NO ONE COMPLAINING

WIND KNOCKED OUT OF THE LOWER FREIGHT RATES HOWL.

SECRETARY TURNER TALKS.

SAYS NOT A COMPLAINT HAS BEEN MADE TO THE BOARD.

Cites Decisions to Show That if Valid Complaints Were Made the Railroad Board Has Power to Grant Relief—Kansas News.

Topeka, Kas., July 8.—(Special.) In the course of an interview to-day, R. W. Turner, secretary of the state board of railroad commissioners, openly admits that farmers and shippers are not complaining to the board of excessive freight charges of the Kansas roads. In fact, he says that not a single complaint of the kind has been made to the board since the Populists took charge of the board, five months ago. He also claims that, under the present laws, the board has power to fix rates, and that the only reason it has not proceeded to do so is because no farmer or shipper will make complaint. He no doubt expresses the desire of the board when he suggests that if anybody has a grievance the board would be pleased to act.

This plays havoc with Governor Leedy's contention. The governor claims that there is a vociferous and general howl about exorbitant freight rates; that shippers and farmers are being robbed and are praying for relief, and that under present laws no relief can be given them. It also interferes with his efforts to obtain a maximum freight rate law through a special session of the legislature. Turner simply states that no complaints have been made, and that if there was such a hue and cry as Leedy talks about, the board would be flooded with complaints. Secretary Turner says:

"It appears to me that most of the discussion that has taken place in the newspapers relative to the rate question in the state is indulged in by persons who either ignore the existing law or persons who are not familiar with it as it is. The board of railroad commissioners cannot act on their own motion in matters relating to transportation, but that they can act if any violation of the law of 1883, as to carrying freight, is properly brought before them, there is no doubt. Neither is there a doubt as to their power in the premises. In the Fifty-fifth Kansas, page 212, the supreme court of the state has interpreted the law relative to freight rates, which now governs the actions of the board. In that report, board of railroad commissioners vs. the Symns Grocer Company, the supreme court of the state held:

"'It is well settled that it is competent for the legislature to establish rates and classifications to be charged by the railroad companies for the transportation of passengers or freight between points on their lines within the state, and also that this power may be largely delegated to boards of commissioners. Under the act of 1883, as since amended, a code of rules is provided for the regulation and control of the railroads, and it confers upon the board of railroad commissioners the power to establish or revise rates of transportation, and the finding and adjudication of that board as to rates is to be accepted by the railroad company, posted up in the depots on the line of its road, and taken as a reasonable compensation for the service for which they are provided, until the contrary is proven. The finding and adjudication of the board is prima facie evidence of the matters therein stated, and of what is a reasonable charge in all actions for such service.'

"The statutes construed by the foregoing opinion are sections 1234, 1237, 1239 and 1241 of the General Statutes of 1889. Section 1241 is the section which provides the code of rules for the making of complaints against the railway companies who in the transportation of freight violate the provisions of the law; and if complaints were made under section 1241, and in conformity therewith, alleging unreasonable charges, or that the rates charged for freight are unjust, unreasonable or extortionate, the board of railroad commissioners could investigate such charges in the same manner as a court of primary jurisdiction, and under the law have full power to determine what are just and reasonable rates. And such finding, under the decision of the supreme court 'is to be accepted by the railroad company, posted up in the depots on the line of its road, and taken as a reasonable compensation for the service for which they are provided until the contrary is proven.'

"The phrase 'until the contrary is proved' means simply this: That if, after investigation, upon a complaint, as provided for in section 1241, the railroad commissioners fix a rate which is not satisfactory to the company, that the company must accept the rate until they can go into the courts of the state and show by evidence—and in all likelihood the same evidence as was offered before the commissioners—that the rates fixed by the commissioners are unreasonable and confiscatory. For in the decision above cited, the supreme court has declared: 'Although not clothed with all the functions of a court, they are authorized to determine what are just and reasonable rates. In a certain sense, they are the guardians of the public, for the protection of shippers and patrons. Their determination is binding and conclusive, unless the railroad companies can show that their findings and decisions are unjust and unreasonable.'

"This, in my opinion, is all that a maximum freight rate bill could do; and while a law could be passed, the provisions of which would be easier of application, yet, under the present law, power is conferred, if complainants follow the rules laid down by the statute.

"These rules provide that the commissioners can act in such cases upon the complaint and application of the mayor and council, or the trustee of any township; and that the mayor and council, or trustee of any township, can be required to make such complaint before the board of commissioners upon the petition of any twenty-five or more legal voters of any such city or township. And should the mayor and council, or the trustee refuse or decline to comply with the prayer of the petitioners, they shall state the reason for such non-compliance in writing upon the petition and return the same to the petitioners, and the petitioners may, thereupon, within ten days from the date of such refusal and return, present such petition to said commissioners, and the commissioners, shall, if, upon inquiry and hearing of the petitioners, they think that the public good demands the examination, proceed to make it, in the same manner as if called upon by the mayor and council of any city, or the trustee of any township.

