The Emporia News.

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THURSDAY, JUNE 23, 1881.

We must confess that so far as Platt and Depew are concerned, it is rather a malignant case of hawk and buzzard.

Vennor should be exhonerated from all complicity in the tornado which swept over the northern portion of Ohio on Saturday. The Greenbackers had a convention at Columbus the day before.

The most valuable service which the Half-breeds can render the Administration is to lay Depew on the shelf and send some man to the United States senate from New York who is known to be free from all entangling alliances with monopolies, and whose name has never been smirched with charges of bribery and corrupt connections with rings and lobbies.

Cincinnati Gazette: "But are liquors poisoned! Of course they are. Four-fifths of all the liquors drunk in Cincinnati, including wine, beer and cider, are poisoned. And these poisons are not confined to common drinks, such as whiskey and beer; they extend to the aristocratic drinks that are most costly. The French wines are nearly all adulterated and contain poison. They are not real wines, but imitations."

General Weaver, the sanguine Greenbacker who was at one time a candidate for President of the United States, will lecture thirty times in Kansas during July and August. Parties who have the means are preparing to flee to the mountains or betake themselves to the security of their former homes in the east, while those who cannot get away are industriously engaged in providing caves and dug-outs in anticipation of the most violent atmospheric disturbance that ever devastated the state.

Allen B. Lemmon late state superintendent of public instruction, and later of the legislature, has purchased a controlling interest in the Newton Republican, and become its editor and business manager. The Republican has long been a prosperous and well edited sheet, and we are of the opinion that Mr. Lemmon will at least keep it up to its old standard of excellence. We welcome him to the ranks editorial again, and wish him success. All will be glad to know that the old stalwart wheel-horse, Judge Muse, remains with the Republican as associate editor. The Judge has placed the Republican in the front rank both editorially and as a business enterprise.

HOME AGAIN.

Senator Plumb returned from Washington Sunday, where he has been arduously engaged in his public duties for over six months. We venture the assertion that no state has a more industrious representative in the national capital than Kansas has in the person of Senator Plumb. He remained in Washington for several weeks after the adjournment of the senate to attend to Kansas matters needing his services. Among the latest achievements of the Kansas delegation, in which the Senator took a leading part, was the appointment of Judge McFarland, as Commissioner of the general land office, thus securing for this important position not only a western man, who is acquainted with the interests and struggles of the settlers, but for Kansas a position at the head of an important department bureau, which is a recognition not heretofore enjoyed.

AID WANTED.

The Greenback leaders are getting hungry and make an appeal for aid. Sam Wood, the honest (?) reformer, who would be the *non-est* reformer if he could get an opportunity to rob another school district, writes an appeal and publishes it in the State Journal, the Mitchell and Wood organ, begging for money. To this call he signs P. B. Maxson's name. Of course, Sam knows nobody would trust him. Sam says money is wanted for the "Mitchell fund." He wants the Greenbackers to contribute from $1 to $100 each for the Mitchell fund. Sam don't want any of that money. O, no, he wouldn't take any of it. There is to be no divy. It all goes to the Mitchell fund, you know. What do they want with it? They say they want to organize an aggressive campaign. What for? To keep Wood and Mitchell in employment. The long and short of it is that the people who work for a living are asked to contribute from their hard earnings to support these worthys, one a renegade preacher, who can't get a congregation, and the other a—well, we are stumped as to the proper cataloguing of Wood. He is anything to keep his name before the public. Having run clear down at the heel these two rambling demagogues must raise some money. They are just the kind to throw themselves in the lead of anything that offers to keep them alive. They want an aggressive campaign. What for? To keep Mitchell and Sam Wood going. Nobody has asked them to roam over the state, but some political organization they have worked up. They are self-constituted patriots. Mitchell is working under pay for a paper published in Topeka. But he is none of your ordinary newspaper canvassers. It takes money to run him. His wants are numerous. Then he is a financier. When he went to the general conference of his church last year it cost, so we are told by a reliable party who knows, some $80.00 more to send him than it did the other delegates. O, he is a fine haired reformer, and must be kept up by liberal contributions. He likes to deal in stallions, cattle and chestnuts. Any Greenbacker who has a $10 bill to spare will at once send it to swell the "Mitchell fund." It will take the product of many acres of wheat or corn; many a head of sheep and cattle; many days' labor at $1.25 each to support Mitchell and Wood over the next campaign. But if the money is not forthcoming the down-trodden masses are liable to be cut off from the immense benefit of their "gab." This pair of pure and persecuted political hacks must be kept up. It is true they are of no benefit to the state. "They toil not neither do they spin." They produce nothing—that is nothing but "yawp." They are exclusive wholesale dealers in wind pudding of the thinnest kind. But the people must pay for it, if they buy. Mitchell and Wood both know more about the national finances in a minute than John Sherman can think of in a year, and yet neither of them can, on their own names, make a raise of five dollars at any bank where they are known. They are failures in everything they have undertaken—flat failures—except speech making. Either of them can mount a store box on short notice and make a speech. They can speak by the hour or by the day, or by the week. They can rip and tear and snort and blackguard and sling tears, as occasion may require. Mitchell can live in a store box and eat corn—on the stump—in behalf of the dear people, but it takes lots of money to run him, all the same. They have worn out the "old, old story" of finances, but so long as the people will contribute to keep them up so long they will make "aggressive campaigns." So long as that cow will give milk, so long will Mitchell and Sam Wood be found with the udders in their mouths. They are perfect specimens of what Benton denominated "uneasy politicians," and so long as they can keep the waters troubled so long will they go about sowing discord and preaching their humbug notions about matters they know nothing about except in theory. Those who have money to spare will please forward it to the "Mitchell fund" at once. It would not be a bad thing for Republicans to help raise money and keep Sam Wood and Mitchell in the field. Wherever Wood has made a canvass in the past few years he has helped the Republican cause. He gave Chase county to the Republicans last fall by handsome majorities. There is such a contrast between what he preaches about honesty and what he practices, that he brings the greenback cause into ridicule and helps the cause he fights. As a Republican we say contribute funds and keep him going.

TAKE NOTICE.

We want to urge again upon the people of Lyon county the conviction we have that this is a good time to sell our Missouri Pacific (formerly M. K. & T.) railroad stock and also to refund the balance of our railroad debt at a lower rate of interest. We have no interest in the matter other than that of a tax-payer. We are speaking only for ourselves, and not on the advice or suggestion of any person or persons. We have observed the ups and downs of business, and all know that we are now having good times. Money is plenty, but it will not always remain so. This is a period of speculation, and railroad and other stocks are at speculative prices. We believe it is a good time to sell railroad stocks. On this point we will quote a sentence or two from the New York Mercantile Journal, which is high authority on stock and money matters, and we want our Lyon county readers to make a note of its utterances. Speaking of stocks it says:

"Railroad bonds are still farther a little off for most of the speculatives, while the share market continues 'bluish,' if not a 'deep blue,' for the bulls. The days for a tumble, however, have not yet come. One reason is that outside orders and many of them, from across the water, are ready for the purchase of stocks whenever they yield a little. This is the fashion, and so long as such remains the case there can be no rush pell-mell downward. *But the day is only somewhat deferred.*"

We believe our stock is liable to decline at any time. A mere change in the management of the road might send it down 15, 25 or even 50 per cent., and we may thus be compelled to go on paying at least $7,000 railroad interest per year, which we could now stop. If the stock declines it is not likely it would again come up to its present figure before the expiration of ten years, and we would in that time have to pay $70,000 for the privilege of holding on to our stock. We mentioned in a former article the fact that in 1870 a proposition was made to the board of commissioners by the two roads running through the county, to surrender $200,000 in bonds for the $400,000 of stock held by the county. In some unfortunate mood, the commissioners rejected the proposition, and since then the people have paid in interest alone on the $200,000 of bonds that would have been taken up had the proposition been accepted, the snug sum of $154,000.

