

INDIANA LEGISLATURE.

[Omissions and curtailments of this report for want of space in these columns will appear in an appendix to Volume XXII of the Brevier Legislative Reports.]

IN SENATE.

THURSDAY, Feb. 10, 1885—10 a. m.

BALLOT BOX PROTECTION.

The Senate resumed consideration of the bill (S. 4) to prevent the purchase and sale of votes, pending at the adjournment yesterday.

On motion by Mr. MAGEE, an amendment was adopted requiring the posting of printed copies of the act on the morning of each election day at each voting place.

The bill was ordered engrossed.

THE COLORED LINE.

On motion by Mr. THOMPSON, his Civil Rights bill (S. 43) was read the second time. He said this bill was passed by Congress, but set aside by the Supreme Court of the United States upon the ground that it was the duty of the several States to pass it if they chose; and it had already been passed by many of the States.

Mr. SMITH, of Jay: I believe the common intelligence of the people will regulate these matters without placing on the statute book any such a bill. And I don't think any bill ought to pass creating a misdemeanor to which is attached an emergency clause.

Mr. FOULKE: I wish to move to add an additional section to the bill, in order to make it more effective, as follows:

That all distinctions of race or color are hereby abolished, and whenever by the laws of this State any rights, privileges, capacities or immunities are granted to persons of any race or color, such rights, privileges and capacities shall, under the same circumstances, be granted to persons of any other race and color.

Mr. CAMPBELL, of Hendricks, moved to add to this amendment a proviso that this act shall not apply to the laws on the subject of marriage.

Mr. MAGEE: I don't pretend to be the special friend of any particular class of persons of whatever race or color, but I am in sympathy to a certain degree with this bill. I am not in favor of constitutional enactments—of passing a law and putting a constable behind that law to enforce it. I believe in the colored man having every right that I have, and I think he has them now under the present law. Suppose we were to pass a bill that the rights of white people under the law should be enforced, would it amount to anything? The question is, whether or not such a law as this would not create unnecessary prejudice against the colored man? I am opposed to the amendment, and I think as much as we can do if we have to pass any act of this kind will be to pass the bill as originally introduced.

Mr. SMITH, of Jay: I am not only opposed to the amendment, but I am opposed to the bill. The enactment of any law which will single out any class in the State, white or black, should not be a principle that actuates a Legislature. In reference to the colored man, I am as friendly to them as I am to any, but I don't believe the Legislature should undertake to legislate it higher than its place is socially. I don't believe it right to undertake to legislate one above another. This bill proposes to place a colored man above a white man. His rights are just the same as yours and mine, and this bill proposes to give him additional rights which you and I do not enjoy. That was the principle upon which the Supreme Court of the United States rested its decision. I believe it stated that they were enjoying all the rights referred to in the bill.

Mr. MAGEE: Didn't the decision say that under the amendments to the Constitution the colored man was a full-fledged citizen, and that it was not competent to say he should enjoy those rights by force of enactment, because he enjoyed them any how as a citizen?

Mr. SMITH: I believe that is so. And there are provisions in this bill which are contrary to the provisions of free institutions. I offer the following as a substitute for the amendment: "Strike out the enacting clause."

Mr. HILLIGASS: The first section of this bill re-enacts, in effect, the privileges now granted to every race and condition of mankind in Indiana, and to that there can be no objection. I am opposed to the enacting clause; for I am opposed putting it in the power of any individual, either white or black, to enter any public place, without reference to his condition, and without reference to the ability of the party to accommodate him, and after being denied accommodation, to have the right to sue and obtain judgment of \$100 damages and prosecute criminally. It is granting a special privilege not only to one class but to all classes. It is giving rights they ought not to have under statute laws. I am opposed to giving the right to white, black or any other race or color. This Legislature would be going beyond its duty to grant a dead-beat, no matter what his color, the privilege to sue under such circumstances. It is a vicious provision, and I am opposed to it. As to the third section, who is to determine when an officer has purposely failed to summon any citizen to sit as a juror? Am I to determine that the officer has passed me by and go into court and prosecute him for damages and prosecute him for not summoning me? I am not in favor of excluding men on account of race or color from serving as jurors, but I am opposed to that provision which will empower him to say, "I have been passed by, and the officer must be imprisoned for that reason." A more vicious provision was never proposed. I am opposed to the entire bill and here to set it voted down.

