

court which has given the question any consideration whatever has held against such a construction. It is placing a power so in the hands of the people that such a construction should not be held if possible to avoid it.

The Secretary of State, by refusing to file a petition presented to him coming from one of the great political parties of the State, could not be prevented from doing so, through its electors, from voting for a candidate for President of these United States. It is needless to say that the court is bound to look further for the true construction of this act.

The second construction suggested, in my opinion, cannot be maintained. It seems impossible that it was ever intended for this court to enter into a trial of fact as to which set of claimants constituted the regular, true, genuine Democratic or Republican party. It is admitted by counsel that the question of fact is to be determined by the principle or principles represented by these respective claimants; but it is insisted that such question of fact must be decided by an investigation as to the regularity of the organization; and the result of such investigation must be furnished and that the legal title must prevail. Such an investigation would open up most interesting fields as to titles in real estate. I see no way of cutting off the investigation until it goes back to the original or paramount source of title, whether that original title is located in the City, State or Nation.

I do not know what particular principles of law could be invoked in the investigation of such a fact. Its determination would depend upon the validity of the action of a committee, and the validity would depend upon the regularity and validity of motions to adjourn, to reconsider, to lay on the table, to postpone, or to what constitutes a majority, a quorum, a special meeting, a local committee, and a thousand other matters purely of parliamentary usage.

The trial of such a question Blackstone and Kent would be entirely displaced by Cushing and Phillips, and such a question had better come for consideration before a high-school debating society than a court of last resort. Again, the fact that the original certificate of the State Committee, which guided the destinies of its party, all resign. The power to perpetuate the organization rested in its hands alone, and now the committee is no more.

Thus a great party would be placed in a sore strait. It would be placed in the position of a trust without a trustee, and I presume, upon the happening of such a grave emergency, a court of equity would fill the breach and appoint a new committee. Let us assume a case where the committee was not so constituted, and the power to nominate a ticket to be voted for by its party electors. We thus have a present, live organization; it is regular; there is no flaw in its title; it is beyond suspicion; it represents and stands for the Republican party; but it is without the sanction of the State Committee, which no Republican ticket could be placed in the political field for which Republicans might cast their votes? Time is too short for me to indulge in other suggestions showing absurd results. It is not because they do not care for the rights of the State, but because of the opinion that this construction must obtain if there is any other road to travel, however long and rough it may be.

I think the third construction contended for should be adopted, and that when a certificate is presented to the court, it should be the form required by the law he is bound to receive and file it. Penalties are provided against forging certificates, and it is further provided that affidavits as to the truthfulness of the facts therein recited must be attached. Under such a system, it is possible to afford the Registrar some protection; but, however that may be, if the protection against fraud is insufficient it is the fault of the law. The statute provides that the Registrar must "when and there forthwith" act upon the certificate presented to him by accepting or rejecting it. The very language itself clearly indicates that there shall be no hearing on the facts. The language, ex necessitate, precludes such hearing. If the Registrar is not first to investigate the facts, then certainly the law does not contemplate that the court should subsequently investigate them. The result of the construction which I think should be adopted is simply this:

All certificates valid upon their face should be received and filed, and if two or more certificates are presented by persons claiming to represent the same party they should be filed and the nominee thereon have an equal chance upon a ballot.

The only serious result to flow from such a holding is that it tends to disorganize and disintegrate party organizations. Of all the evils it is the least, and this being so, it will be assumed that the Legislature intended the statute to be so construed. The intention of the Legislature in this regard could be made plain and probably the objections here suggested could be avoided by the Legislature. Possibly the whole law should be repealed by reason of its many crudities and contradictions. The writ should be granted.

One-Third of the Mercantile Portion of Corning, Iowa, Reduced to Ashes. Stories of Incendiarism Are Afloat, but Sparks From a Locomotive Caused the Fire.

BRYAN JOUREYS IN SOUTH DAKOTA

Drawn Through Sioux Falls Streets by Men and Women.

Girls Take a Hand and Carry a Banner Saying "No Goldbugs Need Apply."

REPEATS FORMER SPEECHES, And Incidentally the Boy Orator Says Pleasant Things to People Who Greet Him.

SIoux FALLS, S. D., Oct. 9.—Over 100 men and women drew William Bryan through the muddy streets of Sioux Falls to-day and thousands of people from that place and from nearby points in South Dakota, Iowa and Minnesota turned out in the cold rain to do him honor. Mr. Bryan never had a reception more heartily enthusiastic. When he reached Sioux Falls at 2 o'clock he was placed in an open carriage and the widely cheering residents grasped the attached ropes and drew him along to the house of C. E. Jewett, where he had luncheon, an elaborate procession accompanying him. Eighty veterans of the war acted as a personal escort. A feature of the parade was a big wagon filled with girls dressed in white frocks, who are doing missionary work for the Democratic candidate by "tabooing" men who believe in the gold standard. They bore a banner inscribed, "No goldbug need apply."

