TARIFF LAW MADE CLEAR

Opinion Handed Down in the Hardwick Case Made Public.

WRITTEN BY CHIEF JUSTICE FULLER

McKinley Bill Was Clearly Operative Up to the Time the Wilson Measure Actually Became of Full Force and Effect.

WASHINGTON, June 8 .- Chief Justice Fuller's opinion in the Burr and Hardwick case, Involving the date which the present tariff law went into effect, which was announced on Monday last, but not read, was made publie today. Discussing the contention that the law should have taken effect on the 1st Instead of August 28, 1894, the chief justice

"Upon the threshold we are met with the fact that the act of 1890 was not repealed in terms until August 28, 1894, and that the repealing section of the latter act kept in force every right and the ability of the gov ernment or of every person which has been incurred or accrued prior to the passage thereof and thereby every right or liability excepted out of the effects ought to be given to the first section. The right of the government to duties under the tariff law which ex isted between August 1 and August 28 was a right accruing prior to the passage of the act of 1894, and the obligation of the importers between August 1 and August 28 to pay the duties on other goods under the existing tariff law was a liability under that law arising prior to the passage of the law of 1894; and if congress intended that section A should relate back to August 1, still the intention is quite as apparent that the act of 1890 should remain in full force and effect until the passage of the new act on August 28 and that all acts, rights accrued and liabilities incurred under the earlier act prior to the repeal should be saved from the effect thereof, as to all parties interested, the United States included. A higher rate was imposed on many articles by the act of 1894 than by the prior act and a lower rate on others, while some that were free were made dutiable, as for instance the article of sugar Must duties paid between August 1 and August 28 be refunded where the rate was lowered and assessed where the rate was raised or a duty imposed where none existed?

Summing up, the chief justice says: "As the act of 1890 was not repealed by the act of 1894 until the latter act became a law. when inconsistent laws were declared thereby repealed, we think it cannot be doubted that congress intended the rates of duty prescribed by the act of 1894 to be levied on the 1st day of August if the bill should then be a law, and if not then as soon after that date as it should become a law. On the 1st day of August the duties prescribed by the first section of the act of 1894 could not be lawfully levied, and so far as the importations in this case are concerned and others similarly situated, the law required exaction of the duties prescribed by the act of 1890 As to such importations, the first section of the act of 1894 could not be literally carried out unless by holding it to operate as a retro-active repeal, notwithstanding the saving clause, and this we consider altogether in-dispensible. The language of section 1 was 'that on and after August 1 there be levied,' and of the second section 'that on and after August 1 certain enumerated articles shall be exempt from duty.' In our judgment the word 'shall' spoke for the future, and was not intended to apply to transactions com pleted when the act became a law."

TOOK LEAVE OF LAW DEPARTMENT Olney Finishes Up His Labors There and

Bids Goodby to the Employes. WASHINGTON, June 8 .- Attorney General Olney was busy all day arranging his vate papers and preparing for his trans fer to the State department. There was no formal leavetaking, although most of the subordinates called at the department during the day to tender their regrets and wish him success at the head of the diplomatic branch of the government. His duties as attorney general ceased tonight. His last official action in the old office was to sign the commissions of Benjamin A. Bergen to San Francisco, appointed special assistant of the district attorney for northern California, to take charge of the litigation in the red-wood timber land entries, and Chauncey Wood of Rapid City, S. D., as assistant to the district attorney of that state in timber cases. Mr. Olney will be sworn in as secretary of state at the State department Mon enorning, probably by Chief Justice

News for the Army.

WASHINGTON, June 8 .- (Special Telegram.)-Captain Marion P. Maus is transferred from company I to company D, Captain James S. Pettit from company D to company I, First infantry.

Captain Henry B. Moon, recently promoted from first lieutenant, vice McCaskey.

promoted, is assigned to company B, Twentieth infantry. First Lieutenant Edward R. Chrisman, re-

cently promoted from second lieutenant, vice Moon, promoted, is assigned to company B, Twentieth infantry. Leave of absence granted Major Charles Hobart, Fifteenth infantry, one month; Captain Charles A. P. Haifield, Fourth cavalry, one month and fifteen days, and First Licutenant Horatio G. Sickel, adjutant, Seventh cavalry, fifteen

Harsh Military Methods in Cuba-WASHINGTON, June 8 .- Copies of a

proclamation by the governor of Baracoa, Cuba, that have been received here are being referred to by Cuban sympathizers as an evidence of the harsh military methods that the authorities have felt called upon to bear. Baracoa is one of the principal places island. The proclamation is dated May 13 and signed by Thomas Botgar, as colonel commanding the military of that jurisdiction. It notified the public that hereafter all persons are prohibited from entering or leav-ing the town after 6 o'clock at night and before 6 in the morning. Any one offending against the prohibition is to be arrested and brought before the commander.

Chapman Will Take an Appeal.

WASHINGTON, June 8 .- Judge Shellabarger, attorney for Mr. Chapman, the recalcitrant witness in the sugar investigation committee, said it was his intention to appeal from the decision of the court of appeals of the District of Columbia denying a writ of prohibition asked for in Chapman's behalf, to the supreme court of the United States, but this could not be done until the court should reconvene next October. He stated that the principal reason for this course was to exhaus all resources so as to be in a position to ask the supreme court for a writ of habeas corpus in case of conviction at the final trial.

