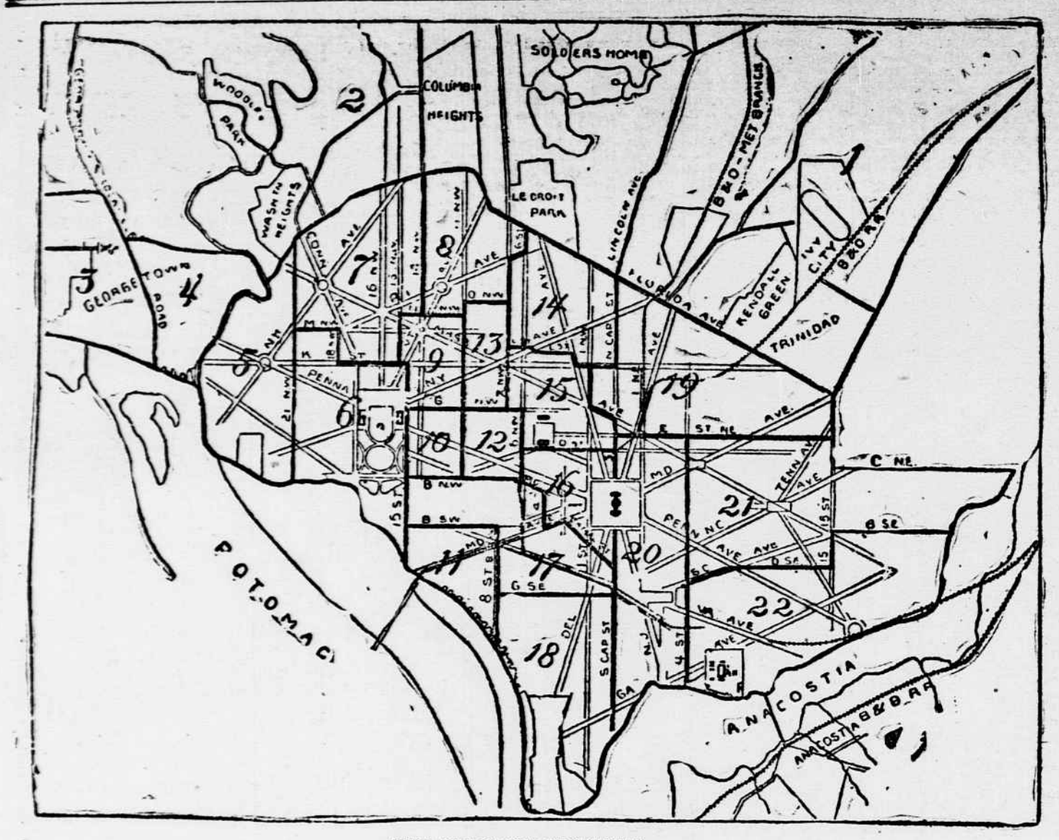

THE ELECTION DISTRICTS.

THE EVE OF ELECTION

All the Candidates Are Confident of Winning Tomorrow.

THOSE WHO HAVE PAID UP

Instructions Issued by the Board of Supervisors.

DIFFERENT POLLING PLACES

If the emphatic utterances of the various candidates for the honor of being delegate to the republican convention at St. Louis, June 17, are to be given credit, the committee on credentials of that body will probably have to decide on the rights to seats of considerably more than two representatives from the District of Columbia. The eve of the primary election which will decide the question of victory and defeat finds the several leading contestants as vociferous as ever in their claims of success, while their lieutenants seem to be even more sanguine than the star performers themselves.

Col. Carson and his cohorts laugh to scorn any suggestion that the redoubtable Perry will be compelled to doff his big white hat to any other antagonist, and the colonel assured a Star reporter this morning that his majority would not be less than 5,000 votes. Mr. Andrew Gleeson was also confident of his being chosen as a delegate tomorrow and the others were equally sanguine. Mr. L. C. Bailey was almost willing to wager a barber shop or two that he would be sent to St. Louis, while Robt. H. Key was considering what hotel he would stop at while attending the convention. Aaron Bradshaw sent his share of the election expenses to the committee with the air of a man who did not think he was throwing money away, and Milton M. Holland stroked his beard with satisfaction and declared himself pleased with the outlook.

