## THE OMAHA DAILY BEE: SUNDAY, MAY 17, 1891-TWENTY PAGES.

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#### THE NEW ORLEANS QUESTION.

Consideration of the Constitutional Limitatious Regarding It.

MUST THE FEDERAL COURTS INTERFERE?

Ought it to Be by Information, Demand of Governor Nichols or of the Louisiana Legislature.

The following essay was read before The Club, in the Linninger art gallery of this city on last Monday hight by Mr. Charles S. Elgutter

On Saturday, March 14, the country was startled by the intelligence that an armed mob numbering several thousand American citizens, of the city of New Orleans, had broken into the parish prison and there taken summary vengence upon eleven persons of Italian extraction confined within its walls and under the immediate protection of the municipal authorities. The justification for this spontaneous uprising and unlawful pro-cedure was the alleged miscarriage of justice. A jury, after a long and searching trial had brought in a verdict, acquitting these men indicted for participating in the murder of Chief of Police Hennesey of that city on Oc-tober 15, 1890.

Nine of the men killed by the New Orleans. mob were American citizens by birth or adoption. Two of them were allens, the subjects of Italy. It is concerning the latter that international complications between the governments of the United States and Italy have arisen. The demands of the king of Italy as formulated by Marquis di Rudini are: First "For the right to demand and obtain punishment of the New Orleans murderers; 'second, for the right to demand in-demnity and reparation to the families for the fatal injuries inflicted on subjects of Italy in violation of the existing treaty between the high contracting parties and the comity of nations.

To these requisitions, the United States, through the secretary of state, has repiled in effect: First, Denying the right of Italy to demand arbitrary punishment of the murder-ers except through the regular channels of law; second, denying that alien residents of this country are entitled to greater protection than is accorded to ditizens; third, "that where an injury inflicted on a foreign resi-dent is not the act of the government or its officers, but of an individual or mob. no claim for indemnity can justly be made unless it be made to appear that the public authorities charged with the peace of the community have connived at the unlawful act or have been guilty of such gross negligence as to amount to connivance."

The machinery of the local government at The machinery of the local government at New Orleans was put in motion to examine into the massacre, while the de-partment of justice of the federal court instituted a private inquiry through the United States district attorney. After a delay of nearly two months the grand jury of the parish of New Orleans, called by the judge of the criminal district court to investigate the tragedy of March 14, has made its return. The report March 14, has made its return. The report fails to find a true bill against any person infails to find a true bill against any person in-volved in the crime but concludes as follows: We have referred to the large number of citizens participating in this demonstration, estimated by good judges at from six to eight thousand, and regarded as a spontaneous up-rising of the people. The magnitude of this affair makes it a difficult task to fix guilt upon any number of the participants. In fact, the act seemed to invoive the entire people of the parish, and the city of New Orleans, so profuse in their synapithy, extended their connection with the affair. In view of these considerations, the thorough examination of the subject has failed to disclose the neces-sary facts to justify this grand jury in pre-senting indictments.

So much may be said to be the facts in the case up to the present time. But, before entering into further discussron, it may be well at the very outset to eliminate all matters ir-relevant to the inquiry. It is immaterial to the question whether or not the two subjects of Italy murdered in the parish jail of New Orieans were memory of the Maia; whether or not they were memory disting memory. or not they were escaped Italian convicts; whether or not the courts, the juries and the administration of justice in New Orleans were corrupt, whether or not the people of that city, enraged by the result of the trial, appealed to the fury of a street mob for vengeance. These are, in truth, palifating in-cidents, but nevertheless collateral to the issue. It is pertinent to the inquiry, however, that Italian subjects have the right to reside and claim protection in Louisiana under the treaty of commerce and navigation concluded between the United States and Italy in 1871. It is pertinent, also, to the inquiry that, in the eye of the law, the two Italian subjects murdered by mob violence were given a fair and impartial trial before the reg-ularly constituted tribunals and before a jury of their peers in conformity with strict la It is pertinent also to the inquiry and usne that, after a long and searching prosecution, conducted by the great city of New Orleans, where the talents and energies, the wealth and prestige at the command of a rich and powerful municipality were concentrated in effort to convict and punish these two aliens of a dastardly murder, they were acquitted of the crime in an atmosphere prejudicial to their cause. It is pertnent to the inquiry that, in violation of law, sanctity for courts and inviolable custom, a mob of citi-zens denominated reputable and law-abiding broke into the prison where these men, after their acquittal were confined and, with in-human atrocity, dispatched the defenceless wretches. It is pertinent to the inquiry that the local authorities, charged with the peace of the community and the protection of the prisoners, had timely notice of the danger and were guilty of such gross negligence in taking necessary precautions as to amount to connivance.

in pursuance of treaties. Has the government been invested with such powers! Is the power of the judiciary co-extensive with those of the legislative department/ The constitution clearly sets forth the extent of the judicial power. The federal judiciary "extonds to sil cases in inv and equity arising under the constitution, the laws and treaties of the union; to all cases affecting ambassadors, public ministers and consuls; to con-troversies to which the United States shall be a party; to controversies between a state when plaintiff and citizens of another state, or foreign citizens or subjects; between a state or citizens thereof and foreign states,

and between citizens and foreigners." It follows that the judicial department of the national government has both original and appellate jurisdiction on questions aris-ing as to the interpretation of the constitution of a judicial nature. It has especial care of questions arising as to the interpretation of treaties, and to controversies concerning the protection and security of the persons and property of subjects of foreign nations under ch treaties.

