THREE HOURS OF ANTI-OPTION

Senator Vilas Makes an Able Argument Against the Pending Bill.

HE DECLARES IT IS UNCONSTITUTIONAL

Close Attention Paid the Gentleman from Wisconsin-Denounced as a Step Toward the Centralization of Power -In the House

Washington, D. C., Jan. 5 .- The feature of today's session of the senate was the speech delivered by Mr. Vilas, democrat, from Wisconsin, against the anti-option bill-For nearly three hours he held the undivided attention of the supporters and opponents of the measure while he stated in a prepared argument, delivered with great earnestness and impressiveness, the constitutional objections which, in his opinion, precluded the possibility of its passage by the senate.

He denounced it as a flagrant advance to centralization and as involving the characteristics of the most odious paternalism. There was a colloquy between him and Mr. Washburn, republican, from Minnesota, who has charee of the bill, in the course of which the question was put to Mr. Washburn as to whether he would accept an amendment that would confine the operation of the measure to operations that were absolutely gambling and in which there was to be no delivery; but the Minnesota senator hesitatingly declined to answer the question affirmatively, remarking that he did not believe that any such restriction would be effective. The bill has gone over until Monday next, tomorrow and Saturday having been set apart for the consideration of the two bills in relation to quarantine and immigration.

Hill Introduces a Resolution. Mr. Hill, democrat, from New York, offered the following resolution, which at the sug-gestion of Mr. Chandler went over until to-

morrow:

Resolved, That the clerk of the senate be directed to transmit to the honorable secretary of state, a copy of senate bill, now pending in this body, entitled, "A Bill for the Suspension of Immigration for One Year," and that the secretary of state be, and hereby is, respectfully requested to inform the senate at his earliest convenience, whether the provisions of the said bill absolutely suspending immigration for the period of one year, are in conflict with any treaties now existing between the United States and any foreign countries; and if so, with what countries; and any furmorrow the United States and any foreign countries; and if so, with what countries; and any further information which he may deem necessary for the information of the senate in relations to the propriety of the enactment of the said bill in its present form.

The house joint resolution directing the secretary of the treasury to cover back into the treasure of the appropriation

the treasury \$48,800 of the appropriation made by congress to pay the Chocktaw and Chickasaw tribes of Indians for their interest in lands of the Chevenne and Arapahoe reservation, (that sum being more than was actually due to the Chocktaws and Chickawas taken up and passed with an

Mr. McPherson, democrat, from New Jer sey, gave notice that he would address the senate next Monday on his bill to suspend the purchase of silver bullion under the

Senate bill permitting M. P. Deady, United States judge for the district of Oregon to resign on or after March 4 next, and thereupor be entitled to draw his salary as judge

during his life, was passed.

Senate bill to pay to the assignees or legal representatives of the late John Roach, ship ilder. a \$28,160 balance due on the United States steamship Dolphin was also taken up discussed for over an hour, and finally laid aside without action.

Senate bill concerning the testimony in

criminal cases, or proceedings growing out of the interstate commerce law was, on mo-tion of Mr. Wilson, republican, from Iowa taken from the calendar and passed. (It provides that no person shall be excused from testifying on the ground that his ony might tend to criminate himself.

Senator Vilas' Great Argument. The anti-option bill was then taken up, and Mr. Vilas, democrat, from Wisconsin, addressed the senate in opposition to it. He opposed the bill because it was unconstitutional, and to that objection he directed the bill was unconstitutional in transcending er limits of congressional power but it directly invaded the sovereignty and peculiar government functions of the state It was a step, a flagrant advance to central-ization. It involved, in his opinion, the characteristics of the most odious paternalism. No one claimed it to be a revenue measure. It might be summed up absolutely as beyond question that the object and pur pose of the measure was not to raise revenue, but to apply the federal power as with hydraulic pressure to the extermination of the now universal method of making sales of the enumerated articles. He dealt with the bill as it had relation to the legitimate transactions which were based upon and supported by the laws of every state in the

Mr. Washburn, republican from Minne-sota, asked Mr. Vilas whether contracts would be enforced by any court when the facts were absolutely brought out that neither party to them expected a delivery of

Mr. Vilas-Clearly not; and nothing that I have to say in this debate will have the least reference to any such contracts, except to distinguish them entirely and set them apart from those with which this bill is chiefly concerned.

Mr. Washburn—Then 95 per cent of such transactions would not be enforced by the courts, because 95 per cent of such transactions on produce exchanges and cotton ex-changes are precisely of the character and are so recognized the world over.

Mr. Vilas-I should like to ask the senator whether he would accept an amendment which shall limit the effect of this bill to such contracts as both parties intend shall not be followed by delivery of the article?

Mr. Washburn Doubtful.