Mexicans Release an American Prisoner WASHINGTON, June 8 .- The Department of State is in receipt of a dispatch dated May 22. from Frank W. Roberts, United States consul at Negales, Mex., saying that Fred Beckwith, an American citizen, who was im-prisoned at Arispe, Mex., last January and was being held for trial, had been released.

Let Out One Handred Clerks.

WASHINGTON, June 8 .- Among the 100 clerks discharged from the pension bureau today in a reduction of the force was a granddaughter of Frances Scott Key, the author of "The Star Spangled Banner." From her salary she supported her mother, who is 80 years old and blind.

Examining Surgeon Appointed. WASHINGTON, June 8 .- (Special Tele gram.)-Dr. H. J. Wood was today appointed an examining surgeon for the pension bu reau at Chamberlain and Dr. D. W. Evans at Flandreau, S. D.

Elk Creek's Postmaster WASHINGTON, June 8 .- (Special Telegram.)-Alexander Dunbar was today commissioned postmaster at Eik Creek, and Bertha S. Wheelock at Kampeska, S. D.

CASTLE IS TO SUCCEED THURSTON Friends of the Late Minister Indignant at

His Betrayat. SAN FRANCISCO, June 8 .- The steamer Monowai arrived this afternoon, bringing the following advices from Honolulu, dated June 1: William R. Castle has been appointed Hawallan minister at Washington in place of L. A. Thurston. He will not leave for his place until August 1. Mr. Castle was one of the ommissioners sent to Washington to arrange for annexation as soon as the monarchy was everthrown. The following dispatch was sent

from Honolulu under date of May 2: "The friends of Thurston are indignant beause they say he has been betrayed by an agent of the United press in Washington. He permitted that agent to real private correndence from Honclulu for the purpose of making himself familiar with the situation here, and instructed him to publish nothing which reflected upon the government, as it might reflect upon his official position Thurston's friends say the agent did not pub-lish anything taken from the correspondence reflecting upon Cleveland, but he went di-rectly to Gresham and informed him that he had read at the Hawaiian legation letters sent o Thurston, and furnished Gresham with the

tance of them. Mr. Thurston was seen in regard to the foregoing and admitted that it was substan-tially correct. He declined to go into details. saying he had made a report to his governa short time. This report would cover everybing relating to his recall. following is the text of Minister Hatch's etter to Minister Willis in answer to Secre-

HATCH'S REPLY TO WILLIS. "DEPARTMENT OF FOREIGN AFFAIRS. HONOLULU. May 3, 1895.—Referring to our in the John ultimo in which you intimated that the president of the United States would be pleased if the Hawaiian minster at Washington should be recalled, for ersonal reasons, and upon which occasion ou read to me a dispatch from the sec etary of state to yourself dated February 27, but which had been sent to Japan by mistake, I

have the honor to inform you that Mr. Thursin now in Hawaii and will not return to e post of Hawaiian minister at Washington "I regret extremely that the presence in Washington of the late minister is not agreeable and that the matters referred to the secretary of state should have been onsidered of such gravity as to call for the action taken.

Attorney Smith stated in relation to Sec-retary Gresham's letter to Mr. Willis of May 17, regarding the deportation of J. Cranston. that the statement in the letter that the only explanation made of the reason for deorting Mr. Cranston was that it was "i the exercise of the arbitrary authority con-ferred by martial law," is not correct. For in addition to that reply to Mr. Willis, and in further reply to his inquiry as to the reason of the course pursued, he stated to Mr. Willis that Mr. Cranston had been arrested and charged with conspiracy to overthrow the government; that Cranston, with others, had been engaged in a plot to use dynamite: that, though no charge had been made in court, the charge of conspiracy had been made and entered in the police records at the time of the arrest. Summary proceedings under the circumstances were deemed ustifiable.

Henry L. Verliye, the French commis-ioner at this place, died suddenly on the The American League was addressed on the 9th inst. by Minister Thurston and Attorney Hatch, Attorney General Smith and W. N. Armstrong, who all spoke strongly in favor f annexation. Thurston closed his remarks y stating: "To summarize, I am an an-exationist, because I believe that greater rogress can be achieved under this than nder any other system of government. The cople of Hawaii will secure peace, the es-

CASTLE'S APPOINTMENT A SURPRISE

erial prosperity.

ablishment of western civilization and ma-

State Department Officials Expected Hast ings Would Get the Place, WASHINGTON, June 8 .- The designation f William R. Castle by the Hawaiian government to succeed L. A. Thurston as minister to the United States came as a surprise. I had been rather generally presumed in Washington that Mr. Frank P. Hastings, who came Washington as secretary of legation and a acted as charge d'affaires since the return of Minister Thurston, would be promoted to the position. Mr. Hastings is adapted for the liplomatic career by his training, which began as an attache of the United States State depart ment in Washington, and he is an Americal by sympathy and education. He is, however comparatively young man. There has been uggestions advanced that the Hawaiian min ster of foreign affairs would be sent here t represent the young republic. The appointment of so important a personage is possibly n account of the desire to kindle the sent ment in favor of annexation, which the Ha wallan minister is doubtless charged to en orce, and which makes the position one the greatest importance to the Hawaiian gov

But for the particular interest which th friendly feelings toward the United States ! s not unlikely that the legation would hav been left for a longer time officered by charge, that being the usual method of allow ing an international unpleasantness to hea when a government does not wish to admithat its representative, who has been declared

ersona non grata, le at fault. Mr. Castle is well remembered here as on of the commissioners who started for Wash ington as soon as the monarchy had beer everthrown in the fruitless attempt to secure annexation. He has a wide acquaintance it congressional circles, made on that visit. He is a native of the islands, born of missionary stock. He is a lawyer by profession and large owner of real estate. Besides that b is one of the principal owners of the Oahu railway, which runs from Honolulu to Pearl harbor, the naval station granted to the United States by Kalakua.