Mr. FOULKE: There is no question which has come before this Senate, nor any which can come before this General Assembly, in which I feel a deeper interest than this bill which has been introduced by the gentleman from Marion (Mr. Thompson). I am glad to see him place himself in this position. He seems to be the almost solitary instance, among the friends of this party, to advocate the ideas advanced by the Republican party for these many years.

Mr. SMITH, of Jay: Didn't a Republican Supreme Court of the United States hold this very bill to be unconstitutional? Mr. FOULKE: As a matter of law. But the Republican party has ever been and still is, in favor of the principles of the bill. I would ask the Senator whether, sitting upon the bench as a judge of a matter which, in his judgment, contravened the Constitution of the United States—whether he would not declare it unconstitutional? Mr. SMITH: Certainly; but I would not come to the Legislature and advocate the same bill that I hold unconstitutional as a matter of law.

Mr. FOULKE: If held unconstitutional as a matter of law, because it was a proposed subject for State legislation, I would advocate it in the very place in which it is unquestionably lawful legislation. This law would not impugn the provisions of the United States or the State Constitution. Sir, my own feelings for many years have been the same as that which I am declaring upon this floor. I am the son of an old-time Abolitionist. My father's house was one of the stations on the underground railway. The Senator from Cass talks about being a phil-

anthropist. This is not a question of philanthropy. It is a question of right.

Mr. WILLARD: I am confident every Senator on the floor knows exactly how he will vote on this question. I have withdrawn the motion once. I do not believe in occupying any further time, and I now again move the previous question.

The Senate seconded the demand, and under its operations the substitute (Mr. Smith's) was rejected by yeas 6, nays 34.

The amendment (Mr. Campbell's) was also rejected by yeas 15, nays 22.

Mr. CAMPBELL, explaining: We have laws on the subject of marriage which forbid parties to marry within certain degrees of relationship, and which forbid marriage within certain ages, and this amendment should be incorporated in this bill. I vote "aye."

Mr. McCULLOUGH, when his name was called: I am opposed to the amendment and favor the original bill. It is substantially the old Civil Rights bill which passed Congress and has been passed in the States of Ohio and New York. I believe under existing circumstances, for many reasons, such a bill ought to be passed by the Legislature of Indiana this year. I therefore vote against the amendment. I vote "no."

Mr. SMITH, of Jennings: I desire to say a word in explanation of my vote. I believe the amendment of the Senator from Wayne (Mr. Foulke) would be absolutely obnoxious to the people, and no Senator could go home and justify his vote in its favor. I am in favor of the amendment of the Senator from Hendricks. I vote "aye."

Mr. SMITH, of Jay: I wish to say a word in explanation of my vote on this amendment. I am opposed to this bill in all its features, and I oppose the amendment offered by the Senator from Wayne. If the bill is to become a law I am in favor of the amendment to the amendment offered by the Senator from Hendricks. I vote "aye."

Mr. THOMPSON: I have been exceedingly anxious for the passage of this bill. Senators have declared upon this floor that the colored man is entitled to all the rights and privileges of the white man, and I don't see what harm there is in ingrafting that into a law. We know a prejudice against the colored man is seen every day. I would like to speak further on this subject but will not detain the Senate. I am a philanthropist. I believe in God Almighty wherever I see Him in the face of a human being. I am afraid of endangering this bill, which I would not endanger under any consideration, and so I have to vote against these amendments, not because they contain sentiments which find no response in my own heart. I vote "no."

Mr. WILLARD: I have not had the pleasure of the acquaintance of any white lady who desires to marry a negro gentleman, but if there are any such in the State of Indiana I believe in giving them that privilege. I vote "no."

Mr. WINTER: I desire to say in explanation of my vote that I can not reconcile my conscience to cast any vote that will be directly or indirectly in favor of establishing or upholding any discrimination against any man on account of color or race, therefore I vote "no."

Mr. MAGEE: I am in favor of the bill as originally introduced. I am in favor also of the amendment offered by the Senator from Wayne with the restriction proposed to be placed upon it by the Senator from Hendricks. I believe the colored man should have all the rights under the law that the white man has. I believe it is our duty when we find a distinction imposed by Jehovah himself we should conform our human enactments thereto. I believe we are not far out of the way when we make human enactments in accordance with divine law. I vote "aye."

The vote was then announced as above. The amendment (Mr. Foulke's) was also rejected by yeas 11, nays 25.

Mr. CAMPBELL, of Hendricks, explaining: I would be pleased to vote for the amendment if it had been amended as I proposed, but in its present shape I vote "no."

Mr. FOULKE, in explanation of his vote, said: I am in favor of this bill as originally introduced without an amendment. If the amendment should prevail I certainly shall not support the whole bill. In view of that fact I vote "no."