Mr. Washburn (with some hesitation)— No. I don't think I would, because I don't think it would be effective. I think it would be evaded. I think it would be a rope of I do not think it would amount to

anything.

Mr. Vilas-If that cannot be done, then the distinguished senator must admit, with reference to the subjects which this bill seeks to cover, that there is a line of divi-sion; on one side are gambling contracts and on the other side are legitimate future contracts, which the courts of the state will en-force and maintain. The senator nods his head in admission of the proposition. Now, once again, I say that with the gambling contracts on the back side of the line, I have no further dealing with them, except to say that the constitutional power of con-gress is just as liable to be invoked for that gress is just as liable to be invoked for that purpose as the other. But I will address my argument particularly to the lawful contracts on the other side of that line of division, and I think I may safely declare that congress has no right to enter the domain of a state to prohibit its citizens the privilege of making contracts expressed and designed to be entirely performed within the state and sanctioned by the laws of states.

Mr Vilsa proceeded with his constitutional

Mr. Vilas proceeded with his constitutional argument against the bill, delivering his speech with such carnestness of manner as to command the earnest attention from the senators on both sides of the chamber. He declared in conclusion that from the moment the bill was proposed there should have been no hour when he could bring himself to be lieve that, in the final judgement of the sen ate, its constitutional power would be abused in a matter so perilous, so menacing to the lines and foundation courses of the wall on which the government of the United States which the government of the United States rested. He submitted with c. afidence that such a violation of the constitution was simply impossible at the hands of the senate. At a later day in the course of debate he would ask indulgence to submit some observations in regard to another point in the bill. As he closed his remarks there was a slight outburst of applause and the Wisconsin senator received congratulations from many of his brother senators.

The senate then, after a short executive session, adjourned.

IN THE HOUSE.

Passage of the Fortifications Appropriation Bill-Other Business.
Washington, D. C., Jan. 5.—The second general appropriation bill to pass the house this session was the fortification appropri-

ation bill and it went through today without amendment or the slightest debate. Mr. Breckinridge of Kentucky had it in charge

and he steered the craft into port without meeting with any adverse wind.

that the house should encourage every de-partment in acting in strict compliance with the spirit and letter of the law. It was the

habit of members to tax the department with extreme liberality. Were they going

now to overrule a department which was carrying out the law? If this were so there

Mr. Pichler Remarks.

Mr. Piehler, republican, from South Da-kota, favored the bill. The gentleman from Missouri (Mr. Bland), he said, had advanced

the proposition that economy should begin by cutting off pensioners. The gentleman had

gant appropriations; he was confident that it was not the sense of the people that the

old soldiers should go to the poor house be-fore they could receive a pension. A nation did not deserve to exist that did not care for

s defenders in their old age.

Mr. Bland denied that he was opposed to

the granting of pensions that were deserved, and expressed his disposition to deal liberally with every man who had been disabled

The bill was finally defeated, after three-

By unani-

quarters of an hour had been consumed in

committee of the whole to the consideration

of the fortification appropriation bill. There was no general debate. The bill was passed

without amendment. It appropriates \$1,735,-

HAS HIS HANDS FULL.

Speaker Crisp Kept Busy Satisfying the

Washington, D. C., Jan. 5.-Speaker Crisp

Claims of Committeemen.

from the rules committee in behalf of meas-

There are at present a dozen measures in

behalf of which a special order is being

asked to set apart a day next week for their

Chairman Stump of the immigration com-

mittee has seen the speaker, who assured

him that the committee would be given a

Stump asked for Tuesday, but no special day

was decided on by Mr. Crisp.

The Torrey bankruptey bill is being pressed for a special order. The bill, however, is

not expected to become a law at this con-

Mr. Brickner and other members from the

great lake regions are laying for an oppor-tunity to pass the omnibus lighthouse bill,

which secured a special order just before the holidays, but received scant consideration, owing to the slim attendance in the house.

The commerce committee, which reported the bill, also want a day for the revenue cut-

ter bill, and bills making important amend

ments in the interstate commerce law to meet recent decisions by the courts.

ised for the treasury investigation report, and the bill for the election of the president

and vice president and of senators by direct vote of the people.

other committees.

The judiciary committee wants a day for

Mr. Bland has not yet preferred a request

but it is his intention to see the speaker and ask another opportunity to pass a bill pro-

Mr. Harter and other uncompromising anti-silver men say that they are anxious for

the trial at the repeal of the present Sherman silver bullion purchase law, and, as a renewal of the silver fight is about the only

thing in which the radicals on either side of

the currency question seem agreed, it looks as if there would be another bout in this con-

Mr. Blaine's Condition

At 6 o'clock this evening Dr. Johnson said

he found Mr. Blaine feeling very comfortable, so much so that he did not intend to make him another visit tonight.