The friends of Rev. Walter H. Brooks asserted that, like Abou Ben Adhem, his name would lead all the rest of the colored candidates when the votes were counted tomorrow evening, and the representatives of Mr. L. M. Saunders pointed to his combination with Carson and wanted to know how it could be broken or beaten, while many intelligent men were willing to pin their faith on the chances of the election of Mr. Oscar Nauck.

Such was the superficial condition of affairs less than thirty hours before the polls were to open, and a search beneath it could discover nothing tangible upon which to base a more intelligent cast of the situation. It was evident that a great deal of quiet work along the line of what is popularly known as practical politics was being prepared, and that the confidence of some of the candidates' representatives was largely based upon their expectations over the outcome of such arrangements.

Instructions to the Judges.

The board of supervisors met again this morning in the Glover building and completed all the preliminaries for the primaries. There were several changes in the location of polling places and in the judges, which are given in their regular order below. The instructions to the judges were issued as follows:

"The judges at the various precincts will open the polls on the 28th instant at 2 p.m. and close them at 5 p.m.

"The ballot boxes will be open to the inspection of all the judges before the balloting begins; they will then be locked and remain so until the polls are closed; at 5 p.m. the boxes will be opened and the ballots counted by the judges. The result will be certified on a blank return furnished for that purpose and sent to the board of election at the Glover building the same evening.

"A majority of the judges at each precinct shall decide all questions as to legality of ballots, etc.

"Great care will be taken to prevent illegal voting.

"No person other than the judges and clerks will be allowed in the room where the ballots are received, and none other than these will be permitted in the room when the ballots are being counted.

"When the count has been completed the ballots will be immediately destroyed by the judges.

"Should there be a vacancy as judge or clerk at any of the precincts two judges shall have authority to fill such vacancy.

"M. M. PARKER,
"President Board of Election."

Those Who Have Paid Up.

The various candidates and alternates had until 12 o'clock today to make the payment of their share of the expenses which the election tomorrow will involve. Mr. L. C. Bailey was designated on behalf of the subcommittee to receive the payments, and at noon the following candidates and alternates had paid in their quota: Milton M. Holland, Aaron Bradshaw, L. C. Bailey, L. M. Saunders, Robert H. Key, Oscar Nauck, C. J. Ortlip, Walter H. Brooks, Perry H. Carson, W. F. Thomas and Andrew Gleeson. Perry Carson narrowly escaped being left off the list by an oversight on his part. When The Star reporter inquired of Mr. Bailey the names of the candidates who had paid their proportion of the expenses of the election, Mr. Bailey showed him a list which did not contain the name of Mr. Carson. When the reporter inquired the reason why the colonel's name was not present on the very important slip of paper, Mr. Bailey replied that Col. Carson had only handed in $10, and still owed him $2.50, and consequently he could not put the colonel's name on the list until he had fully paid his share of the expenses. The Star reporter informed Col. Carson of his shortcoming in the matter, and the colonel drew out a ten-dollar bill and handed it to one of his trusty henchmen, who hurried after Mr. Bailey and remedied the defect, which might have resulted in a serious technicality.

Polling Places Tomorrow.

The map printed herewith will assist voters in finding where they are entitled to vote, and the following list will convey an additional amount of information about the primaries that will be valuable tomorrow:

First district—All of the county east of Lincoln avenue and Bunker Hill road at Fort Bunker Hill. Polling places: First precinct—Douglass Hall; judges, Edward Dersey, James Wilkerson, George Greenley; clerk, Columbus Scott. Second precinct—Benning; judges, Matthew Hunter, Solomon G. Brown, William Peters; clerk, John Slade. Third precinct—Ivy City; judges, Walter Wilbourn, Tom Scott, B. L. Nevins; clerk, Charles Hodge.