If the stock in the Missouri Pacific could be sold at the present quotations in New York, which is 51⅝ cents on the dollar, and $100,000 in bonds purchased, and the balance of the railroad debt refunded at five per cent, our railroad tax would be a mere song compared with what it has been. With this done instead of raising a tax of $17,430, for interest, we would only be required to raise $7,450, an annual saving of $9,980. This amount is certainly worth saving. If these two things were done our debt would be in good shape, and could be carried until the county is rich enough to pay it without serious inconvenience.

ENFORCING THE AMENDMENT.

The first case for violation of the prohibitory law at Parsons, was tried last Saturday evening, and the jury, after being out an hour, brought in a verdict of guilty, and the offender, one Marvin, lessee of the bar at the Belmont House, was fined $100 and costs of prosecution. Proceedings will be instituted against several other saloonists who have opened their bars in defiance of law, and the same result is anticipated in their cases.

An exchange quite recently observed that the disregard of law manifested by the whisky element in Kansas would react to the prejudice of the rum-sellers, and the case in point seems to indicate the position of ourcotemporary was well taken. There are few towns in Kansas which care to sustain the unsavory reputation of having such a low public sentiment as to tolerate, without at least the semblance of a protest, an open and insolent defiance of the organic and statutory law of the commonwealth, by an element which directs its baleful forces against the best interests of society and of political economy. Parsons, by her action in this matter, has placed herself in a light before the public which cannot fail to inure to her great benefit, in that she has demonstrated the possession of a healthy condition of moral sentiment which affords a warrant that the interests of law and order will be conserved in that city to the honor and security of the community.

It can scarcely be deemed a source of pride by such towns as Leavenworth, Atchison and Wichita to be ranked with Dodge City in connection with their alleged open violation of the prohibitory law, and unless the condition of affairs in those towns has been greatly misrepresented, they are not promoting a reputation abroad as centers to which the best class of immigrants to Kansas would be attracted. The temperance amendment was made a part of the organic law of the state by a fair majority of its voters, and we are not prepared to believe that the people of Kansas have become so lost to the grand traditions upon which the commonwealth was founded as to be placed in the position of a state which shamelessly repudiates a law enacted by the soyereign authority of the common people.

If the press of Kansas prove not recreant to its high calling; if the pulpit is true to its sacred trust in connection with this great moral problem, and if the citizens of the state do not stultify themselves by sacrificing the golden results of years of faithful striving in behalf of a great and vital principle, the amendment will be enforced in spirit as well as in letter, and the honor of Kansas will be abundantly vindicated before the world.

A THEORY REGARDING WESTERN STORMS.

New York Herald: Though the tornado season in the Mississippi Valley has been belated this year the reports of the recent western storms attest its arrival in full force. The destructive whirl winds of Saturday and Sunday last in Minnesota, Missouri, Iowa and Kansas, confirm the suggestion made in these columns on the 27th of May, that, though the tornadoes were late in coming, "the opening summer may be more marked by the disastrous visitations, especially in the West." Their recent irruption on the plains was due to the conflict between the rival warm and cold air currents of a passing deep storm centre, which on Saturday morning was central in Dakota, and as it crossed Minnesota drew the southerly winds from the heated Gulf region and the northwesterly winds from the chilly Rocky Mountain plateau. The meteorological situation at that time was eminently one justifying tornado warnings, which meteorologists unfortunately have been too timid to undertake; for between Cheyenne and Omaha—in a distance less than five hundred miles—the opposing storm winds were already meeting and sharply marked by a thermal difference of 26 degrees. It seems highly probable that the enormous progressive violence of these western disturbances is due to the fact that the air currents of the Mississippi valley, in which they are imbedded, become laterally compressed, the compression having the same effect in increasing their velocity that contraction between banks has on the ocean current (which in the case of the Gulf Stream when pressed on by the Arctic current off Cape Hatteras, is to more than double its previous rate). As these interfering air streams are traceable on the weather maps, there should be no insuperable difficulty in foreseeing the results of their conflict when the reporting telegraphic weather stations are multiplied, as they should be in the tornado-visited districts.

HERE AND THERE.

Pockets of men who commit suicide resemble one another wonderfully in one respect—there is no money in them.

Mrs. Sybil Ticknor, of Cornwall, Ct., who is in her 100th year, is said to be the oldest Methodist now living. She joined the Methodist church in Derby, Ct., when she was 15 years old.

We regard it as quite possible that Adelina Patti's determination to visit this country next season is due to the knowledge on her part that Emporia is to have a new opera house.

Mother Shipton's reputation will soon be dead. This old earth is altogether too wet to burn just now. The old lady probably meant well, but who could count on such a damp season?

David Davis is announced to deliver the address on Independence Day at Bloomington, Illinois. A couple of pile-drivers have already been chartered by the committee on the construction of the speaker's platform.

New York Herald: A Canada man has built an ark in anticipation of the world being drowned in the near future. Let him improve upon his illustrious predecessor by not taking in any cats to make misery in the moonlight of the new world.

About this time, when all the colleges are holding graduating exercises, look out for the regular annual crop of young men who know just how to edit a newspaper so that all competing journals will sink dejectedly into the wrapping paper business.

Salt Lake Tribune: "According to one of the Mormon papers the European slaves were brought to the Salt Lake Market in several freight cars. The best looking girls will be auctioned off to the thickest necked polygs, while the men will be parcelled out on the Church ranches."

The asperities of the Ohio canvass have already developed the fact that Nicholas Longworth, the Republican candidate for supreme judge, carves, paints and plays on the violin. It is needless to add that the Democrats are preparing to make the most of these damaging revelations.

According to the Democratic editors the Republican party is dead again. We should suppose these indefatigable gentleman would weary of killing a party which has arisen from its grave with singular regularity every four years for the last quarter of a century, to "lick the stuffin'" out of the hard-fisted Bourbons.

General Grant is credited with a preference for John A. Logan as a presidential candidate in 1884. The ex-President has apparently overlooked the fact that a serious question regarding the eligibility of the Illinois senator is liable to arise in case he should become a candidate, in view of the fact that he neglected the vital precaution to be born in Ohio.

The Winfield Courier, an exchange of pronounced scientific predilections, has raised the question whether it is possible for a cyclone to occur in the night. An Emporia man who is addicted to "keno," and who always finds his wife and the mop-stick sitting up for him on his nightly return to the bosom of his family, regards the phenomenon in question as almost exclusively nocturnal in its character.