In reply to inquiries, the doctor said that the visit of Dr. Loomis, the New York spe-cialist, could not be regarded as significant,

or as indicating that there had been a serious turn in Mr. Blaine's condition. There was really no necessity for the visit, he said.

but the opportunity presenting itself prompted Dr. Loomis to run over, as he had contemplated doing for some time, in order

to personally see the patient. Dr. Loomis, Dr. Johnson said, was gratified at the im-proved condition of Mr. Blaine.

In reply to an inquiry as to whether a joint bulletin would be issued by Dr. Loomis

and himself to this effect. Dr. Johnson said an official bulletin, stating the present con-

dition of the ex-secretary, was unnecessary. Unless a relapse occurs Dr. Loomis will not return to Washington for a week or so,

when, if an opportunity presents itself, he

Senator Kenna Still Very Ill.

same. It was learned from a friend of the family that a consultation was had today by Drs. Sowers and Busey of this city. Chilton of West Virginia and Chew of Baltimore.

Md., at the conclusion of which it was found that there had been no change in the

patient from the past five days. Senator Kenna sat up today for a while, as he had

usually done at intervals during his illness.

Republican Senators Caucus.

morning. Steps were taken to look into the bitter fight for control of the next senate

and a committee, consisting of Teller, Hoar Mitchell, Chandler and Higgins, all republi

can members of the committee on privileges

and elections, was appointed to take special charge of the subject of organizing, and, in-

cidentally thereto, matters concerning the

It is Not Cholera.

Surgeon General Wyman has received a report from Surgeon Williams, who has been sent to Little Rock, Ark., to investigate

the disease in the convict camp there. After describing the filthy condition of the camp and its surroundings Dr. Williams gives it as

his opinion that the deaths there were due either to poison or contaminated water com-

bined with filth and overcrowding, probably

MARTENA IMPROVING.

Her Fever Subsiding -The White House Still

Quarantined.

Harrison continues to improqe, but the

white house is still quarantined and the big

placards containing the information that

contagion exists within are displayed on the

entrances to the private part of the mansion.

When the quarantine against the white

house has been removed it is probable that

President Harrison will take a few days

President Harrison will take a few days recreation in duck shooting.

In view of the statement published that President Harrison's health was failing and that he was likely to break down before his term of office closed, Postmaster General Wanamaker was questioned as to the facts. He said: "The president is in perfect health and has not in the four years been away from his desk a single day from personal sickness. He has formonths been out in the wilderness of suffering, and the shadow of it lingers for a long time upon a nature that

lingers for a long time upon a nature that feels as deeply as his."

It Was an Exaggerated Report.

has been circulating to the effect that Gen-

eral Superintendent Dickinson of the Mis-

souri Pacific, was dying from a stroke of parhiysis is untrue. Mr. Dickinson did have a slight stroke two weeks ago, but he is so far recovered that it is thought he will re-sume his duties tomorrow or next day.

St. Louis, Mo., Jan. 5.-The rumor which

Washington, D. C., Jan. 5.—Little Martena

the fight is now on.

election of senators in western states where

The republican senators met in caucus this

Senator Kenna's condition remains the

will again visit the sick man.

viding for the free coinage of silver.

gress over silver legislation.

miscellaneous business, as does several

ecial orders have been asked and prom

day for its immigration restriction bill.

ures in which they are interested.

wounds or disease in the service.

an effort to secure a quorum. By mous consent the house then proceed

was no honesty in their criticisms.

A few private pension bills were passed and the house adjourned without a quorum. In speaking of one of the bills where the Chief Justice Maxwell's Dissenting Opinion in the Contested Election Case. pension bureau had denied the pension asked for, Mr. Bland, democrat from Missouri, said

> Facts in the Matter Carefully Reviewed and Reasons for Denying the Writ of Mandamus Plainly Set Forth by the

> > Chief Justice.

Below will be found the full text of Chief Justice Maxwell of the supreme court's dissenting opinion in the case of the state ex almost wept tears that the country could not have the money that was granted in pensions for the improvement of rivers and rel. Chester Norton against Charles Van Camp, county clerk of Knox county, and harbors. The time had not yet come when the nation would say that the men who had others. This was the case in which a writ of mandamus was sought, to compel the saved the country would not be pensioned unless they were subjects of the poor house. That they should be entirely destitute before they could receive a pension was the burden of the remarks of the gentleman from Missouri yesterday. He was not in favor of extravacancellation of a certificate of election issued to Samuel G. Kruse and the issuance of a new certificate to Norton the relator. In dissenting, Judge Waxwell said:

