

THE CIGARETTE LAW UPHELD BY THE COURT

IT IS UNLAWFUL TO HANDLE THE GOODS IN NEBRASKA.

A Decision by the Douglas County District Court Overruled by the Higher Tribunal.

LINCOLN—It is unlawful to give away cigarettes or cigarette papers in Nebraska. The supreme court so declared in sustaining the sections of the law which make such actions illegal. The judgment of the Douglas county district court is reversed and John Alperon is remanded in the custody of an officer.

Alperon was arrested and sought to secure his liberty by writ of habeas corpus. He contended that part of the act which made the giving away of cigarettes and cigarette papers unlawful was unconstitutional because it was a subject not sufficiently expressed in the title of the act. The title prohibits the manufacture and sale of cigarettes and cigarette papers. The court says:

"If the barter and gift of cigarettes and cigarette papers is not prohibited by the act, it is manifest that the purpose and intent of the legislature is thwarted, and we think that purpose and intent is plainly to be derived from the title of the act itself."

The court holds that the intent of the act is sufficiently expressed in the title.

"The legislature undoubtedly supposed that the use of cigarettes was injurious to the public in general through its effect upon the health and morals of the public. The intention was to remove those articles from the avenues of commerce, to banish them from the state as guilty and illegitimate things that ought not to be offered to or easy of access by vicious or thoughtless people who are or may be injured thereby."

General health conditions are illustrated by the fact that, notwithstanding we have increased the laboring force to nearly 4,000 men during the last four months, the number of patients in Ancoff hospital was lower than for many previous months.

"In addition to the fumigation of the houses at Panama and Colon, the isolation of the patients and the cutting of grass and vegetation around the camps, heretofore employed as a means of prevention, the department is now thoroughly cleaning the cities of Panama and Colon, draining swamps near towns and camps, filling in the lowest places and thus eradicating breeding places for mosquitoes.

"As a result of our new methods in handling the labor on the isthmus, I will say that during a certain period, when we were increasing the force by the importation of 3,200 men, the pay rolls showed an increase of 4,000 men, the difference resulting from our methods of requiring men to leave their quarters and go to work. Loafing either in quarters or on works is absolutely prohibited."

TREATY NOT SATISFACTORY.

Objections to the Anglo-Cuban Convention.

WASHINGTON — Information from Cuba that there is a growing dissatisfaction there with the terms of the proposed Anglo-Cuban treaty has developed here the fact that the Washington government thoroughly appreciates the reasons of the Cuban people for objecting to the treaty.

The official view here is that the treaty is distinctly disadvantageous to Cuba in that it precludes that country from renewing with the United States her reciprocity treaty, which, under the present arrangement, is effective only for five years.

INDICTMENTS STILL STAND.

Chicago Packers Get Only Partial Relief in Court.

CHICAGO—Federal Judge J. Otis Humphrey gave a divided decision on the demurrer of the meat packers, charged with illegal conspiracy. He overruled the portion of the demurrer in which the packers attacked the odd-numbered counts, charging conspiracy in restraint of trade. The demurrer to the even-numbered counts, charging monopoly, was sustained.

Following the decision counsel for the packers asked leave to extend the demurrer from the third count of the indictment to the first count to which he previously announced he would enter a plea of not guilty. The court allowed this and then overruled the demurrer to the first count.

TORNADO IN ILLINOIS.

Eight Persons Killed and a Large Number Injured.

St. Louis, Mo.—A tornado struck the village of Sorento, Ill., thirty-two miles northeast of St. Louis, Tuesday night, killing eight persons, injuring thirty-five others, of whom three will probably die and doing a great amount of damage to property.

Forty houses were blown to pieces or carried far from their foundations.

A complete swath was cut through the town.

Everything in the track of the tornado was reduced to debris or blown away.

Congressmen En Route Home.

KANSAS CITY—The party of congressmen which left Chicago two weeks ago for a trip into New Mexico and Arizona to gather information concerning statehood for the two territories passed through Kansas City on the way home. The journey has been over a distance of 5,000 miles and a minute inspection of the territories has been made. The trip extended as far south as Cananea, Mexico, where mining properties were seen, but the greater part of the time was spent in the two territories.

ON PANAMA CANAL.

Chairman Shows Seaks of His Recent Visit.

