

OPEN LETTER TO J. J. RIDDLE.

A tariff system proposed for the Independent Party, based on business principles.—Two issues before the people.

DEAR SIR:—Your communication in the LIBERTY BELL advising the meeting of farmers and laboring men to discuss political and financial questions is no doubt a good one. But the reading of at least one independent paper is a necessity to any man who would be an intelligent voter, as the g. o. p. papers systematically suppress or misrepresent every thing which would injure their party. Now the LIBERTY BELL has opened its columns for all honest reformers to exchange ideas—not to wrangle and mislead, but to present other's theories, but to assist each other in reaching right conclusions on principles. In presuming to answer your request allow me to say I am not a banker and further I do not believe you need any advice from me, but I claim to have some knowledge of political economy.

Next to your article in the same paper is one signed "A Farmer," which sets forth many of the reasons given in support of a protective tariff. It is a good article and a truthful and strong argument in its main points. Notice particularly that part where he says "Their interest and aim is to secure commercial supremacy." Now what is commercial supremacy? Just this: If I in my dealings with other men buy more than I sell and thus become indebted to them they have commercial supremacy over me. And vice versa. Just the same between nations as individuals. Did you ever know an individual to habitually pay out annually large sums more than his income from sales and yet remain prosperous? Because that would be impossible and it is just as impossible for a nation as for an individual.

Now where "A Farmer" makes his mistake is in assuming that the protective tariff has prevented and will prevent other nations from securing commercial supremacy over us. We have had a protective tariff now since 1861 and it has utterly failed in that respect. The bureau of statistics shows a balance of trade against us since 1833 including gold and silver of more than eighteen hundred millions of dollars largely accumulated since 1861. It has figured up the amounts, taking the different years and adding together to get the result and know I am telling the truth. So our money has been exported. That is precisely the evil which the protective tariff was to prevent and which "A Farmer" assumes it has prevented and prevented and yet here are the facts which I have stated. Any one can examine the government reports and know for himself it is true. Now there are three ways by which large amounts of money are taken from us to foreign countries: First, in payment for imported goods. Second, by our citizens traveling in foreign countries. Third, interest and principal paid on corporate loans negotiated in foreign countries. Of the two last the government has no knowledge and collects no statistics. The merchandise, all classes, exported has been usually since 1873 larger than imports, leaving a balance in our favor, but in a heavy trade and payment of interest on loans there every year a heavy balance against us.

I have a letter from the chief of the bureau of statistics in answer to my inquiry, showing that a little over 200,000 of our people visit foreign countries, other than Canada and Mexico, annually, estimating the expense at \$75,000,000. Then the payment of interest can hardly be less than \$100,000,000 and may be more. Two years ago the Financial Chronicle, of New York, estimated the balance against this country at \$161,000,000 for that year. Last year there was property in this country sold to foreigners to the extent of \$200,000,000 which probably just about represents the balance of trade against us on all items for that year. This balance at present is being re-invested here. It is not taken out of the country.

Suppose now that your neighbor owes \$1,000 at ten per cent interest at the end of the year he says I don't want to pay that interest at present but will give you a note for \$100 at 10 per cent. You want your money out drawing interest and you take the note. That is repeated year after year until you become alarmed and demand your money. Then the other fellow has a financial panic. Now you represent England and your neighbor the United States, and you can see the point. The fact that these debts are corporate debts makes no difference. The corporations collect from the people to pay them and consequently it is debts of the country as much as government bonds are. Next take the other statement of "A Farmer" that last year we imported \$624,000,000 worth of foreign merchandise; a large part of which might just as well have been produced at home, which is true; and then think of how to pay \$200,000,000 annually to other countries easier and better for us, than to shut out that amount of imports and manufacture them at home for ourselves. If you learn such way please let me know, as I have not been able to do so. We can not increase our exports in quantity very much because the world's market will not absorb more. Even if we reduce our selling price others must do the same and we would lose value without gaining quantity of sales. Our highest balances of trade on exports and imports were when money was comparatively plenty and prices high—was from 1877 to 1888. So the idea that our exports will largely increase with a low tariff and low prices for labor and consequently low prices of farm produce and merchandise is simply nonsense. If not what good could come to us by reducing everything to the European standard? A tariff that is best for you is best for your neighbor also, although you may be a free trader and he a protectionist. You can not both be right in your opinions; then do not quarrel, but go to work calmly to learn which is best and then work together. That is the reform idea.