Second district—All of the county west of Lincoln avenue and Bunker Hill road. Polling places: First precinct—623 Pomeroy street; judges, Dr. Gaines, Stephen B. Wall, W. H. A. Wormley; clerk, Clifton Johnson. Second precinct—Corner 7th street and Whitney avenue; judges, James Campbell, John Burris, C. M. Mattingly; clerk, Charles West. Third precinct—Tenleytown; judges, N. W. Chappel, Charles Holliday, George F. Roberts; clerk, Abraham Hayes.

Third district—Georgetown, west of High street. Polling place: 3331 Q street northwest; judges, W. H. Hunter, Augustus Grimes, James Henson; clerk, A. R. F. Heulett.

Fourth district—Georgetown, east of High street. Polling place: 1328 28th street northwest; judges, Sam Collins, James Davenport, W. W. Walker; clerk, Jacob Wakwright.

Fifth district—Washington, west of 21st street northwest. Polling place: 1144 21st street northwest; judges, Arthur Boston, Peter McCartney, Clarence McClure; clerk, W. M. Barnheim.

Sixth district—Commencing at 18th and M streets, M street to 21st street, river front; river front to 15th street, 15th street to K street, K street to 18th street, 18th street to M street, M street to 18th street. Polling place: 29th and K streets northwest; judges, C. T. S. Brent, Michael Jennings, Dr. Roger Watts; clerk, Perry Simms.

Seventh district—City, northwest, commencing at K street and 15th, up 15th to N, N to 14th, 14th to Boundary, Boundary to 21st, 21st street to M, M street to 18th, 18th to K, K to 15th. Polling place, 16th and M streets northwest—Judges, Jas. H. Hudnell, Louis Douglass, John A. Gray; clerk, Thomas F. Meany.

Eighth district—City, commencing at N and 14th streets, 14th to Boundary, Boundary to 6th, 6th to Rhode Island avenue, Rhode Island avenue to 7th, 7th to O street, O to 11th street, 11th to N street, N to 14th street. Polling place, 1113 Q street northwest—Judges, Paton Harvey, Smith Wormley, Daniel Murray; clerk, Joseph Hannoe.

Ninth district—City, between G and N streets and 11th and 15th streets. Polling place, 906 11th street northwest—Judges, Edward Odum, Albert Rice, J. Churchill; clerk, James Bundy.

Tenth district—City, between B and G streets and 11th and 15th streets. Polling place, 12th and C streets northwest—Judges, George D. McCoy, George Davis, W. F. Ferguson; clerk, Daniel Wallace.

Eleventh district—City, southwest, B street south and 8th street west to river front. Polling place, 8th street between D and E southwest, St. Paul's Hall—Judges, Edward Chase, Thomas Williams, R. H. Beverly; clerk, John Jones.

Twelth district—City, northwest, between B and G streets and 6th and 11th streets. Polling place, 8th and D streets northwest—Judges, Chase Roys, Alexander Hooe, William Crawford; clerk, Lewis Lanfersick.

Thirteenth district—City, northwest, commencing at G and 7th streets, 7th to O street, O to 11th street, 11th to G street, G to 7th street. Polling place, 1210 10th street northwest—Judges, I. Z. Young, J. E. Hayden, William Pastorfield; clerk, James P. McCarvey.

Fourteenth district—City, northwest, commencing at K and North Capitol, North Capitol to Boundary, to 6th street, 6th to Rhode Island avenue, Rhode Island avenue to 7th street, 7th to L street, L to New Jersey avenue, New Jersey avenue to K street, K to North Capitol. Polling place, 441 N street northwest—Judges, Eugene Pinkney, A. H. S. Davis, Thomas L. Blandford; clerk, Lemuel Penningham.

Fifteenth district—City, northwest, commencing at D and North Capitol streets, North Capitol to Massachusetts avenue, Massachusetts avenue to 1st west, 1st to K street, K street to New Jersey avenue, New Jersey avenue to L street, L street to 7th street, 7th to G street, G to 6th street, 6th to D street, D to North Capitol. Polling place, No. 705 4th street northwest—Judges, C. C. Johnson, William H. Smith, J. M. Heisley; clerk, R. Mulligan.