There was a cavalcade of mounted men in the procession escorting Mr. Bryan. The school of the city was closed and near Mr. Jewett's residence the pupils were drawn up in two lines, through which the candidate passed. The girls had small flags and waved them vigorously. The rain had reached a steady downpour when Mr. Bryan reached the point where the speech-making took place. Despite the drenching they received, the crowd of 10,000, including 2000 Nebraskans, who came on the excursion train, showed the heartiest enthusiasm and were ever ready to shout their approval of Mr. Bryan's remarks.

Mr. Bryan was presented by John A. Bowler, chairman of the State Central committee. The candidate spoke only a few minutes, but his remarks were principally to defending Senator Pettigrew, who sat on the platform, from the charge of disloyalty in leaving the Republican party with Senator Teller at St. Louis. He said:

All things considered, this is one of the most remarkable meetings which I have seen my pleasure to address during this campaign. The interest which has been manifested, the zeal which you have shown, evidence a desire in the part of those who have turned out under these unfavorable conditions to testify their approval of the course of the country in this campaign. I appreciate the attendance of the ladies, and I can assure them that their interest in the old soldier will be remembered by me. The soldier will not find it necessary to pay his interest in the hands of those who are in the State in preference to the consent of foreign nations before we can get our lines on the financial policy.

I am glad to come to this city, because in coming it gives me a chance to say a word in defense of Senator Pettigrew. My friends, there are times, there are occasions which try the man's soul. It is not an easy matter, and far more difficult to do it than duty when the person who leaves is one who has received honors at the hands of his country. But, my friends, I have seen the part of those who have turned out under these unfavorable conditions to testify their approval of the course of the country in this campaign. I appreciate the attendance of the ladies, and I can assure them that their interest in the old soldier will be remembered by me. The soldier will not find it necessary to pay his interest in the hands of those who are in the State in preference to the consent of foreign nations before we can get our lines on the financial policy.

HURON, S. D., Oct. 9.—It was 8:30 o'clock when Mr. Bryan arrived here on his special train, two hours behind time, accompanied by Senator Pettigrew, John Tomlinson of Alabama, member of the House of Representatives, and a brakeman named Desmond, from Omaha, who had crushed between Mr. Bryan's car and another which was coupling to it. A big audience greeted the candidate here. In his speech Mr. Bryan said:

Huron dependent upon agriculture here, and indirectly Mr. McKinley said in 1890, in the report which accompanied his tariff bill, that agriculture was depressed and that there could be no general prosperity in this country, so long as the farmer was not prosperous. The only remedy which the Republican party proposed was the reduction of the farmer's tariff. If tariff falls for thirty years to prevent depression, what reason have farmers to hope that it will be raised to the level of the present? The cause which lies deeper than any system of taxation, so long as the gold standard prevails, is the falling in value of the products of agricultural products whether we have a high tariff or a low tariff, and so long as the farm products are falling in value there must be hard times among the farmers, and the farmers cannot suffer without bringing in suffering to the other classes, which are dependent indirectly upon the farmer for prosperity. [Cheers.]

THOUSANDS CHEER CHANGE DEPEND

Great Crowds at the Big Coliseum to Hear the Orator.

Lays the Lash on Bryan for His Peculiar Theories as to Silver.

THAT GREAT "CRIME OF '73."

To Punish the "Criminals" the Nebraska Candidate Must Unearth Some Noted Men.

CHICAGO, Ill., Oct. 9.—Fifteen thousand people crowded the Coliseum to-night and heard Chauncey M. Dewey deliver an address. Two or three thousand, unable to gain admission, were turned away. The doctor was escorted from the Auditorium to the Coliseum, a distance of eight miles, by the McKinley and Hobart Bicycle Club and the employes of several railroads. Mr. Dewey was late in arriving, and it was 9 o'clock before he appeared on the platform. He was greeted with cheering which could not be checked for ten minutes. The famous speaker was introduced by Eiden C. DeWitt of the Marine Club, under whose auspices the meeting was held. In opening his address Mr. Dewey said:

This is the largest political gathering I have ever seen. I wonder if any of you got away. I witnessed to-day two professions—one of them representing the business men, intelligent, earnest, and patriotic citizens who are marching for McKinley and sound money; the other one, which we passed on the way to the Coliseum, and which after they had reached Washington, [Cheers.]