WILL AMEND BER CONSTITUTION. Mexico Considering Important Tariff and

Coinage Reforms. WASHINGTON, June 8 .- Advices from Mexico state that the Mexican congress, following the suggestion of President Diaz in his last annual message, has been considering important changes in the federal constitution with a view to make it somewhat similar to that of the United States in the limitation of rights of separate states to coin money or to hinder commerce by tariff taws which discriminate against goods brought from adjoining states in Mexico. Heretofore the federal government has not had the exclusive right to collect tariff taxes or international revenue. As a result both the federal government and the states have their separate laws on the same subject Jealousy between states has led some of them to enact tariff laws discriminating

against neighboring states. President Diaz spoke strongly for a reform and comprehensive revisions of the consti-tution have been presented accordingly. The first articles of the constitution are changed so as to include a prohibition against the coinage of money or the issuance of paper bills or stamps by state. Tariff discrimina-tions between the states are prohibited by several strong provisions. Article 124 of the constitution is changed so as to give the federal government the excusive right to or prohibit the transportation goods, foreign or domestic, brought into Mexico or into a state.

By a supplemental section the law is made to take effect one year from July 1 next. Whether the law embodying changes has passed its final stages is not clear from the information received here, although the legislation appears to be complete.

A-rangements for the Hoor-Barvey Debate CHICAGO, June 8.-Lyman G. Gage, referee for Roswell G. Horr, and Howard S. Taylor, referee for Mr. W. H. Harvey, have practically agreed upon the essential points in the plans for the silver discussion to he held by those gentlemen, and the papers were mailed today to Mr. Horr at New York for his signature. The time is not definitely fixed, but the contest will begin about July 10. The plan provides for discussing a chaper of "Coin's Financial School" at each length and to continue daily unless otherwise agreed. There is nothing of the old-fash-ioned debate in the plan. There will be no speeches, but the contestants will face each other sitting, and when one affirms a proposition the other will cross-examine by questions, all to be taken down by a stenogra-pher and published daily in the papers and afterward put in book form for general distribution at cost.

CHARGES OF INCOMPETENCY

Story Told by One of the Survivors of the 111-Fated Ship.

COLIMA PASSENGERS KEPT PENNED UP

Wreck of the Steamer Might Have Resuited Less Disastrously to Life Had Her Ufficers Been More

Capable.

SAN FRANCISCO, June 8 .- Gus Rowan, one of the survivors of the Colima, has sent a communication to the Call, in which he says: "I want to make a statement now if out what I say is true if you will see the other men picked up. Some of them will not dare to tell the truth, as they have been

promised money to keep still. "The Colima was lost because she was badly handled by officers without capacity and bad men when the gale struck us. When I saw that the ship was going to sink I should not be encouraged." went after the life preservers and commenced to give them out to the passengers. The steward told me to let them alone and or- Inspector dered me forward. I was saved because 1 got a life preserver, and if the others had been allowed to get them, too, many would have been saved with me.

"The passengers were kept penned up un til the last moment and then made to go some of the passengers had killed the steward, who kept them from getting safety, it would have been a mercy to the others. In spite of what he told me I kept on giving out life preservers, and by this saved some of the people from death.'

Rowan, who was badly injured in the wreck also, says that he did not receive proper care on the San Juan and charges the surgeon of that ship with gross negli-

As a result of testimony given at the federal inquiry into the cause of the Colima disaster a number of suits for damages will be brought against the Pacific Mail company It is alleged that the company was criminally regligent in the manner in which it loaded the ship.

SUITS FOR DAMAGES. The Chronicle this morning says: "Among iose who will make the Pacific Mail defend itself against a judgment for damage is L. R. Brewer, the wealthy planter, whose wife and three children went down on the Colima. His home is destroyed, his happiness gone, and he is inspired by a bitterness which words can hardly express. He knows much of the methods of the Pacific Mail ompany and told the story of how the Colon, only a few months ago, narrowly escaped disaster because her decks were piled with lumber until she became topheavy. Even a slight swell threw her from her position. Brewer was a passenger on the Colon and gives with great clearness his description of the inconvenience and danger created by the overloading of the decks. He is not alone in his charge, every accusation being corroborated by another who was a passenger on the same ship.

The representatives of the Pacific Mail know that an attempt will be made to hold them responsible for the wreck of the Colima. They acted upon that knowledge when he United States inspectors of boilers and steamships began and practically finished their investigation of the disaster. Not one of the surviving passengers was called on as a witness in that inquiry. The only evidence asked and the only testimony received was rom employes of the Pacific Mail company. The fate of an estate valued at \$100,000 is ikely to rest on whether Prof. Harold Whiting of the University of California, who was ost on the Colima, died before or after his wife, who was drowned on the same voyage. Just before Prof. Whiting started on his were drowned the estate should revert to the embers of his family living in the east Prof. Whiting died first his wife and hildren immediately became his heirs, but Whiting died later her heirs would nherit a small fortune to the exclusion of