Sixteenth district—City, commencing at D and 6th streets northwest, 6th street to Missouri avenue, Missouri avenue to 4½ street, 4½ street to Maryland avenue southwest, Maryland avenue to 3d street, along the line of the old canal to South Capitol street, along South and North Capitol streets to D street, D to 6th street. Polling place, 122 4½ street northwest. Judges—P. B. Meredith, James A. Brown, Price J. Stewart; clerk, Benton T. Fields.

Seventeenth district—City, southwest, commencing at 8th and G streets, G to line of old canal, along line of old canal northwardly and northwestwardly to its junction with Maryland avenue at 3d street, Maryland avenue to 4½ street, 4½ street to Missouri avenue, Missouri avenue to 6th street, B street northwest to 8th street, 8th street to G street southwest. Polling place, 528 3d street southwest. Judges—Dr. Phillip Brooks, Michael Fleming, Joshua Gunnell; clerk, J. E. Edwards.

Eighteenth district—City, southwest, between G street and river front, South Capitol and 8th streets. Polling place, 916 3d street southwest. Judges—Dallas Washington, Con Kenalley, John Branson; clerk, Peter Dwyer.

Nineteenth district—City, commencing at 15th and Boundary northeast, Boundary to North Capitol, North Capitol to K street, K to 1st street west, 1st street to Massachusetts avenue, Massachusetts avenue to North Capitol street, North Capitol street to E street, E to 15th street east, 15th to Boundary. Polling place, 739 Delaware avenue northeast. Judges—M. T. O'Brien, Martin Hendricks, T. J. Edmonson; clerk, Aaron Russell.

Twentieth district—City, lying south of E street north between North and South Capitol streets and 4th street east. Polling place, 3d street between C and D southeast. Judges—Brooks Burr, W. H. Harris, John Middleton; clerk, Louis Cornish.

Twenty-first district—City, commencing at South Carolina avenue and 4th street east, 4th east to E street north, E street to 15th street east, 15th to C street north, E street to 15th east, 15th street to C street north, C street to Eastern branch, along line Eastern branch to B street south, B to 15th east, 15th to D street south, D to South Carolina avenue, South Carolina avenue to 4th street east. Polling place, Lincoln Hall, 14th and B streets southeast. Judges—John A. Briscoe, A. P. Clark, W. E. Reed; clerk, L. G. Fletcher, sr.

Twenty-second district—Commencing at the Eastern branch at the foot of 4th street east, 4th street to South Carolina avenue, South Carolina avenue to D street, D to 15th east, 15th to B street south, B to Eastern branch, Eastern branch to 4th street east. Polling place, 728 7th street southeast. Judges—Edward Scott, John McNally, George Moran; clerk, Matthew L. Kelly.

Meetings Saturday Night.

The W. F. Thomas Campaign Club was formed in the sixth district Saturday night for the purpose of aiding in the election of its namesake as an alternate to the St. Louis convention. Speeches were made in favor of Carson and Saunders, and Bell and Thomas as alternates, and nearly two hundred persons voted to support those candidates tomorrow.

The Saunders and Key Club met at 2528 P street, and resolved to support Saunders and Key as delegates and W. F. Thomas and W. C. Payne, the secretary of Equal Rights Council, as alternates.

At Fishman's Hall, 317 F street southwest, the Citizens' Republican League held a meeting, at which Sergt. Daly and two policemen were on hand to preserve order, at the request of President J. C. Gunnell. The meeting was a quiet one. Speeches were made by F. D. Lee, J. W. Bell, Lucius Petersen, J. C. Wright, Rev. George Hatton, D. F. Batts and J. A. Perry, and on motion of the latter the meeting, by a rising vote, resolved to support Carson and Saunders, basing his assurances upon something that was arranged for tomorrow or that was expected to be fixed up by polling time.

The Shamrocks in It.

A meeting in support of Mr. Andrew Gleeson as delegate to the national republican convention at St. Louis will be held in the club rooms of the Shamrock Athletic Club, 57 G street northwest, this evening, beginning at 9 o'clock. Mr. Thomas A. Harlow, president of the club, will occupy the chair.