WASHINGTON — Chairman Shows of the isthmian canal commission made the following statement of his observations on the isthmus of Panama during his recent visit:

"The most encouraging feature of affairs on the isthmus observed by every person who had been there previously during the last six and eight months was the improvement in the feeling among the men. Chief Engineer Stevens' methods and personality are making a strong impression and creating confidence in his measures.

"I found that substantial progress had been made in the repairing and construction of houses, over 200 of the old French houses having been repaired during the last two months. A large dock at Cristobal, which has twenty-seven feet of water, will be ready for ships in a very few weeks. Rapid progress is being made on dock 1, also at Cristobal. The new dock at La Boca is also being rapidly pushed to completion. These docks will be equipped with modern machinery, which will largely facilitate the loading and unloading of ships. When these docks are all completed and in operation we shall be able to handle all the commission material and a large part of the Panama freight from these docks, leaving the old docks largely for the use of ships of other lines. We are also putting in shops and terminal yards at Cristobal, and have planned yards for La Boca and the end of the line. The bridges of the Panama railroad have been strengthened so as to carry the heavier locomotives now arriving on the isthmus.

"General health conditions are illustrated by the fact that, notwithstanding we have increased the laboring force to nearly 4,000 men during the last four months, the number of patients in Ancoff hospital was lower than for many previous months.

"In addition to the fumigation of the houses at Panama and Colon, the isolation of the patients and the cutting of grass and vegetation around the camps, heretofore employed as a means of prevention, the department is now thoroughly cleaning the cities of Panama and Colon, draining swamps near towns and camps, filling in the lowest places and thus eradicating breeding places for mosquitoes.

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THE OLD RATES AND NEW CUSTOMS

STATEMENT REGARDING GERMAN IMPORT DUTY RATES.

Quite an Increase in Some Products, Agricultural Commodities Coming In For Large Share.

WASHINGTON—A statement of the German customs tariff, comparing the rates of import duty levied in Germany under the old and new customs tariff, respectively, was given out by the Department of Commerce and Labor. A table has been compiled expressing the difference between the old and new rates in advance terms, based on the German estimates of the import value of the articles in 1903, the last year for which figures are available.

The estimates as to what percentage ad valorem the new general and conventional rates will constitute can only be approximately correct at best. If prices of commodities should not change greatly as compared with those prevailing in 1903, the estimates of what the new ad valorem rates will amount to will be fairly accurate, otherwise they will not. On each the rate at present charged is twenty marks per 100 kilos, and that to be charged against the new tariff thirty-six marks, an increase of 80 per cent. Among the products constituting the most important items in the export trade of the United States with Germany the highest ad valorem rate affects minerals oils, being 71 per cent. ad valorem on illuminating and 72 per cent. on lubricating oil. That on illuminating has been increased 66 per cent. in the new tariff and left unchanged in the conventional tariff.

The duty on tobacco is 57 per cent. ad valorem and has not been changed in either of the new tariffs.

A series of notable increases affects agricultural products. Thus rice, the duty on which until now constituted the highest ad valorem rate viz: 35 per cent. is advanced to about 70 per cent. ad valorem under the new general tariff and 43 per cent. under the conventional.

The specific duty on wheat is advanced 114 per cent.; on wheat flour, 157 per cent.; dried wheat, 52 per cent.; fresh oranges, 200 per cent. The conventional tariffs are somewhat lower. Thus while oranges coming from favored nations will be subject to a duty of 24 per cent. ad valorem, those imported from other countries will have to pay about 89 per cent. ad valorem.

The rates on provisions also have been advanced 80 per cent.; pork 176 per cent.; beef, 200 per cent. though the conventional tariffs being somewhat lower.

REGULAR ARMY MONUMENT.

It is Proposed to Erect It on the Field of Gettysburg.

WASHINGTON — Lieutenant General Chaffee and Major General Bates of the general staff returned to this city from Gettysburg, Pa., where they joined other survivors of the battle of Gettysburg in inspecting the models of monuments designed to mark the positions of the different organizations of the regular army which took part in that decisive engagement.

Congress appropriated \$25,000 for the purpose, to be expended under the direction of the national Gettysburg park commission.

As a result of a general discussion a sentiment was developed in favor of the erection of a large single monument in memory of the regular army in preference to a large number of small ones to mark the positions of each individual organization.

Abyssinia Sends an Envoy.

NEW YORK — El-Hag-Abdul-Ally, Sadik-Pasha, prince of the Mohammedan church, general of the Abyssinian army, minister of commerce and envoy of Emperor Menelik to President Roosevelt, arrived here today on the steamer Cedric. He comes ostensibly in regard to the new treaty of commerce between this country and Abyssinia, but actually his mission is to study the possibilities of closer relations with Europe and America. He has come to America after a stay at Berlin, Paris and London.