These matters have wisely been confided by the constitution to the federal courts, are to the intimate relations which such cases have with the peace of the union, the confusion that different proceedings in the separate states would tend to produce and the responsibilities which the United States are under to foreign nations for the conduct of the states and the people. We have a right to deduce from the foregoing that the relation of the federal government with subjects of foreign nations residing in this country is in a measure peculiar. Such allens are the wards, if the term may be applied, of the nation. They are under the ægis of the federal, government. While they are amenable to the laws of the state in which they may take up their abode, they are nevertheless protected and secured In their person and property by virtue of treaty obligations by the federal government which is in duty bound to interpose its sov-eroign power when their persons or their in-terests are imperilied. This being true two conclusions follow. The first is that foreign subjects are entitled, like citizens of a state, to the same protection of the laws of that state. The second is that foreign subjects, unlike citizens of a state, have a superior protection in the federal judiciary when justice is denied them in the states.

But the duty of the federal government toward aliens does not end here. If the pro-tection of the federal courts be insufficient to the second courts be insufficient to them stipulated rights and the power of the federal is not exhausted. When the subversion or coercion of guarantee berties. authority either by the subversion or coercion of justice the federal judiciary in the exercise of its vested and implied prerogatives is im-paired by one or more of the sovereign states, he executive powers of the national govern nent must be exercised to maintain law and order and quell misrule and anarchy-in other words, to institute war measures.

We may now proceed to the next stage of ur inquiry by examining the validity of the our inquiry by examining the validity of the domands of Italy and the replies of Secretary Blaine.

Immediately after the tragedy of March 14 telegrams were dispatened to the Italian minister at Washington by Marquis di Ru-dini to the following effect : "Our requests to the fordered the federal government are very simple. Some Italian subjects, acquitted by Ameri-can magistrates, have been murdered in prison while under the immediate protection of the authorities. Our right, therefore, to demand and obtain the punishment of the murderers and an indemnity for the victims s unquestionable."

Secretary Blaine's replies to these demands were in substance, that the punishment of the murderers must be left to the local tribuhas been and the first instance. If the local tribu-nals in the first instance. If the local tribu-nals do not act as they ought to act and as the local laws require them to act, "it will then be the duty of the United States to de-forming whether some other form of termine whether some other form of redress **3** may be asked." That our treaty with Italy affords no greater protection to the citizens of that na-"where the united here than is given to the citi-zens of the United States, and that "where the injury inflicted upon a for-cign resident is not the act of the government or its officers, but of an individall or mob, it is believed that no claim for in lemnity can justly be made, unless it shall be made to appear that the public authorities charged with the peace of the community have connived at the unlawful act or, having timely notice of the threatening danger, have been guilty of such gross negligence in tak ing necessary precaution as to amount to

connivance,'

recedent.

of such laws.

It was unfortunate for the Italian govern-ment that in the heat of excitement it per-mitted a doubtful construction to be placed pon its first draft tary Blaine was not slow in profiting by, revenue laws by a great state. Will it be less If Italy's requisition be construed into a de-mand for the immediate "punishment of the enient to Louistana! It is not our purpose to speculate on what urderers," the calm and respectful answer may take place. Our province has been merely to indicate the legitimate conclusions of the secretary of state was to the point, constitutional rights and limitations. that the punishment of criminals can be secured by no other means than by trial before legal tribunals. It is plain, now-ever, by the subsequent communications of little matter it is whether the two Italian wretches who forfeited their miserable lives are avenged or not. But principles of wide-reaching importance are in the balance, Italy that the words "punishment of the guilty" signified a request "that the prosecuprinciples involving the dignity and supre-macy of the government, the fair play of the American people, the humanity of the cen-tury, that the machinery of the law be exion through the regular channels be begun, in order that the individuals recognized as guilty should not escape punishment." This aspect of the demand Secretary Blaine has hausted, that the strong arm of the national government be broken before justice bows her head in disgrace over the New Orleans recognized. Where the local tribunals show an carnestness in the prosecution of the murderers, there is, in his opinion, no ground for federal interference. It is when question. the local authorities "do not act as they Complaint of a Bonnet. ought to act and as the local law requires them to act" that the United States is justi-I once was a Sunday bonnet, And shaded a lovely face, But now for some reason or other fied in stepping in to protect the injured and But this is only half the truth. It is a But this is only half the truth. It is a errous defect that the federal government I find I'm in disgrace. My fair yoing mistress treats me ails to assume the responsibility to set on With unrelenting scora; Excepting in bad weather foot, in its own courts, prosecution for injuries to foreigners. Such are its con-She never puts me on titutional rights to indict malefactors ab initio before a federal grand jury through a federal district attorney, to try, convict and punish them under federal authority. The She took away my bandbox

Numerous decisions of secretaries of state

as well as the federal judiciary-one of

or its officers, but of an individual or a mot

and the trenty of the United States does not

require this government to give greater

protection to the subjects of Italy domiciled here than is given to a native citizen. Where the reparation of

native citizen. Where the reparation of of injuries or the satisfaction by indemnity

of wrongs inflicted by individuals upon indi-

sought, they must be pursued in the proper tribunals open for all men for the reparation