I am unable to assent to the judgment of the majority of the court, and I will as briefly as possible state the reasons for failing to do so. The proof shows beyond ques-tion that Boyd county has in fact been attached to Holt county from 1883 to 1800; that two years ago one of the representatives from the district comprising what is now Holt and Boyd counties was a resident of Turtle Creek precinct in what is now Boyd county; that a supervisor from that precinct sat with the board of supervisors of Holt county and the latter county levied taxes in that county which were collected and paid These things were a matter of record to seem to have been kept in Holt county. This state of affairs continued until Boyd county was organized two years ago. There is no proof to the con-trary on this point so that it is established beyond a doubt. But it is claimed that this territory was not lawfully attached to Holt county and therefore the proceedings in that regard are void. The testimony shows that The consideration of private pension bills was resumed and a few of the measures were passed without opposition, because little attention was paid to them. And then, as there was no quorum, the house adjourned. in 1883 an election was held in Holt county to attach this territory to Holt; that at the election a majority of the votes cast upon that proposition was in favor of attaching the territorry named to Holt, but that a majority of all the votes cast at that election was not in favor of the proposition. The county board, however, declared the propo-sition carried and thereafter exercised urisdiction over that territory. It thus was n fact attached to Holt county, and became has his hands full compromising the claims to that extent organized territory and was of committeemen anxious to secure favors not within the provision of the statute as to unorganized territory.

> Voted in Holt County. As a matter of fact the territory of what Boyd county has been attached to

Holt for election purposes and not to Knox from 1883 to the present time. It is true there is some proof tending to show that in 1890 some fifty or sixty persons came from what is now Boyd county into Knox county and voted. Some or all of othese were challenged and swore in their votes. The proof also tends to show that there was an exciting county division election which involved at least one county seat and presumably that the votes were received by the judges and clerks on that account. These voters are shown to have come from a portion of the territory between the Missouri and the Niobrara rivers, near to the town of Nio brara. So far as appears these votes were illegally cast, and instead of being an argu-ment in favor of the relator are against him, because if the territory in question had in fact been attached to Knox the electors thereof, no doubt, would have applied to the county board of Knox county to create one or more precincts in such territory and appoint election boards. This was done by Holt county, and the proof shows was not

done by Knox county.

To illustrate, in the early history of this state Lancaster county was attached to Cass county for election, judicial and revenue purposes but the people of Lancaster county did not go into Cass county to vote, but election precincts were organized in Lancaster county where the electors voted and elected their own precinct officers. The votes, when cast, were returned to Platts mouth and canvassed there, and the records were kept there and taxes levied by the authorities of that county. In 1862 a member of the legislature in Lancaster county, with three in Cass, was nominated by the electors of Cass and Lancaster counties and tached to Cass county for like purposes. Precincts were created in Saunders county by the proper county authorities of Cass county, and the electors of Saunders county voted in their own county and elected their own precinct officers. In 1865 the electors of Cass and Saunders counties elected a member of the legislature from Saunders county and three from Cass. Taxes were levied and collected by the proper authorities of Cass county, and the records were kept at Plattsmouth.

Followed the Precedent.

Now this is just what was done by Holt county. Will any one contend that the mere voting of fifty or sixty persons who are claimed to be residents of Boyd county in an exciting county division and county seat election establishes the right to count the votes of Boyd county for the relator in this case? The truth is, it is apparent, that the casting of these votes was a fraud upon those voters of Knox county who were opposed to a division of the county, as the testimony shows that all but thirty-five votes were in favor of such division. There is danger of committing a like wrong upon all the electors of Knox county by counting the votes of Boyd county in this case. As a matter of fact, therefore, Knox county has never exercised or attempted to exercise jurisdiction over the territory comprising Boyd county. If it is said the law applies to all unorganized territory, the answer is: This was not unorganized territory, the answer is: This was not unorganized territory. ganized territory, because it was attached to Holt county for election, judicial and revenue purposes, and the law applies only to territory not otherwise assigned, so that all may be protected and represented. The

language of the statute is:

All counties which have not been organized in the manner provided by law, or any unorganized territory in the state, shall be attached to the nearest organized county directly east for election, judicial and revenue purposes; provided, that Sioux county shall be attached to Che yenne county for all the purposes provided for in this section; provided, further, that if no county lies directly east of any such unorganized territory or county, then such unorganized territory or county shall be attached to the county directly south, or if there be no such county, then to the county directly west of such unorganized territory or county. language of the statute is:

Sec. 147. The county authorities to which any unorganized county or territory is at-tached shall exercise control over, and their jurisdiction shall extend to such unorganized tached shall exercise control over, and their jurisdiction shall extend to such unorganized county or territory the same as if it were a part of their own county.

Sec. 148. If two or more unorganized counties, or portions thereof, lie directly east of any unorganized county, then the portions of territory of such unorganized county which lie either north or south of a line running directly west and in continuation to the boundary line between such organized county shall be attached to the organized county directly east of such territory, for all purposes of this subdivision. (Secs. 146, 147 and 148, chapter xviii, compiled statutes.)