"Such is the modus operandi of making complaint under the statutes of Kansas in all matters relating to freight rates; and during the five months that I have been connected with the commission not a solitary complaint has been made to this board. Numerous letters and inquiries from individuals relative to freight rates and discriminations and many other matters as to depots, station agents, etc., have been received, but no valid complaint that under the law would give this commission jurisdiction as to examination of freight rates has been made to this commission. Without exception, when such letters were received, they have been given prompt attention by the commissioners, and the companies complained of notified of the contents of such communication, and requested to formulate to the commission such answer as they may care to make in explanation of the matters charged in such letters. In nearly every instance, after the lapse of a few days, the writers of the letters would notify the commission that, upon consideration, they didn't care to formally press the matters complained of in the letter.

"Valid complaints against railroad companies can easily be made by aggrieved parties if the statute prescribing the rules for making complaints is followed; and such complaint made in due form of law gives the commissioners jurisdiction and a legal, statutory investigation may be had and the matters in issue determined by competent evidence offered before the commission by the complainants and respondents. The law provides for just such an examination and it is surely not the fault of the commission that they are not called upon to formally pass upon the rate question.

"There is a great deal of newspaper comment and some correspondence to newspapers over the names of 'Taxpayer,' 'Citizen,' and the like, all discussing what ought to be done and what they, 'Taxpayer' and 'Citizen,' would do if members of the commission; but at least 90 per cent of such writings have absolutely no relation to existing laws and conditions and are largely indulged in by persons who have given no study to the question. The board of railroad commissioners cannot act except upon complaint in due form of law and if 'Taxpayer' and 'Citizen' are aggrieved by existing freight rates, the way is open for them to formally bring the matter before the railroad commissioners for examination, and such action on their part would be more effective in determining the rights of all parties affected by this question than all the newspaper correspondence they might otherwise indulge in.

"As to the many other questions brought to the attention of this board, relating to the railroad question, they have used their advisory powers so successfully that the management of the roads complained of have, in almost every instance, removed the causes of complaint."

ANOTHER POPULIST ROW.

Leedy Wants to Put Senator Jumper on the Charities Board, but Dares Not.

Topeka, Kas., July 8.—(Special.) Governor Leedy has some more trouble on his hands. He has agreed to appoint Senator H. G. Jumper as a member of the state board of charities to suceed George Clark, resigned, and Chairman W. L. Brown has served notice that he will resign if Jumper is named.

Mr. Clark was appointed by Governor Morrill, and last April he tendered his resignation as a member to Governor Leedy at the same time that Senator Wilcoxson did. The governor accepted Wilcoxson's resignation, but refused to accept Clark's. Leedy asked Clark as a personal favor to stay on the board until the end of the fiscal year, July 1. He said that all of the other members were new hands, and he would like to have one of the old members remain until the others caught on. Clark agreed to this, and when July 1 arrived he supposed he would be relieved. He came down to make a settlement preparatory to leaving, when the governor insisted on his staying on the board. Clark told the governor that he could not think of it. He finally consented to make the rounds this week with the board, and when the trip is ended Clark will quit. So far the governor has not accepted his resignation, but he will decline to serve any longer, anyhow.

The governor promised to name Senator Jumper to succeed Clark, and when W. L. Brown heard of it he went to Leedy and told him that he would resign if Jumper were appointed. For this reason Leedy wants Clark to stay awhile, until he can get Brown and Jumper together. Leedy knows that to turn Jumper down means trouble, while he is a great friend of Brown and doesn't want him to leave. Brown is useful in a good many ways. He comes in very handy in writing the governor's messages.

Brown and Jumper are not friendly, politically speaking, and if the Osage county senator is appointed Brown will lose his grip as boss of the board of charities. Internal strife is raging among the Populist members of the board already. Brown and Shane are training together, while Wheeler and Dolan have formed an alliance to down them. Clark has been playing in with both sides. But Brown would rather have Clark than Jumper, for he knows that Jumper will array himself with Wheeler and Dolan immediately, and that they will control the board. This threatened condition of affairs is what caused Brown to notify the governor that he would resign if Jumper were selected as a member of the board.

The crisis will come in a few days. Clark insists on quitting, and his successor must be appointed between the two. Governor Leedy has almost wholly ignored Osage county in his appointments, and in order to appease Jumper's wrath he promised to name him as a member of the board of charities. Jumper expects the appointment, and if he don't get it there will be trouble. Brown is a bulldog sort of fellow, and it is predicted by those who know him best that he will carry out his threat and resign if Jumper is named.

CONTRACT MAY BE RESCINDED.

Text Book Board Not Pleased With Professor W. C. Stevenson's Caustic Criticism.