e heirs of Prof. Whiting in the east. Two persons who said they were representatives of attorneys have called on A. J. Sutherland and asked him some significant uestions. Sutherland was on the same raft with Whiting and tried to save the proessor's life. Sutherland was asked whether Whiting or his wife died first. While th cool-headed survivor believes that Mrs. Whit. ng met her death some time before her hus band sank into a watery grave, he could not ositively answer the question, as he did

not see Mrs. Whiting during the storm. TAVE DEMPSEY A GREAT BENEFIT

New Yorkers Receive a Rig Bill in Return

for 'ssistance Proffered the Nonparell, NEW YORK, June 8.-The big amphithe ater in the Madison Square Garden buildng was thronged tonight by thousands of well wishers and admirers of the ex-nonpareil, Jack Dempsey. Among the spectators were some of the most noted sporting men in the United States, while among the pugilists who took part in the evening's enter tainment were Jim Corbett, Bob Fitzsim-

lists who took part in the evening's entertainment were Jim Corbett, Bob Fitzstimmens, J. L. Sullivan, Peter Maher, George Dixon, Joe Choyn ki, Joe O'Donnell, Tommy Ryan, Joe Lannon, Jimmy Barry, Jim Handley, Mick Dunn, Jack McAuliffe, Kid LaVigne and Young Corbett. Charley and Jerry Barnett of New York gave a sparring exhibition of three rounds.

"Jarrow," the German strong boy, who is only 18 years old, and weighs 130 pounds, performed some startling feats of strength. After juggling with a barrel of water weighing 125 pounds, he lifted a man weighing 250 pounds, seated on a chair, and then for the property of the colored boxer made it very interesting for the Quaker during a three-round exhibition. Joe Choyneki of San Francisco and Bob Armstrong, colored, of Washington next donned the gloves for a three-round exhibition. Jim Hall and Mick Dunn, both of Australia, then sparred for three rounds in a lively manner. Harry Pidgeon of Chicago and Kid McCoy of Boston followed in a three-round exhibition of boxing. Peter Maher, the Irish champion, and Burns of Harlem, boxed three rounds at a rapid rate. Johnny Young of Brooklyn and Jack Keefe of Denver, Colo. were the next pair to exhibit their sparring abilities and they were followed by August W. Johnson of Brooklyn and Hialmer Lundin of Chicago. These two are well known "strong men," and they were followed by Mugust W. Johnson of Brooklyn and Hialmer Lundin of Chicago. These two are well known "strong men," and they were followed with huge dumbbells and heavy bar-

followed by August W. Johnson of Brooklyn and Halmer Lundin of Chicago. These two are well known "strong men," and they toyed with huge dumbbells and heavy barrels for ten minutes.

James J. Corbett then made his appearance and was greeted with thunders of appliance. He sparred three rounds with John McVey of Philadelphia. His every movement was watched with the keenest interest by the sports, as he has begun training at Asbury Park, N. J., for his coming fight with Bob Fitzsimmons.

Fitz was the next one to appear in the ring and his reception was just as hearty as that given to Corbett. Fitzsimmons sparred three rounds with Frank Bosworth and he left no doubt in the minds of those who saw his quick work in the ring tonight that he had not gone back any and will render a good account of himself when he meets the champion.

The last bout of the evening was between John L. Sullivan and Jack Dempsey. When the ex-champion appeared in the ring the crowd cheered for sev ral minutes and there were cries of "Speech, speech." John made a short speech, in which he thanked the audience for the reception and said he was glad to favor his oid friend, Dempsey. He was sorry the house was not twice the size, so that a greater number could have come to swell the fund for Dempsey. Concluding he said: "Mr. Demosey and myself will now give an exhibition, and we will do the best we can, although we are two 'has beens.'"

the best we can, although we are two 'has beens.' " Dea h of the Oldest Locomotive Engineer. CHARLESTON, W Va., June 8 .- Rev. Ralph Swinburn, the oidest railroad engineer in the world, died last night, aged 90 years. He was associated with Stephenson on the first locomotive engine built. He was born at Newcastle-on-Tyne, England, and came to the United States in 1830.

Drowned in the Nishna HARLAN, Ia., June 8 .- (Special Telegram. -The 15-year-old son of J. H. Edwards of this city was drowned while bathing in the

NEW CRUSADE AGAINST CHE BICYCLE ONE POINT IN CONTROVERSY Woman's Rescue League Claims it Leads

Girls Into Immoratity BOSTON, June S .- The Weman's Rescue eague has adopted a resolution of timely interest declaring that the bicycle woman and the coming "mannish woman" are productive "much harm and no real good to the in of "much harm and no real greet to the industrial and self-supporting women, who create 80 per cent of all the wealth in all the
light manufacturing industries of the country.
These women are entitled to political recognition by our lawmakers, because they help
create the wealth of the marien, while the
'sporting woman,' the 'manuish woman' and
the 'bicycle woman' bring disgrace on the
true woman."

The league condemns bleycle riding by ung girls and women for these reasons:
"Thirty per cent of the 'fast girls' that have come to the Rescue league for aid were bi-cycle riders at one time. It is resolved that ce the closing of the houses of ill repute the sporting girls are taking you will allow me to do so. You can find bicycle riding, because they can better ply their vocation on account of the opportuni-ties given as cyclists."

true woman.'

An appeal is made to the prominent clergy f the United States for the suppression of stcycle riding by young girls because of the of the United States for the endency to encourage immorality, cague further condemns the coming tendency The nish woman" as a "creature entirely useless and an unnecessary evil in this country which

FEELS HIS D'SGRACE KEENLY.