Now I will explain why and how our protective system has proven a fraud. The protective system was planned and intended to encourage home industries, to make us commercially independent by keeping our money at home; and that could be done only by keeping the balance of

trade in our favor. This tariff law enacted at the commencement of a great war which for four years occupied the attention of the whole country. During that time a great amount of money was put in circulation which naturally increased manufacturing and business of all kinds by raising prices, while immense quantities of foreign goods were imported and large amounts of money flowed from Europe to build new railroads. In short there was a great boom and wild speculations. The large balance of trade against us took the money directly back to Europe and then we borrowed it again, giving more bonds, then it was collected from the people and returned by the corporations and importers, and was over again through other corporations. And the process is still going on and these debts still increasing.

Late reports show the debts of railroad corporations in the United States to be over \$9,000,000,000. A few days ago a large corporation in the northwest arranged with European parties for a loan of \$40,000,000. Many of the corporations have their bonds in English money to accommodate the English buyers. The low rate of interest there and the high rate of interest here is sure to transfer large amounts of those that are considered safe, as our government and the corporations have been very careful that no knowledge of this matter should reach the public. Let us suppose that one half of the money owned in Europe at 5 per cent interest, the annual interest would be \$225,000,000. Remember you represent England and your neighbor the United States, still paying the interest with other notes and bonds, and you will understand what we may expect in the future.

Suppose again that thirty years ago our government had issued treasury notes and loaned the money to the corporations to build railroads and taken first mortgage bonds and rigidly compelled annual payment of interest at 5 per cent and prohibited any further issue of stock or the borrowing of foreign money, our railroads would now be owned by the government and the people of the country, the debts of the corporations not more than half what they now are, the interest going to support the government instead of being exported to other countries, and more than one thousand millions of our money which had been exported, remained in this country where it has been and is now so badly needed. A little ordinary intelligence and common honesty was required at that time, but was lacking. The leading politicians instead of trying honestly to carry out the protective policy as at first intended, joined the crowd of speculators located in New York and London and have used nearly every means in their power to rob instead of benefit the masses, while the latter held up their hands. Their legislation on the Pacific railroads and finance ought to shame the devil, and we ought to be ashamed of such a gang in office so long. The different laws which they passed I can not take time or space here to enumerate or describe. You no doubt are acquainted with many of them.

Now I will propose that the Independent party adopt the following as a definite tariff policy for the future: First, congress shall take such action as will compel every corporation to report annually the amount of its stock and bonds owned by foreigners, and rates of interest dividends. Second, to collect statistics of foreign travel of our citizens showing the amount of money exported in that year, also the amount of money brought here by immigrants and other statistics which may be necessary to ascertain approximately the actual balance of trade between this and other countries in all lines of business.

Third, Thus having obtained the necessary intelligence on which to base an honest tariff system, the tariff shall be adjusted as to give a small balance of trade in our favor.

Germany and France prohibited the importation of American pork into those countries for precisely that reason, to maintain the balance in their favor, although the excuse was that our pork was unhealthy. They have a long contest to keep even, but England is so far ahead of all the rest of the world with foreign investments and such vast sums of interest and dividends paid to her people annually that she can import merchandise in excess of her exports, from four to eight hundred millions of dollars worth annually, and yet on the whole have a heavy balance of trade in his favor. Now it is absolutely true that any nation situated as Ireland or Egypt is under complete control, commercially, of other nations, can never give prosperity and protection to its own people, no matter how well and justly its internal affairs are managed in other respects, because its money is constantly taken by its foreign creditors. It is in precisely the same condition as so many western farmers, gathering every dollar possible and sending away to pay the annual interest, leaving a chronic condition of poverty at home.

But some one says issue more money. Yes there should be more. But what good would it be to pump water into a trough to fill it, with a hole in the bottom as large as the stream you pump in? Ordinary intelligence would say stop the leak first. And it is just ordinary intelligence, such as the farmer and merchant all the time use in their personal affairs, which we need in national affairs. Use it and be independent of the politicians.