This statement, if unmodified must be ac

have clearly indicated that foreign subjects,

unlike citizens of a state, have aside from the local protection a superior claim on the national government arising out of treaty ob-

lemnity is conceded not as a right which

foreign governments may demand, but as a

under treaty obligations. This anomalous principal was followed in the case that gave

to the Chinese demand in 1886 for the

We

epted with considerable allowance,

iduals in violation of the law of the land be

the Marquis di Rudini, which evidently means that Italy will make no further de-mands and leaves the matter for solution to the federal authorities and to public opinion for final judgment of its merits. Italy feels that she has been triffed with and that the government, either through weakness of its constitutional powers or lack of justice on the part of its authorities, is grossly at fault. In this diplomatic duello between the Mar-guis di Rudini and Secretary Bolae it must

guis di rudhi and Secretary Blaine it must be conceded that the advantage has altogether been on the side of the American. Sec-retary Blaine's replies to the marquis have been couched in such terms as to virtually admit the claims of Raiy, as we have shown without secrificing the dignity of the country or offending the people of Louisiana.

There yet remains to apply the principles avolved in this international controversy and to follow them to their legitimate con-clusions. True to its polley of non-inter-ference with local tribunais (a mistaken one) the federal authorities have reframed from any acts which a sovereign state like Louisinta jealous of its liberties, might construe as an usurpation of power or a coercion of its vested rights. The curt reply of Governor Nichols to the polite note of Secretary Blaine calling his attention to the necessity of a

prompt inquiry as to the responsibility of the massacre, evinces the sensitiveness of that people still smarting with disgrace. It is true the federal district attorney has been instructed to investigate and report the case to Washington. But he has raised no hand in directing or influencing the local authori-ties. Left to the people of New Orleans, the investigation of the tracedy has been un-satisfactory, and the report of the grand jury of the parish of New Orleans has failed to fix the responsibility of the crime. No person or persons were indicted, although the facts and ircumstances were so notorious as to have made the finding of a true bill against the nucleaters of the mob a simple question. In legal phraseology, the verdict was an ar-gumentative plea, a confession and avoidance of the issue which failed to exonerate the guilty from standing trial and answering for the crime of murder. The adage that two wrongs do not make a right is well illustrated by the return of the New Orleans grand jury. It demonstrates that a community may become so blunted in feeling, so perverse to justice, so wanton in immorality, so derelict to sworn duty and the forms of law as to justify anarchy and defend cowardly butchery. Such defiance of law and such disregard of

sacred obligations cannot be passed over in silence by the federal authorities. The time has come when the courts of Louisiana "do not act as they ought to act and as the local law requires them to act," and where it appears "that the public su thorities, charged with the peace of the community, have connived at the unlawful act. the federal powers cannot delay much longer in exercising their prerogative to fix the guilt and make reparation to the Italian gov erument in conformity with treaty obliga-

In what way shall the federal courts as sume jurisdiction of the case! Will it be by information filed by the federal district at-torney! Will it be on demand of Governor Nichols? Or will it be on demand of the legislature? We are of the opinion that Louisiana, in her desperate straits will resent, as an usurpation of power, any interfer-ence of the United States. Whatever action the federal courts may take must be under color of the constitution, and every effort will be resisted by the people of Louisiana as un-warranted and unlawful. But, granted that the treatment and unlawful. the treaty-making power of the government gives it undisputed jurisdiction in this instance, another difficulty stares the judiciary in the face. The federal courts will be in the face. The federal courts will be obliged to employ precisely the same methods as the state. Indictments must first be found by the grand jury. The case will have to be tried by the petty jury. As all criminal offenses triable in federal courts are under the constitution detemined only "by an im-partial jury of the state and district wherein the communication of the state and district wherein the state and district wherei crime shall have been committed,' these federal juries will be drawn from the same neighborhood and material as the state grand jury. Will such a jury bring in a bill? Will such a jury convict? And after that, what can the federal authorities do-proclaim martial law

This is not a pleasing prospect to contem-plate. It involves either a surrender of the power and dignity of the national govern-ment at home and abroad or an adoption of such vigorous measures as the emergency of the case demands, and congress may direct even to the extent of proclaiming martia law. Will it be necessary to proceed to this last resort? In what other light can a wilful

and persistent infraction of the laws of the nation and a defiance of treaty obligations be viewed than of open violation and rebellion f The government, in its infancy, treated as infraction of its

# SAND BANK PIRATES' HOME.

How it is Gradually Being Reclaimed from Sliame and Crime.

THE BOTTOMS OF THE PAST AND PRESENT

The People Who Inhabit Them, the Crimes They Conceal and the Industries Which They Are Attracting.

"The bottoms" of Omaha is that strip of land lying along the river and extending from the waterwork on the north to the old Boyd packing house on the south.

In early days this strip was known as "The Sands." It was then the abiding place of thieves and social outcasts. It was the scene of all kinds of shame and crimes. In some mysterious manner the name of "The Sands" was dropped and tor it was substituted the characterization which the place now bears. Although within fifteen minutes' walk of the heart of the city, "The Bottoms" are a terra incognita to thousands of the inhabitants of the town. They are scarcely ever visited even by day and no man would seriously contemplate paying them a visit by night un less under the most pressing necessity. This hesitancy is not due to the fact that the undertaking would be attended with bodily injury. It is rather to be attributed to the belief that danger lurks in the unillumined alleys and lanes and if it should be experi-enced, the unfortunate would be too far from enced, the unfortunate would be too far from civil authority to seek protection. It is not long, however, since the bottoms were the abode of the most vicious elements in the city. While some of the same class still haunt the forbidding precincts, a change has come over the place which will ultimately result in the driving out forever of those who result in the driving out forever of those who seek these unfrequented parts for the purposes of crime.