FEW WANT JOINT STATEHOOD.

People of Southwestern Territories Demand Two States.

ALBUQUERQUE, N. M.—After ten days in Arizona, visiting her principal cities and acquainting themselves with the wishes of her people on statehood, the congressional party in their special train passed through here today, returning home. While in Arizona the party found fewer than fifty people favoring joint statehood with New Mexico, including twenty who presented a petition for jointure at Tucson.

Sues Fifteen Texas Railroads.

AUSTIN, Tex.—Acting for himself and in the name of the state, District Attorney Warren W. Moore of the Fifty-third district court on Friday filed suit against fifteen railroads of Texas for sums ranging from \$3,600 to \$25,000. These suits are brought in the nature of a penalty for failure to pay 1 per cent. tax on the gross earnings, as provided for in the Love tax bill, which the roads are now fighting and which is on an appeal to the higher courts, the state having won out in the trial court.

WAR RECORDS OF THE NAVY.

Volumes Describing Blockade and River Operations About Ready.

WASHINGTON—Charles W. Stewart, superintendent of the naval library and naval war records, in his annual report says volumes twenty and twenty-one of the records of the union and confederate navies, in the civil war, dealing with the operations of the west bull blockade squadron, under Admiral Farragut, from March 15, 1863, to near the end of 1864, are nearing completion. The report also says:

"The operations of the confederate navy are completely presented here for the first time in history. The records which include the construction, equipment and performance of ironclads, cruisers, torpedo and torpedo boats, stand as a monument to the energy, skill and daring of confederate officers and sailors.

"The naval warfare carried on in inland waters, bays, inlets and rivers is comparatively new in naval history and in its relations to shore operations by landing parties or in co-operation with army forces; valuable data are presented concerning the strategy and tactics of inland blockade and the military control of water courses.

"The publication has now reached probably the most interesting portion of the war from a naval point of view, says the librarian. It is recommended that the records of the American navy in colonial times, during the revolutionary war and other operations down to the including the Mexican war, be collected and arranged for publication."

AN IMPRESSIVE MANIFESTO.

Ratification of Peace Between Russia and Japan.

ST. PETERSBURG—An imperial manifesto was issued proclaiming the ratification of peace between Russia and Japan. It says:

"God has caused our fatherland to suffer sore trials from the blows of fate in a sanguinary war, but the struggles have afforded manifold proofs of the bravery and courage of our glorious troops against a brave and mighty enemy. This war, so painful for us all, is now over. The eastern portion of our country will develop itself in peace and good neighborliness with the Japanese empire, which has become our friend.

In communicating the restoration of peace to our subjects we are sure they will join in our prayers to God, to give a blessing on our great labors in conjunction with men elected by the people for the development and prosperity of Russia.

NICHOLAS.

STANDS WITH ROOSEVELT.

Bishop of London Sounds Warning Against Race Suicide.

LONDON—The falling birth rate was the subject of interesting comment by the bishop of Ireland, Dr. Ingram, in an address to the clergy of his diocese in St. Paul's cathedral this afternoon. Like President Roosevelt, he warned his hearers of the dangers of this decrease. It was impossible, the bishop said, to describe with what dismay he viewed this diminution of the birth rate, not only in England, but in the colonies. It appeared to him to be an artificial diminution by artificial means.

The practice of the deliberate prevention of conception had spread like a blight among the middle classes and must be viewed by the Church of England as a sin. The prevailing love of comfort was largely responsible for this and the clergy must learn themselves to teach others to live the simpler and healthier life which their forefathers lived.

PRICE OF SHOES GOES UP.

Markets Advance Because of Scarcity in Raw Material.

CHICAGO—The price of shoes in Chicago will be higher within the next fortnight than has been known in the last forty years in ready and custom-made goods. Already the jobbing price has advanced 50 cents on the pair and the retail trade is expected to feel the change in cost immediately. There is a scarcity of hides and the local dealers as well as the buyers of the east have become alarmed over the shortage. So material has been the effect of the shortage that the cost of tanned hides has gone up 30 per cent. since September 1.

Mexican Government Extends Time.