Torchlight Procession.

The efforts of the followers of Carson and Saunders to close the campaign, which takes place tonight, amidst a grand burst of enthusiasm, will be concentrated in a great torch-light procession, which will be followed by a big meeting in Center Market Hall.

Chief Marshal W. H. Nelson, who will have entire charge of the procession, has ordered his 100 assistants, each of whom will be in command of a Carson and Saunders club, to report at headquarters, No. 1233 10th street northwest, with his men, ready to move at 7 o'clock sharp.

It is expected that there will be between 3,000 and 4,000 men in line, each of whom will carry, fastened upon a staff, a lighted lantern, which will be inclosed in a Chinese lantern frame. The First Washington Band, Prof. Thomas Washington, leader, will lead the march, and there will also, it is stated, be a number of other bands distributed throughout the line.

The marchers will proceed from the headquarters via the most direct route to Washington Circle, where they will countermarch and proceed east on Pennsylvania avenue to Center Market Hall, where a great public mass meeting is announced to take place.

Messrs. Saunders, Carson, Bradshaw, Gleeson, Bailey, Holland and all others who may have aspirations to be a delegate to the St. Louis convention as a representative of the republicans of the District of Columbia, have been invited to attend and give reasons for believing that he ought to be voted for at the election tomorrow.

Friends of other candidates will also have a number of meetings in various parts of the city tonight.

Col. Parker says that the judges of election at the various precincts will not be allowed to throw out votes for any candidate on the ground that he has not paid his share of election expenses. The board of election have nothing to do with expenses.

AMBASSADOR RUNYON DEAD.

The End Came Suddenly in Berlin From Heart Disease.

Mr. Theodore Runyon, United States ambassador to Germany, died suddenly at Berlin yesterday morning, at 1 o'clock, from an attack of heart disease. He had been in poor health for some time past, but no immediately fatal results were anticipated. Last Tuesday evening he was present at a dinner given in his honor by ex-Empress Frederick, mother of the emperor. Upon the advice of his physician, he took the cure at Carlsbad last summer, and subsequently went to Axenstein, Switzerland, to take the after-cure. He appeared to be much benefited by his experiences, and entered upon the discharge of his important diplomatic functions with renewed vigor. Existing complications between the United States and Germany in regard to the removal of the restrictions imposed upon American pork and beef products had engaged the principal attention of Ambassador Runyon of late, and had made his duties more onerous than usual.

Theodore Runyon was born at Somerville, N. J., October 25, 1822. He graduated from Yale College in 1842, and in 1846 was admitted to the bar. In 1855 he was made city attorney, and in 1856 city councillor of Newark, N. J., a position he retained until, in 1864, he became mayor of the city. He was appointed in 1856 a commissioner to revise and codify the military laws of New Jersey, and in 1857 was made brigadier general and subsequently major general of the New Jersey National Guard.

At the outbreak of the civil war he was placed in command of a New Jersey brigade of volunteers. In 1865 he was the democratic candidate for governor of his state, but was not elected. From 1873 to 1887 he was chancellor of New Jersey. In March, 1893, he was appointed by President Cleveland United States minister to Germany, and shortly afterward was made ambassador. Degrees of LL. D. were conferred upon him by Yale, Rutgers and Wesleyan colleges.

Mr. Runyon was the successor of William Walter Phelps, who had held the place of German minister for four years. He was a gallant soldier, and Fort Runyon, on the Alexandria railroad, at the south end of the Long bridge, near this city, is a perpetuation of his name. At the time of the appointment of Mr. Runyon it was remarked as being that of the office seeking the man. His name had been presented to the President by Senator McPherson and Senator Smith, and he knew nothing of the application which was being made in his behalf until he was asked by letter if he would accept. The unequivocal indorsement which he received from the Senators, and the high reputation enjoyed by him in the state, led the President to make the appointment without hesitation. He was a man of unquestioned ability and high social attainments.