So far I have been speaking of the affairs and interests of the nation as a unit; but there is another side that is so broad I shall only mention it in this letter. First, then, a country like England with great wealth and a large balance of trade in its favor may by unjust class legislation (other than the tariff) keep the masses of its people in abject poverty. All political power both in England and the United States is held at present by the wealthy class. That fact accounts for class legislation and indicates the result. If our present political system remains it needs a thorough overhauling and refitting to make it meet modern requirements. The trust for instance, which is an outgrowth, a development of modern business conditions, must be nationalized. It is a mistaken idea to suppose the trust is caused by either

form of tariff or other political party. First all business was done by individuals, then by corporations, then by a combination of corporations called trusts. Competition becomes too sharp between the trusts. Men who work for these are oppressed and will be made slaves, there is an irrepressible conflict between the trusts, the monopolies and the masses of the people. The people must own them or they will own the people. You will notice that there are two distinct issues to be met, one in regard to foreign dealings, the other our home regulations. Both must be rightly adjusted to insure prosperity to the masses. INDEPENDENT. Sioux City, Iowa, Dec. 5, 1890.

Money Lenders Complaining. The following is a dispatch from Topeka, under date of November 22, which is undoubtedly for the purpose of trying to scare some of the People's Representatives: "The party hostility that has been expressed in the campaign by the People's party leaders toward all money-lenders is already acting against the best interests of farmers of this state. One of the leading banking houses of New York has sent out the following: 'The reported control of the Kansas legislature by the Farmers Alliance and its disposition to make no investments in your state for the present. We are apprised that such control exists and will be made manifest in the next legislative session by adverse legislation toward mortgage creditors resident outside the state, so far as such legislation can be constitutionally enacted, and perhaps much further. With this menace of hostility can we go on increasing the amount of loans there? We hope this condition of things may be only temporary, but we cannot disregard it. We do not care for any new business, at least until after the next legislature has adjourned.'

Old Soldiers Don't Like Frauds. Do the old soldiers who voted for Alliance men and elected Democrats expect to hear of the service pension bill being introduced in congress very soon?—Lincoln Star. SAY, TOM, a republican congress passed the paper pension bill and pigeon-holed the service pension bill. What's biting you?—Rock County Bugle. THE old soldiers have ceased to expect their rights from either of the old parties, so they have gone into the political business, with a party which demands a service pension. There are two old soldiers in the San office who have joined the Republican party for something better.—Sheridan County Sun. Apropos of this entrance of woman into so wide a field of pursuits and the bearing sustained in some unusual branches of labor, it is said that Mrs. Nicholas of New Orleans, the only woman in the country who holds the position of editor and proprietor, is so quiet and low voiced and refined in manner that she would never be suspected of being the great power behind the New Orleans Picayune. Another instance is that of a New York lady, who at the death of her husband, could only earn \$5 by two weeks work at sewing. She mastered machinery until she became forewoman in a factory at \$8 a week, and by night study gained a knowledge of bookkeeping, which secured her a salary of \$12 a week; and finally led to the development of talent in another direction, so that she is now able to earn \$3,000 a year steadily as a writer of advertisements. And yet this lady preserves her womanly tastes and delights in the artistic home she has earned and is gentle of voice and manners. Records of woman's achievements in new lines of work are delightful in proportion as they bear this dual witness of strength combined with the softer graces and there are countless numbers in the United States to-day who are versed in affairs and can talk or write on art and art, and labor and changing land, and still sustain the true manly ideal of woman as portrayed by Gladstone: "Woman is the most perfect when the most womanly."

The New York World says: "The Alliance men of Kansas made a great feature in the late campaign of advertising their poverty. In this they were successful, but it was not a valuable advertisement for Kansas as a farming country." The "country" had nothing to do with the grievances which the labor and changing land, and still sustain the true manly ideal of woman as portrayed by Gladstone: "Woman is the most perfect when the most womanly."

The men whose giant intellects conceived nothing more in the advance movement than the saving of a few nickles on groceries, dry goods, etc. are now standing with open mouths and their hands in their pockets wondering when the procession went by.—Western Advocate.

"A JUST reading of the constitution is this: 'Congress shall have power to coin money, emit bills of credit, and make anything besides gold and silver coin a legal tender in payment of debts.'—Daniel Webster.

Jay Gould is a few million dollars richer than he was two weeks ago and a good many others are poorer and wiser. This is the net result of the recent financial convulsion.—Grafton (Neb.) Leader.

A REPORT is being circulated that there is to be an independent organization at Omaha with a capital stock of \$100,000. E. H. Kearney, of Kearney, is spoken of as editor.

