

AGAINST THE LAW.

(Continued from page 1.)

tion which would seek to substitute a right to sell the premises subject to an estate or right of possession in the debtor or his alienees for eighteen months?

"Martha Barnitz held Kirtland's notes secured by a mortgage. Of course, under the contract thus created, she had a right to resort to other property of the debtor to make up for any deficiency remaining after the sale of the real estate mortgaged. As the law stood at the time the contract was made, if Kirtland, either by purchase at the sale or by subsequent transactions, became the owner of the real estate, Mrs. Barnitz had a legal right to again levy thereon and subject it to the payment of the remnant of her debt. But this law, as we have seen, in express terms declares that this real estate shall not again be liable for sale for any balance due upon the judgment or decree under which the same is sold. This cannot be held to mean merely that the land is sold free from existing liens, for such would be the legal effect of the sale at any rate. It plainly means that the balance of the debt shall not be made out of the lands, even if and when they became the property of the debtor. Nor can it be said that such a question is not now before us. What we are now considering is, whether the change of remedy was detrimental to such a degree as to amount to an impairment of the plaintiff's right and, as this record discloses that the sale left a portion of the plaintiff's judgment unpaid, it may be fairly argued that this provision of the act does not deprive the plaintiff of a right inherent in her contract. When we are asked to put this case within the rule of those cases in which we have held that it is competent for the States to change the form of the remedy, or to modify it otherwise, as they may see fit, provided no substantial right secured by the contract is thereby impaired, we are bound to consider the entire scheme of the new statute, and to have regard to its probable effect on the rights of the parties.

"It is contended that the right to redeem granted by the new statute only operates on the purchaser and not on the mortgagee as such. This very argument was foreseen and disposed of in *Bronson vs. Kinzie*, where the court said:

"It (the new act) declares that although the mortgaged premises should be sold under the decree, yet that the equitable estate of the mortgagor shall not be extinguished, but shall continue for twelve months after the sale; and it moreover gives a new and like estate to the judgment creditors to continue for fifteen months. If such rights may be added to the original contract by subsequent legislation, it would be difficult to say at what point they must stop. An equitable estate in the premises may, in like manner, be conferred upon others; and the right to redeem may be so prolonged as to deprive the mortgagee of the benefit of his security by rendering the property unsalable for anything like its value. This law gives to the mortgagor and to the judgment creditors (meaning creditors other than the mortgagee) an equitable estate in the premises, which neither of them would have been entitled to under the original contract; and these new interests are directly and materially in conflict with those which the mortgagee acquired when the mortgage was made. Any such modification of a contract by subsequent legislation, against the consent of one of the parties, unquestionably im-

pairs its obligations, and is prohibited by the constitution."

"The judgment of the Supreme court of Kansas is reversed and the cause remanded to that court with directions to proceed therein in accordance with this opinion.

To Impeach Cleveland.

In the House Saturday Congressman Howard (Pop.) of Alabama rose in his place after the reading of the Journal and introduced a resolution impeaching President Cleveland. The resolution was as follows:

"I do impeach Grover Cleveland, President of the United States, of the high crimes and misdemeanors on the following grounds:

"First—That he has sold, or directed the sales, of bonds without authority of law.

"Second—That he sold or aided in the sale of bonds at less than their market value.

"Third—That he directed the misappropriation of the proceeds of said bond sales.

"Fourth—That he directed the Secretary of the Treasury to disregard the law which makes United States notes and treasury notes redeemable in coin.

"Fifth—That he has ignored and refused to have enforced the 'anti-trust law.'

"Sixth—That he has sent United States troops into the State of Illinois without authority of law and in violation of the constitution.

"Seventh—That he has corrupted politics through the interference of federal office holders.

"Eighth—That he has used the appointing power to influence legislation detrimental to the welfare of the people; therefore, be it

"Resolved, By the House of Representatives, that the Committee on Judiciary be directed to ascertain whether these charges are true, and if so to report to the House such action by impeachment or otherwise, as shall be proper in the premises and said committee shall have authority to send for persons and papers."

Mr. Howard endeavored to make a speech on the resolution, but he was prevented by a motion made by Mr. Dingley, the Republican leader. This motion was unanimously adopted. It is evident that the Republicans do not care to call Mr. Cleveland to account for the many things which they charge against him.

How Dodd Was Killed.

In a recent issue the death of J. I. Dodd of Jewell county in the Topeka asylum was reported. It seems very hard to get at the facts in this case, as the attendants and employes are taught that it is their business to know nothing. Five days before the death of Dodd, Dr. Duncanson, Xenia, Kas., was declared cured and ready for discharge. He was formally discharged eleven days after Dodd's death. He has written a long letter to the *Mankato Advocate* in which he details the brutal incidents in connection with the death of Dodd. The ward in which these two men were confined was in charge of Attendants Flint and Cludas. Duncanson in speaking of the incident says that Flint repeatedly knocked Dodd down, choked him and otherwise abused him because Dodd would not be quiet and keep away from the door. When Flint would throw him down, he would jump on him and his entire weight would land on the man's chest. Finally Dodd got so weak that he could not get up nor even raise his hands, then Flint dragged him into room 18 and closed the door. Duncan-

son reports that he heard noises inside as if a struggle was going on and then heard three heavy blows, which sounded like kicks on a man's ribs. This was followed by a groan of agony, after which all was very quiet. Dodd never came out of room 18 alive. County Attorney Sutherland of Jewell county was in Topeka last week endeavoring to take some action calculated to bring this brutal attendant to justice, but County Attorney Safford of Shawnee county refused to assist in the prosecution, Governor Morrill refused to investigate the matter and Superintendent Eastman neglects to take any steps to require humane treatment of these patients. This is the second case of the kind in the past year that has come to the knowledge of the public, and it is certainly time that some steps were being taken to insure humane treatment for the poor unfortunates confined in the Topeka Insane Asylum.