Properly Belonged to Holt.

Properly Belonged to Holt. Suppose, therefore, that the territory in question was unorganized, it is to be at-tached to the nearest organized county directly east. If there is no organized county directly east, then it is to be attached to th nearest organized county directly south.
Webster defines the word "directly" . in a

direct manner; in a straight line or course without curving, swerving or deviation."

Directly east, therefore, means in a direct

ine on the same parallal east of Boyd county. An examination of a good map will show that Boyd county is forthwest of Knox county; that the northwest corner of Knox WHERE BOYD COUNTY VOTES county joins the southeast corner of Boyd county, the points of contact extending but about seven miles; and that only a triangular about seven miles; and that only a triangular point of Boyd county, extends as far south as Knox; that Boyd county extends north to the forty-third parallel, while Knox county at no point reaches within ten miles of that degree of latitude; that nearly all of Boyd county is north of the degree of latitude that passes along the north line of Knox county. It is very extent therefore that PROPERLY ATTACHED TO HOLT COUNTY county. It is very evident, therefore, that Knox county is not directly east of Boyd county, but it is southeast, while Holt county is directly south of Boyd county, and the latter county is and was properly at ached to that county for election purposes It is very clear to my mind that the author ities of Knox never had any right to inter fere in the affairs of Boyd county, and they seem to have recognized the fact by not dong so.

Not a Lawful Convention.

But suppose that Knox county had juris diction over the territory in question, still the relator is not entitled to the writ. The ertificate of nomination shows that the convention was held at Creighton; that a rest dent of Knox county was elected president of the convention and another resident of that county secretary. There is no proof that a call for a convention of this kind was made by any one, or that the republicans, of Boyd county were invited or even notified to attend. A convention to be lawful must represent the whole district. Otherwise it would be possible to pack a convention in the interest of particular individuals. No doubt the convention in this case was a fair convention of Knox county, but it should appear from the proof that Boyd county was invited to participate therein. Otherwise it cannot be called a district convention. This is particularly true under the Australian ballot law of this state. It is conceded that no votes were ever before cast in that district as a district for representative. How, then, could it be said that the republican party of the district had at the preceding election cast 1 per cent of the votes! The statement is a mistake, and the only way a person could be nominated in the district, even if one existed, was by petition. In ad-dition to this the sample ballots do not contain the name of the relator. It is true name of the relator is written on both the sample and official ballots, but this does not comply with the law. That requires the name to be printed in both.

Kruse's Name Not On the Ballot.

The proof also shows that certain friends of the defendant after the mandamus pro-ceedings circulated a petition as he claims, without his knowledge, to nominate him in Boyd county for the office in question; that the petition was signed by fifty-three names, but the clerk of Boyd county did not insert the defendant's name in either the sample or official ballots. Whether this was done with or without his knowledge does not in any manner affect the case as if there was no legal district the casting of votes could

It also appears that the clerk had pre-viously refused to insert the relator's name on the sample and official ballets and that the district court compelled him to insert the same, which he did by writing in the relator's name without any designation of the office for which he was a candidate. The clerk evidently did not regard Boyd county as a part of the district and seems to have refused on that ground. The defendant was not a party to the mandamus proceedings and we have no means of knowing what facts were before the district court, but as the defendant's name was entirely omitted from the ballots and the relator's written is evident to me that there was not a legal ballot cast in Boyd county for the relator.

Not Free from Doubt.

In a mandamus proceedings of that kind there is but little doubt that all the candi-dates for the particular office in dispute are proper parties defendant in order that they protect their rights. The question d then be contested and cases determined on their merits. An ex parte order is granted almost as a matter of course, and is entitled in a case like that at bar to but little consideration. The uniform rule adhered to by this court from the first has been to deny a writ of mandamus unless the right is clear. It must be free from doubt. Now, will any one say, in view of all the facts, that the relator's right to the seat is free from doubt! I think not. It is not a question of the doubt? I think not. It is not a question of the success of one party or another. There is a principle underlying all questions of this kind that the will of the people as expressed through the ballot box shall govern. This court from the first has compelled the counting of votes cast in pursuance of law in any legal subdivision of the state. The trapple with this case is those was no corretrouble with this case is there was no repreentative district created either in fact of law in which any votes were cast in Boyd county for the relator. There is no pretense that the records of the territory of Boyd county were kept in Knox county; that any axes were ever levied there or any jurisdic ion of any manner or kind ever exercised or attempted to be exercised by the authorities of Knox county. All these things were done by Holt county under a colorable annexation of that county to Holt.

Never Before Disputed.