A rusty hatchet has been dug up on the site of Washington's birthplace and presented to the Mount Vernon Ladies' Association. It is supposed to be the hatchet with which he cut down his father's favorite cherry tree, and goes to confirm the tale told by Wirt in his "Life of Washington," and which those who sit in the seat of the scornful have sneered at as too truly good. If the stump of the cherry tree should next be dug up it will be conclusive that the tale of early piety and probity had its foundation in fact.

OVER THE STATE.

Augusta is shipping flour to Colorado.

A man in Augusta sells "sweet St. John cider."

Severy has voted $3,500 for a new school house.

Parsons has young lady snobs who turn up their noses at working men.

The Osage City Free Press thinks the hay crop in that section will be immense.

Hon. Ed. Tucker, of Eureka, will let the Eagle loose at Twin Falls on the Fourth.

The wheat crop has been almost an entire failure in this county this year, owing to the ravages of the chinch bugs.—Madison News.

The editor of the Walnut Valley Times, who weighs 290 pounds, challenges the other editors of Eldorado, who are lean and lank, to a foot-race on the 4th of July.

The returns of the assessors in Butler county show a decrease in the population of 1,752 since the census of 1880. We presume, as the Augusta Gazette claims, that the reported decline comes from the carelessness of the assessors.

H. W. McNay, long an honored citizen of Council Grove, died at his home in that city on the 11th inst. He once represented Morris county in the legislature. For years he has been an invalid suffering from the rheumatism. He was aged over fifty-five years.

Marion county has carried a proposition to enlarge and improve her court house. The vote stood, for 795; against, 517. This is the second triumph for Marion Center this year, and it fixes the county seat at that town. The county is thus rid of a distracting as well as a damaging question.

The Winfield Courier wants to know if a cyclone ever occurs or can occur after night. We believe the one which destroyed Eldorado a few years ago, and the worst one that ever visited Kansas, occurred after dark. So that settles that query. The Courier is welcome to 'em after night if it wants them that way.

Council Grove Republican, June 17: About 4 o'clock this morning our quiet citizens were aroused by the fire at the court house, and upon an immediate response thereto we found a first class fire issuing out of the windows on the north side of the building and in the rooms occupied by the register of deeds, county superintendent of public instruction and the county attorney, and from the door of the recorder's office the hall was full of fire and smoke. In a few minutes there were two or three hundred people on the ground with buckets who kept a constant stream of water on the fire for about three quarters of an hour. With such energy did the people work that they got complete control of the fiend and saved the court house, it is true in a damaged condition. The important records of the register's office were saved in the vault, but those of the county superintendent's office was a total loss; all other records were saved in a somewhat damaged condition. The damage done to the building and other property is about $2,000. There is no doubt but that it was the work of an incendiary. County Attorney Miller lost all his library and the papers of his office.

A BOMB FROM BREWER.

The Decision of the Supreme Court in the Druggist Test Cases.

The Constitutionality of the Prohibitory Law Sustained by a Rational Construction.

We could not lay before our readers anything of more interest at this time than the well written decision of the supreme court in what is known as the "Druggists' Test Cases," and we therefore make room for the full text of this important decision, which has been looked for with so much interest. The decision was delivered by Judge Brewer on Tuesday:

These cases present for our consideration some enquiries concerning the prohibitory law of last winter. Laws 1881, chap. 128. These enquiries relate to that portion of the statute which attempts to regulate the sale of liquors for medical, scientific and mechanical purposes. Nothing is said as to that portion which prohibits the manufacture or sale of liquors for use as a beverage. That for the purposes of these cases is conceded to be constitutional and valid. And in reference to that which regulates, two distinct classes of enquiry are presented. One is as to the validity of this portion of the law taken as a whole, and the other is, as to its scope and extent if it be adjudged valid. For a proper understanding of these questions a brief reference to the statute is essential.

That statute, sec. 1, prohibits the sale of liquor, with a proviso that it may be sold for the excepted purposes as provided in the act. Then sec. 2 provides that no one shall sell for the excepted purposes "without first having procured a druggist's permit therefor from the Probate Judge."

Upon this arises the first matter for our consideration. It is insisted that the jurisdiction of the probate court is defined by the constitution (const. art. 3, sec. 8), and cannot be increased by legislative action. *Expressio unius exclusio alterius.* That while in sec. 2 of the act the probate judge is named, the statue, as a whole, shows that the power was conferred upon the probate court as a court, that it is not within the constitutional prescription as to the powers of such court, and as a conclusion therefrom that the court having no power to issue a permit, any permit issued would be worthless and a provision or scheme resting upon such a permit must fall with it. It may be conceded that if the permit is worthless, this entire portion of the statue also fails, and the sale for the excepted purposes is without limitation or restriction. That such permit has no legal force was the opinion of the learned judge of the first district court, from whose decision four of the cases before us are brought.

We cannot yield our assent to this view. We concede the force of the argument in its favor. And if the question was a new one in this court entirely unembarrassed by prior adjudications it would require careful consideration and might possibly be differently determined. But we feel ourselves concluded by past decisions—decisions running back to the early history of this court, some of them made before any of the present justices were members thereof. No matter of absolute right or personal liberty, but only one of technical limitation, is involved in those decisions, and hence they should not be lightly departed from. State vs. Bosworth, 13 Vermont, 414. In this case the court well says "no questions arise more frequently in this country than those which involve the construction of the constitution and the powers of the different branches of the government, and in many of these there is no doubt an honest difference of opinion. Where, then, is the security of individual or corporate rights if these questions are to be considered as always open; if no acquiescence, even though sanctioned by a judicial decree, is to be considered as settling them?" We may remark that while the jurisdiction of the probate court is defined by the constitution there is in that instrument no prohibition on the judges holding other offices of trust and profit, as there is in reference to the district judges and justices of this court. Art. 3, Sec. 13.

Hence he may hold other offices whose duties are not inconsistent with those of the Probate court, and the Legislature may cast upon the person holding the office of Probate Judge other duties and cares than those of the court over which he presides, even if it may not enlarge the jurisdiction of the Probate court. This thought underlies the past rulings in this court, the past legislation of the state, and to disturb it now would unsettle many proceedings and titles. In the case of *in re* Johnson, 12 Kas. 102, Mr. Justice Valentine speaking for the court notices the various legislation concerning the many offices and duties cast upon the Probate Judge, and a repetition here would be useless. It may be conceded that it would be more logical and less objectionable to say that the Legislature may create an office with specified duties and then make the person holding the position of Probate Judge, the incumbent of such office, than to hold that certain duties may be cast directly upon the person holding the office of Probate Judge. But substance is above form. That which may properly be done in one way ought to be upheld, if possible, though done in another way, and an act of the Legislature should be sustained whenever by any reasonable construction the act can be brought within the scope of the legislative power. If in this case the legislature had created the office of Commissioner of Licences and provided that the Probate Judge should *ex officio* be such commissioner, there could be little doubt of the constitutionality of such an act. Substantially the same thing is accomplished by casting upon him the duties named in this act. And having in view the duty of upholding an act of the legislature wherever possible, the past decisions of this court, the general recognition by all departments of the government, executive, legislative and judicial, of the correctness of such exposition of constitutional limitations, and the substance rather than the form of this proceeding, we think the casting of this duty respecting permits upon the person holding the office of Probate Judge must be adjudged within the power of the legislature. Clearly the act gives the power to the Probate Judge rather than the Probate Court. Only incidentally is the court mentioned and such incidental mention ought not to overrule the force of the express naming of the judge in granting the power, sustained as it is by the frequent references to him all through the act.