One of the earliest features of this peculiar stretch of territory is the old Boyd packing house. It is on the river bank and partly under the shelter of the immense hills which climb westward from the B. & M. track. In other days, it was a place of great activity. Within it, hundreds of men found employwhen it, hundreds of men found employ-ment and within it also, on one day as many as 2,500 hogs yielding unwillingty the lives they had comfortably led on Nebraska farms. The structure is now owned by Mr. Joseph Her of Kansas City. The cut-ting winds from the north nave gouged the mortar from between thousands of the brick. The does on the upper store bargeon

brick. The doors on the upper story hang on broken hinges and the widows are sightless. Every eye has been broken in its frame Every eye has been broken in its frame socket by mischlevous youths, and the place is a sad memento of its former life and use-fulness. One of the buildings connected with it has for years been used by the Page soap manufacturer. Another has been con-trolled by a gas company, which has made but little use of it for the past few years. Beside it lies the unused and empty receiver and from it runs a line of pipe for about a mile through which, some day, the com-pany expects to run its gas to both heat and pany expects to run its gas to both heat and

bany expects to run its gas to both neat and illuminate the cityr East of these buildings and extending northward for half a dozen blocks is an ag-gregation of humble nomes. These are built of pine. Some of them are little more than sheds of rough, unpainted and misfitting boards with entrances so low as to render it impossible for a man of ordinary height to enter without stooping. Some are battened and some are clapboarded, but the work in almost every instance bears evidence of hav-ing been done by the unskilled owners themselves. This is especially noticeable in the roofing. Some of these abodes have tar paper covering, others battered shingles, others the picked up piecemeal and nailed with any

thing but order and skill. There are a few of these houses which look as if they had been built by capable artisans, and one of them must have an owner with artistic tasts because his single-story structure has been graced by a mansard. These are the homes, in the main of poor people who find work in the neighborhood and whose inclination does not prompt them to seek abodes in more elevating quarters. Each of these owners seems to claim more or less of the ground adjacent to his home. As a consequence, every house is surrounded with a fence built generally of lath or poles. These lots are of nternal and lath all shapes and sizes and must have greatly taxed the skill of the surveyor nil who staked them out. In such surroundings, one expects to find at least the usual comple-ment of canines. Whether the whiners and barkers had unduly exercised themselves the bight before or not is unknown, but The BEE's representative traversed the district without receiving notification from some mangy cur or mastiff that he was treading on forbidden ground. West of this little settlement, and beyond the track, stands the desert d lard refinery. Its doors are locked, its windows scaled with boards. It looks, indeed, a veteran, having been scathed one fine summer night when it was operated by James E. Boyd. Later N. K. Fairbanks took hold of it and his name

across the river to a collection of cabins. Those, he says, are occupied by fishermen. They fish at night and sleep all day. They sell their fish in town. Their fishing grounds, however, are more removed from the dump than those on this side, but sometimes they are visited with the reezing carcasses of the dead animals which find their way into the stream at the dump. From this point five of these animals, slowly disintegrating in the sun and water may be seen stranded on the sunds.

ALO TANLON STLOUM

You

Will

The electric light works and the half dozen The electric light works and the half dozen factories west of it are sending volumes of smoke into the air and the prezze is forcing it down into one's face and eyes. In this at-mosphere of carbon, lives Superintendent Albrecht of the Jones street cump. He has lived in it for six years. He is the father of the dump. Necessity was its mother. When the first load of refuse was deposited he had to make a roadway with a pitchfork. He now dominates a bank forty feet high and nearly three blocks long. Into its build-He now dominates a bank forty feet high and nearly three blocks long. Into its build-ing has gone everything, from a paper collar to unreckoned tons of superannuated asphalt. Into it have gone, in one day, 700 loads of rubbish. This has made a bank as solid as the Chinese wall. No rise of the Missouri will ever scale its heights. No rush of the tawny tide will ever wear it away. When the dump shall have been extended to another bend a block fur-ther north, the industries in the neighbor-bood need not fear the rolling down of old hood need not fear the rolling down of old Missouri. The ground abutting on this dump is private property. Every load of refuse dumped on it extends the property line of a certain individual and thus increases his possessions. Thus far the dump, at n-expense to this gentleman, has given him

right to several valuable acres. North of the dump is the dog pound. But its doors are closed. Behind the iron bars, as in a jail for human malefactors, there are no canines awaiting redemption or death by drowning. Tray, Blanche and Sweetheart as well as Purp, Bull and Toodles roam the streets with the ancient honor of freedom o of the city distinguishable in their eye. And Court Pulaski is not abroad.

