Supreme Court Throws the Oakland Water Front Case Out of Court.

JUDGES HARLAN AND BREWER DISSENTED

Parties at Interest Were Not All Brought Into the Suit and for that Reason it Was Not Considered Fair to Adjudicate the Case.

the bill in equity brought by the state of California vs the Southern Pacific Railroad company, involving the ownership of the Dakland water front, for want of original jurisdiction.

This disposition of the case was made necessary by the conclusion reached by the court that as there were parties interested In the disposition of it, such as the town of torneys' Oakland and the water front company, who do not appear as parties to the present suit. It was not equitable to finally adjudicate the case unless those interests were represented in the suit. Justice Fuller stated that while the rights of the town and the water front company would not be technically determined they would be effectually passed upon.

With the matter placed in this light the next question to be decided was as to whether the supreme court had original juris-The decision first was to the effect that it did not have such jurisdiction, and in reaching this conclusion, the opinion discussed at some length the provisions of the constitution conferring original jurisdiction. Quoting these provisions the chief justice said that while it was clear that causes tween states and citizens of other states

could be originally brought into the supreme court it was not so clear where citizens other states, as would be the case with the town of Oakland and the Water Front com-pany, the Southern Pacific Railroad company being a citizen of Kentücky, became trustees to the suit. While there was some reason for doubt as to the course to be pursued, the court was of the opinion that the constitu-tion had meant to be explicit in its confirmation of original jurisdiction, and, as provision was not made for the combination of citizens of the state at interest with those of another state, the inference was that in such cases the supreme court could only exercise appellate, and not original jurisdiction.

Judges Harian and Brewer dissented.

Referring to the question of the interest o other parties who do not appear in the case the chief justice, after quoting various rulings of the court, said: "Sitting as a court of equity we cannot, in the light of these well settled principles, invoke the considera-tion of the question whether other persons Who have no immediate interests in restricting the demands of complainant are not indispensable parties, or at least so far necessary that the cause should not go on in their absence. Can the court proceed to a decree absence. Can the court proceed to a decree as between the state and the Southern Pacific company and do complete and final justice without affecting other persons not before the court, or leaving the controversy in such a condition that its final termination might be wholly inconsistent with equity and good

conscience?
"We are constrained to conclude that the city of Oakland and the Oakland Water Front

After quoting various opinions bearing upon the question of jurisdiction in a case where the citizens of a state which is a party to the suit are joined with those of another state, the chief justice said: "If, by virtue of the subject matter a case comes within the judicial power of the United States it does not follow that it comes within the judicial power of the United States it does not follow that it comes within the jurisdiction of this court. That jurisdiction does not obtain simply because a state is a party. It was held at an early day that congress could neither enlarge nor restrict the original jurisdiction of this court and no attempt to do so is suggested here. What congress may have power to do in relation influence that exaggerated the meaning of influence that exaggerated the meaning of attempt to do so is suggested here. What congress may have power to do in relation to the jurisdiction of the courts of the United the constitution provides that this court shall have original jurisdiction in cases in which the state is plaintiff and citizens of another state defendant, that jurisdiction can be held gen of another state and of the same state. We are of the opinion that our original jurisdiction cannot thus be extended and that the bill must not be dismissed for want of parties who should be joined, but cannot

Justice Harlau, in the dissenting opinion, cited the boundary suit of Forida against Georgia, in which the attorney general was vel to file proofs for the United States without making the government a party to the case in a technical sense, and contended that practically the same course had been pursued in this case the city of Oakland having been allowed to file briefs and documents to illustrate its alleged title and to

without ousting the jurisdiction."

partake in the taking of evidence.
"The case has been fully heard upon its merits," he continued, "as they involve the rights of California and the Southern Pacific and the city of Oakland. All these parties earnestly desire that we proceed to a final ecree on the merits. If any other party is interested in the result of the case we can hold the cause until that party, if it so wishes, can make proof of such interest and its nature, just as the city of Oakland has done. The suggestion that the Oakland Water

tween the state and the corporation, conclusion Justice Harlan asked how determination of the controversy. tiveness of such suit would depend upon the ability of the state to bring the Kentucky corporation into court so that it would be ound by final decree. The framers of the institution did not intend to subject a state bound by final decree. to the indignity of being compelled to submit its controversies with citizens of other states

Justice Brown delivered the opinion in the case of Jay T. Stokes, et al, plaintiffs in error, vs the United States from the district court for the southern district of Indiana. The indictment was against Stokes and thirteen others for a conspiracy in using the postoffice and the mail for fraudulent purposes. The parties combined to order goods from a distance, certifying the financial President Loses No Time in Getting to Work standing each of the other and then falling to pay for them. Stokes and eight others were found guilty upon trial and sentenced to imprisonment. This judgment of the court below was affirmed.

of Kansas, affirming the decision of the court tius for injuries received while employed by

the railroad company.

In the case of Anthony F. Seebury, collector, vs the Wright & Lawther Oil and Lead Manufacturing company in error, to the cir-cuit court for the northern district of Illinois, the court established the meaning of the word "draught" as applied to importation of articles imported in chests, boxes, cases, etc. In this case flax seed was the article imported and the collector refused to make an allowance for the draught, claiming that the word was a misspelling of the word "draft." which is defined as waste matter. The court affirmed the decision of the court below, deciding the word to mean, when used in such connection, "an arbitrary deduction from gross weight made by custom to as-sure the buyer or importer that there is no

The court dismissed the appeal of the Texas couraged. & Pacific Railroad company vs A. McEvery and H. Wilson, brought up on error from the court of appeals of Texas. In these cases McEvery and Wilson had been allowed

MUST BEGIN ALL OVER AGAIN from the circuit court for the eastern district of Tennessee, Justice Brewer delivered the of Tennessee, Justice Brewer delivered the opinion. It was held that the circuit court had not the power to take the property out of had not the power to take the property out of the hands of the receiver appointed by the state court. Justice Brewer said that the mere forcible continuance of possession by the federal court did not transform that which was in the first instance wrongful lato rightful possession. The case was re-manded to the circuit court for proceedings not inconsistent with the opinion.

