

KNIFE LAID TO FEES

Important Decision by Judge Hainer at Perry.

CASE OF CLERK HARN

Against the County Commissioners of Noble County.

Guthrie, O. T., May 19.—(Special.)—Following is the decision just handed down by Judge Hainer in district court in the case of W. F. Harn, plaintiff and appellant, vs. the board of county commissioners of Noble county, defendant and appellee, which is a very important one in view of the fact that the fees under the United States fee bill are considerably more than they are under the territorial law. The decision in full follows:

"This case is here on appeal by W. F. Harn, the former clerk of this court, upon the disallowance of his account against the board of county commissioners, which was filed with the county commissioners on the 24 day of January, 1899. The amount of the original bill filed with the board of county commissioners was \$388.66. It appears from the face of the account that it was subsequently changed by the former deputy clerk, Will H. Clark, and the amount as passed upon by the county commissioners was \$786.00. The entire account was disallowed by the board of county commissioners on the 10th day of April, 1899, on the ground that the case as taxed was fraudulent. The plaintiff, W. F. Harn, appellant, brings this case here, to this court on appeal from the action of the board of county commissioners disallowing the entire account. A motion has been filed in this court by the county attorney to dismiss the appeal on several grounds. Among them that the account is not verified by the clerk, as required by law, and second, that the account was changed after it was filed with the board of county commissioners, and third, because the costs were not taxed as required by the statutes of Oklahoma.

"While I think there is some force in the objections, I have decided not to dismiss the appeal, but pass upon the cause on its merits in this court, as it is a matter of great public importance, and the questions raised should be speedily settled and set at rest. The motion to dismiss will, therefore, be overruled, and the court will take the cause upon its merits.

"The county attorney, in his argument, has urged in an able manner, three objections to the account filed by the appellant and plaintiff.

"It is urged, first, that the costs in territorial criminal cases should be taxed under the territorial fee bill, and not under the federal fee bill. Second, it is contended that various items, in fact nearly all the items in this bill, which cover a period of three months, that is the quarter preceding January 1, 1899, are excessive and exorbitant, and third, that a great many charges have been made that are wholly unauthorized, either by the federal or territorial fee bill.

"The first proposition involves a very important question, whether or not the clerk in this territory should tax the fees in territorial criminal cases under the federal or United States fee bill, or the territorial fee bill. I believe it has been the general practice in this territory, from the time the courts have been established in this territory, for the clerks to tax the costs in territorial cases under the federal fee bill and not under the territorial fee bill. The legislature has passed a law in this territory—the first act was passed in 1896, and it has been re-enacted in the statutes of 1897, 1898 and 1899—upon this question, establishing a fee bill for the taxation of costs in all cases by the clerks of the various courts of this territory.

IS THIS YOUR STORY?

"Every morning I have a bad taste in my mouth; my tongue is coated; my head aches and I often feel dizzy. I have no appetite for breakfast and what food I eat distresses me. I have a heavy feeling in my stomach. I am getting so weak that sometimes I tremble and my nerves are all unstrung. I am getting pale and thin. I am as tired in the morning as at night."

What does your doctor say? "You are suffering from impure blood."

**Ayer's Sarsaparilla**

You must not have constipated bowels if you expect the Sarsaparilla to do its best work. But Ayer's Pills cure constipation.

We have a book on Pale ness and Weakness which you may have for the asking.

Write to our Doctors.

Address, DR. J. C. AYER, Lowell, Mass.

**GOLD DUST**

**GOLD DUST**

**THE BEST**

**Washing Powder**

It has been contended that that act was void for being in conflict with the federal law, and various acts of congress, creating courts in this territory, and providing for the appointment of the district clerk by the judge. Section 6 of our organic act provides that the territory has the power to legislate upon all rightful subjects of legislation not inconsistent with the constitution and laws of the United States. It is a well settled principle of law that the legislature of a state or territory has the power to pass any law that is not in conflict with the constitution or organic law of the several states or of the United States. This territory has a right to legislate upon every subject not inconsistent with the constitution and laws of the United States, and where the constitution and laws are silent upon any subject of rightful legislation, then the territory has the right to legislate upon that subject, unless it is absolutely in conflict with the constitution of the United States or some positive act of congress.