Fire at the Penitentiary.

A fire broke out in the coal sheds at the Kansas Penitentiary at Lansing early on the morning of May 14. It was caused by the accumulation of coal dust under the screens. This dust exploded and set fire to the sheds. Other buildings caught fire and the total damage done will aggregate nearly \$15,000. The fire was due to inexcusable carelessness. No man who is in the habit of handling quantities of coal can help but know that spontaneous combustion is inevitable in a very short time in large accumulations of coal dust. A careful management would have seen to it that this dust was promptly disposed of. The failure to do so resulted in this heavy loss to the State.

The disposition of the Republican press is well exhibited in the manner in which this matter has been suppressed. No Republican paper has contained a line in reference to it except the *Leavenworth Times* which published a short item a few days after the fire in which certain officers were commended for their efforts in preventing the Penitentiary fire from doing even greater damage. This item doubtless escaped the notice of the editor and it is not likely that it was printed intentionally.

It is the legitimate province of newspapers to print the news. A paper owes it to its readers to print all news in which the reader will probably be interested. The average reader has a right to expect that the destruction of public property which he has paid taxes to construct will be reported in the news columns of the press. In the matter of the \$15,000 fire at the State Penitentiary May 14, the Republican press of Kansas has willfully and for partisan political purposes suppressed the publication of news in which every taxpayer of Kansas is interested.

The State Superintendent of Insurance for New York, in his twenty-seventh annual report just issued, shows: "The gross assets of life insurance companies doing business in this State on December 31 last were \$1,142,419,926, an increase of \$86,088,243 as compared with the previous year. Of this amount New York State companies have \$689,420,488, an increase of \$53,068,835; companies of other States, \$452,999,437, an increase of \$33,019,408."

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DOINGS IN CONGRESS.

The House spent a large portion of last week debating immigration bills.

The Senate has agreed to the item of \$50,000 for irrigation in Kansas and \$175,000 for the topographical survey.

Blue, Curtis and Broderick voted for the bill giving Congressmen's clerks full pay, whether Congress is in session or not. Every Populist voted against the steal.

Senator Allen moved an amendment to a pending bill providing for a tax of \$1 per barrel on all beer manufactured in this country. On motion of John Sherman the amendment was tabled.

The bill appropriating limited amounts for private charities in the District of Columbia passed the Senate. Senators Allen, Kyle and Stewart voted for and Senator Peffer against it.

Senator Dubois has introduced a resolution providing that no government bond shall be issued until the President shall have communicated to Congress, in a message, the facts showing the necessity for such issue and until Congress shall authorize it.

A bill is being considered by the House which provides for a Department of Commerce, to be presided over by the Secretary of Commerce, who will be a member of the President's Cabinet. All matters relating to commercial affairs would be intrusted to this department.

The House passed the Bartholdt immigration bill, which adds to the present restrictions a clause forbidding the admission of foreigners who cannot both read and write the English or some other language. An amendment prohibits laborers from crossing the borders into this country year after year to work in this country with no intention of becoming citizens.

A sub-committee of the Senate Committee on Finance has been appointed to conduct the investigation provided for in Senator Peffer's resolution. It consists of Senators Harris (Tenn.), Vest (Mo.), Walthall (Miss.), Platt (Conn.) and Jones (Nev.). The first three are Democrats, the fourth is a Republican and the last named is a Populist. It is not stated when the inquiry will begin.

The *New York World* gives figures showing the trade of coast cities during each of several years, as follows: "The annual increase of the export trade of Boston has been only \$26,000,000, comparing 1895 with 1880. But insignificant as such an increase seems in the light of the growth of this country during the last fifteen years, it is significant in being the only increase shown for the same period by any one of the principal cities of the Atlantic and Gulf coasts. The exports for New York amounted to \$392,560,000 in 1880, to \$349,051,000 in 1890, and to \$325,580,000 in 1895. The showing for Philadelphia is still worse, for exports from that port fell from \$49,649,000 in 1880 to \$37,410,000 in 1890 and to \$35,033,000 in 1895. Baltimore fell from \$76,253,000 in 1880 to \$73,253,000 in 1890 and to \$61,938,000 in 1895; Charleston from \$19,591,000 in 1880 to \$13,788,000 in 1890 and to \$10,712,000 in 1895; Mobile from \$7,188,000 in 1880 to \$5,173,000 in 1895, and New Orleans from \$90,442,000 in 1880 to \$68,432,000 in 1895."

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