INTERESTING PENSION DECISION. An interesting opinion upon the status of pensions was delivered by Justice Brewer. 'Congress being at liberty to give or withhold pensions,' said the justice, 'may prescribe who shall receive them and determine all the circumstances and conditions under which are application therefor shall be prose-Washington, March 18.—Chief Justice
Fuller today delivered an opinion dismissing

which any application therefor shall be prosecuted. No man has a legal right to interfere in the matter of obtaining pensions for himself or others. The whole control of the matter is within the domain of congressional

This declaration was incidental to the court's opinion upon the appeal of Henry N. Frisbie, who was convicted and sentenced to three months imprisonment by the circuit three months' imprisonment by the circuit court in Louisiana under an indictment charging that he demanded a greater sum than \$10 for his prosecuting a pension claim, in violation of the act of June 27, 1890, which placed that limit upon the attorneys' fee. The justice said: "It is within the undoubted power of the government to restrain individuals from some contracts," and referred to contracts for the purchase or sale of lottery tickets in that connection. After stating that a pension connection. After stating that a pension granted by the government is a matter of ounty, that no pensioner had a vested legal ight to his pension, that congress had the ight to give, withhold, distribute or recall hem. Justice Brewer said: "Having power o legislate on this whole matter, to prescribe he condition under which parties may assist procuring pensions, it has equal power to The conviction was sustained. statute. HAS IMPROVED THE GOOD FEELING

Italian Incident Served to Strengthen the

Friendly Relations. WASHINGTON, March 18 .- The Italian incident, one of the three international complications, is practically closed so far as it involves the relations of the United States and Italy, and instead of leaving irritation and illfeeling, the affair appears to have resulted in further strengthening the friendly relations between the countries. Ambassador di Fava takes this view of the incident and expresses his appreciation of the promptness and energy with which the federal authorities and those of Colorado sought to secure for Italians the same protection and redress as that given American citizens at Walsenburg On the other hand, it is a source of comment and congratulation at the State department that at a time when foreign enlightenments decree declared the Delawares, as adopted were pressing from all quarters Baron di citizens, to have equal rights with the native Fava made no protest beyond presenting the Cherokees in the common property of the facts as telegraphed by the Italian consul at Denver, and at the same time reassured the lialian government that the authorities here part of a fund of \$500,000 derived from the were doing everything in their power. And public lands of the nation. After the case it is not doubted that Governor McIntyre will had gone to the supreme court, the United be fully able to deal with the question from States purchased the Cherokee outlet and the now on without further communication with

Washington.
The ambassador believes that the recent trouble in Colorado as well as that in New Or-leans will further awaken a sentiment for a national law by which the United States can see that full treaty protection is given to foreigners even though they be within the jurisdiction of the states. After the New cree affirmed and the court of claims today city of Oakland and the Oakland Water Front Company are so situated in respect of this sentiment for such a law sprang up. It was sale of the outlet and awarded the complitingation that we ought not to proceed in shown in resolutions and letters sent to Baron plainants, the Delawares, an additional judgdi Fava from Boston and from the Universal ment of \$186,254. In the case of the freed-Peace union expressing the hove that the men against the Cherokee nation, a decree the suit are joined with those of another state, the chief justice said: "If, by virtue of the subject matter a case comes with the subject matter a case comes with the chief justice said: "If, by virtue of the subject matter a case comes with the chief justice said: "If, by virtue of the subject matter a case comes with the chief justice said: "If, by virtue of the subject matter a case comes with the chief justice said: "If, by virtue of the subject matter a case comes with the chief justice said: "If, by virtue of the subject matter a case comes with the chief justice said: "If, by virtue of the subject matter a case comes with the chief justice said: "If, by virtue of the subject matter a case comes with the chief justice said: "If, by virtue of the chief justice said: "If, by virtue of the subject matter a case comes with the chief justice said: "If, by virtue of the chief justice said: "If, by New Orleans incident would lead to the en- was entered for the first time, in like maninfluence that exaggerated the meaning of Baron di Fava's personal and friendly cor-respondence with the governor of Colorado and whose alm, it is said, is to endeavor to from Hawaii, that Queen Liluokalani's sendisturb the friendship between the two coun-tries. Baron di Fava expressed the opinion that as far as the relations between the rep-resentatives of the two countries are con-cerned, such influences are powerless and will not succeed in their intent.

ARE POSTAL EMPLOYES COMBINING.

trong Organization Formed to Further Legislation in Their Payor. WASHINGTON, March 18 .- The Postoffice department has information of the formation of a powerful combine of postal employes designed to bring pressure upon congress to overturn certain regulations and rules of the department. The employes have been encouraged by their success in attaching to the last postoffice appropriation bill an amendment which suspended an order of the department. This order was issued last June and directed that by the 1st of May, 1895, all railway mail service employes should remove to some point along the line of the route on which he was employed. This was unsatisfastory to the most of the clerks, and they obtained legislation overruling the order. The reason for issuing the order is explained The suggestion that the Oakland Water at the department as necessary, because at Front company has such an interest in this suit as to entitle it to be heard comes from the court, not from that company nor from any of the parties before us."