The vote was announced as above. The bill was ordered engrossed.

On motion by Mr. FOULKE the constitutional rule was dispensed with—yeas, 34; nays, 6. And the bill read the third time and passed the Senate by yeas 36, nays 3.

Mr. SELLS: I desire to explain my vote. I don't believe this bill will grant to the colored man any right he does not now enjoy under the law. It is therefore useless and needless legislation, and in a sense, vicious legislation.

Mr. SMITH, of Jennings, when his name was called: I have persistently voted against this bill at every step. I am one of those who in past life have never interposed a barrier to the advancement of the colored man in my future life I shall never do so. I do not believe in that character of legislation which does no good. This bill can bring no good to the colored man. It is needless legislation, and in the language of the Senator from White, needless legislation is a kind of vicious legislation. Therefore I vote against the bill. I vote "no."

The vote was then announced as above. So the bill passed the Senate.

AFTERNOON SESSION.

APPELLATE COURT.

Mr. Weir's bill (S. 45) for the creation of an Appellate Court, being read the second time. Mr. W. said: There is a generally conceded necessity for some measure of this kind for the relief of the Supreme Court. The Governor in his inaugural message called the attention of the Legislature to this fact. The first thing to be considered is a regard to a measure introduced in the Senate is there a demand for it? If so, it should receive favorable consideration. If not, it certainly should not. The terms of office of the Commissioners of the Supreme Court expire some time in the month of April, and what is done should be done in as short length of time as possible. I, therefore, move that the bill be engrossed.

Mr. MAGEE: This bill is not what he would desire to see. Such a court should hold its sessions at other points than in this city. He moved to amend so that the argument before the court shall be upon written or printed briefs unless the parties otherwise agree.

Mr. OVERSTREET opposed the amendment. Such a court is needed, but there should be no haste in passing this bill. He favored the idea of oral argument. It is an advantage in an oral argument is that you can get the ear of all the Judges.

Mr. McCULLOUGH was not able to agree with a majority of the committee in recommending the passage of this bill. He thought there ought to be more courts, and they ought to sit in different districts throughout the State. Then the court should permit oral argument. He would oppose but one court to sit in Indianapolis; such legislation would be unpopular and such court would do great injustice to citizens of the State—the proposition being not to publish the decisions. He moved to recommit the bill with instructions to amend for three courts with three judges each to sit in different portions of the State. It will be impossible for one Appellate Court to do the business of this State. The taxpayers are compelled to pay the tax by which these courts are sustained. The Appellate Court should have concurrent jurisdiction in all amounts, and a man not satisfied with the

decision of the Appellate Court can prove an additional expense and take his case to the Supreme Court.

Mr. CAMPBELL, of Hendricks, favored testing the issue of the Senate before recommending the bill, in as much as it was thoroughly discussed in the committee. He moved to amend the motion by instructing the committee to incorporate an amendment for a term of eight weeks in each district every year, by court of five judges.

Mr. McCULLOUGH suggested a danger in the amendment: If one court be required to travel over the State and sit in five different districts, the business could not help but get seriously behind.

Mr. SMITH, of Jay, opposed the bill on general principles. If one or two barriers were removed the Supreme Court could catch up with the business on the docket within one year. It was now nearly up to all submitted cases. If that be true, where is the necessity for the creation of an Appellate Court?

The amendment was agreed to by yeas 28, nays 11.

Mr. WEIR, explaining his vote: I feel anxious that some bill of this kind should pass, and that it should be upon some measure of relief, I wish to explain my vote. I don't believe a perambulating court will give satisfaction at all. I prefer the arrangement proposed by the Senator from Gibson (Mr. McCullough) if we must choose between a perambulating court and more than one court. I will vote against this amendment. I vote "no."

The vote was then announced as above. The amendment was amended was agreed to, and so the bill was re-committed.

THE STATE MILITIA.

Mr. Howard's bill (S. 85) for the organization of the State militia, a special order, was read the second time.

Mr. HILLIGASS: This bill provides for an organization of a State militia, to be composed of some 4,500 men. Under the law of Congress there has been appropriated some \$300,000 to be apportioned among the States according to the enrollment, and for the encouragement of the militia. As the law now stands there is no militia in this State that can be compelled to serve, or, indeed, compelled to obey any orders of their commanders. This bill appropriates \$20,000, to be used for the purchase of arms and for a general muster and drill. Some \$7,500 worth of arms and munitions were received last year from the General Government, but under this bill that amount would perhaps be quadrupled. The State of Indiana, with her militia organization, probably stands at the head of every State. We have but thirty-eight infantry companies organized and eight sections of artillery. It is the duty of the Legislature to pass this bill.