"After examining the organic act and various acts of congress, I am clearly of the opinion it is within the power of the legislature to pass a fee bill to regulate the costs in territorial criminal cases—that it is a rightful subject of legislation. The legislature if it so desired, could wipe out our territorial procedure or any portion of it. The legislature has the power to say what shall be a crime in this territory, and what the punishment shall be, and what procedure shall govern the trial, and unless such law passed by the legislature is in conflict with the constitution of the United States or any act of congress, then it is a rightful subject of legislation, and it is absolutely within the power of the legislature of the territory to legislate upon it.

"Hence, I hold upon the first proposition, that the clerks of this territory in all territorial cases should tax the costs under the fee bill as prescribed by the legislature of 1897, which is the last act upon that subject.

"I find, upon a careful examination, that a great many excessive and unauthorized charges have been made. I find that many items are contained in this account that are unauthorized either under the federal fee bill or the territorial fee bill.

"The clerk has made numerous charges for copies of subpoenas and other writs and processes not authorized by the statute or by any rule of this court. I have repeatedly held that the clerk was not authorized to charge for making copies of subpoenas. I decided the question nearly a year ago in the case of Territory vs. Hall, a criminal case brought here on a change of venue from Pawnee county. The clerk is not authorized to charge fees for copies of subpoenas, either under the federal law, or under the territorial law, unless ordered by the court. There is no such rule in force in this district. On the contrary the rule has been that the clerk should not tax the costs in such cases.

"Another large item in this bill is the talking of bonds and recognizances. I find upon examination of this account, that in some instances the clerk has charged as high as \$10 fees for filing and recording a bond in a criminal case. This is exorbitant, and a burden that should not be borne by the county. It is unjust, oppressive and should not be tolerated by any court.

I have examined all the items in this voluminous account and have noted in the margin of each item the amount that should be allowed under the territorial fee bill. Voucher No. 1 is as follows:

"To attendance on court at clerk the following days, to-wit: November 28, 29 and 30, 1898, and December 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 1898, a total of twenty-four days, at \$5 per day, of \$120."

"That was the original voucher. It appears there has been some alteration made, but in order to settle the question I thought it proper to pass upon it. The charge for per diem is wholly unauthorized and is disallowed. The clerk is not entitled to a per diem while the court is transacting business as a territorial court, and in my judgment he is not entitled to a per diem under the United States laws, except when the court is actually transacting business as a United States court. It is true in the federal courts the clerk takes such costs under the federal fee bill, which provides that when the United States circuit and district court is actually in session the clerk is entitled to a per diem of \$5. I think the various acts of congress modified this law as to territorial district clerks, and that the intent and purpose of the act is that the clerk would only receive a per diem when United States business is actually transacted.

In voucher No. 2 amount claimed by the clerk is \$7.50; amount allowed is \$1.25.

Voucher No. 3 miscellaneous account is as follows: I note here under entry October 4:

"To filing order for judge removing Judge to Kay county, 10 cents; to entering the same on journal, 2 folios, 45 cents; to issuing commitment for Kay county, \$1.25; to making copy for jailer, 25 cents; certificate and seal, 25 cents.

"October 7—To filing above writ, 20 cents; to entering return, 15 cents."

These items are disallowed, for the reason the same items appear in voucher No. 2. The amount claimed in voucher No. 2 is \$27.50, and the amount allowed is \$9.25.

Voucher No. 4, amount claimed by the clerk is \$7.50; amount allowed is \$4.32.

Voucher No. 5, amount claimed by the clerk is \$9.50; amount allowed is \$4.15.

Voucher No. 6, amount claimed by the clerk is \$12.50; amount allowed is \$2.85.

Voucher No. 7, amount claimed by the clerk is \$12.50; amount allowed is \$3.50.