In the case of between California and the Southern Pacific, might legally affect the claims of others, or that it could be pleaded in the bar in any subsequent suit, therefore, it was difficult for the countries of the countr him to understand why the court should not exercise its obligation to decide the case between the state and the corporation. In conclusion Justice Harian asked how the Probably all of them will so remove, notwithstate of California was to obtain a judicial standing the legislation overruling the order.

determination of the controversy. The effective department is now informed that since the failure of legislation in the last congress

increasing the pay of employes, a combina-tion has been formed to pass this legisla-tion, and also to overturn those rules of the department which are unsatisfactory to them. A high official of the department said today: "This combination includes some thousands of employes in the railway mail service, the letter carriers' service, and in postoffices. They are all in the classified list, and pro-tected from removal. The effect of this combination would be to create a sentiment against the civil service law which protects

these employes."

-Postmaster for Schuyler Renamed. WASHINGTON, March 18 .- The president has today announced the following appointments: Joseph R. Herod of Indiana, to be Chief Justice Fuller delivered an opinion secretary of the legation of the United in the case of the Chicago, Kansas & Western Railroad company vs Clifford R. Pontius, in error from the supreme court of the state to the consulate of the United States at secretary of the legation of the United the consulate of the United States at Ningpo. China; George F. Smithers, a citizen of the United States, to be interpreter to the consulate of the United States at Osaka and

> Postmasters-David C. Marsh, East Louis, Ill.; Joseph Beard, Danville, Ill. Michael M. Huck, Schuyler, Neb. Other postmasters appointed were: Col-orado, Crested Butte, Joseph Black; Kansas, Baxter Springs, John C. Haskell.

Cuba's Sugar Crop is Short. WASHINGTON, March 18 .- United States Commercial Agent Barker at Sagua la Grande, Cuba, in a report to the State department says that owing to bad weather the new sugar crop will show a decrease in yield as compared with the average. The cane is hollow and 25 per cent short of saccharine matter. In consequence of this discrimination against him for difference in fact and the disturbed political conditions or the island the planters are very much dis-

cresident Celebrates His Birthday Quietly WASHINGTON, March 18.-President Cleveland is 58 years old today. There was, however, no special observance of the day cattle from Texas to Chicago.

In the case of James T. Shields, jr., receiver of the Morristown & Cumberland Gap Railroad company, appellant, against John Coleman and the Atlantic Trust company, panied by baskets of flowers.

JAPAN MAY ABANDON SILVER Sentiment in Hawail Growing in Payor o

Speculation Started by the Demand for Indomnity Payment in Gold.

But Even if the Country Should Forsake

Silver He Thinks the Resulting Scramble for Gold Would Be a Valuable Object Lesson.

WASHINGTON, March 18 .- Senator Teller does not regard very seriously the possible effect of Japan's demanding a large war indemnity from China in gold and is of the opinion that instead of injuring the cause of silver it will aid it.

"I have no fear," he said today, "that in that event Japan will go to a gold basis. The people there have too long been acpaid in gold because of its greater purchasing power in Europe and America, with which continents Japan has large dealings, and also because she will have probably contracted a islands. large war debt. Still, if Japan should conclude to go to a gold basis that fact would only increase the scramble for gold and would enforce by penal provisions compliance with be another circumstance to show the inadelts requirements. There can be no reasonable quacy of the gold supply. Leaving out of able question of the constitutionality of the with reference to a monetary basis, the de-mand upon China for say \$200,000,000 in gold would necessitate a great scurrying about for the metal. China does not collect to exceed \$15,000,000 in gold annually on her import duties, and that is the only way the government has for getting gold in the ordinary course of business. It would there-fore be necessary that she should go into the market with her bonds and scrape the gold in America and Europe. Consequently two-thirds of the amount would be taken from this country, and one may easily see what a drain this would be. It would also be a great object lesson and would, I believe, strengthen the silver cause."

CHEROKEES INDIANS MUST DIVIDE

Delawares and Freedmen Entitled to Share of Tribal Property. WASHINGTON, March 18 .- The United States court of claims rendered two import ant decisions: In the case of the Delawares against the Cherokee nation, the original Cherokees in the common property of the Cherokee government distributed \$600,000 of the purchase money to those who were

'Cherokees by blood.' Congress reserved \$1,000,000 for the protection of the Delawares. Shawness and freedmen of the nation and to await ner, declaring that the complainants, as adopted citizens, are entitled under the Cherokee constitution to share equally the ommon property of the nation. number of the freedmen greatly exceeds that of the Delawares, the judgment in this case is for a very large amount-\$903,365. In each case the opinion was by Justice Nott.

DENIES THE EX-CONGRESSMAN'S STORY McCreary Says Dixon Did Not Go to Hawali

on His Authority. WASHINGTON, March 18.-The report tence will be commuted and a general election called for the election of a president, is not credited by officials here. They cite the clause of the Hawaiian constitution, declarng that Sanford Ballard Dole has been made president of the republic of Hawaii, to hold office until December, 1900. Representative McCreary, who is referred to in the dispatch from Butte, Mont., as having commissioned ex-Congressman Dixon to make an investigation at Hawaii, says: "I wish to deny the whole story. I never sent Judge Dixon to Hawaii and did not know of his going until after he had gone. He went to recuperate the health of his son, Mrs. Dixon remaining at San Francisco with a relative of mine. never heard of an investigation of Hawai for myself or for the foreign affairs commit tee, and I have not and will not receive a re-

oort on that subject." National Bank News. WASHINGTON, March 18 .- (Special Tele gram.)-The comptroller of the currency has been notified of the following changes in officers of Nebraska national banks: John E. Evans, cashier, in place of C. H. Kalling, and C. H. Kalling, assistant cashier of Nebraska National bank, York; C. J. Nobes, vice president of City National bank, Vork

The comptroller has approved the Continental National bank of Chicago and the Chemical National bank of New York as reserve agents for the First National bank of Carroll, Ia.