Mr. WEST: The bill grants too much power to Mayors and other civil officers named in the bill.

Mr. SMITH, of Jennings, moved to strike out the section which appropriated \$20,000 a year and its distribution.

Mr. MAGEE: If that is struck out it would leave the militia not much better off financially than it is now. The condition of the militia is such that a well disciplined militia might become not only the glory but the safety of the State. The military branch of the State Government has always been neglected. The entire number of men enrolled is only about 2,000, scattered all over the State.

Mr. ADKISON was in full accord with the Senator who first spoke. If the amendment were agreed to he should vote against the bill.

Mr. HILLIGASS: If the amendment is agreed to the efficiency of the bill would be destroyed. It would be inoperative. The \$12 appropriation run through the three years instead of being an annual appropriation.

Mr. CAMPBELL, of St. Joseph, hoped the bill would pass.

Mr. SMITH, of Jennings, would not make any petty opposition to the bill. He would support the bill without an appropriation; but we are making too many appropriations. Hard times are spreading all over this State, as well as all other States. This appropriation is to raise for the purchase of the organization of 4,500 militia. Nine times out of ten militia companies are organized for the sole purpose of parade, and dress parade at that. This bill was defeated in the House because of the very section, the pending amendment proposed to strike out.

Pending this discussion— The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, Feb. 10, 1885—10 a. m.

ORPHAN AND INDIGENT FEMALE ASYLUMS.

Mr. Smith's, of Tippecanoe, bill (H. R. 84) coming up on the second reading, Mr. Smith said: This is a bill providing for an Orphan Asylum. It also provides for the care of indigent females. It provides that articles of incorporation may be filed with the Clerk or Recorder of the county, and whenever that is done they may ask aid of the county, but the article of association must declare in it that it is under no denominational control. The county may extend aid to them not to exceed one-third of the cost, and in case of dissolution the county has the first lien on the real estate. The bill was most carefully drawn by Judge Chase, of Lafayette. The bill is an entirely proper one and will reflect credit to the General Assembly.

The bill passed by yeas 50, nays 26.

HEDGE FENCE TRIMMING.

Mr. Osborne's bill (H. R. 87) providing for the trimming of hedge fences coming up for a second reading.

Mr. FRENCH: I think the requirements of this bill are too severe and the penalty too severe. Between now and the first day of next June the farmer must go out and cut down his hedge fences or suffer a fine of fifty cents a rod. Besides, in the next two or three months the farmers will have to plow, and they can not stop to attend to things of this kind. I say the bill is too severe, and I shall not vote for it.

Mr. BROOKS: I am opposed to the bill.

Mr. ADAMS: I want to say just a word about this bill. For my part I am decidedly in favor of it. It is for the purpose of protecting the highways. I think it ought to be passed.

Mr. KELLISON moved to amend by striking out that part of the bill requiring a hedge to be kept within the limit of six feet upon penalty.

On motion by Mr. GORDON the amendment was laid on the table.

The bill failed to pass by yeas —, nays —.

AFTERNOON SESSION.

CORONERS' FEES DEMED.

Mr. Ely's bill (H. R. 107) coming up on the second reading, he said: This bill is to equalize the pay of Coroners. The law now authorizes Coroners in but four counties to charge \$10 for the first day and \$2.50 for each subsequent day. In the other counties it allows \$5 for the first day and \$2.50 for each subsequent day. This bill allows all over the State alike \$6 for the first day and \$2.50 for each subsequent day.

Mr. MOODY: This bill, the gentleman says, is to equalize the pay of Coroners. Now, the bill provides for the cutting down of the pay of Coroners in four of the counties, but it increases the pay of every Coroner in eighty-eight counties. It seems to me when you take the two together you would

have to vote to increase the pay of eighty-eight officers in the State and only decrease the pay of four.

Mr. BERRYMAN: I think there is good reason why the bill should be defeated. In counties like Marion it just requires enough of a man's time to keep him from doing other work. The bill decreases the pay in four counties and increases it in all the rest. I am in favor of the enrichment and economy. I will therefore vote against the bill. It does not commend itself to me.

Mr. DONHOSE demanded the previous question. The demand was seconded by the House, and under its operations the bill failed to pass.

INTEREST AND USURY.