Topeka, Kas., July 8.—(Special.) State Printer J. S. Parks is in a quandary as to what to do in the matter of publishing the text books on bookkeeping adopted by the state text book commission. Professor W. C. Stevenson, of the state normal, prepared the manuscript, and his severe criticism of the commission has accused the members and they are talking of canceling his contract. In an interview he charged that the commission was incompetent to select text books and admitted, in the presence of Senator Campbell, that there were twenty-five text books on bookkeeping better than his. Now the commission is considering the advisability of taking him at his word and rejecting his book and adopting one of those twenty-five which he says beats his. D. O. McCray, the Republican member of the commission, had a conference to-day with the state printer, who has the contract to publish Stevenson's work, concerning the matter. Printer Parks said that he would not print the books until some understanding was reached between Stevenson and the text book commission. He said he did not care to expend a large amount of money and labor on the books and then have the commission reject them on account of the impolitic utterances of Stevenson.

A WARNING TO TEACHERS.

They Must Use the Official Text Books or Lose Their Positions.

Topeka, Kas., July 8.—(Special.) The state text book commission proposes to rigidly enforce that provision of the new text book law which compels the teachers in the public schools of Kansas to use the books adopted by it. Professor W. C. Stevenson, of Emporia, has started a revolt against the vertical writing system. He has a system of his own and he says he has taught it to 2,500 Kansas teachers and they will not discard it for the vertical system just because the latter is made the official system by the commission. There is a heavy penalty for the refusal of teachers to use books adopted, and the commissioners assert that it will be enforced to the very letter. "If any teacher refuses to obey the law," said a member of the board to-day, "he will not only find himself out of employment as a teacher, but may find himself in jail."

"Furthermore," he went on, "Professor Stevenson will be required to teach vertical writing himself at the state normal. He will have to discard his system if he expects to hold his job there. He has seen fit to set himself up higher than the commission, and now watch him drop."

WILL BE ARGUED TO-DAY.

Constitutionality of the "Redundant and Obsolete" Law Under Supreme Court Test.

Topeka, Kas., July 8.—The Scholl case, appealed from Montgomery county, in which the question as to the constitutionality of Judge Webb's famous piece of botchwork known as the "redundant and obsolete" law is involved, will be argued in the supreme court to-morrow. Attorney General Boyle, contrary to the usual programme, will try to convince the court that the law is unconstitutional. An attorney general is generally expected to be found upholding the validity of a law, but in this case he has to take the other side, in order to prevent putting several district courts out of existence.

Kansas' Share Is $12,000.

Topeka, Kas., July 8.—(Special.) The secretary of war at Washington has allotted Kansas $12,000 as its portion of the appropriation for maintaining the state militia.

CONTRACTS WON'T HOLD.

Assistant Attorney General Snelling Says Many Made by School Boards Are Invalid.

Topeka, Kas., July 8.—(Special.) Assistant Attorney General Snelling to-day rendered an opinion of great importance to the patrons of public schools in Kansas, and one which, if it is followed out, will cause endless litigation for the book trust. The opinion was written in response to a request from County Attorney Frank Hamilton, of Johnson county, and in effect it declares that all contracts held by the trust with the school officers of cities of the first and second class and all counties where county uniformity was not adopted as prescribed by law, are invalid and cannot be enforced.

In his letter to the state legal department, County Attorney Hamilton said that on last August the board of education of Olathe entered into contract with the American Book Company to supply its books to the Olathe schools for a term of five years. He wanted to know if the new text book law abrogated that contract, and if it did not, how the people of Olathe could get out of the contract and use the books adopted by the state commission, which cost less money.

In reply, the attorney general stated that the board of education of a city of the first or second class was never given express authority to make five year contracts for books under the old laws. He also said this applied to counties where county uniformity was not adopted by a vote of the people.

He holds that the only thing a board of education or country school board could do under the old law was to adopt books for the time for which the members were elected to serve as school officers, and that one set of officers could not make a contract for the trust that would be binding on its successors. The assistant attorney general said there were two ways to proceed to break such contracts. One was for the board of education to refuse to abide by the provisions of the contract. Then the trust would be forced to bring suit to enforce the contract. The other way was for a patron of the school education refuses to act, for a patron of the school to enjoin the board from complying with the contract.

Assistant State Superintendent of Schools Amis says that the opinion will affect every first and second class city in Kansas and a large number of counties, also. He says that every city has a contract for the supply of books. Some of the contracts run for one year yet, while others run for five years. He believes that if the boards of education of these town do not attempt to break the contracts, the patrons will step in with injunction proceeding and, as a result, the books adopted by the state text book commission will go into all of the schools the very first year, with the exception of a few counties where county uniformity was adopted as prescribed by law.

Grasshoppers in Kansas.

Topeka, Kas., July 8.—(Special.) Reports from Russell, Lincoln and Osborne counties in Northwest Kansas say that grasshoppers are very numerous and are doing the corn crop considerable damage.

WARMEST DAY OF THE SUMMER

THERMOMETER STOOD AT 96 DEG. FOR THREE HOURS YESTERDAY.

For Five Hours It Was 95 and Over—Was Over 90 From 10 a. m. to 7 p. m.—Several Prostrations From the Heat.