Chinaman Wants His Case Advanced. WASHINGTON, March 18.-Lem Moor Sing, through his attorney, Maxwell Evarts case be advanced on the docket. The case comes from the district court from the northern district of California, and is a result of the law exempting Chinese merchants from the operation of the exclusion act. Lem Moore Sing claims to have been a Chinese merchant in San Francisco. He went to China and returned to San Francisco, but was not permitted to land.

Opening of Yankton Reservation Delayed WASHINGTON, March 18.-Secretary Smith says that it is probable that procla-mations will not be issued opening lands mations will not be issued opening lands within the next three weeks. The proclamations that have been prepared for opening the Yankton reservation, in South Dakota, and the Siletz reservation, in Oregon, provide that within thirty days after being issued the lands shall be opened. The weather would not be promitious for land opening thirty days hence, and so the proclamations will not issue.

New Fourth Class Postmasters. WASHINGTON, March 18.—(Special Telgram.)—Postmasters were appointed today as follows: Nebraska—Horace, Greeley stollows: Nebraska—Horace, Greeley ounty, E. B. Welsh, vice E. W. Jeffres, regned. South Dakota—Manderson, Shannon ounty, Frank E. Coffey, vice F. W. Young, signed; Wolsey, Beadle county, M. W. nyder, vice Henry Newton, resigned, Iowa Lossing, Monona county, C. S. Scoles, vice ohn Cropley, resigned.

WASHINGTON, March 18.-A large num-ber of income tax returns are being recrived at the internal revenue bureau. They show a very satisfactory acquiescence on the part of taxpayers in all of the regula-tions concerning the collection of the tax. The atmost secrecy as to the amount and character of the returns is being observed.

perfect harmony and unanimity rises the chorus of praise for Dr. Price's Baking Promotions in the Revenue Service

WASHINGTON, March 18-First Lieuten ant Charles E. Shoemaker has been promoted to be captain in the revenue marine service. This is understood to be preliminary to his appointment as chief of the service, to succeed the late Captain Shep-

Given Their Commissions WASHINGTON, March 18 - (Special Tels gram)-Postmasters were comm day as follows: Nebraska-Julius Kieber, Arago. South Dakota-John T. Larson Lily; Thomas Sammons, Red Fern.

Biley Gets the Contract. WASHINGTON, March 18.—(Special Tele gram.)—The Postoffice department has awarded to F. B. Riley the contract for carrying mail from Leola to Southerland, S. D., at his bid of \$95.75.

ALL TENDING TOWARD ANNEXATION.

BUTTE, Mont., March 18 .- Ex-Congresssent to Honolulu by Chairman McCreary of the foreign relations committee to make an investigation of recent events on the islands, SE NATOR TELLER HAS NO FEARS OF THIS has returned to Butto. He says he made an KILRAIN STOCK TAKES AN UPWARD TURN investigation of affairs in Hawaii, even to events as far remote as the overthrow of the queen, and the entire trend of his remarks is in praise of President Dole and his government. He found the annexation senti ment growing among the natives and half-breeds, who recognized the hopelessness of the cause of royalty, and believed annexation the cause of royally, and believed annexation would give Hawaii sugar free entry into the United States, and would, therefore, boom the islands. Judge Dixon found that the recently attempted revolution has strengthened the provisional government greatly, and that the government is very conservative in the treatment of the revolutionists and not at all vindictive toward the supporters of the queen. The stories of torture, he says, were unfounded entirely, and no one was forced to leave the country, but many were given the customed to the use of sliver and the country is too prosperous and progressive with matters as they are for them to desire a change. Naturally, however, and notwithstending the popularity of silver for local and will receive fair treatment. The legis purposes, they will ask that indemnity be lature will be convened in the spring, and a general election called for the election of president. Judge Dixon thinks annexation is inevitable, and says the only people oped to it are the English residents of the

This Policy, Says Dixon.

GENERAL VON WERDER CALLED HOME. Story that Count Herbert Bismarck Will

Go to Russia in His Stead. RERLIN, March 18.-General von Werder German ambassador to Russia, has been recalled. It is reported that he will be succeeded by Count Herbert Bismarck. General round, and at times it looked as if he was Pope Held a Consistory.

here today and the pope preconized sixtyfive archbishops and bishops, including the archbishop of St. Boniface, Canada and the bishop of St. Johns. The creation of new cardinals was postponed until the next consistory, which will probably be held in

autumn. German Bimetallists Jubilant. LONDON, March 18 .- A dispatch to the Post from Berlin says the bimetallists are jubilant over the proceedings of the state council, presumably because the council re-jected an amendment urging the importance f doing nothing to prejudice the present cur-

China Wants an Armistice. BERLIN, March 18 .- Reliable information from Peking is to the effect that Li Hung Chang is authorized by his government to pay and furnish provisions to the Japanese troops in country already occupied by the Japanese if Japan will grant an armistice. t zarewitch Visiting Algeria.

ALGIERS, March 18 .- Grand Duke George of Russia, the czarwitch, brother of the emperor of Russia, has arrived here from Livadia and will remain in Algeria for the benefit of his health for some time. Only the most credulous housekeepers

would use inferior baking powders. Price's does its work with speed and accuracy.