Mexico—The government has extended the time for the construction of the Mexican Central's branch from Colima to Manzanillo, on the Pacific coast, to October, 1909. There is already a narrow gauge railroad between Colima and Manzanillo, which belonged formerly to the Mexican National Construction company, but which was recently acquired by the Mexican Central. This road will be made standard gauge. The Central has 3,000 men at work on the extension of its line to Colima.

Negro Troops to Philippines.

WASHINGTON—Secretary Taft has decided to send the Twenty-fourth regiment of infantry (colored troops) to Mindanao, Philippine Islands, a second term of service there.

Japan to Increase Navy.

LONDON—The correspondent of the Times at Tokio says it is rumored that the Japanese government proposes to increase the army from thirteen to twenty divisions to better discharge its obligation with regard to the Anglo-Japanese alliance.

EXTRAVAGANCE IN UNCLE SAM'S PRINTERY

OPPORTUNITY FOR THE GOVERNOR.

What Congressman Landis Has to Say of a Waste in Printing Public Documents.

WASHINGTON—Supplementing his statement of Thursday regarding extravagance and waste in public printing, Representative Charles B. Landis, chairman of the subcommittee of the congressional printing investigation committee, charged with an inquiry into the alleged extravagances in the public printing, on Friday insisted that the statement he made to congress before its adjournment that the government could save \$1,000,000 a year on its printing bill, was not at all extravagant.

Mr. Landis declared today that "a printing contagion seems to have swept over and taken possession of congress and all departments of the government to such an extent that an arbitrary reduction in the printing appropriations of from 20 to 25 per cent could be made without doing violence to the public welfare."

Mr. Landis stated that the committee had been endeavoring first of all to learn the actual valuation placed by the public upon the documents so freely distributed and to determine whether the benefits of the country justify the expenditure involved and whether the distribution has been to the best advantage.

"The inquiry," he said, "has extended to every section of the country, and an effort made to obtain the estimate of value placed upon these documents by the people for whom they are intended as well as by the officials by whom they are prepared. There is no doubt that many of them are of great value, but intelligent discrimination and more effective distribution should result from the inquiry. There are tons and upon tons of documents for which there will never be any demand piled up in the committee rooms and in the various departments about Washington and the garrets and woodsheds of senators and representatives throughout the country. It all represents waste and extravagance and improvidence and the situation fairly shrieks for correction."

PRIVATE CAR LINES NEXT.

Interstate Commerce Commission Takes Up Refrigerator Cases.

WASHINGTON — Several traffic managers of southeastern railroads testified before the interstate commerce commission in the private car inquiry concerning the manner of handling fruit and perishable products in their territory. Most of them said that they have entered into arrangements with private car lines by which the latter engaged to take the responsibility for the handling of the fruit, the railroads acting as agents only in the matter of transportation.

A. Allis, an ice manufacturer of Augusta, Ga., submitted a contract his company has to supply the Armour car lines with ice, and gave many details concerning the arrangement with the private car lines. It is expected the hearing will be concluded tomorrow.

Vanderbilt and Astor Protest.

NEWPORT, R. I.—In behalf of John Jacob Astor and Cornelius Vanderbilt, whose names were mentioned in testimony given at a hearing in New York Friday on proceedings instituted by William B. Franklin and George L. Scott against Joseph H. Hoadley and others to recover \$65,800, Lewis Cass Ledyard issued a statement here to night in which it was denied that either Mr. Vanderbilt or Colonel Astor ever owned stock of the International Power company, assisted by a witness.

LOST THREE IN THE FIRE.

Pathetic Incident in Connection with Iroquois Case.

CHICAGO—A pathetic incident marked the beginning before Judge Landis, in the United States circuit court, of the trial of the first damage suit resulting from the Iroquois, theater fire of December, 1903. The first prospective juror called, James C. Long, a patriarch from Geneva, Ill., was asked if he knew any of those killed by the fire.

He slowly replied that he did, and he was asked for their names.

The head of the aged man bowed low, and tears filled his eyes. He tried to answer, but could not.

Attorneys hastily explained that Mr. Long had lost three daughters in the fire. The court ordered that he be excused from further examination. Mr. Long afterward said that his daughters, aged fourteen, eleven and nine years, respectively, had attended the theater on the day of the fire and that their dead bodies were among those taken out of the building.

Michael Goes To India.

WASHINGTON—The appointment of Colonel W. H. Michael, chief clerk of the Department of State, to be consul general at Calcutta was announced at the state department. Colonel Michael succeeds Stanley Stoner. It is said at the state department that the resignation of Mr. Stoner, who was only recently appointed to Calcutta, was entirely voluntary. The illness of a member of his family which occurred subsequent to his appointment causes him to request the department to permit him to resign.