We pass then to the second objection, and that is that this portion of the statute must be pronounced unconstitutional and void because it is class legislation, because it restricts the privilege of dealing in liquor to one class, the druggists, and thus debars many from engaging in a business which is profitable and by some desired. This objection is not very strenuously urged and cannot be sustained. It will not be doubted that the police power of the state is broad enough and strong enough to uphold any reasonable restrictions and limitations on the keeping, use or sale of any substance whose keeping, use or sale involves danger to the general public. The storage of powder or explosive and highly inflammable oils may be forbidden within city limits. The legislature may require railroads to fence their tracks, dangerous machinery to be everywhere enclosed, poisons to be labeled when sold, the practice of any profession requiring skill and knowledge to be confined to those who have passed a certain examination or pursued a prescribed course of study. By virtue of the same power it may commit the sale of liquor to any particular class of persons, which, by reason of its special training and habits it may deem peculiarly fit for such duty. In this case *in re* Ruth, 32 Iowa, 253, the court says: "It has been found that the health and lives of the people demand that a few licensed persons be empowered to sell these liquors for lawful purposes and that all others be forbidden to deal in them. Of those who are authorized, the law requires satisfactory proof of good moral character. In this respect it differs not from all license laws which bestow privileges upon fit and proper persons making application therefor. These laws have always been sustained." Here the sale of liquor being allowed for medical purposes, druggists who deal in medicines were properly named as a suitable class to whom to entrust such sale. The law does not attempt to prescribe who may and who may not become druggists. That question each individual settles for himself. It simply says that only druggists shall sell liquor. It is like a law which should forbid any but licensed engineers from running the engine of a passenger train, any but licensed attorneys from appearing for clients in a court of record, any but medical graduates from engaging in the practice of medicine. No law of this kind interferes with individual liberty in its true sense. They only protect the public in matters involving risk and danger from the acts of unfit and improper persons. They cannot be adjudged class legislation in any objectionable and unconstitutional sense of the term.

We pass now to the second branch of these cases, the enquiry as to the scope and extent of the statute. What liquors, using that term in its broadest sense, are included? The first section prohibits the manufacture or sale of "any spirituous, malt, vinous, fermented or other intoxicating liquors." Now this language is broad and comprehensive. "Other intoxicating liquors" extends the scope so as to include every liquor which comes within the general definition of intoxicating liquor. And yet if this section stood alone there would be little doubt as to its meaning. It would include only such liquors as are used as a beverage. No one would think of extending it to cologne, extract of lemon, or any of those many preparations which although they contain alcohol, the intoxicating factor in all drinks, are never used as beverages. But section 10 casts the doubt upon the statute. It reads: "All liquors mentioned in section one of this act, and all other liquors, or mixtures thereof, by whatever name called, that will produce intoxication, shall be considered and held to be intoxicating liquors within the meaning of this act." This section, whose language is unfortunately chosen, is the one which has provoked this litigation and has tended to create so much prejudice against the statute. For its letter reaches to preparations which no man can believe were within the intent of the legislature, and any interference with whose sale, if within the power of the legislature, would be felt by every one to be unnecessary and unreasonable. Alcohol is the intoxicating principle, the basis of all intoxicating drinks Whatever contains alcohol will, if a sufficient quantity be taken, produce intoxication. Hence whatever liquor contains alcohol is within the statute. So reads its letter. But when we come to enquire as to the liquors which contain alcohol, we find a lengthy list of fluids which are never used as beverages. Cologne, extract of lemon, bay rum, paregoric, tincture of gentian and many other medical preparations contain alcohol, and all will produce intoxication. They are seldom used as a beverage and yet they they may be.

Intoxication produced by drinking bay rum has been known. Yet few will drink it. Its uses are for the toilet. But three of the cases before us are prosecutions for the sale of bay rum, essence of lemon and tincture of gentian, respectively. These preparations contain alcohol, and will each, it is charged, produce intoxication. If the statute includes these articles, many of them are absolutely and wholly shut out from sale. The excepted purposes in the statute are "medical, scientific and mechanical." But toilet and culinary purposes are strictly included within neither of the three. The lady who desires cologne for her toilet purposes could not get a physician's prescription therefor, nor file an affidavit that she wanted it for scientific or mechanical purposes, and yet only in these ways does the act provide for sales. Did the legislature intend interference with such articles, and if not, what is the proper construction to be given to the language in said section 10? We have had occasion to notice heretofore the cardinal canon of construction, which is that the intent when ascertained governs, and to that all mere rules of interpretation are subordinate. State vs. Bancroft, 22 Kas., 205. The letter does not always express the intent. "A thing which is within the intention of the makers of a statute, is as much within the statute as if it were within the letter, and a thing which is within the letter of the statute is not within the statute, unless it be within the intention of the makers; and such construction ought to be put upon it as does not suffer it to be eluded." Holmes vs. Carley, 31 N. Y., 290. Bacon's abridged statute I. S. 5, and 10. And authorities cited. The familiar illustration is, that when it was enacted "that whoever drew blood in the streets should be punished with the utmost severity," it was held not to include a surgeon who opened a vein of a person having a fit in the street. Plowden thus quaintly expresses the same thought in his commentary upon the case of Eyston vs. Studd, 2 Plowden, 465, "It is not the words of the law, but the internal sense of it that makes the law, and our law (like all others) consists of two parts, viz: of body and soul; the letter of the law is the body of the law, and the sense and reason of the law is the soul of the law, *quia ratio legis est anima legis.* And the law may be resembled to a nut, which has a shell and a kernel within. The letter of the law represents the shell, and the sense of it the kernel; and as you will be no better for the nut if you make use only of the shell, so you will receive no benefit from the law if you rely upon the letter; and as the fruit and profit of the nut lies in the kernel and not the shell, so the fruit and profit of the law consists in the sense more than in the letter. And it often happens, that when you know the letter, you know not the sense, for sometimes the sense is more confined and contracted than the letter, and sometimes it is more large and extensive. Doubtless the letter is first to be considered in order to determine the intent of the legislature, for the courts may not read a law simply as they wish it should read. But other matters may also be considered, and among them the evils sought to be remedied. It was resolved by the Barons of the Exchequer in Heydon's case, 3 Rep. 7, as follows:

"For the sure and true interpretation of all statutes in general, be they penal or beneficial, restrictive or enlarging of the common law, four things are to be discerned and considered.

1. What was the common law before the making of the act?
2. What was the mischief and defect against which the common law did not provide?
3. What remedy the Parliament hath resolved and appointed to cure the disease of the commonwealth?
4. The true reason of the remedy."