HIS MONEY WENT TO THE SOUTH. Major Mantor, Once a Wealthy Confederate Soldier, Dies Penniless. KANSAS CITY, March 18 .- Major J. B.

dantor, at one time one of Virginia's wealthiest and foremost citizens, died at the city hospital in Argentine, Kan., yesterday, a charge on the city. When the civil war broke out Major Mantor being over \$75,000.

organized a cavalry company for the con-His family was very rich at that time and he spent a fortune in ad-vancing the confederacy. Some time after the close of the war he came west and embarked in various enterprises which turned out badly and last summer he was sent to the confederate home at Higginsville. He did not stay there, however, and he next ap-peared in Argentine, where he was taken sick and could not overcome the disease. He ed absolutely penniless. He was born in 1823.

Death of Ex-Congressman Townsend. CLEVELAND, March 18.-Ex-Congressman Amos Townsend, a prominent merchant of this city, died at St. Augustine, Fla., yester-

day of heart failure.
Mr. Townsend was about 64 years old and unmarried. He went to Florida a short time ago for his health, which had been impaired by an attack of grip. He represented this district in the Forty-fourth, Forty-sixth and Forty-seventh congresses. He was a member Astoria, N. Y., fought at 137 pounds. In the of the city council for ten years and for ven years was its presiding officer. had been for the past sixteen years a director of the Big Four railway. Mr. Townsend amassed a comfortable fortune in the grocery trade. His remains will be brought here for

Well Known Insurance Man Dead. NEW YORK, March 18.-Colonel M. V. B. Edgerly, president of the Massachusetts mary: Mutual Life Insurance company, died at the

New Netherlands hotel today. Colonel Edgerly was known throughout the country by his connection with various insurance companies. He was president of the Des Moines, Kansas City & Arcola railway. In 1882 he was the democratic candidate for governor of New Hampshire, but was defeated.

Wyoming Woman Politician. CHEYENNE, March 18 .- (Special Telegram.)-Mrs. Fidelia Elliott, a leader in the woman's suffrage movement in this state, died here today. Mrs. Elliott was a shrewd political worker and has served frequently as delegate to county and state conventions. During the last campaign, as president of the Woman's Republican club, she traveled through the state, doing effective campaign work. She was a public speaker of some ability and wielded considerable influence in politics.

Judge Winter of Building Association Fame. DAYTON, O., March 18.-Judge A. A. Winter, attorney and general manager of the Mutual and Savings association, the largest concern of the kind in the country, died to-day. An operation for the relief of an abress on his right hip caused by a fall was performed Saturday, but he failed to rally. He was a leading authority on building association affairs and president of the state league.

REFEREE CALLED IT A DRAW

man W. W. Dixon, who it is understood was Kilrain Generally Conceded to Have the Best End of the Fight.

Sullivan on Hand and Declared Himself Ready to Challenge the Winner if the Referee Would Name One-Kilrain Showed Lack of Training.

BOSTON, March 18 .- In the presence of

,000 people at the Suffolk Athletic club to-

night, Jake Kilrain of Baltimore and Steve O'Donnel of Australia, Corbett's sparring partner, fought eight rounds, and at the close Patsy Shepard, referee, amid shouts of "Kilrain," declared the contest a draw, While the referce was making up his mind John L. Sullivan, who sat just outside the ropes, close by Kilrain's corner, mounted a chair and waving his tile, demanded a decision. When a draw was announced he sprang into the arena and rushed toward O'Donnel's corner. Two of the seconds grabbed him by the arms and turned him aside. Then he clasped hands with Kilrain in apparent congratulation, and swinging his arms, showed the latter how the fight might have been won. He was ready, he declared to challenge the winner, if the referee had only named one. The ex-champion was finally led off by his friends, and the scene which had caused the wildest excitement ended. It took Referee Sheppard five minutes to make up his mind what decision to make. Kilrain had the best of the last Berlin on January 2, was reported to have been absent from the gathering of German officers at the Berlin arsenal on January 1, when, as usual on New Year's day, they were addressed by Emperor William, and it was stated that the general had tendered his resignation to the emperor.

going to put O'Donnel out. He had not the force, however, but his old time pluck asserted itself, and with wild rushes he dazed to the Australian boy, who had been smilling confidentity for seven rounds, and had landed at will upon the face of the Baltimorean. O'Donnel was the eleverer in the leads. In the first round he floored Kilrain and it was the first round he floored Kilrain, and in the second also had him to the floor, and as ye his blows seemed to lack force, while Ki ROME, March 18.—A consistory was held rain did very effective work with his right ere today and the pope preconized sixty. O'Donnel has gained nothing in reputation by his work tonight, while the stock of Kil-rain was rated high. Both men entered the ring at 9:35. Kilrain was fat and clumsy and weighed in at 220 pounds. It was ap-parent that he had little training, while O'Donnel was in excellent trim and tipped the scale at 173 pounds. With O'Donnel were Ike Weir, James McKay and Billy Delaney. Kilrain was seconded by Jim McCarthy, Jin Phelan and E. Gebhardt. The fight by

rounds was as follows: FIGHT BY ROUNDS.

Round 1—O'Donnel was the aggressor and led with his left, which was cleverly stopped by Kirain. O Donnel then with his right landed on Kilrain's stomach, followed with a left swing for Kilrain's jugular. Kilrain led with his left, missed and a punch sent him to his knees. Kilrain on rising was forced to the corner, where rapid blows were exchanged.

Round 2—A punch on Kilrain's nose brought blood. Kilrain rallied and with a right-hander on O Donnel's neck nearly threw him off his feet. O'Donnel with a rush pushed Kilrain suddenly and he feli, Kilrain caught O'Donnel in the face, but received two straight punches in the face. O'Donnel followed with half a dozen blows upon Kilrain's mouth. At the close Kilrain was breathing heavily.

Round 3—O'Donnel landed at will upon Kilrain's mouth until near the close, when Kilrain swung his left and met O'Donnel's jaw sharply. FIGHT BY ROUNDS.