Mr. Dewey then continued in part as follows:

Some years ago when I was working with might and main for the success of your un-derstandable and patriotic candidate, I was adopted on it is a pleasure to present in your city on Chicago day. Chicago is an epitome of the United States. It is the center of the world's energy and the development of the country. Chicago was burned to the ground in 1871.

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Always sincerely yours, T. A. SLOCUM, M. C., 183 Pearl St., New York. We will place the Doctor's name in full for the benefit of those who are suffering from this disease. The mistake will be overlooking the generous offer.—Ed.

ATTENTION! GRAND OPENING OF E. Campion and E. Chevannier's Wine and Liquor Store at 738 MARKET ST. LUNCH WILL BE SERVED.

By the St. Germain and will commence at 11 P. M. Nothing but first-class goods will be served.

TRAGEDY AT A FARMHOUSE

All the Members of the Family of Albert Bray Found With Their Throats Cut.

Indications Are That It is a Case of Wanton Murder and Suicide.

NOBLESVILLE, IND., Oct. 9.—The citizens of this town and the people of the surrounding country are greatly excited over the news of an awful tragedy which took place three miles from here. The bodies of Albert Bray, a prominent farmer, his wife and two children, were found dead this morning in their home. Their throats had been cut, and all were dead except Bray, who died soon after he was found.

The neighbors are undecided whether they were murdered by strangers or whether Bray did the awful deed himself. For some time past the family had been living very quietly at their home. They seemed happy and Bray was apparently devoted to his wife. He always went out with her and seemed to do all he could for her. On several occasions, however, he acted very queerly, and it began to be whispered around that he was not quite right in his head. Frequently he would man his neighbors on the public highway and would utter some rambling words of salutation. He never said or did anything, however, which gave the least indication that he contemplated the horrible butchery which came to light to-day.

Early this morning a neighbor who wished to borrow a plow called at the Bray home. He knocked, but received no answer. Going around to the back door he found that it was shut, and there were no signs of life in the house. He was greatly surprised at this, as he knew that the Brays were early risers, and their usual time for getting up had long since passed. He finally decided something was wrong in the house, and putting his shoulder to the back door he forced his way in. He saw no indications of anything being wrong until he reached the bedroom. There an awful sight met his eyes. Lying on the floor were the bodies of Mrs. Bray and the two children, aged 3 and 6 respectively. Their throats had been cut. Near by was the prostrate form of Bray, whose throat had also been cut. He was still alive, but unconscious. At his side was a bloody razor.

The neighbors tried to revive Bray, but in vain. Bray died shortly after he was found. The officers were notified of the tragedy and working hard to find possible clues to the murderer, though it is generally believed that Bray himself committed the deed in an insane moment.

TRANSFER HIS PROPERTY.

Oscar Hammerstein Prepares to Avoid Heavy Taxation.

NEW YORK, N. Y., Oct. 9.—The Herald says this morning Oscar Hammerstein yesterday afternoon transferred a private house belonging to him in Harlem to his wife. Earlier in the week he leased the Harlem Opera-house and the Columbia Theater to two of his sons. When Hammerstein was asked last night about the significance of these transactions he smiled.

"Well," said he, "damage suits against me growing out of the boiler explosion that occurred at the Olympia the day after it opened last autumn, when two persons were killed and others injured, will probably cost me \$150,000. I will not sue for it. I have made the transfer of real estate you refer to and have leased my theaters to my sons. You may draw your own inferences.

These are the same transactions signifying that I am preparing for any big financial crash, let me tell you that my total floating indebtedness to-day at all my theaters—Olympia, Harlem Opera-house and Columbia—is \$1,000,000. I have \$300,000 in cash and \$700,000 in unpaid bills and I have property enough to cover that three or four times over. That does not look very much like a failure, does it? Olympia opened on November 26 last. The next morning a feed-pipe on the steam-heating apparatus burst and two men were killed and eight men were severely injured.

RIFLE PIKERS SHOW BOLD.

They Board a French Ship, Plunder the Crew and Plunder the News.

MADRID, SPAIN, Oct. 9.—News has been received by the Government that the Riffi pirates are again committing depredations upon passing vessels and have boarded the French ship Corinto off Antubucema, and after pillaging the crew plundered the ship's cargo. The Spanish steamer Sevilla, conveying Cuban cargoes to Cuba, appeared on the scene and fired on the pirates. The fire was returned and a fight began which lasted some time. Four men on board the Sevilla were killed, including a Cuban prisoner named Oscar. The Riffi pirates were captured by the captain of the Corinto. A Spanish war ship has gone in search of the pirates.

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