Now, what was the evil sought to be remedied by this statute, and the constitutional amendment of which it was an outgrowth? It was the use of intoxicating liquors as a beverage. As counsel for defendants aptly and forcibly expressed it, the movement of which the amendment and the statute were the expression and the result was not a crusade against cologne and the extract of lemon. And in this connection we quote from the careful opinion prepared by the learned judge of the third district upon some of the cases now before us:

"The history of the movement, which resulted in the adoption of the 'prohibition amendment' and the enactment of the law now under consideration, and the object to be thereby secured, are too well known to give rise to any dispute. Those who voted for the amendment were not voting to prevent the use of articles common to toilet purposes or culinary use. It was no attack upon bay rum, camphor or tincture of lemon; it was intended only to strike at such liquors and mixtures as were in ordinary and known use as intoxicating beverages—or which, in the failure to obtain such beverages, it could reasonably and fairly be believed would be used as substitutes. It seems that this intent and object of the law must be taken into consideration as an important element in its construction; and that while some particular preparation, or 'patent medicine,' might possibly, in a few cases, with a few exceptional constitutions, produce effects similar to intoxication—at an enormous risk of health or life, perhaps—the real question and test to which each 'liquor' or 'mixture' is to be submitted, is about this: 'Is there reasonable danger that this will be used as—or as an equivalent substitute for—an intoxicating beverage?' The law should receive a reasonable construction—equally removed on the one hand from a fanatical coloring, and on the other from a tendency to fritter it away."

With these general considerations we pass to a decision of the particular questions presented. It cannot be doubted but that section 10 is broad and sweeping enough to bring within the statute every liquid, which by reason of the presence of alcohol, will produce intoxication, and this irrespective of the amount of alcohol contained, or the presence of other ingredients of such a character as to prevent any use of the liquid as a beverage.

But such was not the intent of the legislature in the act, and such therefore cannot be adjudged its true import. And speaking for himself alone, the writer of this opinion does not hesitate to say that such a construction, if imperatively demanded by the language used, would carry the statute beyond the power of the legislature. I do not think the legislature can prohibit the sale or use of any article whose sale or use involves no danger to the general public. The habits, the occupation, the food, the drink, the life of the individual are matters of his own choice and determination, and can be abridged or changed by the majority speaking through the legislature only when the public safety, the public health or the public protection require. I do not think the legislature has the power to prohibit the raising or sale of corn, though out of it whisky may be obtained. No more do I believe the legislature has the power to prohibit the sale of cologne, though alcohol be in it. The constitutional guarantee of "life, liberty, and the pursuit of happiness," is not limited by the temporary caprice of of a present majority, and can be limited only by the absolute necessities of the public.

But the legislature never intended such a sweeping prohibition. The use of intoxicating liquors as a beverage was the evil and the statute must be read in the light thereof. It intended to put a stop to such use and limit the use to the necessities of medicine.

Now the cases before us group themselves into three classes. And the same division is far reaching and of general application. The first embraces what is generally and popularly known as intoxicating liquors, unmixed with any other substances. Thus in one case the sale of brandy is charged. The second includes articles equally well known, standard articles, and which, while containing alcohol, are never classed as intoxicating beverages. Their uses are culinary, medical or for the toilet. They are named in the United States dispensatory, and other similar standard authorities; the formula for their preparation is there given; their uses and character are as well recognized and known by their names as those of a horse, a spade, or an arithmetic. The possibility of a different and occasional use does not change their recognized and established character. A particular spade may be fixed up for a parlor ornament, but the spade does not belong there. So essence of lemon may contain enough alcohol to produce intoxication, more alcohol proportionately than many kinds of wine or beer. It is possible that a man may get drunk upon it, but it is no intoxicating liquor. Bay rum, cologne, paragoric, tinctures generally, all contain alcohol, but in no fair or reasonable sense are they intoxicating liquors or mixtures thereof.

The third class embraces compound preparations, in which the alcoholic stimulant is present, which are not of established name and character, which are not found in the United States Dispensatory, or other like standard authorities, and which may be purely medicinal in their purpose and effect, or mere substitutes for the usual intoxicating beverages. If not intoxicating liquors they may be "mixtures thereof," within the scope of the statute. Here belong many of the patent medicines, the bitters, cordials, and tonics of the day. Here also are such compounds as that charged in one of the informations before us, a compound of whisky, tolu and wild cherry.

Now, in reference to these several classes, we think these rules may be laid down. The first class is within and the second without the statute and the court as matter of law may so declare. It is unnecessary in charging the sale of whisky, brandy, etc., to allege that it will produce intoxication, nor will it bring the sale of essence of lemon within the statute to allege that such essence will produce intoxication. The court will take judicial notice of the uses and character of these articles. You need not prove what bread is or for what purposes it is used. No more need you in respect to whisky or gin on the one hand, or cologne, or bay rum on the other. They are all articles of established name and character.

In reference to the third class, the question is one of fact and must be referred to the jury. If the compound or preparation be such that the distinctive character and effect of intoxicating liquor is gone, that its use as an intoxicating beverage is practically impossible by reason of the other ingredients, it is not within the statute. The mere presence of alcohol does not necessarily bring the article within the prohibition. The influence of the alcohol may be counteracted by the other elements and the compound be strictly and fairly only a medicine. On the other hand, if the intoxicating liquor remains as a distinctive force in the compound, and such compound is reasonably liable to be used as an intoxicating beverage, it is within the statute, and this though it contain many other ingredients and ingredients of an independent and beneficial force in counteracting disease or strengthening the system, intoxicating liquors or mixtures thereof. This, reasonably construed, means liquors which will intoxicate and which are commonly used as beverages for such purposes, and also any mixtures of such liquors as retaining their intoxicating qualities, it may fairly be presumed might be used as a beverage and become a substitute for the ordinary intoxicating drinks. Whether any particular compound or preparation of this class is then within or without the statute is a question of fact to be established by the testimony and determined by a jury. The courts may not say, as matter of law, that the presence of a certain per cent. of alcohol brings the compound within the prohibition, or that any particular ingredient does or does not destory the intoxicating influence of the alcohol or prevent it from ever becoming an intoxicating beverage. Of course the larger the per cent. of alcohol and the more potent the other ingredients more probably does it fall within or without the statute, but in each case the question is one of fact and to be settled as other questions of fact. (State vs. Lurler, 38 Iowa 426; Russell vs. Sloan, 33 Vermont 659; Cook vs. Ramsdell, sup. ct. Mass., 23 Al. Law. Journal, p. 414.)

Entertaining these views of the true meaning and construction of this statute the several cases before us must be disposed of as follows: In 2279 and 2281, in which cases the defendant was charged with selling bay rum, tincture of gentian, and essence of lemon respectively, the judgment of the district court sustaining the motion to squash the information will be sustained. In 2280, 2295 and 2296, in which the charge was selling McLean's Cordial, a preparation of whisky, tolu and wild cherry, and Prickly Ash Bitters, respectively the ruling quashing the information will be reversed and the cases remanded for trial. In 2293 and 2294, in which the defendants were convicted of selling brandy and alcohol respectively, the judgments will be affirmed.

In these cases we have at the request of counsel not stopped to consider any mere technical or formal question, but have given our entire attention to the more important matters of the validity of this portion of the statute as a whole and its general scope and extent. Matters of form and detail will be disposed of as they shall from time to time be presented in subsequent cases.

All the Justices concurring.

THE NEWS.

The Stalwarts in Council—Conkling Addresses His Followers.

