A NEW JUSTICE MUST NOT USE PALM OIL

Oliver Wendell Holmes Named for Supreme Court

WILL SUCCEED JUSTICE GRAY

Aged Jurist Tenders Resignation to the President-Ill-Health Makes Retirement Necessary New Appointee of Massachusetts Court

President Roosevelt Monday announced that he had appointed Hon. Oliver Wendell Holmes, chief justice of the supreme court of Massachusetts. to be an associate justice of the su-preme court of the United States, vice Mr. Justice Gray, resigned.

The resignation of Justice Gray was due to ill-health. Several months ago he suffered a stroke of apoplexy, which some time later was followed by an-He has not appeared on the bench since he was stricken the first His advanced age sevnty-four years-told against his recovery with erious force. With the exception of Mr. Justice Harlan, he served on the bench of the United States supreme court longer than any of his present colleagues. He was appointed an associate justice by President Arthur on December 19, 1881, his service extending therefore through a period of nearly twenty-one years.

Judge Holmes, whom the president has selected as Mr. Justice Gray's successor, is one of the most distinguished lawyers and jurists of Massachusetts. He is a son of the late Dr. Holmes, the poet and essayist.

HORROR OF HUNGER

Wives and Children of Miners Gathe

About Tents and Beg for Scraps A Shenandoah, Pa., dispatch says: Despite the denials of the leaders many strikers here are suffering for want of food, and women and children surround the soldiers' mess tents at meal time, waiting for scraps of food left from the tables. An order to the troops by commanding officers has been issued that all food not needed by them be set aside in clean receptacles for the use of unfortunate strikers.

The expense to the state of maintaining 1,200 soldiers here continues and practically there is no change in the miners' strike situation. The men entered the fourteenth week of suspension from work in a quiet manner. They are more confident than ever. The distribution of relief is progressing satisfactorily. About \$100,000 has so far been expended.

Peace seems to have settled down over this coal community and the authorities are hopeful that the danger of a further outbreak is very remote The military force is to be reduced Thursday, according to rumor, by one regiment

The talk of reopening the mines im mediately after a settlement of the strike is all nonsense. When the strikers forced the pumpmen and engineers out they effectually put themselves out of employment for months. Non-union men have been working in their places, but their inexperience has been costly and the mines are flooded. Your correspondent descended into colliery No. 4 yesterday and found the water up to the fifth level. which means 250 feet of water in the mine. The miners say a similar condition exists in all the other mines in this and other towns.

HAVANA HAS BAD FIRE

Disastrons Blaze in Cuban City and Loss of Life Results

The most disastrous fire in years occurred at Havana, Cuba, Monday night, resulting in the death of three people and the loss of several hundred thousand dollars. Fire broke out in a big silk house near Central park and spread rapidly, destroying, besides the silk works, a number of other valuable buildings.

Aristides Pera, the famous artist, and Pablo Lope: Quintana, who were sleeping in an upper story of one of the burned buildings, were burned to death. They were cut off on one side by fire and on the other by iron bars which grated the windows. No one could help them. Cristoba Lopez, a fireman, was killed by a falling wall. The lieutenant of police, seven firemen and five citizens were partially suffocated or injured during the progress of the fire.

Blunder Causes Wreck

Near Genoa station, W. Va., on the Norfolk & Western, a head-end collision of freights occurred Monday morning. Both engines and eighteen cars were totally demolished. Fisher Ferguson, a section foreman, who was riding to work, was instantly killed. Engineer Osborn and Fireman Little ere badly cut and bruised and their recovery is doubtful. Two or three others were hurt, but not seriously The failure of the operator to deliver an order is said to have been the

Frances Henning Speed Dead Mrs. Frances Henning Speed. the widow of Joshua Speed, who was one of Abraham Lincoln's closest personal friends, is dead at the age of eightytwo years at her home on the Cherokee road, near Louisville, Ky.

Elks at Salt Lake City

A Salt Lake City, August 11, dispatch says: It is estimated that fully 12,000 Elks are here to attend the grand lodge meeting which will begin tomorrow. The city is beautifully decorated, the electric effects at night being particularly brilliant. Thousands of incandescent lights in the colors of the order span the streets and hang in festoons at different corners. Governor Wells will deliver the address of welcome. Grand Exalted Ruler Pickett will respond and deliver his annual

Euling Made Against Manufacturers of Oleomargarine

Mr. Yerkes, the commissioner of internal revenue, has made a decision on the question of whether palm oil in very small quantities may be used in the manufacture of oleomargarine. The commissioner holds in the negative. Following, in part, is the decl-

"The office rules that where so minute and infinitesimal a quantity of a vegetable oil is used in the manufacture of oleomargarine as is proposed to be used of palm oil, and through its use the finished product looks like butter of any shade of yellow, it can not be considered that the oil is used with the purpose or intention of being a bona fide constituent, part or element of the product, but is used solely for the purpose of producing or imparting a yellow color to the oleomargarine and, therefore, that the oleomargarine so colored is not free from artificial coloration and becomes subject to the tax of 10 cents per pound."