Then succeeds a number of wrotched hovels inhabited by some wretched looking mortals One of the latter is seen runnaging among the refuse on the dump and when she arises from her abject attitude, lo and behold, she wears a large American flag as an apron. The flag at one time must have been rich and autiful

On the river bank further along stands a small iron pipe sunk into the rock. In it is a light pole eight feet high and from the top of this flutters the remnants of a flag which the frost and elements have forgotten. In front of this is a telegraph pole cut down a foot above the ground. This post is a relic. It supported the telegraph wire which con-nected the east and the west until the first Union Pacific bridge was built. The flag is placed so that the relic may be easily located. Then comes a series of lumber yards and the big mill of Cody & Gray, and at length.

Douglas street is reached. Beyond, the great Omaha & Grant smelting works line the bank, and brawny mer covered with persperation are wheeling pots slag and dumping them into the river Heavy mules with a two-wheeled dray and an attachment to which five of these pots may be hitched are also hauling this metallic brew and humans are dumping it into the river. It is hot work, but the slag is hotter, When it cools, however, it adds to a wall against which a forty-pound gun might be

trained with impunity. Beyond the smelter is the Davenport street dump. Superintendent Brady has managed t for six years. He has, so to speak, handled 300 loads of refuse in a single day. And still he is not tired.

Next comes the waterworks. Here there is httle excitement. Even the engines make little noise. Two of them are pumping 20,000,000 gallons of water every day into the city pipes, while another rests on its oars, s o speak. And here the journey ends. No part of the

city has witnessed a greater evolution than have "the bottoms." They are gradually being reclaimed, and inside of a decade will be given over almost entirely to the heavy industries which for the last few years have been trending in that direction

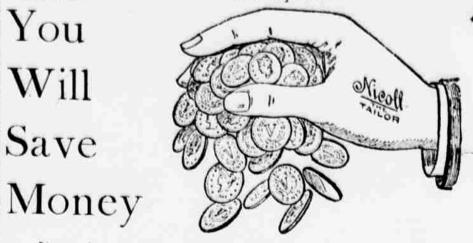
IN COUNCIL BLUFFS.

What the Artists are Doing in Our Sister city.

Art in Council Bluffs bas never met with any great amount of encouragement from those citizens who are able to, and should take the lead in fostering it, but in spite of the general neglect there is a great deal of very creditable work being done there, much

### 1409 DOUGLAS STREET.

Will remove to Karbach's New Stores, 15th Street, next September.



If you have your garments made by a Tailoring establishment that do not give credit.

Nicoll do not-and we are perhaps the only prominent ex-

ception among many tailors, and all the world knows we are the most successful tailoring establishment in America.

Our prices are not saddled with the weight of bad debts (as are most tailors.)

We give the full measure of value for your money-such value as only Nicoll can offer.

It's good paying customers we have, and we see to it that they have no deadbeats to pay for.

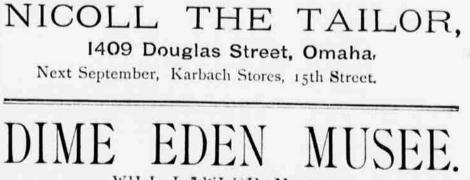
There are many reasons why you should buy of us, and our goods and prices are best present example.

Have you seen them? over ten thousand strong.

Trousers to order, \$5 to \$15.

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We have plenty of imitators.-No equals that we know of.



WILL LAWLER, Manager. Corner Eleventh and Farnam Streets, Omaha, WEEK OF MAY 18TH.





With such reservations, we may now proceed to state: First, the nature of the in-quiry; second, to examine into the relative dictary will assume the responsibility of a class of cases of which there is no immediate rights of the parties arising out of the international agreements of the federal govern-ment with foreign nations, and of the domes-tle relations of the government with the sovas went as the interfal junctary-one of which, the Spanish attack in New Orleans, Mr. Blaine quotes-have given him ground for resisting the demand of Italy tor indem-nity. The injuries complained of, says Mr. Blaine, were not the act of the government ereign states.

Has the Italian government just grounds to demand of the United States reparation for the wrongs done at New Orleans by insisting on the punishment of the murderors and an on the punishment of the murderers and an indemnity for the killing of two of her sub-jects! Can this right be demanded by Italy under the existing treaty! These are the

Now, what are the treaty powers of the United States! The treaty-making power of this country is defined in the constitution. It is vested in the executive who, with the con sent of the senate, provided two-thirds of the senators present concur, may make treaties. When so ratified treaties become the supreme law of the land, mean-ing thereby the law supreme over that made by the states. As a consequence of such treaties new relations are formed and obligations contracted with friendly powers this furthermore expressly provided in the constitution that no state shall enter into any treaty, alliance or confederation, or enter ligations. This claim, despite the broad as-section made by Mr. Blaine and others has been tacitly admitted and concurred in by numerous precedents. Mr. Blaine does not shrink from this amount of the broad of the second into any agreement or compact with another state or with a foreign power. The treaty making power is, therefore, absolutely vested in the federal authority, and treaties so made are supreme law of the land binding on the shrink from this responsibility for he modi-fles his statement and subsequently replies to the Marquis di Rudini, "the United States ign states. has distinctly recognized the principle of in-demnity to those Italian subjects who may have been wronged by a violation of the rights secured by the creaty of February 26, 1871." Curiously enough, however, this avowal of

The treaty mutually agreed upon between the kingdom of Italy and the United States, signed and scaled under the most solemn covenants, provides, among other things under enants, provides, among other things under the most favored nation clause, that "the citizens of each of the high contracting par-ties shall receive in the states and territories of the other the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or shall be granted to the natives on their submitting themselves to

for all that, compensation for the base of the conditions imposed on the natives." Let us examine this binding contract in for all that, compensation for the loss of property destroyed or injuries to persons has been liberally given by congress, in a benevotent spirit, if you will, in cases arising us examine this binding contract in What does the treaty guarantee to detail. the subjects of Italy residing in the United States! "The most constant protection and security for their persons and property and the enjoyment, in this respect, the same rights and privileges as are granted to the Rock Springs, Wyo., massacre, and it is more than probable that congress, in this innatives.