Among the most venerable men who registered as voters in Brooklyn for the last election was a tall man with ruddy countenance and white hair and beard. His form was erect, and he would easily be taken for a man of 60. As he approached the registry clerk and announced his name there was a general craning of necks to catch a glimpse of the proud-looking old man. "What is your age?" "Eighty-five years." "Where were you born?" "In Brooklyn." "How long have you lived in the state?" "Eighty-five years." "How long in the ward?" "Eighty-five years." "How long in the election district?" "Eighty-five years." "That's all, sir," said the clerk, and an American citizen who was born in 1805 in the house in which he now lives and has always lived walked away.—New York Herald.

The man who never made a mistake is a son of the woman who never gossiped and of the man who never had "the best" for rheumatism you ever saw.—Boston Traveller.

Stand by Your Friends. There are aphorisms and aphorisms, says the National Vibe, but none more worthy of application than the one we have selected for the head of this article. We believe in it here, now and all the time. He who will not do it, but instead slinks away into the darkness, where he cannot be seen, is unworthy and deserves nothing but shame. But he who at once recognizes the obligation and thereupon comes to the front to manifest his regard does a noble and praiseworthy act. To be a friend you must be a friend indeed, without any shifts or cutoffs. Friendship is a sacred obligation which may not be trifled with. You must be true to its claims and unswerving in its requirements. It has meaning and a significance which no dereliction can excuse or palliate. It is the most sensitive in the hour of extremity or misfortune. Then it expects recognition and acknowledgment, if ever. Certainly this is due and cannot be ignored. It is worth anything then is the time to show it. Who doubts or hesitates, loosens his hold and forfeits his claims. So nature works and man disposes. Confidence is inspired when men are true to their convictions, when they act in good faith and value honor more than price. Then manliness rises superior to any mere selfish wrappings or doctious seeming of pretense. Then, too, a man stands by his friends and pays no discount. All that he desires to know is that his assistance is needed, and he stands forth ready to respond to any reasonable demand. Unhappily there are too many who do not answer to this obligation, who shrink the duty and run away from its claims. Ingratitude is the only response they offer for favors already granted. Thus they go back on the most sacred impulses of our nature, and the finest sensibilities thereof, that move the generous activities of men. A sad commentary on individual integrity and the principles which are supposed to move the actions and stiffen the fraternalties of friends.—Omaha United Labor.

The Silver Bill. When congress was petitioned for free coinage of silver, the pretence was set up, that such a bill was more in the interest of the farmers, than in the interest of the silver men, for it would have added to the value of farm products from twenty to thirty per cent, thus giving to them about one-fourth more to settle balances. The interest of the farmers, under the gold standard legislation, goes unheeded. So congress deprives the farmer of this means of paying and puts on a tariff to increase taxation. All done for their benefit, of course it is, done to make products cheap. Thus the circulating medium is contracted, to make farm products dear and a tariff is added to make manufactured products dear. A two edged sword that cuts both ways.—Gladbrook (Ia.) Labor Review.

A GREAT many people seem to think the Alliance and Independent party identical. This is erroneous. In the declaration of the principles of the Alliance we assert that one of the purposes of the order is to benefit ourselves politically. This can be done, according to Milton George, the founder of the alliance, either through existing parties or through an independent party. In Nebraska the movement was independent, and was successful beyond a degree hoped for by many of the most sanguine of our members. We have two congressmen out of three and a majority on joint ballot over both Democrats and Republicans in the next legislature. This has given us encouragement, and we are going to have every state official two years hence. Haven't the people a right to do this kind of work? Why not?—Lincoln (Neb.) Alliance Tribune.

The new tariff bill admits free of duty human hair. With the duty taken from the fine tooth comb the average farmer could spend his leisure evenings chasing hayshed through his wad of imported human hair by the brilliancy of that free-from-duty diamond in his shirt front.—Nevada (Mo.) Industrial Review.

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FIGURES AGREED UPON

THE DAKOTA COMMISSION FINISHES ITS LABOR.

Satisfactory Adjustment of the Indebtedness of North and South Dakota.—Opinion Concerning the Terms of County Auditors.—News in Brief.

SIoux FALLS, Dec. 13.—Charles E. McKinley, of Sioux Falls, one of the South Dakota members of the joint commission for the two Dakotas, has returned from Bismarck where he attended the last and final session of the commission. All claims were disposed of one way or another and the report of the commission will be ready for the governor next week. The amount settled upon as due North Dakota by her southern neighbor was, in round numbers, \$65,000, which includes \$46,000 allowed by the former joint commission. There are \$123,000 in outstanding territorial warrants, including \$12,000 interest, half of which belongs to each state. In the final settlement reached South Dakota assumes her own share, \$81,000, and \$65,000 of North Dakota's share, leaving \$16,000 as a balance in favor of South Dakota if she takes up all the territorial warrants outstanding and issues bonds in the stead, which were the terms of the settlement. North Dakota agreeing to pay the \$16,000 difference in cash.