MILLIONS OF SHEEP DYING

Terrible Drouth Devastating New South

Wales Advices received by the steamer Miowera from Australia tell of terrible drouth in New South Wales and Queensland which has devastated the sheep ranches of that section of the southern colony. Millions of sheep have died and men formerly considered wealthy have been compelled to seek employment.

The work of exterminating the natives of the South Sea islands continues, if the reports in the Australian papers are to be relied upon. The papers give an account of one expedition by Germans to the New Hebrides to avenge the murder of Mrs. Wolff. This exepdition completely wiped out a village, natives from which had committed the murder. One hundred and thirty persons were killed, including the native who had led the expedition to the village. A combined German and British expedition has started for Dabulo, Western British North Guinea, to punish the natives for the murder of seven Britishers.

Melts Ring on Her Hand

A Coffeen, Ill., August 11, dispatch says: In a thunder storm here yesterday, lightning struck Mrs. Frank Neller, of St. Louis, melted a gold watch chain which was about her neck and also four gold rings on her left hand. The rings ran together into one piece. In her hand was an umbrella with a steel rod, and the rod was twisted out of shape. Her left shoe was torn off. She was rendered unconscious for an hour, but has fully recovered

Mr. and Mrs. Neller had stepped into church doorway during the storm. The spire was struck, and running down, the bolt stunned Mrs. Neller, Mr. Neller was also severely shocked.

Kicked by Yankee Youth

While Count Metrosem, of St. Petersburg, was walking along the board walk at Atlantic City, N. J., Sunday, wearing a large Panama hat with a band and bright summer lothes, he was approached from behind by L. B. Galbraith, a college student from Baltimore. Galbraith, without a word, deliberately kicked the count while thousands of people looked on. The student was arrested. He said he did not like the count's way of dressing.

A Ministerial Victory

A Copenhagen, Denmark, dispatch states: The landsthing elections in the Faroe islands resulted in a complete ministerial victory. The campaign turned on the sale of the Danish West Indies to the United States and the government captured all opposition wards. Other wards will hold elections next month. A good ministerial majority is confidently expected. The treaty will be taken up soon after the opening of the rigsdag in October.

Must Suffer for Hazing

It is reported that two officers on the Second Life guards have been ordered to resign because they were concerned in the hazing of a more studious fellow officer recently at Windsor, England. Aristocratic connections of the officers, it is said, have petitioned the king to pardon the officers, but his majesty has emphatically refused to

Child Killed by Lightning

The residence of Jimmie Nelson, who resides southeast of Mason City, Neb., was struck by lightning, killing an eight-year-old child and stunning the other members of the family. The surviving members of the family were so severely shocked that they did not regain consciousness for two hours after the bolt struck and it was then the discovery of the death of the child was made.

Church Hit By Lightning

The Baptist church at Leslie, Ga., was struck by lightning while services The building was rowded. Richard Dodson was instantly killed. Forty other persons were seriously injured, though it is not thought any will die. The building was badly damaged and set on fire, but a hard rain put out the flames.

Queen of Belgians Better Marie Henriette, queen of the Belgians, had a good night and was able

to leave her bed for breakfast.

Will Search the Ruins A fund has been raised with which to search the debris of the Hotel Landon, at San Angelo, Tex., which was burned early Sunday morning, to see if there are any bodies in the ruins.

There are still three guests missing.

according to the count of the clerk. The glazing department of Laffan & Rand's powder mill at Wanaque, eight miles from aPterson, N. J., blew up at 8 o'clock Monday morning. No one was in the building at the time. Three workmen on the grounds were injured. The shock was felt at Paterson.

TO ACT ON TREATY CHICKEN THIEVES LYNCHED

President May Convene Congress in Exta Session

EARLY IN NOVEMBER PROBABLE TIME

Necessary to Have Action on Cuban Treaty Month of September First Considered, But Better Results Expected if Held Later

Advices received at Washington Indicate that President Roosevelt will call the senate in extraordinary session early in November to act on a reciprocity treaty with Cuba.