McLaughtin Passes a Restless

Night in the Tombs NEW YORK, June 8 .- William McLaughin, late inspector of police and chief of the night in the Tombs, a convict. The wardens and keepers felt keenly for the man they had known and looked up to in the days before dishonor came upon him, and they treated him with all kindness and courtesy possible under the circumstances. He was pale and nervous, and appeared in a state of collapse. He was assigned to a cell on the second tier in the old building. He walked up and down in his cell through the small hours, having no inclination either to re-tire or to rest. At intervals he would sit for a few minutes and then start up again. out no sleep came to his relief. Today he declined to see reporters or to make any statement. It is said by his friends and those who watched the course of the trial that he will never serve a day in a penal

INCOME TAX MONEY FOR MISSIONS

everal Persons Turn What the Decision Saved Them to Charltab's Purposes, NEW YORK, June 8 .- Rev. Dr. John Hall ias contributed the \$1,000 that his income tax might have been to the fund for home missions asked for by the assembly. It is said many persons of wealth have thought of giving an amount of money equal to that saved by the death of the tax to charitable organizations. Rev. Mr. Langord, secretary of the foreign and home missions of the Episcopaal church, said today: "We received recently a letter from an anonymous con-tributor enclosing a sum of money. The donor stated the money was to have been used to pay his income tax, but that since the law had been declared unconstitutional he felt like giving the money to charity. Still more recently we received a check for \$1,000 from a lady in this city who is noted for her charity. She said that now since the in-come tax had become a dead letter she felt able to make the bequest and hastened to de-

At the Sloux Entls University. SIOUX FALLS, S. D., June 8:-(Special.)-The board of trustees, eleven in number, of he Sioux Falls university, met yesterday just before the graduating exercises of that school. It was decided to add a normal branch to the university, and Prof. S. L. Brown of this city was engaged as superintendent of that department. This branch will be graded so high that a diploma of graduation from it will entitle the holder to a state teacher's certificate, the same as a diploma from a state normal school. The trustees ordered much work in the way et-remodelling the building and announced that they were confatal voyage he made two wills, which he mailed to an old college friend who is now an attorney at Cambridge, Mass. One was to the effect that if he should be drowned buildings will doubtless be built next year. his estate should go to the surviving mem-bers of his family. The other was that in case he and his wife and all the children always been teaching only academic courses. The new board of trustees is composed of the following: Judge H. H. Keith of Sloux Falls president; M. J. Lewis of Vermillion, treasrer: Rev. E. B. Merideth of Sioux Falls, sec retary; Rev. T. M. Shanafelt of Huron, Rev Jacob Olson of Lake Preston, George More ouse of Brookings, John Sutherland of lerre, R. N. Van Doren of Vermillion, J. A. Uline of Dell Rapids, C. E. McKinney and J. G. Eddy of Sioux Falls.

> Court Declined to Interfere, TOPEKA, Kan., June 8.-The supreme ourt refused to order Governor Morrill to einstate Senator Householder, who was susended, pending an investigation. This inlicates that the court will decide likewise in

the effort to restore Senator Rogers as regent of the State university. The court also decided that the auditor of state need not audit Warden Chase's ac-counts. This would put Chase without means to run the penitentiary were there not eccipts from the mines and other sources.

Reorganizing Anaconda Mining Company. SALT LAKE, June 8 .- A special to the Herald from Butte, Mont., says: The first step in the reorganization of the Big Anaconda Mining company was taken today in the filing of articles of incorporation of the Anaconda Copper company, with a capital stock of \$30,000,000 divided into 300,000 shares of \$100 each. The object of the reorganization is to place the stock of the ompany on the market.

Movements of Ocean Steamers June 8. At New York-Arrived-New York, from Southampton. At Southampton-The United States

cruisers Columbia and New York sailed oday for the Baltic, in order to take part with the San Francisco and Marblehead in he ceremonies attending the opening of the Baltic and North sea canal. At San Francisco-Arrived-Monowai, from Sydney and Henolulu.

At New York—Arrived—La Touraine, from Havre; Phoenician, from Hamburg. War on the Whisky Trust Receiver,

PEORIA, June 8.-Fleischmann & Co. of

Cincinnati have notified Receiver McNulta that they will receive no more yeast from the Riverdale distillery after July 1, and the eceiver in turn has notified Nelson Morris to have all his cattle cut by that time. John . Forepaugh Bead. PHILADELPHIA, June 8 .- John A. Forepaugh, owner and manager of Forepaugh's pass. theater, died at his home in this city this

The deceased west well known

throughout the entire country. Train Backed Into a street Car. STREATOR, Ill., June 8 .- A Chicago & Alton freight train backed into a trolley car on the street and killed Thomas Hardee, saloon keeper, and S. M. Porter, an aged

WEATHER FORECAST.

showers, Cooler and Northwesterly Winds for Nebrankis. WASHINGTON, June 8 .- The forecast for

Sunday is: Nebraska-Showers; cooler; northesterly winds. For Iowa-Showers; cooler; northwesterly For Missouri-Showers; cooler; variable inds. For South Dakota-Fair; warmer in the me western portion, r Kansas-Showers; cooler; westerly

Local Record. OFFICE OF THE WEATHER BUREAU OMAHA, June 8.—Omaha record of temperature and rainfall compared with the corresponding day of the past four years: 1895, 1894, 1893, 1892. Maximum temperature... 88 84 86 86 Minimum temperature... 68 59 64 57 Average temperature... 78 73 75 72 Precipitation... 00 00 00 00 00

Condition of temperature and precipita-tion at Omaha for the day and since March 1895;

Principal Question Now Whether the Short Line Has One or Two Receivers.