The weather record for the season was broken yesterday, when, for five successive hours, the thermometer registered 95 degrees and over. For three hours the temperature was 96 degrees, and from 10 a. m. till 7 p. m. it was above 90 degrees. While the thermometer registered 97 degrees June 28 last, 1 degree higher than the maximum of yesterday, yet there has been no day during the present summer when it was so hot for so many hours. The extreme humidity of the atmosphere rendered the heat almost unbearable, and it was only mitigated by a slight breeze which blew during most of the day. The velocity of the wind was only from seven to eight miles, while the normal velocity is from twelve to thirteen miles, but the breeze was a fairly cool one, and the day was not one of those close, stifling days, when existence becomes a burden.

Some relief is promised for to-day. The indications last night favored local thunder storms, and Observer Connor said yesterday that even without showers the probabilities were that it will be cooler to-day.

The thermometer beat down the iron in his den yesterday, otherwise the weather man in his office and J. B. Dillon, of the local weather bureau, was forced to quit work and go to his boarding house on Ninth street between Cherry and Holmes. He was not actually overcome by the heat, but was compelled to abandon his desk.

The temperature by hours from 8 a. m. to 7 p. m. yesterday was as follows:

8 a. m.	84	2 p. m.	96
9 a. m.	88	3 p. m.	96
10 a. m.	90	4 p. m.	96
11 a. m.	91	5 p. m.	95
12 m.	93	6 p. m.	94
1 p. m.	96	7 p. m.	91

The heated area yesterday was practically the same as for the past week, embracing Kansas, Nebraska, Iowa, Oklahoma, Missouri and Arkansas. The temperature throughout this area yesterday was from 1 to 5 deg. higher than on the preceding day. As usual Kansas City escaped with a maximum which was from 2 to 4 deg. lower than the maximum at representative cities throughout the area named.

The highest recorded temperature was 102, at Concordia, Kas.; other temperatures were as follows: One hundred at Omaha, 100 at Huron, S. D., 98 at Davenport, 96 at Cincinnati, 95 at Cairo, Ill., 96 at Little Rock, 96 in Oklahoma, 98 at St. Louis, 98 at Chicago and 96 at Fort Smith, Ark.

Several prostrations from the heat were reported yesterday in this city and across the line. William Dunn, an employe of the Schwarzschild & Sulzberger Packing Company, was overcome at the corner of Adams street and Kansas avenue, Kansas City, Kas., at 11:30 yesterday morning. He was taken to St. Margaret's hospital in that city.

Charles Crawford, a fireman in the employ of the Dold Packing Company, was overcome with the heat at the corner of Fourth street and Minnesota avenue. He was taken to his home, No. 400 East Tenth street, this city.

William Cole, an employe of the Armour Packing Company, was overcome while at work at the company's plant. He was removed to Bethany hospital. His home is at 430 Cherry street, this city.

J. N. Cole, a farmer living near Quindaro, was overcome near the corner of Seventh street and Riverview avenue, Kansas City, Kas. He was discovered in an unconscious condition by a policeman. He was carried to St. Margaret's hospital.

Albert Johnson became prostrated at the corner of James and Central streets, Kansas City, Kas., shortly after 12 o'clock. He was taken home in the police ambulance. None of yesterday's prostrations are thought to be of a dangerous nature.

A number of horses were victims of the burning sun and fell to the pavement with their harness on.

Owing to the extreme hot weather, Chief Vallins yesterday made an order permitting the patrolmen to be on duty without their uniform vests, providing they wear a white shirt and keep the top button of their coats buttoned.

The chief also discontinued the morning drills for the day shift until further notice.

Several workmen engaged in quarrying rock for the new workhouse building were forced to quit work yesterday on account of the heat. The workhouse prisoners engaged in the same work were not affected and worked straight through.

J. C. Morse, a carpenter, 66 years old, was overcome by heat while at work at Tenth street and Indiana avenue yesterday afternoon at 2 o'clock. He was removed to his home at 2410 Highland avenue, where he was revived.

J. E. Diener, a dairyman, was overcome by heat at Fourteenth and Main streets yesterday at noon. He was removed to his home at Thirty-fifth and Prospect avenue and given medical attention.

A horse hitched to a Dickey dairy wagon was overcome by heat yesterday afternoon at Walnut street and Independence avenue and had to be shot by Humane Officer Greenman.

When you suffer from sick headache, dizziness, constipation, etc., remember Carter's Little Liver Pills will relieve you. One pill is a dose.

Notice.

Read our offer of the Hagstrom picture, "Birth of the American Flag," framed, on another page.

OKLAHOMA IN LINE.

WANTS THE NEXT LEAGUE CONVENTION HELD IN KANSAS CITY.

DELEGATES WILL WORK HARD.

LETTER FROM GOVERNOR BARNES PLEDGING PERSONAL SUPPORT.