ALBANY, N. Y., June 22.—Conkling and Platt were both present at the Stalwart conference last evening and the former addressed the meeting at some length. His remarks were mainly directed to counseling his hearers to be steadfast to the party of true Rrepublican ideas and principles, and to beware of the corrupt group of politicians who are striving to destroy that party and its prestige. He warned them against men who are approaching them with corrupt sentiments, and referred, in this connection, to the bribery investigation in progress before the assembly committee and grand jury. He said that true Republicans should disdain to employ such means to accomplish any ends as have been employed by the supporters of Depew. After dwelling upon the growing power of monopolies in this country, he spoke of various corporate influences that have been arrayed against the Stalwarts. He said it was inevitably a severe task to fight wealth, but more especially was it difficult to do so when the millions were unscrupulously used by corrupt agents. He thought the time had come for true Republicans to put themselves on record upon this subject, and affirmed that he has no doubt of the final result of the contest between corruption on one hand and honesty on the other. The power of railroad corporations has grown immensely in the United States, and it is mostly to be feared when it undertakes to debauch sworn legislators. When such a state of affairs is at hand, there can be no doubt of the duty of every true lover of his party and his country. The system of corruption, no matter by whom countenanced, should be exposed, denounced and checked, and on no account should any one be shielded from the consequences of such a great crime.

Conkling then alluded to some of the persons who have been acting as leaders of the half breeds and asked if any honorable man could for one moment think of compromising with such notorious characters. He drew attention to the testimony already given before the assembly bribery committee and commented upon certain parts of it in detail. He said: "If there is anything that should distinguish a Republican it should be his personal honesty. This should be particularly the case if, as in the present instance, official positions are occupied by those who represent the party, and yet men presuming to be Republicans have become notorious as lobbyists for the purpose of furthering their own selfish purposes and for no other end."

The Star Routes—Progress of the Investigation.

NEW YORK, June 20.—The Washington correspondent of the Times says: The collection and classification of evidence, upon which to base the prosecution of dishonest Star route contractors and their confederates in office, has been continued quietly but vigorously during the last week. The force employed is small but excellent progress has been made. Evidence is coming in from all parts of the country, and the investigators have had their attention directed every day to hitherto unknown cases of fraud. At the same time the Postmaster General and second assistant Elmer have continued the application of common sense, honest methods and business principles to the existing fraudulent Star service, and the incomes of ring favorites are continually becoming beautifully less. Reports made by honest agents in relation to "crooked" service are now coming in every day, and much useless and fraudulent service has been marked for discontinuance. Action upon these cases is not taken until after an exhaustive examination and the consideration of arrangements on both sides. The department proposes to be sure it is right before it goes ahead. At the same time, the methods which have prevailed in the department allotment of clerical work, the location of divisions and many other details, have been clearly examined by the commissioner, whose purpose is to introduce

PROPER BUSINESS METHODS,

and to reorganize the working force in the most efficient manner that circumstances will allow. The result of the labors of the investigators, examiners of fraudulent and useless service and inspectors of the internal department, cannot fail to be of almost incalculable advantage to the people of the nation.

Grant's Trouble in Mexico.

NEW YORK, June 20.—Speaking to a World reporter of his last trip to Mexico and its results, Gen. Grant said; "When I went there I found some parties had been very busy trying to prejudice the President and congress against me and our enterprise. A great many articles were published in the newspapers here, and they were published there. Possibly some of them were telegraphed from there for the purpose of being sent there afterwards to make an appearance there as representing the views of the American people. These statements were to the effect that I was not there in the interest of any railroad, but had really come as a filibusterer, looking forward to the invasion and annexation of that country. These statements had been very industriously circulated before my arrival, and they had produced some effect, and particularly upon the mind of the Priest, who admitted he was sorry to hear we were coming to the City of Mexico, owing to what people had told him of our mission here, but as soon as we had an interview with him and explained matters, and Romero told him what he had been doing and reported what we were doing, he at once saw the error he had been led into and his confidence in us and our enterprise was fixed at once on a firm basis, and we counted upon him as a sincere and devoted friend from that time on.

A Whisky-Vender Brought to Time.

PARSONS, June 18.—The first case in the city for violation of the prohibitory law was tried here to-day and the jury brought in a verdict of guilty after being out about an hour. A fine of $100 was assessed. The case was against E. Marvin, of the Belmont house, who opened his bar last Monday morning, and has been selling beer openly ever since, the same as before the law went into effect. A motion for a new trial will be heard Monday morning. There are two other saloons running in town, and they will be proceeded against by the county attorney on Monday. The saloon men declare they will continue to keep open in spite of the verdict against them, and fight the law.

Concerning the Land League—Rumors of War in the Far East.

LONDON, June 20.—A Dublin correspondent of the Times says the fact is evident that the Land League has received a series of heavy blows which are telling upon it and a more tractable and tolerant spirit is showing itself as the power of local despots is broken. The strike against the payment of rent is checked, the leaders repudiating any intentions to adopt such policy.

Dispatches from Calcutta say the report has reached there from Central Asia that large bodies of Russian troops are assembling on the borders of Kashgar and a conflict with Chinese troops cannot long be avoided.

A Close Call for Depew.

NEW YORK, June 20.—A dispatch from Albany to the Post says: After the first Platt ballot, senator Braman moved to adjourn. On this the ayes and noes were called, and the Conkling men and Hamilton and R. E. Tuttle voting with the Democrats carried the motion by 53 to 41 votes. A hasty canvass between the Platt ballot and the announcement of the vote on adjournment showed that if another ballot had been taken, five votes would have been gained for Depew, and the third ballot would probably have elected him.

What Foreign Financiers Think of Refunding.

NEW YORK, June 20.—The Post's financial editorial says: "Bankers just returned from Europe inform us that foreign financiers are astounded at the rapidity with which our 5 and 6 per cent. debt has been changed into 3½ per cent. bonds, payable at the pleasure of the government, all the advantages of the operation being on the side of the borrower of the money, the government, instead of on the side of the lenders, as is usually the case. Moreover, refunding has had a favorable effect upon our credit.

The Missouri Pacific Extension.

OMAHA, June 13.—Missouri Pacific surveying parties have begun on the Nebraska extension and are now laying out a line from Louisville south to Atchison and north to Omaha, the intention being to tap the Union Pacific about ten miles south of Omaha and run into this city over the Union Pacific track. Chief engineer Vause has opened an office here and to-day still another surveying party went to work, which makes three now in the field. The road is to be pushed rapidly, and it is expected that it will be running to Omaha by January 1st.

Suicide at St Louis—The Duke of Sutherland.

ST. LOUIS, Mo., June 20.—Chas. Engel, a young man twenty-eight years old, a stove-moulder by trade, while delirious from an attack of erysipelas, escaped from the care of his nurse early this morning, and hung himself in an out-house at his residence No. 2,227 Carr street.

The Duke of Sutherland and party arrived here from the west this morning and after a short stay started for the east in a special car via the Vandalia road.

Baker University Sued.

LAWRENCE, Kan., June 18.—Suit has been commenced in the district court by Elijah Sells against the Kansas educational association of the Methodist Episcopal church, trustees of Baker university, at Baldwin City, to foreclose a mortgage on the buildings and lands of the institution. The indebtedness is $20,000.

What Wheeler Says.

NEW YORK, June 20.—A Post's Albany dispatch says: Vice President Wheeler remarked to-day that the only way out of the present difficulty is to elect as one senator any man Conkling may name.

Earthquake in Canada.

OTTAWA, June 20.—Considerable consternation was created here this morning by a slight shock of earthquake, many supposing the prophecy of the world coming to an end was about to be fulfilled.