For seven years the jurisdiction of Holt county was undisputed. The legislature itself in 1890 permitted a member to retain his seat who was a resident of Boyd county and who was elected by the joint votes of Holt and the territory of Boyd county, and that is the district to which Boyd county belongs. Here was annexation in fact under the forms of law. I believe the election in Holt county in 1883 for the annexation of Boyd county was held in pursuance of law, and if it was material it could readily be so demonstrated, but in my view it is not in this case ma-terial. No one will contend that a change in an election district, made in pursuance of

in an election district, made in pursuance of apparent authority and an election held thereunder, can be treated as void.

To illustrate. In 1860 a large part of Dodge county was added to Washington county, and Fontanelle, the county seat, absorbed by that county. Now, suppose that a candidate for the legislature in Dodge county in 1861 had ignored the change, and been a candidate from the county of Dodge been a candidate from the county of Dodge as it formerly existed. And suppose includ-ing the old territory of Dodge he had the highest number of votes, would he thereby have been entitled to a seat in the legisla-ture as against his competitor? And would this court by mandamus have compelled the clerk of Dodge county to have is-sued a certificate of such election? I think not, because the court I think not, because the court in a collateral proceeding after election in a contest between opposing candidates will not pass upon the validity of the act creating the several districts, provided that they have been created under color of the law.

First of the Kind and Unwarranted.

This, so far as I know, is the first attempt of the kind in this state. The sole ground on which the relator claims a right to a certificate is that Boyd county is directly west of Knox, but it is very clear that the territory of Boyd county is not directly west and not unorganized territory and was in fact annexed to another county and cannot be placed in the same district with Knox without doing violence to both the letter and the spirit of the law. As well have joined Cedar county to Knox and ask this court to compel the counting of the votes cast for a party in Cedar county in the alleged district. party in Cedar county in the alleged district composed of Cedar and Knox, as in this case. The house of representatives is the only proper tribunal to examine into all the facts in the case and determine the question and this court is not, in my opinion, warranted in interferring in behalf of the relator, but may safely trust the case to a co-ordinate de-

partment of the state government.

I emphatically protest against the findings and judgment in this ease, as in my view they are unwarranted by either the plead-ings or proof and are calculated to forestall the action of the house of representatives. I think the writ should be denied.

Highest of all in Leavening Power .- Latest U. S. Gov't Report.

Yal Baking Powder ABSOLUTELY PURE

BRIEF BUT VERY BREEZY

Lincoln City Councilmen Hold an Interesting Morning Session.

A. D. KITCHEN FILES A VIGOROUS PROTEST

Assessment of Street Car Property for Paying Purposes Alleged to Be Too Low-Will Force the Company to Terms.

Lincoln, Neb., Jan. 5 .- [Special to THE BEE.]-There was a brief but breezy session of the city council this morning. The special object of the gathering was to sit as a Board of Equalization on the paying of South Seventeenth street and to assess the various imounts against the property owners. breeze was caused by the filing of a vigorously worded, but somewhat incoherent protest from A. D. Kitchen. He based his protest on the grounds that the city has sold nearly \$2,000 worth of bonds more than the paving cost; that \$615 worth of dirt has not been accounted for, and that the assessment against the Lincoln Street Railway company was inequitable, for the reason that it called upon them to pay for only the cost of paving between the tracks, whereas they should for one foot on each side.

Heretofore it has been customary to asses the street car people for the paving between the rails, but Mr. Kitchen pulled the statutes on the council, and showed that special concession expired January I, An adjournment was taken until this after noon, when the matter was thoroughly and vigorously discussed, but no conclusion ar-

The Burlington and Union Pacific railways, who are very anxious just at present to build a viaduct over West O street, provided that street from Sixth to First abandoned, were represented by attorneys who are endeavoring to rush the ordinance through. The city has been attempting for two years to secure the erection of the via-duct, and as the mayor is at a loss to under-stand their sudden haste, he refused final consideration until he could investigate.

From the Courts.

County Judge Long is anxious to acquire a technical knowledge of the art of making rain at will, and today issued an Dr. Swisher, who is suing J. H. McMurtry for the value of a rain he alleges to have brought, to bring his apparatus into court tomorrow morning, when the trial comes off. McMurtry's defense is that the doctor didn't bring the rain, and demands proof.

Laura B. Hindman asks for a divorce from

her husband, Abraham L. Hindman, a resident of Council Bluffs. Violation of the marriage vow, desertion and non-support are the grounds.

Mary E. Tower sues D. S. Vanvalkenburg of Minden for \$1,000 damages, which she claims to have sustained by reason of his failure to complete a trade of Minden prop-

erty for Lincoln realty. The troubles between J. F. Lansing and Henry Oliver, proprieters of the Lansing theater, received a fresh stirring up today,

when Lansing filed a voluminous answer to the petition of Oliver, in which he asked for an accounting and a balance of \$50,000. Oliver, who is a brother-in-law of Lansing, claimed that the latter had violated the trust reposed in him, and had unloaded Lan-sing's own property on him at high prices. Lansing denies each statement seriatim es the fact to be that Oliver owes him \$12,: (0 on their joint account. State Women's Christian Association.