Voucher No. 8, amount claimed by the clerk is \$4.15; amount allowed is \$4.96.

Voucher No. 9, amount claimed by the clerk is \$3.50; amount allowed is \$3.42.

Voucher No. 10, amount claimed by the clerk is \$4.96; amount allowed is \$13.15.

Voucher No. 11, amount claimed by the

counselor, Miss Ruth Maria Rhodes, Oklahoma City; council of administration: Mrs. Lucy Anderson, Roseville; Mrs. Barbara A. Burns, Kingfisher; Mrs. J. T. Baldwin, Hennessy. Delegates to national convention: Mrs. Mary A. Smith, Hennessy; Mrs. Jennie H. Miller, Oklahoma City; Mrs. Susan Meachem, Guthrie.

After transacting the usual routine business of committee reports, allowance of bills and adoption of customary resolutions, the ninth annual convention of the Ladies of the Grand Army of the Republic, department of Oklahoma, adjourned to meet at the same time and place selected for the tenth annual encampment of the Grand Army.

MRS. CLARA M. BROWN,  
MRS. SARAH A. BURNS,  
MRS. ALLIE HOPKINS,  
Press Committee.

WOES OF A POOR ASSYRIAN

Are Redressed in Police Court in Oklahoma City.

Guthrie, O. T., May 19.—(Special.)—Six Assyrians recently from Palestine, were before the police court in Oklahoma City, says the Times-Journal, one as a prosecuting witness and five as defendants. The prosecuting witness claimed that his peace had been greatly disturbed by his five countrymen by being dumped into the pond at the northeast corner of the city. He is married, but the five are not. They all live in one house, and on Sunday the married one kicked against certain family-larries an illiberal the unmarried ones were taking with his family, whereupon to settle the matter the five unmarried ones dumped the husband in the pond, supposing that would end his complaints. He had lived long enough in America, however, to learn a trick or two, so he went to the police with his tale of woe. The police judge concluded that the men had carried matters too far with the husband, so he fined each \$3.

**The Power of Storm.**

The Cayman Islands in the West Indies were nearly overwhelmed by the recent storm. Even apparently secure things are not safe. Even if you have health be in your grasp. Disease works stealthily—it is least expected. An occasional dose of Hostetter's Stomach Bitters will keep the bowels regular, the stomach sweet and disease at bay. If you have indigestion and constipation try it. It cures.

**BASEBALL**

Clubs	Played	Won	Lost	Per cent.
St. Louis	27	20	7	.741
Brooklyn	28	20	8	.714
Chicago	27	18	9	.667
Philadelphia	27	17	10	.630
Pittsburg	27	16	11	.593
Boston	28	17	11	.607
Baltimore	27	14	13	.519
Pittsburg	27	10	17	.370
New York	26	15	11	.577
Washington	28	6	22	.214
Cleveland	23	3	20	.130

**LADIES OF THE G. A. R.**

Report of the Ninth Annual Convention, at Kingfisher.

Kingfisher, O. T., May 19.—(Special.)—The ninth annual convention of the Ladies of the Grand Army of the Republic, department of Oklahoma and Indian Territory, met in regular session May 17, in Masonic hall, at 2 o'clock P. M. The convention was called to order by telephonic president, Mrs. R. Maria Rhodes of Oklahoma City, and all of the officers were present except secretary, conductor and guard. These places were filled by appointment as follows: Mrs. Rosa Hayden, Hennessy, guard; Mrs. Ira Abbott, conductor, and Mrs. Dossie Clewerson, assistants, both of Tulsa.

Officers of the department: Senior Vice president, Sarah A. Burns, Kingfisher, junior vice president, Edna Cherry, Stillwater; secretary, Miss Inez Miller, Oklahoma City; treasurer, Jennie H. Miller, Oklahoma; chaplain, Martha E. Miller, Guthrie; counselor, Sarah A. Burns, Kingfisher; inspector, Miss Elma Burns, Kingfisher; council of administration, Elizabeth Purrows, Guthrie; clergy, J. Woods, Council Grove; Alice B. Edwards, Guthrie.