DECLARED INVALID

(Continued from First Page.)

is the class of cases in which I understand the deduction of benefits to be sanctioned by the authorities. And this would apply equally to general benefits assessed and special benefits deducted. * * *

Prospective Benefits.

"But let us suppose, if so foolish a thing can be conceived of as possible, that Congress should direct the condemnation of land, for improvements to be made at some future day, and of a character yet to be determined, and require the valuation of the land condemned to be reduced by the possible benefits to the land retained, from the mere prospect of undefined improvements in the future. Could that possibly be sustained as just compensation in the sense of the Constitution? There can be but one answer to such a question; and this leads us to the inquiry whether the present case approaches the one supposed, or falls within the class before described.

"The object of the act of March 2, 1893, is declared to be to establish a permanent system of highways in that part of the District of Columbia lying outside of the cities.

"A highway is a road open to the public—a main road or thoroughfare.

"To be complete, it must be opened. As the supreme court of New Jersey says, in State-Gaines Pros. vs. Hudson County Avenue Commissioners, 37 N. J. L., 12:

"The second meaning which may be given to this expression of 'opening said avenue' is, that it denotes the operation of clearing the avenue of obstructions. * * *

No Right and No Assurance.

"The principal highway in subdivision 419, which we have been so long examining, is 16th street. As laid out upon the map this passes through inclosures and buildings. Until these are removed it cannot be open to use. The Commissioners cannot spend a dollar for this purpose without authority of Congress. No such authority is given in this act nor any direction that the street shall be opened. It is not even provided that on any contingency, such as the reasonableness of the award of damages or the appropriation by Congress to pay them, the highway shall be opened, but the law stops at the condemnation of the land and thus establishes an impassable barrier to any individual improvement, without guaranteeing a public one. Until the street is opened no one can use it as a highway, and no one could recover damages for injuries sustained in such authorized use. So that the lot owner, by the mere condemnation which the law authorizes, acquires no right to that which is charged to him as the consideration, in part, for his land, and he has no assurance when, if ever, he will acquire that right. Meanwhile his land is taken from him and because the District may take possession of it without paying him for it in money if these special benefits are charged against it, he can put it to no use. Congress declines to bear any of the expense of highways outside of Washington and Georgetown and throws the whole burden on the revenues of the District, so as to make all improvement in that direction contingent upon the condition of the District treasury, so that the benefit lies in the uncertain future and is conjectural. It may be further remarked, as showing how difficult it is to estimate these conjectural benefits, that no grades have been established for these streets, and therefore it cannot be known whether a particular lot will be above or below grade, a very material question to the just ascertainment of benefits, even where benefit is certain to accrue, as to time, if at all."

Judge Cox quotes a number of decisions, but referred especially to the case of Isom agt. the Mississippi Railroad Company (36 Miss., 300).

"There it appeared," he said, "that the charter of the railroad company authorized it to have land condemned for its road, and contained this clause, that the jury, in estimating the damages, shall take into the estimate the benefits resulting to the owner toward the extinguishment of his claim for damages; in the case the court says:

"The rule held by this court is this: Under our constitution, the owner of the land is entitled to 'just' compensation for the damage he sustains by the application of his land and property to public use, at the time the public make the appropriation of his private property. The value of the property in the market at that time, and no other, and the injury then necessarily known to result to the owner as the necessary and immediate consequence of such public use of his property, without reference to the uncertain or remote benefits or disadvantages that may or may not accrue in the future, is what (in legal contemplation) the owner loses, whatever is then incapable of definite ascertainment, but rests merely on conjecture, possibility or probability, dependent on the future, cannot be taken into the estimate by the rule of just compensation. It cannot be just to award compensation for inquries that may never happen, nor, on the other hand, can it be just to compensate present injury or deprivation of right by the possible or probable benefits which may result, at some future time, for what is now an admitted injury.