Round 3—O'Donnel landed at will upon Kilrain's mouth until near the close, when Kilrain swung his left and met O'Donnel's jaw sharply.

Round 4—Kilrain was again on the defensive. He was fighting against great odds and received great punishment in the face and ribs. In the last minute of the round Kilrain, obeying instructions of John L., which could be heard all over the hall, forced the Australian boy to the ropes and punched for the wind with effect.

Round 5—O'Donnel clinched, rushed and got punished on the wind. Counter blows were exchanged and in a break Kilrain got in his left twice and O'Donnel planted two stinging blows upon Kilrain's nose.

Round 6—Kilrain landed his right with effect and got a swinging right from O'Donnel in his ear, and a right on the heart. Kilrain's nose was now crimson, and O'Donnel in his ear, and a right on the licart. Kilrain's nose was now crimson, and O'Donnel followed up his advantage by putting three straight rights upon his face. Kilrain, o'Donnel got in a left, swung with his right for a kneckout, but Kilrain parried and clinched. O'Donnel was forced to the ropes with a stout right-hander from Kilrain's face, and Kilrain was decidedly groggy, Kilrain was weak, and in dodging received severe punishment. As Kilrain staggered Sullivan rose and shouted to Kilrain to let out his right and left straight. Kilrain obeyed, and forced O'Donnel by main strength to his corner.

Round 8—This was Kilrain's round from the thought that his reputation hung in the balance, he rushed at O'Donnel like a buil, and surprised his antagonist by forcing him all about the ring, and landed a dozen punches on his neck and face. Twice he had O'Donnel at his mercy, but lacked the strength to place the telling blow. O'Donnel had O'Donnel at his mercy, but lacked the strength to place the telling blow. O'Donnel was dazed as the spectators shouted to Kilrain to put, him out, but the latter could not respond. The round closed with honors for Kilrain.

In the preliminary bouts Billy Hill of Washington, D.

fifth round Tompkins was knocked out with He a right uppercut.

Five Out of Six Favorites at Bay District I and the Coin. SAN FRANCISCO, March 18.-Five favorites out of six won today. Ingomar was the only one to disappoint his backers. Sum-

First race, five and a half furlongs, selling: Seraphin, 87, Isom (even), won; Raphael, 98, Griffin (7 to 1), second; The Raphael, 98. Griffin (7 to 1), second; The Drummer, 102, Lloyd (190 to 1), third. Time; 1:11½. Arctic, Mountair, Chemuck, Mount Carlos, St. Jacob and Myron also ran. Second race, one-half mile, malden 2-year-old fillies: Ursula, 119, Carr (4 to 5), won; Miss Brummel, 110, Griffin (8 to 1), second; Tennessee Maid, 110, Chevalier (20 to 1), third. Time: 0:51¼. Her Majesty, Bird. Coda and Clara Johnson also ran.

Third race, about six furlongs, selling: Lizzle Hampton colt, 191, Griffin (8 to 5), won; Little Bob, 82, Isom (4½ to 1), second; Chiquito, 89, Glenn (25 to 1), third. Time: 1:10½. San Lucas, Niagara, Tobey and Normandie also ran.

Fourth race, one mile, selling: Oakland, 105, Chorn (3½ to 1), won; Ingomar, 89, Isom (8 to 5), second; Hydy, 191, Griffin (2 to 1), third. Time: 1:45. Red Root and Garcia also ran.

Fifth race, five and a half furiones.

third, Time: 1:45. Red Root and Garcia also ran.

Fifth race, five and a half furiongs: m. Fifth race, five and a half furiongs: m. Ferrier, 105. Carr (even), won; Fannie st. Louise, 90, Isom (7 to 1), second; Tartarian, for 103. Chern (4½ to 1), third. Time: 1:08½, Bellicose and Quirt also ran.

Sixth race, about six furlongs, selling: Tigress, 78, Isom (3 to 2), won; Florence Dickey, 96. Flynn (25 to 1), second; Hiram Argo, 96. Henrichs (7 to 1), third. Time: 1:15½, Gold Dust, Empress of Norfolk, Kitte 1, and Mayday also ran.

MEW ORLEANS, March 18.—First race, seven and a half furlongs: Oxford (1 to 1) area. Chimes (1 to 1) second, Oakview (12 to seven and a half furlongs: Oxford (4 to 1) won, Chimes (4 to 1) second, Oakview (12 to 1) third. Time: 1:37.

is pure and wholesome. No other powder gave results so satisfactory.

ROYAL has the highest leavening power of any powder examined, and

FLOYD DAVIS, M. S., Ph. D.,

Great Physical Strength is not necessary to the enjoyment of perfect health, yet life is incomplete without the possession of strong, healthy organs and faculties, for these give rise to the most delightful sensations of existence. Health is essential to the accomplishment of every purpose; while sickness thwarts the best intentions and loftiest aims. Exercise common sense and ordinary precaution and you need never

be very sick. When you find your stomach troublesome, your bowels inactive, your nerves sensitive - look out! When your weight is decreasing, when your energy is waning, when exertion seems impossible and sleep does not give rest-look out! Serious illness has its beginnings in neglected little things. Even dread consumption comes on by degrees, and may begin with a very slight derangement. Taken in time, 98 per cent, of all cases of consumption can be cured. Taken in time, no disease need be really serious.