Claims the Appointment of a Second Receiver Would Defeat the Plans of the Trust Company-Opinion Expected Monday.

SALT LAKE, June 8 .- (Special Telegram.) The three days arguments in the Oregon before Judge Merritt today and the court announced that a decision would be rendered Monday morning at 9:30. Those who have attended the hearing and closely watched the case were of the opinion that the court would confirm the appointment of Egan and also appoint a joint receiver. This belief was strengthened this afternoon, when Judge Merritt called the counsel for both sides before him in chambers and asked them to agree upon some one for joint receiver.

It is stated that the attorneys of the Union Pacific presented the name of W. H. Bancroft, now superintendent of the Mountain division of the Union Pacific. The attorneys of the American Loan and Trust company abdutely refused to consider Bancroft or any detective bureau of the metropolis, spent the other person the opposition might suggest If the court appointed a Union Pacific man or any one else, as joint receiver, they declared their whole purpose in applying for a separate receivership would be defeated, and intimated that, rather than submit to this. they would withdraw their application from the Utah court and refuse to take that part of the system. Notwithstanding this threat it is believed the court will appoint a joint receiver and Mr. Bancroft will be the man. A very interesting feature of the situation the fact that upon admission of Utah to statehood next winter, the new state muscome under the jurisdiction of either Judge Gilbert or Judge Sanborn, and their orders would then be extended over the Utah lines It is believed that the Trust company will be willing to submit to the inconvenience of operating the Short Line system without the

> the whole system ONLY ONE DIFFERENCE. The case has been argued to a point where about the only difference between the contending parties seems to be whether there one or two receivers appointed. shall be Union Pacific still insists on an associated receiver, while the lean company maintains that such appointment would defeat the whole purpose of the separate receivership because of the brief time which would be given to raise the money to be paid for the road until July 1.

Mr. Storey, in continuing his argument

Itah lines for the few months intervening

rather than accept a foint receivership for

this morning, insisted that the American Loan and Trust company's only purpose in the litigation was to put a man in charge of the Short Line who would guard its interest in relation to other reads and not be on both sides of the same question. The phrase by A. Wilhelmi, Herein were disompany had only until July 1 in which to raise over \$1,400,000 to meet defaulted increst on the first mortgages. The purpose of the other side was to secure modifications f the order so the loan company would have to go back to Judges Gilbert and Sanborn and cause delay, so there would be no time before July 1 to raise the money. He referred to the condition of the Oregon Railway and Navigation company, which had shown a loss of \$750,000 and under a new receiver had within five months paid the interest and cleared the indebtedness. His success was because he was in closs ontact with the patrons of the line. As to the appointment of Mr. Egan, he was a man against whom the Union Pacific could find no fault, and yet they ask fer an associate receiver. To appoint an associate receiver will be a separation in name and fact, and would be extremely unfair. If the court should find Mr. Egan unsuitable it could remove him or associate another with him. We ask you to take him on trial and we will abide by the result. At this point the hearing closed. A decision in the case is expected on Monday.

INNUAL MEETING OF OMAHA ROAD. Old Board of Directors Re-Elected and the

Usual Dividend Declared. of the Chicago, St. Paul, Minneapolis & ston, who is agent for the company, is using his office as chief executive of the city to help it unload a lot of overvalued land upon were re-elected directors for three years: Albert Keep, C. Vanderbilt, William K. Vanderbilt and H. McK. Twombly. The followng officers were elected: President, M. ing officers were elected: President, M. it will increase the value of property in that Hughitt; vice president, treasurer and as- vicinity and make business on Twenty-fourth sistant, M. L. Sykes; assistant treasurer. S. O. Howe; local treasurer at St. Paul, C. P. Nash; secretary, E. E. Wood. Executive committee: M. Hughitt, A. Keep, C. M. Depew, C. Vanderbilt, M. L. Sykes, William K. Vanderbilt, D. P. Kimball.

The Omaha company has agreed on terms of purchase of the property and franchise of the Superior Short Line company, which latter company owns the lines and terminals on the Superior & Duluth that have been used by the Omaha company bitherto. The Superior Short Line is a proprietary company of the Omaha, so that this transaction is simply an absorption by the parent com-

The Omaha declared a semi-annual dividend of 3½ per cent on its preferred stock. At the annual meeting of the St. Paul & Sioux City railroad held today the following directors were chosen: M. Hughitt, C. Vanderbilt, A. Keep, M. L. Sykes, W. E. Winter, C. H. Bigelow, J. M. Whitnan, D. P. Kimball, J. B. Redfield, C. M. Depew, H. McK. Twombley, Thomas Wilson, E. E. Woodman, C. E. Simmons, William H. Newman. The following officers were elected: President, M. Hughitt; vice president, E. W. Winter; treasurer, M. L. Sykes; secretary, Woodman; assistant secretary, S. O. Howe; assistant treasurer, C. P. Nash. Executive committee: M. Hughitt, A. Keep, M. L. Sykes, E. W. Winter, D. P. Kimball, C. M. Depew and Thomas Wilson.

Students Shot by a Tough.