Rioting at Marseilles

MARSEILLES, June 20.—Rioting continues in different parts of the town. It is stated that eight persons have been killed and twenty-five wounded. Sixty-five persons have been arrested.

FOREIGN MARKETS.

Chicago Markets.

CHICAGO, June 22.

Hogs—Receipts 27,000, active, strong; $5 70 6 30.

Cattle—Receipts, 4,500; unchanged; exports, $5 90@6 15; shipping, $5 10@5 60; stockers, $3 70@4 80.

St. Louis Markets.

ST. LOUIS, June 22.

Flour—Unchanged.
Wheat—Higher; No. 2, Red, $1.16½@1 16¾.
Corn—Higher; 45¼@45⅝c.
Oats—Higher; 35⅝c.
Pork—Slow; jobbing $16.70.

Kansas City Markets.

KANSAS CITY, June 21, 1881.

Cattle—Receipts, 225; shipments, 182; market quiet; native steers averaging 1,220 to 1416 lbs., sold at $5 00@5 60; cows, $2 50@3 50. grass fed Texan stockers, averaging 943 lbs., $3 50.

Hogs-Receipts, 5,220; shipments, 1027; market slow but not quotably lower; sales ranged at $5 25@5 65; bulk at $5 45@5 55.

Wheat—Market easier; No. 2, 98@98¾; No. 3, 95½@95¾c.

Corn—Market easier; No 2 mixed, 38½c; No. 2 white mixed, 43c asked.

Oats—No. 2, 34½c asked.

Eggs—Market steady at 10@11c per dozen.

Butter—Steady and unchanged.

Boston Wool Market.

Walter Brown & Co.'s Boston Weekly Wool Circular of June 18th, makes these quotations for Kansas wool:

	Good	Ordinary
Fine	24@26	20@23
Medium	27@30	25@27
Coarse	20@25	

Sales 443,000 lbs., of which 187,000 lbs fine, 256,000 lbs medium.

JEWELRY.

HONEST GOODS,
Backed by a
Responsible Guarantee,
are what is making the
NEW JEWELRY STORE
—AT—
I. D. FOX & CO.'s

The most popular place in the city for this class of goods.

Repairing of fine Watches and Jewelry a Specialty.

ALL WORK FULLY GUARANTEED.

The success attending this new department has greatly exceeded our expectations, and we shall spare no pains to merit favors received.

I. D. FOX & CO.

WANT COLUMN.

Advertisements are inserted in this column for five cents a line each insertion—averaging seven words to the line.

BOY LOST—My son, Willie George, left my place, near Macke's brewery, on Friday, June 17, without leave, and has not since returned. He is twelve years old, has dark hair and eyes, and is probably at work for some farmer near. I will be very thankful to anyone who will inform me where he is.
JOHN D. GEORGE

FOR SALE—Berkshire boar for sale, nine months old, weight about two hundred pounds, price $9 00; also, one work horse for sale cheap. Inquire at my farm, five miles west of Americus. H. C. PUTNAM.

STRAYED.—A sorrel colt, three years old, one white hind foot, mane trimmed, white star in forehead, figure 8 branded on shoulder, had on halter when it left home about May first. Suitable reward for return to E. Hill, corner First avenue and Commercial street, Emporia, Kansas.

FOR SALE—A lot of thoroughbred Berkshire pigs, from the best imported stock and sired by "Royal Windermere" and "Peerless." J. M. MILLER, six miles north of Emporia.

AGENTS WANTED QUICK—To sell the REVISED NEW TESTAMENT Now ready for agents. Most desirable edition, low-priced, and wanted by thousands everywhere. Rare chance for men or ladies to make money fast. Particulars free. Outfit 50 cents. Act quick. Address HUBBARD BROS., 16 East Sixth street, Kansas City, Mo.

Hotels.

HOTEL COOLIDGE,

The Leading Hotel of the City.
Rooms En Suite with Baths.
Large Sample Rooms on First Floor.
Barber Shop, Billiard Room, &c.
Emporia, Kansas.
E. K. CRILEY & CO., Proprietors.

Park Place Hotel,
EMPORIA, KANSAS,
Opposite A., T. & S. F. R. R. Depot.
First-Class in All Its Appointments.

Miscellaneous.

NEW BOOT AND SHOE SHOP.
A. GUTEKUNST,
CORNER SOUTH AVE. AND COMMERCIAL ST.,
Is prepared to make to order, in the best style and manner, boots and shoes of all kinds. Produce taken in exchange for work.

FRANK McCAIN,
Plain and Ornamental Plasterer
EMPORIA, KANSAS.
Materials furnished and work done on short notice in the best manner.

50 GOOD ENVELOPES, 8 different colors, by mail to any address, for 10 cents. MAINE ENVELOPE CO., Paris, Maine.

PAMPHLET for advertisers. 100 pages, 25c. G. P. ROWELL & CO., N. Y.

S. H. MAYS & SON,
PAINTERS.
Graining, Papering and Kalsomining.
Shop on west side Commercial street, between Seventh and Eighth avenues.

C. B. BACHELLER,
ATTORNEY AT LAW,
Justice of the Peace
AND NOTARY PUBLIC.
COLLECTIONS A SPECIALTY. Office over First National Bank.

Joseph F. Culver,
119 Commercial st. near cor. Fourth ave.
Attorney at Law and Justice of the Peace.
Especial attention given to Collections.

Legal Notices.

Notice to Bridge Builders.

Sealed proposals will be received at the County Clerk's office in the city of Emporia, Lyon county, Kansas, until noon of Tuesday, July 29, A. D. 1881, to build and place in position the superstructure of a combination wood and iron bridge across the Cottonwood river at or near what is known as the Schafer ford; said bridge to include one span of 119 feet, and to be made substantially as required and set forth in the plans and specifications on file in the office of the County Clerk of said county. Bidders must be prepared to close the contract on day of letting, and give bonds to fulfill the conditions of the same. Payment will be in such funds as Lyon county may have on hand, and no payment will be made until the completion and acceptance of said bridge. Said County Commissioners reserve the right to reject any and all bids.

At the same time and place as above named sealed proposals will be received for the construction of two piers to support said bridge; said piers to be in accordance with plans and specifications set forth and now on file in the office of the County Clerk of Lyon county, the said County Commissioners reserving the right to reject any and all bids for the same, and the party receiving said work must be prepared to enter at once into contract for the completion of the same, and give bonds accordingly.

By order of the Board, this 10th day of June, 1881.
WM. F. EWING,
w2515 County Clerk.

Notice of Attachment.

T. G. Wisdom vs. D. Kater.

Before D. S. Avery, Justice of the Peace of Agnes City township, Lyon county, Kansas.

On the 8th day of June, A. D. 1881, said justice issued an order of attachment in the above action, for the sum of twenty-five dollars, which said cause will be heard on the 14th day of July, A. D. 1881, at 10 o'clock a. m.
T. G. WISDOM.
Agnes City, June 15, 1881.

Administrator's Sale.