"To say that the owner shall be paid at any other time, or in anything else than the measure of value known to the Constitution, or that he shall receive more or less than the loss of injury then capable of definite inquiry and ascertainment, or that his claim to this compensation shall be extinguished by the probable benefits, which, in the future, may result from the construction of a road which may not be finished in sixteen years (the time limited by the charter) cannot by any fair interpretation of the Constitution be regarded as just compensation first made. This provision of the charter, therefore, which requires the jury, in estimating the damages, to take into the estimate the benefit resulting to such owner by reason of such road passing through his land, toward the extinguishment of such claims for damages is subversive of the rights intended to be secured by this clause of the Constitution, and to that extent is void. I indorse these sentiments," said the judge, "and consider the language of the Mississippi court strongly applicable to the present case.

"There is no difference in principle between the taking of private property for the use of a railroad and taking it for immediate use of the state. In both cases it is taken only in virtue of the right of eminent domain, and in both cases the same just compensation must be made.

No Provision for Compensation.

"Congress, by the act of 1893, authorizes the taking of private property for public use and attempts to pay for it partly in benefits to be received in future, and that contingently. It fails to provide for the first compensation required by the Constitution to be made, and is, therefore, an unconstitutional appropriation of private property which the courts cannot carry out. It is unnecessary to decide whether the recording of the map amounts to a taking. It is sufficient that the law purports to transfer the title and put the government in possession when it has only paid part of the compensation due, and this is a taking without just compensation.

"It was contended in argument that the mere fact of recording the map was a benefit inasmuch as it established the streets and avenues in the sense of settling their lines and boundaries for all future time, and thus furnished a guide for all future improvements; that this was the benefit intended by the act of Cogress and is to be presumed to be the benefit deducted by the jury.

"The act will not bear this construction. The jury are to consider not the benefit which the platting or even condemnation of the land may be, but that which the purpose (or object) of the taking of the land may be, and the object of the taking of the land must be to convert it to actual use and not merely to plat it on a map. Section 11 also must be read in connection with section 15. By the latter the same jury that assessed the damages—in part by deductions, benefits—are to assess the general benefits on the land benefited by the laying out and opening of the highway, and in doing that they are to make due allowance for any amount that may already have been deducted for the special benefit to what is left of a lot partially taken.

"But it is plain that the benefits provided for in both sections are of the same kind as far as their source is concerned. They are the benefits to be derived from a completed, established and opened highway and not from one merely projected on paper, and as such, they are not present, but future and contingent ones. I have no doubt that the jury have endeavored to carry out the law in this sense and have arrived at the amount of special benefits by deducting the present value of the parts of land left unappropriated from their probable value when these highways are completed and open for use.

"If this constitutional question had been pressed before the jury proceeded to act I would have felt obliged to pronounce the law unconstitutional, and to arrest all further proceedings under it. But as the jury has found a large amount of special benefits to be deducted from the damages ascertained the inherent vice of the law has been practically demonstrated, and it becomes my duty to set aside the whole proceeding for the condemnation of the land.

Other Features of the Law.

"I might stop here. But there are other features in the law as to which some comments are suggested by our experience in this case.

"The tenth section of the law provides that one jury may be sworn and one trial had as to all or any of the parcels of land involved in the proceedings, at the discretion of the court. And section ten directs that the same jury which shall assess the damages shall also ascertain what property is benefited by the opening of the highway, and shall assess one-half of the total amount of damages on the property so benefited.

"The jury having been sworn first in relation to subdivision 419 of section first, it was at once perceived that if the jury were to consider what property outside of that subdivison would be benefited by so much of the new highway as lies within that subdivision, and assess it accordingly, another jury, in passing upon an adjacent subdivision, might, in turn, assess benefits anew upon the lots in 419, and thus the assessments of different juries might overlap and be doubled up on the unfortunate lot holder. The jury were, therefore, given to understand that they were to confine their assessment for benefits to this subdivision.