Who guarantees the protection and securstance as well, will make ample reparation to italy on the recommendation of the president. So much, in substance, comprises the offi-cial correspondence made public to date beity for their persons and property, the indi-vidual states ! No. The state of Louisiana "The parish and city of New Orleans! Who then? The United States of America, the federal government, the president and the senate of the American people But a guarantee to afford protection and se

tween the two governments relative to the New Orieans tragedy. Italy rests her case upon the demands already formulated and New Oricans tragedy. Italy rests her case upon the demands already formulated and instructs her representative at Washington to attend to nothing but the current business of his office. There is an intimation that Mr. Blane has not acted in good faith and that the United States government is indif-ferent to its treaty obligations. "It is time to break off this bootless controversy," says curity in the states and territories to the subjects of countries with which the United States has entered into treaty obligations would be an empty formula, a meaningless atipulation, if the federal government had not the power to enforce its obligations made

To shelter her new hat; She says I am not stylish, What can she mean by that! supreme court has intimated that proceed-ings of this character were proper. Yet it She says my rim's too flaring, may be necessary for congress to legislat directly upon this point before the federal ju to legislate

And that my crown's too small. And yet, upon my hom I haven't changed at all. I am the very bonnet

That she admired so, And purchased with such pleasure But one short year ago.

So why I've ceased to please her Is more than I can tell, For of one thing I am certain, That I became her well.

And as for grace and beauty, Why, anyone can see The nat that she is wearing Does not compare to me.

How the Design Was Selected.

The flag of the union, so dear to the civil war veterans who wont through four years of bloody strife for its preservation, was se-lected in the revolutionary days when the na-

tion's existence was a grave question. The duty of choosing a design for the flag was committed by congress to Messrs. Franklin, Harrison and Lynch, who found the task one of considerable difficulty. A large num-ber of designs were tendered for consideraber of designs were tendered for considera-tion. One proposed that the constellation Lyria, the harm in the hands of Apolle, be introduced as an em-blem of harmony; another suggested a ratilesnake with thirteen ratiles; another, a mailed hand grasping thirteen ar-rows; while still others suggested animals, crosses sums moons and scoverd other do crosses, suns, moons, and several other de vices. The conclusion reached by the com-mittee was than any kind of animal was inappropriate, that creases were too suggestive of Roman Catholicism, and suns and moons of Mohammedauism. The flag of thirteen stripes and thirteen stars was first displayed at Cambridge, Mass. on January 2, 1776. Legislative action on the adoption of a flag was no doubt taken before this date, but

there is no record of the adoption of a design until June 14, 1777. DeWitt's Little Early Risers; best little pills for dyspepsia, sour stomach bad breath.

#### Dangerous and Deadly. Denger S

The Charleston (S. C.) World seems a good deal disturbed by the exclamatory interrogatory recently made by a paper of that state "What does a man care for the democratic party." This would indicate that the com mon feeling in the south was that overything in political sentiment except democracy was, somehow, daugerous and deadly.

Dr. Birney cures catarrn. Bee bld'g

AN EPITAPH. Epoch. He never won immortal fame Nor conquered earthiv ills,

Yet men weep for him, all the same, He always paid his bills.

still clings to the structure. Next comes an array of dark, rusty ice houses and a couple of switches on which fluous cars of several roads, mainly the B. & M

Further to the north is the Willow Springs distillery, its massive rooster swallowing clouds of smoke from its belching smoke stack. East of it are its great shods for feed ing cattle. 'The wind is from the south and west and the traveler is treated to odors the liquid food which is three times daily measured out to them. East of these sheds and in the shadow of the great Union Pacific bridge one can almost distinguish the hole on the river bank in which, six years ago, an engineer and fire man lost their lives. It was the night of the great Omaha parade in Council Bluffs in honor of James G. Blaine. The same night 200 fect distant, the Willow Springs distillery burned almost to the ground. A switch engine jumped the track near the bridge and crushed the two poor fellows to death turning from the parade thousands of the processionists left the train, descended to the scene and witnessed the men die in un speakable agony. Half a dozen tramps lie on the grassy knoll

near the Union Pacific bridge. They are dangerous looking customers and are passed by without molestation. Near the foot of Leavenworth street there

is as wretched a collection of structures as the eye could possibly meet. Few of them are more than eight and many of them are less than six feet in height. They are ram bling, rusty and rotten and some are loaded with six and eight dove cotes made out of cracker boxes. It was on this spot that, a few years ago, the Wittings, the Davises, the Eistons and the Readys resided. They were all tough cases, women as well as men. Some of them have emigrated, some of them are in the peniter tiary, some are dying and some are dead. One Witting was charged with the murder of a man whose body, it was swora to, he threw into the river. A fre-quenter of the dangerous territory proved missing. An investigation was made and, two weeks later, the body was hauled out of the river at Plattsmouth. A postmeetem examination was held, but the body had become so badly de-composed that it was impossible to deterwhether or not the victim had been shot as charged. The Wittings were driven out of the city by Judge Beneke, Lut afterwards returned. They are now vege tating on the other suite of the river, but fre