PRINCETON, N. J., June 8 .- Two students of Princeton college, Gerry Cohran, '98, and Fred Ohl, '98, were shot tonight in front of Anderson's restaurant by a negro named Jackson. Three shots were fired, all taking effect. Cohran's injuries are not serious, but Ohl is in a bad condition. The trouble originated in the negro blocking the sidewalk, and the students attempting to The negro had a bad reputation in the town, and the feeling among the students has been aroused by his murderous attack. The town officials were not slow to arrest Jackson and convey him to a place of safety outside the county. The students were kept in check by the college authorities.

K lied by a Natural Gas Explosion. PITTSBURG, June 8,-While drilling an off well on the McDonald farm near here today. a heavy flow of gas was struck at the depth of 1,000 fest. The drillers rushed to the boiler to put out the fire, but the volume of gas exploded before they could get this done. Three men were thrown in the air and hor-ribly burned. John McLeod cannot recover. His brother, Edward, and W. R. Proctor are also badly burned, but there is slight hope of

YSAYE AT THE BOYD.

Truly there was a great artist amongst us at Boyd's last night. No matter from what standard of excellence he may be judged, or from what standard point of criticism, comparative or otherwise, Mr. Eugene Ysaye, the Belgian virtuoso, as an artist, must be accounted one of the masterful spirits of his STOREY MAKES THE CLOSING ARGUMENT time. The violin in his hands almost become a sentient being, so much of soul is vouch safed it, and so wonderful is it played upor by the artist, who, but a little while ago, was known only to traveled foreigners, and these in very small numbers. Now the world is talking about him and marveling much at the greatness of this singer on the violin. His playing has every good quality that makes it beautiful and loveable to the listener. His tones are pure, liquid in quality, Short Line receivership case were continued before Judge Merritt today and the court anflights along the finger-board which are sure to come, and which seem fuller, completer than those preceding. No matter how com-plicated are the rythmical figures, they are but insignificant barriers erected by the great ones of earth for this Titan to encompass and to claim as his own. In addition to the brilliancy and transparency forever seen, his tones never suggest curtailment or smallness, even though muted or stopped down. They are entirely adequate, and with the plane thundering out a bravura passage, the violin in Ysaye's hands accepts the lingering tone of the orchestra substitute, and alone takes up the theme even on a single string, the audience forgetting entirely in the won deruff quality of the violin string the clash of the piano wires but a moment before. This art, and its exemplification as seen last night at Boyd's by an audience large, in-ensely enthusiastic and representative in

> M. Ysaye possesses in remarkable degree he secret of the bel canto. He has a superb staccato particularly discernible in the down bow, and so sure is his intonation that one sits and listens entranced to the master, who more than justified all the laudatory utter-inces which the west, as well as east, have showered upon him. In the delicacy and fine chading of his notes, he suggests femininity, but coupled with this refinement of expression was a forceful strength intensely musculine, and so he played upon the senses as he willed, never descending to the theatric, always the artist imbued with a profound love those whose compositions he chose to make known to his public. And these com-positions ranged from Grieg to Saint Saens from Sarasate, his only great rival, to the greatest of all tone poets, Richard Wagner. The Grieg number was brilliantly played with an artistic finish that won for the virtuoso instantaneous favor. Particularly was he heard at his very best in the allegro tranquillo blending finely with the allegro an-imato, the central theme being as predominant throughout as if two complete pictures were being exposed on the same canvas, one finally dissolving into the other. The B minor concerto, by Saint Seans, was a revelation to the audience, a well spring of joy to the violinists, and there were many in front who heard him. Had this Belgian searched through the entire world of violin music he ould not have found two nobler works for nterpretation than the ones referred to. Bach and Wagner number came next, "Paise-fol" being played with consummate art, and so enthusiastic was the audience that Ysaye granted the demand by playing the "Meister-singer von Numberg," by Wagner, paraplayed the leading motives of the opera singly and in combination with picturesque effect and striking art so wonderfully wrought out in major and minor chords by Wagner Ysaye seemed to breathe the influences sur sounding Wagner when writing this work and he played the number as only the true artist can. For his closing he gave the sprightly composition by Sarasate, "Ziguene Weisen."
> But the honors were

by any means. A better accompanist than M. Lachaume has not been heard in Omaha. He is a finished pianist, in sympathy with the violin and the virtuoso, and the audience was not slow to accord the planist warm ap plause. His soli were splendidly played showing fine and broad technique, the whole ncert being in consequence, educational t a degree.

AFFAIRS AT SOUTH OMAHA. entiment of the People Regarding Voting of Bonds for a Park.

Feeling seems to be divided regarding the voting of \$65,000 in bonds to purchase a park. Some think that the taxes paid now are to high and that the city can worry along without a park for a while. They consider it nothing more or less than a speculation on the part of the South Omaha Land company ST. PAUL, June 8 .- At the annual meeting | A few go so far as to assert that Mayor John-

the already burdened taxpayers. The other side, the men who own property the First ward near Syndicate park, all want the measure to go through, as they say street better. In evidence of their faith these men have raised enough fray the expenses of a special election, and the city will not be called upon to pay a cent for that purpose. The bonds, if voted, will run for a period of ten years and draw 5 per cent interest. The tax to each individual property holder would, in their estimation, be very light, in comparison to the benefit de

The outlook seems good for the voting of the bonds.