The Kansas City Delegation Has Been Chosen—Its Members Will Put Forth Every Possible Effort to Secure the Big Convention.

Governor Barnes, of Oklahoma, wired a prominent Republican of Kansas City yesterday that he would favor Kansas City as the place to hold the next National Republican League convention. He is a delegate to the league meeting, and will attend, accompanied by the Oklahoma delegation. While pledging personal support, the belief was expressed that there was no doubt but the whole Oklahoma delegation would support Kansas City.

This places Kansas City in the fight with all local support. The Missouri, Kansas and Oklahoma delegations show 128 delegates, and will have three committeemen on the committee appointed to select location for league meeting next year.

The Kansas City delegation, the members of which will make it their special duty to take care of Kansas City's interest in the matter, has been practically agreed upon. Some of them may leave Saturday evening by way of Detroit, reaching Detroit Monday morning. The others will leave Sunday evening, and they will reach Detroit Monday afternoon. They will accompany the Kansas and Oklahoma delegations from here, as well as a number of the Missouri delegates. The remainder of the Missouri delegation will be overtaken at Chicago.

The local delegation will be armed with buttons and banners and flags. Headquarters will be decorated according to the demand of the times. Arguments will be presented in condensed form, showing transportation facilities, hotel facilities and convention hall accommodations. This covers the full line of information that will be demanded by the committee having the question in hand of locating the league next year.

MORTGAGE FOR $165,000,000.

Covering C. & N. W. System—To Refund Liens on Forty-five Lines.

New York, July 8.—The directors of the Chicago & Northwestern Company, at a special meeting to-day, authorized a new general mortgage for $165,000,000 to be dated November 1 next, and to run for ninety years. The rate of interest is not stated, but it is believed to be either 3 or 3½ per cent. As the different mortgages fall due the company, instead of meeting them in cash, will issue a sufficient number of low interest bearing bonds to take up the old ones.

The entire funded debt of the Chicago & Northwestern Railway Company amounts to $130,112,500, distributed among forty-five different mortgages on the main lines and acquired branches belonging to the system. These bonds mature at different dates from the present year to 1933.

W. S. GROESBECK DEAD.

Served in Congress Before the War and Was Impeachment Counsel for President Johnson.

Cincinnati, O., July 8.—William Slocum Groesbeck, 81 years old, died yesterday at his home, known as Elmhurst, near this city. He was elected to congress in 1857 and held many public positions after that time. He was counsel for President Johnson in the impeachment trial of 1868. He was a member of the Ohio constitutional convention in 1854 and of the commission in 1852 to codify Ohio laws. In 1861 he was a member of the peace congress and in 1862 in the Ohio senate. In 1866 he was a delegate to the national union convention and in 1872 the presidential candidate of the Liberal Republicans against Horace Greeley. In 1878 he was a delegate to the international monetary congress in Paris. He was very wealthy and highly educated. His library is one of the finest in the country. He quit public life and the practice of law on account of his love of books. His funeral occurs next Saturday afternoon.

Death of Professor Jenkins.

Sedalia, Mo., July 8.—(Special.) Professor J. W. Jenkins, a prominent educator and for the past four years principal of the Lincoln high school, died this morning at his home in this city of a complication of diseases, aged 41 years. The deceased was a Mason and Odd Fellow. The funeral will be held at Independence, Mo., on Saturday.

Dropped Dead of Heart Disease.

Mena, Ark., July 8.—(Special.) Yesterday morning James Sorrels, a young man living on a farm near Mountain Fork, dropped dead, caused by heart disease. His companion went after a bucket of water and on his return found him dead.

MRS. LEASE BOLTS BRYAN.

Unless the Nebraskan Favors Socialism His Chances for Her Support Are Gone.

Carthage, Mo., July 8.—(Special.) Mrs. Mary E. Lease is here to lecture before the Chautauqua assembly. In an interview today she said the silver issue is dead and will never again serve as a leading issue of reform. If Bryan makes the silver question the leading issue in the next campaign, Mrs. Lease declares that she will oppose him. "Socialism," she said, "is the hope of the country, and in the next campaign the fight must be made for the industrial emancipation of the people."

Emporia Postoffice Muddle.

Washington, July 8.—(Special.) The Emporia postoffice muddle apparently is no nearer a solution than it was four months ago. Curtis has held up Ewing's appointment by a personal appeal to the president, and Leland and Lambert have so far successfully combined to prevent Wigham's appointment. Leland and Lambert came on here recently to press the matter of a decision. The latter went home to-day with every indication that no definite understanding has been reached.

Wants a Place Under Sutton.

Topeka, Kas., July 8.—(Special.) Reuben Vincent, of Washington, Kas., is after a place under Mike Sutton, the new internal revenue collector. He came down to-day, accompanied by State Senator Morrow, and the two held a long consultation with Mr. Sutton at the Copeland. Vincent went home feeling as happy as if he had the commission in his pocket.

Let Mike Sutton Rejoice.