quently cross and, about as frequently, get themselves into the hands of the police. Further to the north is another settlement. It comprises the rame general style of habi tations. Through it runs a lake of stagnant water. This lake is several hundred feet in length. On its shores are humble homes, out-houses and burns. Manure piles and yaults drain into it and its edge is outlined with refuse of all kinds. Ducks paddle and quack in glory upon its surface and bibulous cows go down to the rim to queach their

thirst in its slimy waters! On the bank of the river a very healthy looking man is fishing. He is attended by two boys. He attaches his line to a stope behind him, then swings it around and over his head to give it momentum and then projects it out over the river in which a heavy weight drags it to the bottom. The fisherman says it is not a good day and may be believed, because over the river in tit to the bottom. he pulls his lines in a dozen times without a catch. Each time the line comes without a catch. Each time the line comes straddled with manure and drift from the dump at Jones street. One could not fance eating fish caught in the vicinity of such a depository of filth. The angler, however, says the came sells well and he could sell more if he could catch them. He points

of which is known nothing about excepamong a few intimate friends of the artists. For two years past there have been attempts made by the devotees of art to have exhibitions in the spring of the year, at which the best work of the local painters should be placed before the public, in order that people might know what was being done in this line and that the beginners and those farther advanced might be given to understand that the public had an interest in their efforts. Two trials have convinced those who were instrumental in working up the exhibits that they could not be made to pay until Bluffites met with a change of heart, and the result is that there will be no exhibit this year. The fault lies partly with the owners of buildings suitable for the holding of the exhibits, and partly with those who should have patronized them. The owners of the buildings, it is claimed,

refused to rent them except at an exorbitant price, while after the building had been secured and the exhibit was opened, they were attended by very meager audiences, and even those who came had to be lured there by means of a musical programme

But in spite of everything the artists are going on putting their own and other people's ideas on canvas, amateurs are fast de veloping into semi-professionals, and the teachers are having their hands full with heir pupils.

No one, probably, has done more to awaken interest in art in that city than Mrs. J. A Gorham. She was the leading teacher of painting there for several years, and when she gave up the business some months ago she had a class of fifty-six pupils, most of whom owed to her their entire knowledge of art. Mrs. Gorham now has only a few pri vate pupils, and she devotes what time sh can get to painting. She has some beautiful specimens of her handiwork which have been executed within the last few months. Among them are two oil paintings of land a clump of birch trees on the shore of a little rivulet, and the blending of the white bark of the birches, the green of the moss and grass on the shore of the stream, and the crystal clearness of the stream itself is ex-quisite. Mrs. Gorham has had soveral handsome offers for these paintings, but she has accided to keep them herself. Another fine piece, though a small one, is that entitled "The Lone Hunter," a scene taken from na-ture during a trip through the mountains of Idaho two years ago this summer. She now view a larger painting than she has ever yet attempted—a scene on the banks of the creek near the deaf and dumb institute. The picture will be about ix? feet when com

Mrs. C. P. Rallsback is another who i doing conscientious work in teaching the art of painting. Her studio is located at her home at 611 Bluff street. Her home is plen-tifully decorated with articles from her own brush, and it is evident that her taste run. nostly in the direction of birds. Even saper on the wall is covered with the feath ared beautics, and in many of them she ha shown romarkable skill. Mrs. Rallsback has been doing considerable work of late in the line of pastel painting. A fine portrait of lit tie Gracie Corbally is among her latest ac complishments. She has a class of twelve pupils, all of whom are very much interested in their work. Most of them are engaged in drawing from still life, which Mrs. Rail-back thinks lies at the foundation of all work in art, instead of along toward the end, as is taught by some teachers. Misses Kate Myers, Anna Walker and

Mildred Pace are at work materializing the song of "Bas-nan-o-o-os" from life. Mrs. Hazelton is copying a unique piece from one of Prang's studies; a basket of apples tipped over, beside which lies a pile of ripe corn in the husk, and a cider jug stands in the background. Lutie Pryor is working in crayon and is showing great talent for one of his age. Miss Goff is cultivating early roses age with her brush.

Mrs. P. G. Mikesell and Mrs. Matthal also do considerable teaching, and their pupils are doing excellent work. In audition to these Mrs. Pitts, an artist of much skill and experience, has located across the river and no preparations made. pened a studio. She has been spending several years past in teaching art, and will no doubt meet with success there, as she has elsewhere.

Among the finest pieces that have been ex-ecuted during the past winter and spring is weighed 600 pounds.

ars old. THE BRAIN OF A MAN and the body of

a boy. He is bright, intelligent and a talented musician. A MEDICAL MYSTERY. He will gladly

converse with all his visitors.

DESPERATE CHANCES, a comedy drama, as presented by the Fitzgerald-Lewis Comedy Co. Full of love, romance, mystery and tragedy. Miss Ella Lewis is a well known young actress with dramatic ability, and her support is good.

Prof. E. Abt, the picture collector, will exhibit his wonderful collection of pictures gathered from all parts of the old world, together with his Famous Dissolving Views. which are full of study and t.ought.