Many individual claims were allowed by the commission at its last session, as was the claim of the citizens of Madison, who advanced \$15,000 to complete the structure of the state normal school, for which an appropriation had been made by the territory, but fell short of the amount necessary to complete the building. The Madison claim was allowed at \$11,000, the amount of the bonds issued by the city of Madison to protect the citizens who had come to the assistance of the board of trustees.

McKinley states that the South Dakota commissioners received generous treatment from the members of North Dakota. Everything was arranged in the most friendly manner and adjusted to the satisfaction of every member of the joint commission. In fact, the commissioners of North Dakota gave the benefit of many doubtful questions to the latter, which will accrue to the latter's advantage to a considerable extent.

Terms of County Auditors. M. McKinley states that the following opinion has just been given by Attorney-General Dillard, relating to the term of office of county auditors, upon an inquiry from W. B. Burr, a district attorney.

Responding to your request for the opinion of this office as to when the county auditor is elected, in pursuance of section 5, article 9, of the constitution, in the counties that had not hitherto such an office, I am of the opinion that the term of office of the county auditor therein mentioned shall be two years, it is where to my knowledge there has been no such commencement. The language of the section is that at the first general election held after the admission of the state of South Dakota into the union and every two years thereafter, there shall be elected a clerk of the court, sheriff, county auditor, register of deeds, treasurer, state's attorney, surveyor, coroner and superintendent of schools, whose terms of office respectively shall be two years, directs the mind to such provisions as govern the qualification and entry into office of the other county officers mentioned. Section 5 of the constitution, which provides that, except when otherwise specially provided, the regular term of office for all county, township and precinct officers shall be two years, shall commence on the first Monday in January next succeeding their election, but if the office to which he was elected be vacant at the time of the election, even if he was not elected to fill a vacancy, he shall forthwith qualify and enter upon the duties of the office. If the office of county auditor is vacant, because previous to the election provided for by the constitution no such office existed, the provision for such an election, coupled with the act of election, created it, then the auditor-elect in such case should qualify and enter upon the performance of his duties. This is a difficult and delicate question, but I am inclined to the view that the office is not vacant in the sense of the term as used in the section of the constitution, which provides that every duty which devolves on that office attaches to the office of register of deeds, who is ex-officio county clerk, and who under authority of the schedule and ordinance of the constitution, will continue to hold and exercise his office until suspended under the constitution, which as the office of the county auditor, may occur on the first Monday of January next.

A Clean Record. One of the happiest men in South Dakota is Judge C. S. Palmer of Sioux Falls. For years, owing to peculiar circumstances, his right to membership in the grand organization of the G. A. R. has been questioned. When a mere boy at the age of 17 he entered the army as a substitute for an older brother. He had an older brother, S. M., who enlisted. The latter was the chief support of the family, and finally C. S. persuaded him to remain at home and he (C. S.) would go in his stead. Through the efforts of his father he was discharged. The judge had joined the army from Vermont and he called upon Senator Edmunds to help him out. An interview was had with Secretary of War Proctor, the result of which is that after a quarter of a century has passed by an honorable certificate of discharge has been issued from the war department to C. S. Palmer. The National Tribune of Washington, in commenting upon the circumstances of the judge's enlistment, remarked that no similar case has ever come to light.

Died in the Fulgite. New BRUNSWICK, N. J., Dec. 9.—While preaching to a large congregation at the West Milford Reformed church Sunday night, the pastor, Rev. Dr. J. H. Strong, said: "A man might fall as easy as the star from heaven." The next instant his face turned ashy pale, he clutched wildly at the pulpit for support and then dropped on the floor in a fit of apoplexy. The horrified congregation was spell bound for a moment. Then the cooler ones rushed to the prostrate pastor and raised him from the floor. He was taken home and died yesterday morning. He was about 60 years of age.

Fell 100 Feet and Was Killed. TOPEKA, Kan., Dec. 9.—Doegan, an iron workman on the state house, fell 100 feet and was killed. He was horribly mangled. Doegan is the ninth workman killed within the last five years while at work on the state house.

GOULD AND THE UNION PACIFIC

What Director Ames Says of the Road and Its Future.