Washington, July 8.—Senator Pritchard, chairman of the committee on civil service commission, has agreed to a proposition to separate the deputy collectors of customs and internal revenue from the classified service and that an order to this effect will soon be prepared and sent to the president.

Westerners Promoted.

Washington, July 8.—(Special.) Thomas E. Jones, of Silver Lake, Kas., was promoted to-day from copyist at $900 in the pension office, to clerk at $1,000, and Benjamin J. Northcott, of Linneus, Mo., from clerk at $1,000, to $1,200 in the same office.

Reinstated as Meat Taggers.

Washington, July 8.—E. E. Laird, James M. Steele and William B. Garlick, all of Kansas, and C. E. Blackmar, of Missouri, have been reinstated as taggers in the agricultural department, and will be located in Kansas City.

New Missouri Postoffice.

Washington, July 8.—(Special.) A new postoffice has been established at Watkins, Gentry county, Mo., and William H. Hall appointed postmaster.

Pension Examining Surgeons.

Washington, July 8.—Drs. J. H. Pickering and S. M. Barnes have been appointed as pension examining surgeons at Stillwater, O. T.

Why don't you try Carter's Little Liver Pills? They are a positive cure for sick headache and all the ills produced by disordered liver.

Y. P. S. C. E. CONVENTION.

First Regular Sessions Were Held Yesterday Morning—Crowds Turned Away.

San Francisco, July 8.—The long anticipated "California, '97" of the Christian Endeavorers became a reality with the assembling of two vast audiences at Mechanics' and Woodward's pavilions this morning. Ten thousand people filled Mechanics' pavilion as early as 9:30 this morning, and crowds of delegates and visitors who came later were turned away, no room being left for them on the inside. The scene inside the hall was a vast bouquet of color. All was animation and happiness, with the thousands eager to applaud or cheer at every opportunity. The formal opening was by Rev. F. W. Clarke, founder and president of the great Christian movement. Dr. Clarke was received with frenzied applause by every person in the building. Every man, woman and child stood up on benches and chairs, waving aloft flags, banners, handkerchiefs, and, in fact, every conceivable object to be had. The demonstration lasted several minutes and Dr. Clarke appeared much affected by the heartiness of the welcome.

The meeting at Woodward's pavilion, while not so large, owing to the smaller capacity of the building, was equally enthusiastic. The hall was crowded and hundreds blocked the streets on the outside. Secretary William Baer formally opened the convention at this meeting.

At the Mechanics' pavilion meeting occurred the presentation of the banner to the country making the greatest proportionate gain in number of societies during the last twelve months, which has been in possession of Scotland during the past year. It was won by Ireland, and was presented in behalf of the United Society by Rev. Charles A. Dickinson, of Boston.

The junior banner given for the greatest proportionate increase in number of societies during the last twelve months was awarded to Spain. It was presented by W. H. Volger, of Indianapolis, in a neat address. It had been in the possession of Mexico. The banner for the greatest increase in number of societies during the past year, which had been held by England was retained and re-presented to the same country, the junior banner for the greatest increase in number of societies, held by Pennsylvania for three years, was wrested from the Keystone state by Ohio.

During the noon hour evangelistic services were conducted at the Y. M. C. A. hall, at the chamber of commerce and at the Emporium.

Denominational rallies were held in thirty-two churches this afternoon.

Aside from these rallies, several open air meetings were held by the Christian Endeavorers. One of the most largely attended was at Stockton and Market streets, where a Gospel wagon of the Epworth League was stationed.

The sessions of the convention this evening, both at the Mechanics' pavilion and Woodward's pavilion, were even more largely attended than those held in the morning. Fully 20,000 people listened to the proceedings at the Mechanics' pavilion.

The banner to be presented to the local city union having proved the most progress during the past year, which had been in possession of Cleveland, was awarded to Indianapolis. Rev. Courtland Myers, of Brooklyn, then spoke on "Christian Endeavor and Civic Righteousness."

The monster meeting in Woodward's pavilion was presided over by Francis E. Clarke, president of the Endeavorers.

Endeavorers Making Merry.

Stonehouse, Nev., July 8.—The first section of the Chicago Endeavorers arrived here two days behind time. The coaches have been turned into camps and everybody is enjoying the novel trip over the land, notwithstanding eatables are scarce. Passing the Utah desert, a Springfield, Ill., woman gave a party to sixty guests. Since then social affairs are all the rage.

GRAND LODGE OF ELKS.

Two of the Most Important Matters to Come Up Were Settled Yesterday.

Minneapolis, Minn., July 8.—The grand lodge of Elks this afternoon succeeded in disposing of two most important matters before it, the trouble over Golden Gate lodge of San Francisco and the question of reinstating Allen O. Meyers to membership in Cincinnati lodge. The Golden Gate matter occupied four hours of debate, and in the end the action of the grand exalted ruler in organizing a new lodge was almost unanimously sustained. Grand Exalted Ruler Detweiler took the floor himself to defend his action, and the delegates from San Francisco were also heard.