A company of special artists will present a lively entertainment. New Faces, New Music, New Wonders, A

Thoroughly Cosmopolitan Entertainment.

the analagous case of

hand, if not the day of judgment. Some

contemporary writers describe the epi-

sode as a "fifty hours' night" (from the evening of May 18 to the morning of the

20th); and among the many fanciful ex-

planations the most plausible seems that

which ascribes the eclipse to a drift of

volcanic ash clouds. An even more pro-

tracted darkness which atarmed the

southern West Indies in the summer of

1812 was traced to a cinder shower from

Dana's Editorial Rule.

Mr. Charles A. Dana finishes his day's

work earlier than most New York editors,

because the editorial system of the Sun is

different from that of other newspapers.

Most of the metropolitan dailies endeavor to

give editorial expression and opinion on the

the volcano of St. Vincent.

THE DIME EDEN MUSEE.

#### Abnormal Darkness. On the morning of January 7, 1891, a

rang of laborers on a railway track near Mrs. Ira F. Hendricks is executing a paintng in oll a copy from Rosa Bonheur's 'Horse Fair." Mrs. D. W. Bushneil has just completed a very pretty bouquet of chrysan-themums. Mrs. Shinn is making a copy from a painting which took the prize at th Paris Salon. The title of the painting is "Gathering Potatoes." Mrs. M. A. Moore has finished a scene in Scotland. Miss Blanche Arkwright has been devoting ber attention almost entirely of late to crayon work. Mrs. J. T. Anderson has completed a painting entitled, "The l'emperance Society." It does not consist of a set of long-haired men passing resolutions, as might be supposed, but it is simply three horses drinking out of a watering trough, and s very well executed. Mr. Landerdorter shows great skill in mixing colors, and is at work upon several choice pieces of art. Mrs MacBride is the painter of a beautiful sketch entitled "Twilight." It is a water-color, and represents an ancient ruin, with the soft light of the deepening twilight making it just risible. Mrs. Gates has been executing a aumber of sketches in water-colors and oil, and has had remarkably good success in oainting animals and flowers. of men prayed and groaned in nameless terror, thinking an earthquake near at

Miss Gene DeHaven has done a great deal of creditable work, some of which has proved profitable as well as pleasant. The 'Cattle Scene," which was one of the featres of the art exhibit last year, was sold reently to a gentleman in Crystal, Col., for 50. She is a rapid painter, and is constantly at work on more or less elaborate pieces. Miss Lou DeHaven has also done some good vork, but of late she has paid more attention o music and has let painting go by default. Among others who are showing marked Among others who are showing marked talent, are Mrs. J. F. Brodbeck, Mrs. Cham-beriain, Mrs. Walters, Mrs. L. F. Crafts, Miss Linkey, Misses Myra Crane, Neilie Parsons, Mollie Rice, Sadona I. Ciark, Stelia Maxon, Nellie Green, Berenico Komp, Mrs. G. C. Brown, Mrs. H. L. Shepherd, Mrs. R. C. Hubbard, Mrs. DeEmory, Mrs. J. M. Bar-stow, and Mrs. G. H. Champ. Misses Alma Pfeiffer and Lida Crittenden have only been it work a short time, but they have already

it work a short time, but they have already even evidence of a great deal of undeveloped kill, and will no doubt in time become true artists. Mrs. H. J. Chambers has been con-fining her attention of late principally to rayon work. There is a great deal of regret felt that the

news as it comes into the office. But Mr. Dana's plan is to give the news time to digest, as it were, and to comment upon it the next day. All the editorials are revised by him in proof, and if he has a few moments to dea of making the art exhibit a permanent thing in that city, nas been dropped. At the time of the holding of the exhibit last year, wait while an article is being put into type he wheels around in his chair and takes down a volume in some foreign language to study. here was talk of repeating the experiment this year, and in fact every year, but these who have always taken the lead in such things have announced their intention not to Mr. Dans leaves for Europe next week on a vacation of several months. try it again, and as a result there have been

The May number of "The Kindergarten" is as attractive as over. The frontispiece, cutitled "Gretchen and Her Ducklings," is a very pretty picture and will doubtless be A rancher named Lindsley killed a big black bear on his ranch near Deadwood the other day. He shot bruin fourteen times on-fore a vital spot was reached. The animal matched 500 center. much admired by the juvenile patrons of this paper. Published by Alice B. Stockham &

paper. Published by Alice B. S. Co. 377 Madison street, Chicago.



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WONDERS NEVER CEASE AT-

A.

one by Mrs. August Beresheim, consisting of a child's face, wrought in sepin on a panel of wood. It is regarded by competent judges as a model of its kind.

Veadikafkass, Russian Caucasus, were obliged to discontinue their work because the gloom of the murky forenoon increased to something like total darkness, writes Dr. Felix C. Oswald in Belford's Magazine. Fearing an earthluake or a cloudburst, they hurried to their camp and did not venture to leave the shelter of their cabins before the next morning, though on the afternoon of the abnormal day the lowering clouds had begun to clear away. The phenomenon seems to have been observed at several other points of the railway line, and recalls May 19, 1780, when the light of the noonday sun, throughout southern New England, was eclipsed to such a degree that only the faint outlines of trees and buildings could be distinguished at a distance of fifty paces. In --several villages of western Massachusetts the darkness was so nearly complete that birds went to roost, and scores