Mr. Williams' bill (H. R. 146) to fix the rate of interest at 6 per cent, coming up on the second reading, said: Indiana does not produce money. She raises cattle, corn and wheat, which she exchanges for money. Other States furnish the money. Money seeks a financial level the same as water. It flows from the State of Indiana to Ohio, Michigan, Illinois and Kentucky is higher than it is in the State of Indiana, money will flow into the other States unless there is a redundancy. I do not think we ought to attempt to place any restriction upon the price of money.

Mr. GOODING: I am in favor of this bill. It provides for 6 per cent, and no agreement for a higher rate would be valid unless the same be in writing and signed by the party to be charged thereby. I think this House intends to have a clean-cut bill for 6 per cent, and no more, whether in writing or not. I understand that this House is representing the people, and is in favor of 6 per cent, and no more. I will vote for the bill.

Mr. MOCK, of Wells: I think I would not do my duty if I did not make a statement for my people. I never loan money, but always borrow, and a great many of my constituents are in the same condition. I undertake to say that in one county I know of there is a loan association that received as high as fifty applications to borrow money of Eastern companies, and contracted at 8 per cent, interest, and could not get it. I think as much of my people as anybody, but the fact is that Wells County has mortgages plastered all over her lands—mortgages that provide for 8 per cent, and calling for 10 per cent, interest and attorney's fees. When the time comes to pay off these mortgages where are you going to get the money? We can not better the 8 per cent, law. Give us 6 per cent, and we can't get it at all. If you prohibit us paying 8 per cent, we can not get it. These are hard times. I think it is entirely wrong to prohibit men from making contracts for a higher rate of interest if they want to do it.

BEET SUGAR IN ENGLAND.

Messrs. Bolton & Partners, of No. 4 the Sanctuary, Westminster, send out a copy of a report by Professor A. Church on the cultivation of the sugar beet in England in 1884. From this we learn that the following are some of the facts and conclusions which are established by last year's trials: That sugar beets can be grown in England with a profit, and that a well cultivated crop of these grown on the continent; that these results are not due solely to the goodness of the season, as, on the contrary, the unusual drought during the spring and early summer had a prejudicial effect on the crop. That the beet is a more economical method of cultivation, as on the contrary, the cultivation generally left much to be desired; that therefore, results at least as good, if not better, may with improved care (the fruit of experience) be expected in any ordinary season; that at present prices sugar beet is a better paying crop than wheat; that sugar beet may be grown successfully when, owing to drought, other root crops, such as mangolds, prove a failure; that sugar beet is a valuable crop for the farmer, and that it is a valuable crop for the manufacturer. In forwarding this report Messrs. Bolton & Partners point out its natural importance, especially in the present condition of agriculture. The cultivation of the sugar beet opens up a new and important industry, which in its various ramifications may give remunerative employment to many, while serving to keep in the country a portion of that large sum (some £10,000,000 sterling) which is now going out of it annually for the purchase of foreign sugar.

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"Pretty Wives, Lovely daughters and noble men."

"My farm lies in a rather low and miserable situation, and"

"My wife!"

"Who?"

"Was a very pretty blonde!"

"Twenty years ago, became"

"Sallow!"

"Hollow-eyed!"

"Withered and aged!"

Before her time, from "Malarial vapors, though she made no particular complaint, not being of the grumpy kind, yet causing me great uneasiness. "A short time ago I purchased your remedy for one of the children, who had a very severe attack of biliousness, and it occurred to me that the remedy might help my wife, as I found that our little girl, upon recovery had "Lost!" "Her sallowness, and looked as fresh as a new-blown may. Well, the story is soon told. My wife, to-day, has gained her old-time beauty with compound interest, and is now as handsome a matron (if I do say it myself) as can be found in this country, which is noted for pretty women. And I have a great deal to thank for it. "The dear creature just looked over my shoulder, and says 'I can flatter equal to the days of our courtship,' and that reminds me there might be more pretty wives if my brother farmers would do as I have done. "Hoping you may long be spared to do good, I thankfully remain, C. L. JAMES, Beltsville, Prince George County, Maryland, May 26, 1883.

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A journal recommends the following cooking for the large apple orchard: If the growth warrant it, take off crops of potatoes, beans and corn, but not sowed crops. If this cropping appears to be too hard on the young tree, discontinue it, unless manure be added. When the trees become larger cease only to crop grass and manure, and leave them on the surface. After the growth has ceased in autumn, and the roots will not be injured by the operation, turn the grass under by means of shallow plowing. Some lime would be useful, and the result would be improved if manure could be spread for a top dressing.

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