is strictly houset and just as between capani and labor, and they will then have the ourage to find some means, without stranging at least to hold quietly, amilal syndicates and corporations so that

One thing is sure right is on the side of the people and if God is still true in the beavers and among men, they must succeed. attomacy and last war serious blunches were committed until the army became compact and firmly welded and the world in arms could not have subdued them. So this great peaceful army is now passing through the mitiatory stage and will soon be so compact and firmly welded that at the ballet box and legislature will be irresistable, reaching with

improvements to give later to those perish-ing for bread. Had it not been for the his-tility of railronds, the Hemepin canal would now be completed from Chicago to the Misosthation, Ushop Newman of the Methodist church, is which he claimed that making money was a divine gift. The proposition was starting in its novelly startling in opposition of the Missouri across Nebraska to the Missouri across Nebraska to the Missouri across Nebraska to the Mocky mountains—that will furnish broad to the hungry, solve the problem of irritation, equalize rates of transportation and he worm to the mation fourfold its cast.

If you decide from what you have heard or read that you will take Hood's Sarsuparilla,do not be induced to buy any substitute instead.

### SAVED BY SLOWNESS.

Deserter Morris Beats a Telegram Out of Town.

Chief Seavey received a telegram from Sidney Thursday stating that a deserter named William F. Morris was on his way east and should be arrested as he passed through Omaha on the 11:45 a.m. train mesage was not delivered until about two hours after the train, had passed Oronto. reward of 860 is offered for the arrest of

Revising Army Regulations. Dr. Bache of the department of the Platte, leaves for New York yesterday where he will meet with the board appointed to revise the army regulations for field supplies and

equipment. After the work of that meeting the examinnize the hand of the Almighty in their manipulations of conventions, legislatures, comeroes and the executive departments.

The apostles of this new dispensation are encleavoring to preselve western legislatures. There is no law preventing lead-heared money-loaners from fixing low rates of interest, we they insist if welcal legislatures will only repeat all usury lawsplace no barriers from taking the last drop of plood—barriers from taking the last army will hold a session and the same officers of the field supply and equippenent board are members of the medical corps of the last apply and equippenent board. There are at present about fifteen board, and the same officers of the field supply and equippenent board are members of the medical corps of the last apply and equippenent board are members of the medical corps of the last army will hold a session and the same officers of the field supply and equippenent board are members of the medical corps of the medical corps of the last army will hold a session and the same officers of the field supply and equippenent board are members of the medical corps of the last army will hold a session and the same officers of the field supply and equippenent board are members of the medical corps of the medica requirements necessary on the part of the applicants, but they are required to have a good liberal education along general lines as well as a thorough knowledge of medical and surgical science. The applicants must be between the age of twenty-one and twenty-eight. The board consists of four members. They are Colonel Volum, Major Girard, Dr. Backe and Cantain Gardy. Backe and Captain Gandy.

Dr. Birney cures catarrin, Beebldg.

Brewers Making Purchases. Available corner lots in the business per-tion of the city are being rapidly parchased odificians. tion of the city are being rapidly parchased.

There need he no antagonism Laber unions by the Schlitz browing company of Milwaurestriving for an eight hour law. In that we should help. It is becoming every day more necessary. Machinery is taking the place of living hands and forcing many men off the payrolls. With the nations of the world at

this purpose, or where there are no buildings on the property, substantial brick buildings

# Is Your Disease Chronic?

There are numberless old chronic cases, that the medical profession acknowledge they cannot master.

> The record that S. S. S. has made in curing this class of diseases is without a parallel. It matters not what is the origin of the complaint or of how long standing, S. S. S. is almost infallible as a curative agent.

In cases of general debility, shattered constitution, or worn out system, it is without an equal. It cures old sores, ulcers and gun-shot wounds that refuse to heal up under any other treatment.

BOOKS ON BLOOD AND SKIN DISEASES MAILED VICEE. THE SWIFT SPECIFIC CO., . - Atlanta, Ca.