The annual meeting of the State Women's Christian association is being held today, with about 100 ladies in attendance. The Omaha delegation comprises Mesdames P. L. Perinc, M. A. Elliott, Cadet Taylor and George Tilden, and Misses Emma Evans, Nellie Lanagan and Ella Bracken. of a very satisfactory nature were made by the executive committee and minor subcon mittees. In the past year 1,500 women and children have been helped and cared for by the home, 190 furnished positions by ployment bureau, and the a membership at present of 374 membership increase of twenty-five over last year, auditor's report showed receipts of \$4,9; with expenditures of \$4,872.12.

City in Brief.

James Cashman was arrested this morning on a telegram from the sheriff of Jefferson county, where he is wanted for jumping a bail bond. The original charge was selling

mortgaged property. Frank Hart was bound over to district court today for robbing his roommate of \$45 and blowing the proceeds for painted liquor. Hart's conviction was brought about in a curious manner. Among the effects found on him when arrested was a Canadian penny. which the man he robbed identified as one he had carried as a pocketpiece for years. The Plattsdeutcher verein celebrated its second anniversary by a grand ball and sup-

Pears' Soap

People have no idea how crude and cruel soap can be. It takes off dirt. So far, so good; but what else does

it do? It cuts the skin and frets the under-skin; makes redness and roughness and leads to worse. Not soap, but the alkali in it.

Pears' Soap has no free, alkali in it. It neither reddens nor roughens the skin. It responds to water instantly; washes and rinses off in a twinkling; is as gentle as strong; and the after-effect is every way-

good. All sorts of stores sell it, especially druggists; all sorts of people use it.





ARE TROUBLING YOU!

Well, come and have them examined by our optician ree of charge, and, if necessary fitted with a pair of our "PERFECTION" SPECTACLES OF EYE GLASS SE—the best in the world. If you do not need glasses we will tell you so and a twice you what to do. GOLL SPECTACLES or EYE GLASSES FROM \$4.30 UP. Pain, smoke, blue or white glasses, for protecting the eyes, from Sc a pair up.

Max Meyer & Bro. Co

Jewelers and Opticians.

per last evening. Guests from Omaha, Platts-mouth and Grand Island participated. Fred Beckman succeeded H. H. Schaberg as county commissioner today, and W. H. Woodward stepped into the county attorney ship by reason of expiration of the term of N. Z. Snell.

Charles Brown was arrested today for brutally kicking Rosa Lebaugh. The girl is a waiter in Brown's restaurant and because she told Mrs. Brown when he made an insulting proposal he threw her out of the

WILL BE DISCIPLINED.

Action Will Be Taken by the Chicago Board

of Trade Against Edwin Pardridge. CHICAGO, Ill., Jan. 5 .- A decision was rendered today in the suit of the noted trader, Edwin Pardridge, against the Board of Trade to prevent it from expelling him for dealing in puts and calls. The decision favors the board.

It is the intention of the directors of the Board of Trade to try the "plunger," and Judge Collins in a decision rendered today pointed out that after such trial he may file a bill for an injunction, but that a bill now was premature. Pardridge claimed that he ould not get an impartial trial at the hands the directors, but the court refused to of the directors, but the take this view of the case.

Parfridge in conversation this afternoon said that he would make no further fight in the matter and if adjudged guilty would take

Strikers Being Tried for Rioting. Pittsburg, Pa., Jan. 5.—Thirteen members of the Amalgamated association were placed on trial in the criminal court today charged with riot during the sympathy strike at Carnegie's Duquesne plant last August. The men quit work on August 3 for the purpose of aiding the Homestead strikers. That night a meeting was held and the men were organized into companies and guards were placed to prevent nonunion men from working. There was a riot next day and one man was badly beaten.

Attempted to Kill Bank Wreckers.

REDWOOD FALLS, Minn., Jan. 5.—Excitenent runs high at Fairfax over the Bank of Fairfax failure. The assignce has not made his statement, but the liabilities are very large and the assets small. Messrs, Gray and Beard are confined in the village lockup in charge of Renville county officers. tempt has been made to blow up the lockup with dynamite, but the fuse went out before reaching the explosive. Assignee Bowes is having difficulty in securing the \$5,000 bonds demanded.