The best safeguard against disease is an active, healthy liver. That means good blood and good blood means good, solid healthy flesh. The germs of disease seek out the weak spots in the body. Don't have any weak spots. If you have them now, clear them out, tone them up, make them strong. Dr. Pierce's Golden Medical Discovery will do it. It searches out all poisonous matter and disease-germs of whatever character. It regulates the action of the organs of the whole body. It forces out impure matter, makes the blood rich and puts new life into every fiber. It makes, good, firm healthy flesh-doesn't make fat. It gives you fiesh that you can work with-the flesh that means health and strength. Fatness doesn't necessarily mean health, but a reasonable

Dr. Pierce's Golden Medical Discovery is pleasant to take and you don't have to take an ocean of it to get well either.

plumpness is essential to the best bodily condition.

The People's Common Sense Medical Adviser, a book of over 1000 pages and 300 colored and other illustrations, can now be had, in strong paper covers, Absolutely Free, on sending this Coupon and 25 cents in one-cent stamps, for packing and postage. Over 680,000 copies of this complete Family Doctor Book already sold, in cloth binding, at regular price of \$1.50. Address: World's Dispensary Medical Association, 663 Main Street, Buffalo, N. Y.

longs: Loretta (10 to 1) won, Inspector Hunt (2 to 1) second, Leaseman (8 to 1) third. Time: 0.37/2, Third race, six furlongs: Edmund Con-Third race, six furlongs: Edmund Con-nolly (3 to 5) won, Anna K (30 to 1) second, Artiess (20 to 1) third. Time: 1:17. Fourth race, St. Patrick's handleap, seven furlongs: Nero (5 to 1) won, Prince Imperial (6 to 5) second, Long Brook (7 to 1) third. Time: 1:284. Fifth race, five and conductions. Time: 1:2854.

Fifth race, five and a half furlongs
Cerdl (15 to 1) won, Colonel Atmore (12 to 1
second, Johnny McHale (7 to 1) third

recond, Johnny McHale G to D third.
Time: 1.99%,
ST. LOUIS, March 18.—East side results:
First race, nine-sixteenths of a mile:
George W. Bradley won, St. Beage second,
Jack Bradley third. Time: 0.594,
Second race, three-quarters of a mile: May
Blossom won, Johnnie Weber second, Pacolet third. Time: 1:22.
Third race, consolation handicap, fiveeighths of a mile: Ohesia won, Arkansaw
Traveler second, Prince Peyton third. Time:
1:06.

1:06.
Fourth race, three-quarters of a mile: El Reno won, Florella second, Smuggler third. Time: 1:2014.
Fifth race, three-quarters of a mile: Jim Head won, Cyantha second, Gartland third. Time: 1:2014.

Sales of Trotting Stock. NEW YORK, March 18.-A special com-bination sale of trotting stock was begun by Peter C. Kellogg & Co. Some of the sales were: Laura Wilkes, br. f., 1891, Sable sales were: Laura Wilkes, br. f., 1891, Sable Wilkes-Laura Drew, J. S. Osternahaut, \$685; Directress, br. m., 1890, Director-Phace-ola, W. W. Seaman, Westburg, L. I., 8750, LEXINGTON, Ky., March 18.—At Woodard & Shanklin's sales today fifty-five trotters brought \$16,175. The best prices; Boabil, black colt, 5, by Bermuda-Carrie May, Gilcurry, Nashville, \$1,500; Beresford, black colt, 3, Bermuda-Annie Brown, Gilcurry, Nashville, \$1,500; Robert A, brown filly, 2, Bermuda-Rena C, Jesse Robinson, Baltimore, \$3,500. Haltimore, \$3,500.

Ryan's Forfeit is Up. NEW YORK, March 18.-Parson Davies forfeit of \$500 to match Tommy Ryan against Dick Burge of England arrived here from Chicago today. In his explanatory letter Davies says: "I enclose \$500 as a forfeit to match Tommy Ryan against Dick Burge for the welterweight championship of the world and \$500 a side, men to weigh 142 pounds, or, if Burge prefers, 144. If this contest takes place in America I will accept the month of November, as named by the English champion. If the contest takes place in England, it is to be decided in September." against Dick Burge of England arrived ber

No More Racing to the District of Columbia WASHINGTON, March 18.-The court of appeals of the District of Columbia today affirmed the decision of Judge Cole in the case of Frederick Miller, convicted of mak-ing books on races. The decision leaves no losphole for racing within the District of Columbia unless the supreme court should reverse the decision. Griffo Covers Mc Vuliffe's Money.

NEW YORK, March 18 .- Hugh Behan, behalf of young Griffo, today covered McAuliffe's deposit. He said: "I will meet McAuliffe here Friday for the purpose of signing articles and making a match."

Perfection and precision in work are characteristics of Dr. Price's Baking Powder.

MURDER CHARGE DID NOT HOLD. Henry Delaney Acquitted of Killing the

Girl He Was Forced to Marry. MORGANFIELD, Ky., March 18 .- The jury eturned a verdict of not guilty in the case of Henry Delaney for the murder of Abble Oliver. Henry Delaney had been charged with the ruln of Abbie Oliver, and her par- Nose, Throat, Chest, Stomach, Liver, ents, at the point of pistols, compelled De- Blood, Skin and Kidney Diseases, Felaney to marry the girl. They had started male Weaknesses, Lost Manhood, and for home in a closed carriage, when, on lonely stretch of road, a party of men, said to be Delaney's friends, opened fire on the carriage, with the alleged intention of res-cuing the groom. During the firing Abbie was shot and died later at her home. The mother was wounded, and the carriage was shot full of holes. In the excitement that followed Henry made his escape.

Mrs. Dver's Fortune Shrinks. CHATTANOOGA, Tenn., March 18,-The Chattanooga woman who claims to have bee robbed in St. Louis is known here as Mrs 'Rat' Dyer, divorced wife of a well known railroad switchman. The man Buel, she says she was going to marry, is a dairy won, Chimes († to i) second, Oakview (†2 to man. Mrs. Dyer's property here is we second race, maiden 2-year-olds, three furperhaps \$4,000, not \$100,000 as reported.