Still Seeing Arizona.

GRAND CANYON, Ariz.—Congressmen Tawney, Davis and Stenerson of Minnesota, Marshall of North Dakota and Minor of Wisconsin, with a portion of the congressional party now inspecting Arizona, on Tuesday went to the bottom of the Grand Canyon, while the rest of the party drove over the reservation and inspected the timber reserve there. The entire party banqueted at El Tovar hotel Tuesday night as guests of the Santa Fe Railroad company and left at midnight for Flagstaff.

COURT-MARTIAL OF NAVY.

Prisoners So Many That Prison Ships Must Be Used.

WASHINGTON—In the annual report of Captain S. W. Diehl, judge advocate general of the navy, the record of general courts-martial for the fiscal year shows that twelve commissioned officers were convicted and three acquitted, while 905 enlisted men were convicted and thirty acquitted. The record of summary courts-martial shows that 4,157 blue-jackets were convicted and 200 acquitted and that 1,015 marines (enlisted men) were convicted and seventy-seven acquitted. A total of 423 enlisted men were convicted of desertion, 147 of absence without leave, twenty-five of desertion and fraudulent enlistment and eighty-three of fraudulent enlistment.

Captain Diehl says that Colonel A. C. Kelton, United States marine corps, has developed in the naval prison at the Boston navy yard a school of discipline of the highest order for offenders against naval laws and regulations. The large number of prisoners received from the Asiatic station has resulted in an over-crowding of the Mare Island prison to such an extent, the report states, that it became necessary to fill up two prison ships to relieve the situation until permanent extensions to the present shore institution can be provided by legislation. The Manila at Mare Island and the Nipsic at Bremerton, Wash., are being prepared for the overflow of prisoners.

BONDS WORTH \$30,000 STOLEN.

Taken From a Safe That Was Opened by an Expert.

NEW YORK—Bonds of the People's Gas, Light & Coke company of Buffalo, N. Y., representing a face value of \$30,000, were stolen on Tuesday, it was learned early today, from a safe in the law offices of Baldwin & Ward, No. 86 Lexington street, Brooklyn. Other bonds valued at \$165,000 were left untouched.

The bonds are the property of the old Eighth Ward bank, which was merged into the Borough bank both of Brooklyn. Baldwin & Ward are attorneys for the latter institution and have charge of litigation in which the bank through the merging is involved. The police believe that the safe was opened by an expert.

IRVING'S ASHES AT REST.

Remains of Late Actor Beside Those of Garrick.

LONDON—Beside that other great actor, Garrick, and under the shadow of the statue of Shakespeare, as the interpreter of whose plays he had been, the ashes of Sir Henry Irving were on Friday given burial in Westminster Abbey, thus being accorded England's greatest tribute to its dead.

The services, which were of an impressive character, were conducted in the presence of a congregation which included many from the highest official life of England, eminent representatives of all walks of life and all the representatives of that gallery to which Mr. Irving was so invariably attentive who could find standing room in the Abbey. King Edward was represented by General Sir Dighton Probyn, keeper of the privy purse, and the prince of Wales was represented by Lieutenant H. P. Carrington, controller of the prince's household, while the cabinet ministers and ambassadors attended in person. Whitlaw Reid, who is visiting in Scotland, coming to London purposely to testify America's regard for the dead tragedian.

Anarchists Arrested.

PARIS—After a protracted preliminary inquiry indictments were brought against five anarchists in connection with throwing a bomb at a carriage carrying King Alfonso and President Loubet. The principal person accused is Avino, alias Ferras, who is indicted for the attempted assassination of the king and president and their escort. Avino has not yet been captured. Charles Malato, a philosophic writer, and an anarchist named Caussanet are charged with complicity in the outrage.

WILLING TO ACCEPT CROWN.

Prince Charles of Denmark Likely to Be Norwegian King.

COPENHAGEN—An important dispatch was received from the Norwegian premier, M. Mchelson, at Christiania, notifying the Danish court that a full agreement had been reached by the members of the Norwegian government on the advisability of a prompt settlement of the throne question by a resolution of the council was immediately summoned, the ministers sat for two hours and it was announced that the Danish court was ready to abandon the idea of a plebiscite and that Prince Charles of Denmark was willing to accept the crown of Norway when elected by a majority of the storthg.

Still Seeing Arizona.

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