Miss Anna Schlotman, Oklahoma City, was appointed assistant secretary.

The committees appointed were:

On greetings to the Grand Army: Allie Hopkins, Kingfisher; Priscilla Finley, Hennessy; Mary P. Herod, Guthrie.

Credentials: Clara M. Brown, Kingfisher; K. Bradwell, Mulhall; Ida Sizemore, El Reno; M. B. Cummins, Kingfisher; Mrs. Priscilla Finley, Hennessy.

Resolutions: Ruth Crocker, Guthrie; J. T. Baldwin, Hennessy; Ada McGrisson, Mulhall.

Officers' reports: Sarah A. Burns, Kingfisher; Elizabeth Purrows, Guthrie; Priscilla Hurr, Kingfisher.

Press: Clara M. Brown, Sarah A. Burns, Allie Hopkins, all of Kingfisher.

The department headquarters were established at the Hotel Benedict, room 21, while the business sessions of the convention were held in the Masonic hall. The decorations were creditable and showed that an effort had been made to make a fine appearance. Reception committees, with a decorated carriage, met each delegation at the trains and escorted the delegates to the places prepared in advance for them. The attendance at the convention was the largest in the history of the department, and the sessions were of the utmost harmony. The circle of colored women deserve special mention, not only for their zealous attendance, but for their faithfulness in the work of the order. They have three circles in the department and their delegations were noted for decorum of demeanor and intelligent interest.

The railroad question, as in the order of the Grand Army, figured some what in the probable election of officers, as the east and west sides of the territory presented strong claims for the honor.

**SECOND DAY.**

The morning session was consumed in hearing officers' reports and transaction of routine business. In the afternoon, but before proceeding to election of officers, the retiring department president, Mrs. R. Marie Rhodes, was presented with a gavel made by the Chico Indians of Nevada, of wood from the house where Mark Twain sojourned while collecting material for his great production "Roughing It." The gavel was the gift of Mrs. Lou C. Curtis, Carson City, Nev., an absent member of the department. A handsome gold badge, the gift of circles of the department, was also presented to Mrs. Rhodes in appreciation of her valued services to the department during her two years' administration of its affairs.

The convention then elected the following officers: President—Mrs. Mary P. Herod, Guthrie; senior vice president, Mrs. Ida Sizemore, El Reno; junior vice president, Mrs. Dossie Clewerson, El Reno; treasurer, Mrs. Hattie Dennis, Guthrie; secretary, Miss Alma Carson, Guthrie; chaplain, Miss Ada McGrisson, Mulhall;

**BALTIMORE, 4; CHICAGO, 2**

Chicago, May 19.—Four hits and two errors in the fourth inning gave the Orioles today's game. Attendance, 3,000. Score: R H E

Chicago	0000000000	2	5	2
Baltimore	1003000000	4	10	1

Batteries—Chicago, Callahan and Donahue; Baltimore, Kitson and Robinson. Umpires, Emalle and McDonald.

**BOSTON, 15; LOUISVILLE, 4**

Louisville, Ky., May 19.—The Colonels held their own until the seventh inning, when the Beaneaters pounded out five runs. Attendance, 1,000. Score: R H E

Louisville	0010100000	4	5	2
Boston	0040000000	15	15	1

Batteries—Louisville, Dowling and Kirtledge; Boston, Killen and Bergen. Umpires, Hunt and Connolly.

**WESTERN LEAGUE**

Clubs	Played	Won	Lost	Per cent.
Detroit at Milwaukee	—	—	—	—
Detroit	0001000000	4	10	2
Milwaukee	0020000000	7	9	3
Buffalo at St. Paul	—	—	—	—
St. Paul	0000000000	0	5	0
Buffalo	0100001001	3	6	3

Columbus at Minneapolis—R H E

Minneapolis	0000000001	1	2	1
Columbus	0000000000	0	6	1

Indianapolis at Kansas City—Game postponed; wet grounds.

**College Baseball Games.**

Champaign, Ill., May 19.—Michigan, 4; Illinois, 1.