Midyan.

This extraordinary Rejuvenator is the most wonderful discovery of the age. It has been endorsed by the leading scientific men of Europe



MANHOOD Constipation, Dizziness, Falling Sensations, Nervous Twitching of the eyes and other parts. Strengthens, invigorates and tones the entire system. Hudyan cures Debility, Nervousness, Emissions, and developes and restores weak organs. Pains in the back, losses by day or night are stopped quickly. Over 2,000 private endorsements.

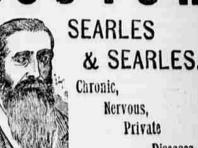
endorsements.

Prematureness means impotency in the first stage. It is a symptom of seminal weakness and barrenness. It can be stopped in 20 days by the barrenness. It can be stopped in 20 days by the use of Hudyan.

The new discovery was made by the Specialists of the old famous Hudson Medical Institute. It is the strongest vitalizer made. It is very powerful, but harmless. Sold for \$1.00 a package or 5 packages for \$5.00 (plain sealed boxes). Written guarantee given for a cure. If you buy six boxes and are not entirely cured, fix more will be sent to you free of all charges. Send for circulars and testimonials. Address

HUDSON MEDICAL INSTITUTE 1032 MARKET ST.,

SAN FRANCISCO, CALIFORNIA.



TREATMENT BY MAIL. Consultation Free. We cure Catarrh, all diseases of the

ALL PRIVATE DISEASES OF MEN. WEAK MEN ARE VICTIMS TO HERVOUS Debility or Exhaustion, Wasting Weakness, In voluntary Losses, with Early Decay in young and middle sged; lack of vim, vigor andweskened prematurely in approaching old age. All yelld readily to cur new treatment for loss of vital power. Call or or address with stamp for circulars, free book and receipts.

Dr. Searles and Searles,



He is one of the most skillful of Chinese doctors, because of his great knowledge and cures. Having been eight years in the medical college of China he understands the immediate action of over foor years of practice and over few years of that time in Omaha has given him a reputation backed up by thousands of testimonials in curing EVERY whether CHRINIC OR OTHERWISE. Dr. C. Goo Wo guarantees a cure in every cass or this money will be refunded. Consultation free. Send a two-cent stamp for book and question blanks.

Dr. C. Gee Wo., 519 N.16th St., Omaha, N

spoonful brown sugar, one teaspoonful salt, two heaping teaspoonfuls Royal Baking Powder, two heaping teaspoonfuls Royal Baking Powder, two eggs, one and one-half pints milk.

Sift together flour, sugar, salt and powder, add beaten eggs and-milk, mix into smooth batter that will run in rather continuous stream from pitcher, Bake on good hot griddle, a rich brown color, in cakes as large as tea saucers. (it is not in good taste to have griddle cakes larger.) Serve with maple syrup.

Have griddle heated regularly all over, grease it and over, grease it and over, grease it and to to complete its smoothness. Roll them and when risen well up to top of rings turn over gently with cake turner. They should not be too brown, just a buff color. When all cooked, pull each open in half, toast delicately, butter well, serve on folded napkin, piled high and very hot.

Potato Parent.

Twelve in two to complete its smoothness. Roll them and under the hands into round balls size of a small egg; lay them on greased shallow cake pan, put very close together; bake in moderately, butter well, serve on folded napkin, piled high and very hot.

Potato Parent.

Twelve in two to complete its smoothness. Roll them and when risen well up to top of rings turn over gently with cake turner. They should not be too brown, just a buff color. When all cake it is a moderately and the parent.

Two two to complete its amouthness. Roll them and when risen well up to top of rings turn over gently with cake turner. They should not be too brown, just a buff color. When all cake it is a moderately and in the parent of the parent the paren two heaping teaspoonfuls Royal Baking Powder, two eggs, one and one-half pints milk. Sift together flour, sugar, sait and powder; add beaten eggs and-milk, mix into smooth batter that will run in rather continuous stream from pitcher. Bake on good hot griddle, a rich brown color, in cakes as large as tea saucers. (it is not in good taste to have griddle cakes larger.) Serve with maple syrap.

Cone quart flour, one-half teaspoonful sait, two tablespoonfuls Royal Baking Powder, one half teaspoonful sait, two tablespoonfuls and, three eggs, one teaspoonful sait, two large teaspoonfuls and three eggs, one one teaspoonful sait, two large teaspoonfuls and one-half pints flour, one-half teaspoonfuls and three eggs, one teaspoonful sait, two large teaspoonfuls and three eggs, one of the natural and powder them.

Cone quart flour, one-half teaspoonful sait, two tablespoonfuls sugar, one teaspoonful sait, two large teaspoonfuls and three eggs, one teaspoonfuls and three eggs, one teaspoonfuls sait, two large teaspoonfuls and three eggs, one teaspoonfuls and three eggs, one teaspoonfuls and three eggs, one teaspoonfuls and three eggs, and tank wherever them.

Cone quart flour, one-half teaspoonfuls and three eggs, one teaspoonfuls and three eggs, and tank wherever them the property of the operations of digest-spoonfuls flour, one-half teaspoonful sait, one or two largest tases are saucers. (It is not in good taste to have griddle cakes larger.) Serve which flours applied a sit sugar over them.

Cone quart flour, one-half teaspoonful sait, one or two largest taste and powder the half proved deverage which the eggs, two toacupfuls boiling milk. The powder, one-half teaspoonfuls and three eggs, and tank three-quarters pint milk. Sift together flour, sugar, sait and one-half teaspoonful sait, one or two largest eggs, two toacupfuls