The result of the debate in the case of Allen O. Meyers was the expulsion of that Elk from the order by an overwhelming vote, although the friends of Meyers made a hard fight for him.

Toledo and Louisville took part in the prize drill for Elk clubs, and in the band contest were the Duluth City band and Naval Reserve band, of Detroit, the Fourth Regiment band, of Sioux City, and the Twenty-second Regiment band, from Fort Cook. Awards will be announced to-morrow. The heat was intense to-day and there were numerous prostrations, but no fatalities.

The following officers were elected to-night:

Grand exalted ruler—Meade D. Detweiler, Harrisburg, Pa.

Grand exalted leading knights—B. M. Allen, Birmingham, Ala.; Louis Nauser, Newark, N. J.; Charles M. Foote, Minneapolis, Minn.

Grand secretary—George A. Reynolds, Saginaw, Mich.

Grand treasurer—Ed S. Orris, Meadville, Pa.

Grand tyler—Scott Holmes, Cincinnati, O.

Grand esquire—Lew A. Clarke, St. Louis.

Grand inner guard—George Meyer, Jr., Pittsburg, Pa.

Grand chaplain—Rev. Dr. S. D. Timberlake, New Albany, Ind.

Board of grand trustees—Jerome B. Fisher, Jamestown, N. Y.; Hunter A. Graycroft, Dallas, Tex.; George B. Cronk, Omaha.

NEXT N. E. A. CONVENTION.

Washington, Salt Lake City, Omaha and Los Angeles Bidding for It.

Milwaukee, Wis., July 8.—The voting for the next convention city of the National Educational Association took place at a meeting of the board of directors to-night. The total result of three ballots taken is as follows: Washington, 28; Salt Lake, 24; Omaha, 22; Los Angeles, 21.

These cities will be included in those recommended to the executive committee, who will then take into consideration the claims and accommodations of each and select the city for the next convention. The final decision may not be made known until next December. Appearances favor the selection of Salt Lake City.

To-night's general session of the National Educational Association was a short one on account of a reception given by the citizens of Milwaukee.

Rev. Lyman Abott, of Brooklyn, N. Y., was the only speaker of the evening. His theme was "The Democracy of Learning." The reception was held at the Deutscher Club and was a grand affair.

At a meeting of the board of directors of the National Educational Association Charles B. Skinner, of New York; W. T. Harris, of Washington; Charles Gilbert, of Newark, N. J.; W. R. Harper, of Chicago, and Earle Barnes were elected members of the national council. E. L. Soldan, of St. Louis, was elected a member of the board of trustees.

Failed to Pay His Bills.

Washington, July 8.—The senate committee on military affairs to-day decided upon an adverse report on the promotion of Lieutenant Colonel Henry E. Noyes, of the Second cavalry, nominated by the president to be colonel. The charge made against Colonel Noyes is that of failing to meet his financial obligations.

Arrested for the Brown Holdup.

Lucinda Burton, colored, who is believed to have been implicated in the holding up of W. L. Brown at Fourteenth and Wyandotte streets ten days ago, when $132 was secured, has been arrested at Osceola, Mo. An officer will be sent from here for her.

Two other arrests have been made for participation in the crime.

Overloaded a Wagon.

Sidney Loeb, a second-hand dealer at Seventeenth street and Grand avenue, was arrested yesterday for overloading a wagon which was pulled by one horse.

Notes From the Stations.

Fred Schulz, who is a scale expert at 1313 Grand avenue, was fined $25 in police court yesterday for assaulting his wife.

"Cockey" Delougherty and Tom Shields, who were arrested at the time Officer Fleming was assaulted in front of the Boomers' saloon, at Third and Gillis streets, were discharged in police court yesterday. There was no evidence to show that they had taken part in the assault.

George Stevens, who was arrested Wednesday at Fourteenth street and Grand avenue, for enticing away the 4-year-old daughter of George Atteberry, a merchant at Thirteenth and Main streets, was fined $10 in police court yesterday. Testimony showed that Stevens was drunk.

MUST FURNISH THE PROOF.

PARKER-WASHINGTON COMPANY IS TEMPORARILY SHUT OUT.

Lower House Refuses to Confirm Its Contracts Until It Can Show That It Is Using Genuine Trinidad Lake Asphalt.

The lower house of the council last night refused to confirm the contract with the Parker-Washington Paving Company for paving Sixteenth street from Oak to Locust street with Trinidad lake asphalt. This contract was referred to the public improvements committee of the house, composed of Councilmen Hough, Simonds and Burrows, ten days ago, with authority to investigate the quality of asphalt that had been used by the Parker-Washington company in paving other streets in the city for which it had been awarded the contracts, and also to ascertain if this company had on hand a sufficient quantity of Trinidad lake asphalt to pave Sixteenth street and other streets upon which it had underbid the Barber Asphalt Paving Company.