**CASTORIA**

For Infants and Children.

The Kind You Have Always Bought

Bears the Signature of *Chas. H. Fletcher*

**STAMP FIENDS FOOLED**

Captain Leary Wouldn't Sell Them Any Gum Postage Stamps.

Washington, May 19.—When Captain Richard P. Leary sailed the other day on the Yosemite for the island of Guam, he left behind him a wailing rot of professional stamp-collectors and dealers, who have posterated certain officers of the postoffice department ever since to add them in setting right a matter in which they insist the captain made a serious mistake.

The new governor of Guam will, it is

understood, be given the same latitude and be held to the same account as the governors of other new colonial possessions of the United States—that is, he will be expected to collect revenues from all legitimate sources and make them pay the expenses of insular administration. The stamp men, thinking to turn an honest penny ad do a patriotic deed at the same time, resolved to get hold of a large quantity of the new issue of Guam postage stamps. Their idea was that Captain Leary would gladly sell them the stamps and apply the revenue to his general governmental fund. Leary had asked the treasury department to supply him with a considerable issue of the stamps, which, owing to the high pressure under which the bureau was working, were to be simply the ordinary United States postage with the word Guam printed across their faces in a different color. So resolved was he to carry his stock of stamps out with him that the sailing of the ship was somewhat delayed in order to be sure to have the supply aboard.

The stamp men accordingly offered to purchase his entire stock for cash, but to their astonishment he refused to sell. They then offered him a premium on the face value of the stamps, but he remained unmoved. They next pointed out to him that he had a stock estimated to be sufficient to last his insular dominion a year, and that they would be content with even enough for a month or six weeks, within which time he would be able, by leaving an order at Washington, to have his supply replenished by the next ship going out. When that proposal was rejected they begged him, at least, for an order upon the postoffice department for a small surplus issue, for which they offered to pay him in advance, so that he could carry a thousand dollars or more away with him to start his colonial bank account. The postoffice department and the treasury department were willing to accept such an order and honor it, but the captain still remained adamant in his resolve. One of the stamp men tried to reach his heart through his private secretary; but the secretary answered that, anyway, the stamps were sealed in a tin box, and, therefore, could not be got at. "As if," groaned the unfortunate collector, in describing the interview, "we would not be willing to pay ten cents for a can opener."

The captain sailed away, and the stamp men were left disconsolate. They believe they can get their stamps, if they know to whom to write on the island of Guam, as their representative would simply have to go to the postoffice, buy the necessary quantity, and mail them to this country.



"You see, madam, Ivory Soap is really the most economical. The cake is so large that it easily divides into two cakes of the ordinary size. There is twice as much soap as you get in the usual cake of toilet soap. Then it is very economical in use, for although it lathers quickly, it is always firm and hard, even in hot water. As it floats, you can not lose it or leave it to waste in the bowl. We sell it to all of our best trade for general use."

All this, however, would mean a long delay, considerable uncertainty, and no little difficulty in the way of making payments, as there are no known banks in Guam, and it would be risky to send cash on so long a journey. The postoffice department does not see any way to help them out.

After the grip, the weak and discouraged find in Hood's Sarsaparilla restoration to health.

**NOT ACCEPTING CHARITY**

Wade Hampton Thanks His Friends for Kind Intentions, However.

Columbia, S. C., May 18.—General Wade Hampton has written a card to the people of South Carolina in which he feelingly and gratefully declines to accept the home it was proposed to build for him, replacing his residence recently destroyed by fire. He says the reward of a citizen who has done work for the state is "Well done, good and faithful servant." He prizes the people's commendation more than any other gift.

**Union Men Win at Pans.**

Pans, Ill., May 13.—As a result of the meeting of coal mine operators, the state board of arbitrators and United Mine Workers officials, an agreement was reached this afternoon which will settle the long drawn out struggle between the union miners and operators. The agreement gives the union miners recognition and provides that all negro miners shall leave the city and only union men be employed.

**CASTORIA.**

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