I will sell at public auction, on Wednesday, July 6, 1881, at the residence of John Wayman, deceased, at the mouth of Hill creek, in Waterloo township, all the personal property of deceased not taken by the widow, consisting of 41 head of cattle, one thoroughbred bull, 10 head of horses and 20 head of hogs. The cattle are first-class grade animals, the hogs healthy and of good stock, and the horses are good. Now is your opportunity to purchase good stock for good paper on good time, cheap. A discount will be allowed for cash.
T. E. BEST, Administrator.
H. W. PEARSALL, Auctioneer. w2563

To all whom it may concern:

The undersigned, Harmon B. Elliot, who was convicted of grand larceny at the March term of the district court of Lyon county, Kansas, 1881, who is now in the state penitentiary at Leavenworth for said offense, will make application to the governor of said state on the 12th day of July, 1881, for his pardon.
w2541 HARMON B. ELLIOTT.

Administrator's Notice.

Notice is hereby given that the undersigned has been appointed administrator of the estate of John Wayman, deceased, by the probate court of Lyon county, Kansas, and that he has given bond and qualified according to law as such administrator.
T. E. BEST, Administrator
24-26 of the estate of John Wayman, dec'd.

Notice to Contractors.

Sealed proposals will be received until Saturday, July 2, 1881, for furnishing all the materials and doing all the mason and carpenter work, plastering and painting necessary to the completion of a frame school house for the use of district No. 20, Lyon county, Kansas, in accordance with plans and specifications to be seen at my office, nine miles east of Emporia. By order of the board.
21-26 W. F. HANCOCK, Clerk.

DRY GOODS.

For any firm engaged in a legitimate mercantile business to advertise what they cannot perform is folly; it is worse than throwing money away, for they lose by such a course not only the cost of printing but also the goodwill of the public on whose confidence they must depend for trade. None are better aware of this fact than

SAWYER'S
ONE PRICE
Cash Dry Goods House.

They are exceedingly careful to make no promises in the newspaper that they cannot fulfill behind their counters. This month they offer SPECIAL BARGAINS in

Cottonades,
Lawns,
Parasols,
Hosiery,
Duckings,
Ulsters,
Fans and
Gloves,

And guarantee to save their customers a handsome margin on all purchases.

You will find them at Wibley & Henson's old stand, opposite the post office, Emporia, Kansas.

PAINT:

Comparative cost of painting a dwelling or other building with strictly pure white lead and linseed oil, and

OUR PURE PREPARED PAINTS.

A building having a total surface of 5,900 square feet to be painted would require, under ordinary circumstances, as follows:

480 lbs. strictly pure White Lead, at say 8½ cents per lb.	$40.80
25 gallons Linseed Oil, at 70 cents per gallon	17.50
Time, mixing and preparing paint, dryers, wastage and absorption on the lead, at say 2 cents per lb.	9.60
Total	$67.90
24 gallons Pure Prepared Paint, at say $1.85	$44.40
5 gallons Linseed Oil, at say 70 cents	3.50
29 gallons paint, costing, per gallon, $1.65	$47.90
Saving effected by the use of Our Paint	$20.00

The relative value of these two paints is always the same; and, whatever the price of White Lead may be, the price of Our Paint will correspond.

Besides the saving effected as shown above, the work looks finer and glossier, owing to our superior method of mixing over that of mixing by hand, and the paint does not peel or chalk off.

Every gallon of our paint is also warranted to give satisfaction, and a responsible guarantee is given to that effect.

FERDINAND, the Druggist.

TO BUYERS:

You have a house to paint. It will probably require from 15 to 20 gallons of paint. Is it not of importance that you should use the best material? Is it any advantage to you to purchase paint of uncertain quality, unendorsed by any positive guarantee, because you can buy it for 25 cents per gallon less than OUR PURE PREPARED PAINT,

Every Gallon of which is sold under a Positive Guarantee of Satisfaction.

Is it not to your interest to buy our pure prepared paint, which, when mixed with equal parts of oil, will cover wood better and prove more durable than any other mixed paint in the market? The comparison to be calculated is as follows:

1 Gallon of other Mixed Paint		$1.50
1-2 Gallon of W., M. & L. Paint, at $1.80, is	.90c.	
1-2 Gallon of Linseed Oil at 70c is	.35c.	$1.25
Difference in favor of Our Paint		.25

We Guarantee This Fact. The Test is Simple.

Take any paint for sale in your locality, and with it paint one or two feet of new wood. Clean the brush, and with our paint mixed equal part with oil apply it alongside the other.

Our pure prepared paints have been sold during the past eight years, under GUARANTEE OF POSITIVE SATISFACTION. They have become the acknowledged RELIABLE AND STANDARD PAINTS. Our price has always been and will continue to be in exact accord with the price of strictly pure white lead and pure linseed oil, and it is impossible for us to compete in price with inferior paints any more than pure white lead can be sold in competition with adulterated brands of so-called white lead, which are plentifully offered at 2 cents per lb. less than the cost of the pure article.

FERDINAND, the Druggist,
Next door to First National Bank, Emporia.

BOOKS AND STATIONERY.

Go to the
CITY BOOK STORE!
for
Books and Stationery

WINDOW SHADES,
CURTAIN FIXTURES,
CURTAIN POLES,
STEEL ENGRAVINGS,
CHROMOS,
OIL PAINTINGS,
WALL PAPERS
AND BORDERS,

The Finest Selection in the City.
Also CROQUET, BASE BALLS, Etc., Etc.
ELLEN PLUMB,
EMPORIA, KANSAS.

SEWING MACHINES.

THE ROYAL ST. JOHN

Sewing Machine.

Read what Plankinton & Armour, the great packing house firm say when first buying the Machine.

OFFICE OF PLANKINTON & ARMOUR,
KANSAS CITY, MO., March 6, 1880.

GENTLEMEN: We would say that we have been trying for nearly ten years to get a sewing machine that would sew satisfactorily the heavy muslin bags for hams. Have tried a number of machines, but until we tried the Royal St. John we have never been able to get a machine that would make a long elastic stitch without drawing or puckering the cloth. Your machine does the work perfectly, on account of the firm, round, elastic stitch peculiar to the St. John; and by its rapid motion and light running we are able to make on one machine about 1,500 sacks per day with ease to the operator. This we could not do on any other machine, although we tried them thoroughly. We also regard it as the simplest, most durable and lightest running machine we have ever tried. We have put it to the severest test and freely recommend it.

PLANKINTON & ARMOUR, per W. P. Allcutt, Supt.

What they say after using it 18 months, which would be equal to 3 hours a day for 15 years in ordinary family use. No other Machine CAN SHOW SUCH A RECORD. They use only the ordinary family machine.

OFFICE OF PLANKINTON & ARMOUR,
KANSAS CITY, MO., April 25, 1881.

MESSRS. TRUMBULL, REYNOLDS & ALLEN: Gentlemen—In answer to your inquiry as to how we still like the ROYAL ST. JOHN Sewing Machines we bought of you, would say that after using them almost constantly for some eighteen months, and making on an average of over half a million sacks on each machine, or at the rate of 1,500 to 1,800 on each machine per day, we like them as well as when we first bought them. Cannot see any preceptible wear, and no Sewing Machine that we have ever seen would have done the work as satisfactory and with as little trouble and expense to us, not having cost one cent for repairing.

PLANKINTON & ARMOUR, per Wm. P. Allcutt, Supt.

If you want the best Machine in the market call on
J. M. GRIFFITH & CO.,
Agents for the Royal St. John.