ONE ENJOYS

Both the method and results when Syrup of Figs is taken; it is pleasant and refreshing to the taste, and acts gently yet promptly on the Kidneys, Liver and Bowels, cleanses the system effectually, dispels colds, headaches and fevers and cures habitual constipation. Syrup of Figs is the only remedy of its kind ever produced, pleasing to the taste and acceptable to the stomach, prompt in its action and truly beneficial in its effects, prepared only from the most healthy and agreeable substances, its many excellent qualities commend it to all and have made it the most popular remedy known.

Syrup of Figs is for sale in 50c and \$1 bottles by all leading druggists. Any reliable druggist who may not have it on hand will procure it promptly for any one who wishes to try it. Do not accept any substitute.

CALIFORNIA FIG SYRUP CO. SAN FRANCISCO, CAL. LLE, KY. NEW YORK, N.Y. LOUISVILLE, KY.

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Specific Oxygen destroys the Catarrh terms in the head, makes the blood bright and pure—give zest to the vital forces—in brief, makes you new again. Colds. Coughs, Bron-chitis, Headache yield as if by magic. "Oxygen Book" and 4 Trys Free. SPECIFIC OXYGEN CO., Suite 510 Sheely Bldg, Omaha.

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EVILS. WEAKNESSES, DEBILITY, ETC., that ac company them in med QUICKLY and PERMANENTLY CURED. Full STRENGTH and tone given to every part of the body. I will send (securely placed) FREE to any sufferer the prescription that cured me of these troubles. Address, L. A. BRADLEY BATTLE CREEK, MICH.

Cures Others

action of AYER'S Sarsaparilla, when taken for diseases originating in impure blood; but, while this assertion is true of AYER'S Sarsaparilla, as thousands can attest, it cannot be truthfully applied to other preparations, which un; rincipled dealers will recommend, and try to impose upon you, as "just as good as Ayer's." Take Ayer's Sarsaparilla and Ayer's only, if you need a blood-purifier and would be benefited permanently. This medicine, for nearly fifty years, has enjoyed a reputation, and made a record for cures, that has never been equaled by other preparations. AYER'S Sarsaparilla eradicates the taint of hereditary scrofula and other blood diseases from the system, and it has, deservedly, the confidence of the people,

AYER'S Sarsaparilla

"I cannot forbear to express my joy at the relief I have obtained from the use of AYER'S Sarsaparilla. I was afflicted with kidney troubles for about six months, suffering greatly with pains in the small of my back. In addition to this, my body was covered with pimply eruptions. The remedies prescribed failed to help me. I then began to take AYER'S Sarsaparilla, and, in a short time, the pains ceased and the pimples disappeared. I advise every young man or woman, in case of sickness resulting from impure blood, no matter how long standing the case may be, to take AYER'S Sarsaparilla."-H. L. Jarmann, 33 William st., New York City.

Will Cure You

AMUSEMENTS.

BOYD'S NEW Madeline Meril. Friday and Saturday, Jan. 6 and 7. MATINEE SATURDAY.

The Society Event of the Theatrical Season. Special Engagement of

MADELINE MERLI.

(American Tour.)
The Young Emotional Actress in the Following Repertoire: Friday Eve. and Saturday Matinee, FROU-FROU.

As presented for over 500 nights in the Thea-ter Francaise, Paris. Saturday Evening, GAMILLE.

Sale of seats opens at 9 o'clock Thursday morning at usual prices. FARNAM St. THEATER. PARILLER

MASTER A Brilliant TO-NIGHT. Success.

See the Iron Mills in Full Blast. Mat. Saturday BOYD'S NEW GET A GOOD SEAT FOR THEATER. FIFTY CENTS Sun. Eve. Jan. 8 and Mon. and Tues.

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JAMES T. POWERS And the best Farcical Comedy Company in America, in A Mad Bargain.

McNaily and Mitchell's Three Act Roaring Farce, the most absolute Comedy Success of the year, together with Leona Forrest.

The most Unique, daring and superbly clever dancer on the American stage—Special scen-ery—Elaborate Effects. The sale will open Saturday morning at 9 o'clock at the usual prices.

FARNAM ST. THEATER POPULARISES. Like Rome, all Roadslead to the House of Success Beginning with SUNDAY MATINEE, JANUARY 8. WM. A. BRADY'S

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See the River of Real Water. Usual Wed-nesday and Saturday Matines. WONDERLAND BIJOU THEATRE.

ALL THIS WEEK. BURTON STANLEY COMEDY CO. IN A BUNCH OF JAYS. Le Petit Freddle, the Marvelous Child. AN HOUR OF SPECIALTIES.

MATINEES, Popular Prices, EVENINGS, Only 20 cents. Popular Prices, 20 and 30 cents Y. M. C. A. HALL, Friday Evening, Jan. 6.

MOCKRIDGE CONGERTY OPERA In a Very Select Pro- BALLAD Reserved seats 75c and \$1. On sale at Chase & Eddy's, Wednesday, Jan. 4, 9 a. m.

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