The committee spent two afternoons listening to testimony, and at the meeting last night it submitted the following report, in which it recommended that the Parker-Washington company be shut out of paving in Kansas City until it can prove that it is in a position to use the lake asphalt, which is the only kind called for in the specifications for paving streets with asphalt:

"The public improvements committee of this house, to whom was referred the ordinance for confirming a contract for the paving of Sixteenth street from Oak to Locust street to the Parker-Washington company, respectfully present our report.

"We recommend the contract be not confirmed and beg leave to submit the following: We have given to their company and all others interested an opportunity, if they so desired, to present to us any testimony relative to this company's intention and ability to construct the work called for with Trinidad lake asphalt, being the material designated and petitioned for, to be laid upon said street. At this investigation we find that neither the city engineer nor any official connected with the city has had the experience or the necessary appliances to test the quality of asphalt laid in our pavements in this city, and the city has been compelled to rely solely upon the honesty and good faith of the paving contractors supplying the material called for in the specifications. We also find and believe from the testimony given before the committee that the quality of the different asphalts can be determined by a proper chemical test or by tracing the product from the place of its original shipment. And it is conceded by all persons who have given this matter any investigation, that any contractor who has the genuine Trinidad lake asphalt can prove its character and genuineness by tracing its shipment from the island of Trinidad.

"It was further stated under oath by the superintendent, or expert chemist, of the Parker-Washington company, who also testified that he did the mixing of all the asphalt that was laid upon Washington street; that fully one-half of the work laid by that company on Washington street and Lawton place was not Trinidad lake asphalt, and he further stated that the company has not enough lake asphalt in its yards to pave the streets the company has already bid upon, but testified under oath that it had a large amount of land asphalt on hand. But they do not agree with their expert as to the relative qualities of same. But they have, however, refused to disclose the source from which they have procured any of their asphalt, and they confess that they have never had a chemical analysis made to determine its quality. They further state that they, themselves, are unable to distinguish one of these kinds of asphalt from the other.

"Therefore the committee to whom was referred the confirmation of their contract cannot, from the evidence and testimony as was shown and brought up at this investigation, believe the Parker-Washington company has complied with the specifications for paving the streets heretofore laid by it, and are not satisfied that it can comply with those specifications in the future.

"We do, therefore, recommend that the contract referred to the committee be not confirmed, and that hereafter in considering bids for Trinidad lake asphalt pavements the bid of the Parker-Washington company be rejected until such company produces satisfactory proof that it can procure the material so specified to the satisfaction of the city engineer and the committee to whom such contract or work is referred."

The Parker-Washington company had sent a letter to Chairman Hough, of the committee, in which it offered to defray his expenses if he would go to New York for the purpose of being convinced that the company could procure Trinidad lake asphalt. It also offered to prove to the city engineer or someone to be selected by him that it will and can comply with any contracts for laying lake asphalt that may be let to it.

The report and the letter were discussed by Councilmen Simonds, Lynch, Wolf, Pendergast and Speaker Smith. The latter contended that the Parker-Washington company should be given a further opportunity to show that it can comply with the specifications for paving streets with asphalt. The others thought it had been given plenty of time and opportunity and that as it had failed to make good its promise to convince the public improvements committee that it had been using and proposed to use in the future the genuine lake product, no more time should be wasted in dealing with it.

Councilman Lynch moved to indefinitely postpone the ordinance confirming the Sixteenth streets contract, and this motion was adopted, Speaker Smith casting the only negative vote.

After passing a number of sidewalk and other public improvement ordinances and resolutions, the upper house members spent an hour discussing an ordinance appropriating $4,000 to equip a fire engine house at Twelfth street and Indiana avenue and to purchase a team for an engine at No. 5 engine house. It was finally agreed to place both reports on file. The ordinance was then read the second time, after which it was referred to the committee.

The ordinance transferring $32,500 from the surplus of the fiscal year 1896 was passed. This ordinance appropriates $14,000 for the new workhouse, $5,000 for the completion of the city hospital, $2,500 for the bridge over the Belt line tracks on Park avenue at Twentieth street and $2,500 for the improvement of Allen avenue. The balance goes into the expense fund.

PARKER-WASHINGTON'S SIDE.

President McCormick Complains and Offers to Furnish Convincing Evidence to the Committee.

David McCormick, president of the Parker-Washington company, insists that he has not been given fair treatment by the council committee. He was especially bitter yesterday over the treatment given a recent proposition made to the committee through Councilman Hough. The proposition was in the form of a letter agreeing to take one or more of the committee East, at the company's expense, and convince such a representative or representatives of the genuineness of the material used and the legitimacy of its source.

"This letter," said Mr. McCormick yesterday afternoon, "was given to Mr. Hough by Mr. J. B. Smith and myself last Saturday afternoon. Mr. Hough said nothing could be fairer than the proposition therein made, and said that he would bring the matter before the committee, and even suggested that we see Engineer Wise and have him arrange a meeting of the committee with him. We saw Mr. Wise, who set the meeting for yesterday afternoon,