BOSTON, Mass., Dec. 9.—Director F. L. Ames of the Union Pacific says in an interview with the Boston news bureau: "The floating debt of the Union Pacific was fully explained in last year's report. It was set down then as about \$15,500,000 in notes and accounts payable. It has been reduced the past year about \$4,000,000 and is now about \$11,500,000. We sold \$7,100,000 collateral trust bonds issued against the Oregon Railway & Navigation stock, and could at one time have sold all the \$13,000,000, but thought it worth much more, so that on account the Oregon Railway & Navigation stock purchase we now have \$6,000,000 bonds unsold. We have besides \$2,000,000 Oregon Railway & Navigation bonds for construction advances, and there has been invested in the Portland & Puget Sound road \$800,000, and new equipments \$1,400,000, for which bonds have not been sold. We have also put a large amount of money into side tracks, new shops at Cheyenne and Denver and the union passenger station and freight depot at Omaha, as well as other improvements. Mr. Gould knew about the floating debt when he entered the directory and he has discovered nothing new about it. He agreed to take care of it, and has provided for the Jan. 1 requirements, which are less than \$2,000,000.

"Mr. Gould expressed great satisfaction Saturday at the appearance of everything connected with the property and the outlook for the future. He has no more idea of a receivership for his property than I have for the Ames building. I do not know of any scheme for funding the Union Pacific debt. Had there been no change in ownership or management there would have been no talk of it. The cash certificates when the railroad bond market revives. No appeal was made to Mr. Gould, Mr. Vanderbilt or anybody else to help the Union Pacific. The first intimation we had that Mr. Gould wished to enter the directory was in the newspapers, but Mr. Adams had many times expressed a desire to get out of the harness."

THE IRISH SITUATION.

Home Rule Is Dead According to the Dublin "Express."

DUBLIN, Dec. 9.—The Express, independent conservative, says: "The prospects for home rule for Ireland at the next election are as dead as Queen Anne. Irish public opinion points to the continued popularity of Parnell."

The Freeman's Journal, in which Parnell is understood to have an interest, to-day advocates on its own responsibility, without recommending the plan to either side on grounds beyond its reasonableness, that efforts be made by the two factions of the Irish party in the direction of a coalition and peace. It urges Messrs. Dillon and O'Brien to return from the United States to Paris forthwith, and that all the nationalist members of the house of commons or delegates from each section of the party assemble in conference in that city.

"With the full knowledge of all that has happened to decide with them will come to pursue such a conference," the Journal says, "would not only prove that the sections desire to hold together, but would attract attention to the fact that the men in the front rank are of the best and bravest of the Irish party, and will preclude the setting on foot among their own people of an utterly infamous break up in the temper of the party it took so many years to establish and consolidate." The Journal assumes that the threat of the secessionists to start a new paper in Dublin is a threat against itself. It says it will be delighted to welcome a new journal, but warns the gentlemen who may be willing to invest money in a new paper that the hardest thing to make or unmake is a good newspaper, and that the first time to start such a project is when the promoters are at the lowest ebb of their popularity, many of them hardly daring to show their faces in Dublin.

HOLDEN MUST HANG.

The Decision of the Minnesota Court Affirmed by the Highest Tribunal.

WASHINGTON, Dec. 9.—Clifton Holden, the Redwood Falls murderer, must hang. The United States supreme court to-day affirmed the decision of the Minnesota court. By this decision the John Day Smith execution law is declared constitutional. Justice Harlan, in rendering the decision, has this to say relative to the "solitary confinement" section:

"The only interpretation of the act of 1890 that will give effect to the intention of the legislature is to hold as we do, that section 4 of that act prescribing solitary confinement is applicable only to future offenses, not to those committed prior to its passage. The principle is established that a valid and invalid portion of a statute are capable of separation the latter may be designated and the former enforced. In this view it does not appear that the appellant is kept in solitary confinement. There is no ground, then, on which it can be held that the imprisonment is a violation of the constitutional provision against ex-post facto laws. The sentence of death and the subsequent imprisonment of the convict under sentence and warrant of execution are in accordance with the laws of the state as they were when the offense was committed, and do not infringe upon any rights secured by the constitution of the United States. The fourth section of the act of 1890 is entirely distinct from the provisions upon which the rest of the prior unrevealed law relating to the sentence of death and subsequent imprisonment without solitary confinement that it may be held inapplicable to previous offenses and therefore as not affecting the validity of such sentence and imprisonment. In this view effect may be given to both the old and the new law without rejecting any part of either as invalid under the constitution."

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