"On further consideration it does not appear that this would carry out the law. If we suppose a spacious avenue to be run through a half dozen subdivisions, from the boundary of the city to the boundary of the District, it is evident that the part of the avenue nearest the city is just as certainly, though, perhaps, not in the same degree, beneficial to the most remote as to the nearest subdivision, because it is equally essential to it, and forms part of its means of convenient access to the city, and the benefit of such a highway is not confined to the ground immediately abutting on it, but extends laterally to all the property to which it adds a convenient access to the city. In fact, it diffuses itself in every direction, until it imperceptibly disappears, like the ripples in a stream caused by a stone thrown into it. But if a jury are to assess all the property so benefited, they must first know the whole amount of damages to be awarded for all the property taken for the supposed highway in order that a single assessment for benefits may be made. In order to do this it would be necessary for the same jury to assess the damages in all the subdivisions affected by the ghway in question, and for all assessments to be suspended until this work is completed, which shows that the assessment for benefits is premature, and would, in any event, have to be set aside.

"But, not to speak of the enormous and unreasonable amount of labor that this would devolve upon a single jury, it may be observed that the jury, in making such an assessment, under the present law, would be completely at sea, without chart, rudder or compass. * * *

* * * "The uncertainty on this subject of the present law makes it impossible to get at and carry out the intent of the legislative authority, and has the unavoidable result of making any assessment a matter of guesswork, or a purely arbitrary distribution of the burden.

Recording the Maps.

"The case calls for another remark. The recording of the map by the Commissioners, if nothing is done in pursuance of this step, is only a less injury to the lot owners than taking their property without paying for it. The case of state vs. Hudson county avenue commissioners, before referred to, has some features very like the present case.

"The commissioners were authorized by law to open an avenue across the county of Hudson. Among the first acts required of them was that of surveying the route of this road and adopting a location. This was done, and then, by a writ of certiorari, the proceedings were brought before the supreme court.

"The law intended to provide that the expense should be apportioned between the owners of land proximate to the road, within certain limits, and the public. The law was so confused and contradictory, however, as to the apportionment of the expense that the court held it impossible to carry it into execution, and the question then was whether the survey and location of the road should still stand good. And the court said, per Beasley, chief justice:

"In this respect it was said, in the first place, that if the road has been properly laid it should not be obliterated or avoided on the ground that certain subsequent proceedings prescribed in the statute cannot be carried into effect. But I can find nothing reasonable in such a position. The project cannot be carried through or made in any extent available unless the money necessary for it can be raised. This official survey, brought before us by this writ, is, and must remain under the law in its present state a mere dead letter, so far as the public is concerned, but it is and must be a very serious incumbrance upon the property which it traverses. As long as this map shall remain upon the public records, threatening the property which it embraces, with the realization of the scheme of which it forms a part, so long as there is every reason to believe the property will have its value affected in the market. * * * I do not believe the law will permit a land holder to be held at such a disadvantage. This adopted survey constitutes something very like a conditional lien on this land, and that lien cannot, with any sort of justice, be suffered to remain in the illusive anticipation of future legislation.

"Accordingly, in that case, the court set aside the entire proceedings of the Commissioners, including the recording of the plat of the road.

"Had the full effect of the act of 1893 been appreciated before any step was taken to carry it into execution this case would have been an authority for arresting even the preliminary proceeding of recording the map, by certiorari or injunction.

"No such question, however, is before me, and I refer to it only as an additional feature of the situation, showing the importance of some legislative revision of the law."

Views of the Decision.

J. B. Wimer said that if the bill is found to be defective there is no use in repealing the entire instrument, as the errors discovered can be corrected. If the constitutionality of the present law is finally questioned then a bill should be passed to make it constitutional, and then the law should be carried out. He regarded the law as of the greatest importance to the future of the city.

M. M. Parker said that if the highway law was unconstitutional in any of its features it should be amended so as to correct these defects. He believed that the law should be carried out, and that legislation should be asked for this purpose.

In the opinion of W. Riley Deeble, it was fortunate that a man as competent as Judge Cox was called upon to pass upon the law at this stage, for defects could then be ascertained and corrected by legislation. He did not think that this decision was a death-blow to the law, but that it could be put in such a shape that it could be carried out.

Handsome Souvenir Number.

The souvenir number of the Washington Bee, just issued in commemoration of its fifteenth anniversary, is a handsomely illustrated publication, creditable to the enterprise and energy of W. Calvin Chase, its editor.

Food For Both

Every nursing mother needs the kind of nourishment there is in

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