Magie City Gossip. John Flynn has returned from the east. Mrs. Hartman left yesterday for a trip brough Germany. Scott King and Eli Doud went down the

river fishing last evening. The Press club's regular monthly meeting held next Tuesday afternoon at o'clock. Fred Pearl returned yesterday afternoon from a week's trip to Madison, Wis., and

Chicago Residents of this city are pleased with the resolution of the Omaha city council ordering immediate repairs on the Sixteenth street viaduct. At noon members of Beechwood, Cedar

wood and Rosewood camps, Woodmen of t World, will meet at Twenty-fourth and streets and form in procession and march to Omaha to attend the exercises in Hanscor

At the First Methodist church children's day services will be held today at 10:30 a m. The children, aided by the choir, will render a good program. Epworth league meeting at 7 p. m. Preaching by the pastor at 8 p. m. The church will be nicely decorated. The rite of baptism will be administered to children in the morning. Four Girls Drowned While Bathing,

DUBOIS, Pa., June 8 .- Sadie and Dora Anthony, Sarah Rooth and Rosa Rimer were drowned today while bathing in Stump creek, near here. They were wading together when they sank in a deep hole. The four bodies were found together. The ages of the girls ranged from 14 to 17 years. Carlisle Speaks at Louisville Wednesday

LOUISVILLE, June 8 .- A telegram received here today announces that Secretary Carlisle will arrive here in time to speak next Wednesday night. He has not yet fully etermined upon any other Kentucky date. Expelled a Boodle Conneitman

SIOUX FALLS, S. D., June 8 .- (Special Telegram.)-By a vote of eleven to one the city council expelled Aldermar Joseph Sampson for converting \$706 of city funds to his own use. All members ex-cept Sampson voted for expulsion.

AMUSEMENTS.

ROMEO AND JULIET

MUNYON

REMEDIES ALWAYS CURE

Save Doctors' Bills-Cure Yourself With Munyon's Remedies - No Experimenting-They Never Fail Only Twenty-five Cents a Vial

Always get the latest and BEST, no matter what you buy, especially when you buy medicines. What same man would buy poor medicines when he is sick? He wants the BEST. Munyon's Remedies are both cheap and good. They are the very latest discoveries in the healing art. Don't fill your system with nauseous drugs. Don't be old fashioned, behind the times. Be up to date and buy the BEST and the latest-Munyon's Remedies. Get Munyon's "Guide to Health" and learn to cure yourself. can be had FREE at any drug store, where the Munyon Remedies can also be had, mostly for 25 cents a vial. Those who are in doubt as to the nature of their disease should address Professor Munyon, 1505 Arch street, Philadelphia, giving full symptoms. He will carefully diagnose the case and give advice absolutely free. Remedies sent to any address on receipt of price.

Rheumatism cured in from one to three days. Dyspepsis quickly relieved. Dyspepsia and all stomach troubles Catarrh promptly Coughs and colds quickly cured, ache cured in five minutes. Ner Nervous diseases promptly cured. Kidney Troubles, Piles, Neuralgia, Asthma and all Female Complaints quickly cured. These Remedica eases promptly cured. are sold by all druggists, mostly for 25 cents per vial. Munyon's Vitalizer imparts new life and vigor to weak and debilitated

Men. Frice \$1.00.

W. G. Kendrick of the Pennsylvania Railroad company, Philadelphia, says: "I was
cured of the most aggravled form of chronic
catarrh by Munyon's Catarrh Cure. Had
suffered for years and tried many doctors and all the advertised medicines. The first dose of Munyon's gave me a thousand lollars' worth of relief.

Ellis Bennett, proprietor Delaware fishing resort, Wolf Lake, Ill., writes: "For twenty months I had rheumatism so severely that I was a complete cripple. Could not walk. The doctors all gave me up. Said could never be any better. One 25-cent bottle of Munyon's Rheumatism Remedy cured me. Nothing like it."

Mrs. Margaret Brown, 20 Walsh Court, Chicago, is 76 years old and very feeble. She was selzed with bronchitis, which developed into congest on of the lungs, daughter says: "We thought she die. She was so old and feeble. Munyon's Remedies saved her life, and she s now quite well again." THOUSANDS MORE OF JUST SUCH

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Munyon's Guide to Health with every pur-use of his genuine remedies from KUHN & CO., Fifteenth and Douglas, Omaha Agency, All remedies mailed on receipt of price.

AMUSEMENTS.

THE RESORT OF THE WEST Tables furnished picnic parties.

LA BURNO, Blondin's successor, gives tight rope performances afternoon and evening today.

Balloon ascension and parachute jump at 3:50 and 7:45 o'clock today.

Grand Concert Today 1st Infantry Neb. National Guards Band,

Sherman avenue cars now run on 13th St.

TODAY, JUNE 9, First Grand Open Air Promenade CONCERT and picnic by the Trilby Club At Hibbeler's Park, 44th and Leavenworth sts., on the Fair Ground road. The Swedish Singing society Norden, the prize winner will sing. Everybody invited. Tickets, 25c.

How Do You Feel?

COMMITTEE.

Are you quite well? Do you ever have headache? Is your hand steady? And is your nerve steady? Do you sleep well nights? Are you always good natured? Are you strong sexually? Are you as good a man as you used to per

If you can say YES to all of the above questions you do not need "NERVE FOOD PILLS. But if your answer is NO! you do need "Nerve Food Pills" and should send for them at orce. Price, \$1.00 per box; six for \$5.00.

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THE PERFECT COLD WATER STAROR TIME, LABOR & MONEY.