No definite date, it is understood, has been fixed, but that it will be soon after the elections is reasonably certain. The president, it is said, hopes to have the reciprocity question cleared away entirely before the regular ses-

sion of congress. Ever since it became evident that nothing would be accomplished as to reciprocity with Cuba at the recent session of congress rumors of a more or less definite nature have been in circulation that the president would call an extra session either of the entire congress to enact Cuban reciprocity legislation, or of the senate to ratify, if possible, a reciprocity treaty

with Cuba. During the past week it has been stated that it was the purpose of President Roosevelt to call a special meeting of the senate in September. It can be stated by authority that he has no such intention. His time and that of many members of both political parties will be occupied during September and October.

It is understood to be the belief of the president that a session of the senate held for the purpose of ratifying a reciprocity treaty with Cuba would be much more likely to be fruitful of results if held after the November elections than if held before. It is assured that the question of the reictions of the United States with Cuba will enter largely into the approaching campaign and it is stated that the president feels the democrats would be less likely to offer serious opposition to a reciprocity treaty after the

election than they would before. A treaty with Cuba will probably be prepared. It requires only the finishing touches and the signatures of Minister Quesada and Secretary of State Hay to make it ready for presentation to the senate.

GORN CROP ALL O. K.

Past Week Has Helped to Place It Farther Away From Danger

The lack of rain during the past week has had no effect on the corn crop, and every report brings tales of great yields and of a crop that has almost passed the point of possible damage. A little rain wouldn't hurt in the southeastern part of the state, but the absence of it has permitted the farmers to finish up their small grain cutting and to indulge in some threshing. The weekly crop bulletin of the Nebraska section. G. A. Loveland, observer, issued Tuesday, gives the following summary of condition:

"The past week was cool, with sufficient rain for good growth. The daily mean temperature has averaged four degrees below normal.

"The rainfall exceeded an inch in the central and a few northern counties, and was light, generally less than half an inch, in southern and western

"The past week was very favorable for stacking, threshing and having except on Friday and Saturday, when showers occurred quite generally which somewhat interfered with the work. Small grain is now about all cut and threshing is in progress in the northern counties; oats are a good crop, but spring wheat is rather a light crop in most of the northern counties. Corn has grown well and continues to promse a very large crop; in several of the southern counties more rain would be beneficial to corn, but in only a very small area in the southwestern portion of the state has the crop been damaged by lack of rain."

POLICEMEN SHOT DOWN

Burglars, Caught at Work, Kill Pursuing Officers

Two policemen were shot down at Chicago, both dying within a few minutes, shortly before four o'clock Tuesday morning. Their assailants were two burglars, caught in an attempt to rob the house of Dr. Harry Shaw, in Ashland boulevard. escaped. The policemen were Timothy Devine, aged forty, shot through the heart and Charles Pennell, aged thirtyfive, shot through the abdomen, and who died in the county hospital.

The policemen detected the robbers as they stood a tthe entrance to an The robbers took alarm and rushed by the policemen. As they did so shots were exchanged by each side. Both of the blue coats fell mortally wounded, each by a single shot. The robbers turned to the west and were soon lost to sight. A general alarm was sent out and Arthur John. Sam Dillon, Jerry Hawley and George O'Brien were among those arrested on suspicion and who are known to have had a hostile feeling toward Officer

Assassin After Russian Prince An attempt on the life of Prince O'Bolonski, governor of the province of Kharkow, was made on the main avenue of the Tivoli gardens in the capital of the province. The prince attended a performance at the gardens. During the entre act a man fired four shots at the prince, one of the bullets inflicting a contused wound on the prince's neck. Another of the bullets went through the foot of Chief of Police Bessenoff. The assailant was

arrested. His identity has not been es-

tablished.

They Commit Murder and Become Victims of Mob Vengence

At 1:30 Tuesday morning a mob numbering two or three hundred masked men battered down the door of the jail located in the court yard at Lexington, Mo., and secured Charles Salyers, white, and Harry Gates, colored, who a week ago murdered Geo. Johnson, and hanged them to a tree a short distance from town. The lynchers were properly officered, each man doing his work effectively and efficiently. Gates was found to be shot in the right hip, showing that Johnson's shot had struck him. Salyers in a statement to the mob said Gates had done the murder, having fired three shots.

Johnson had gone to a chicken house on hearing a noise and discovered two men robbing his henroost and opened fire, being killed by the intruders.

The bodies were cut down at daylight. A coroner's jury will bring in a verdict of "death at the hands of unknown parties." There is absolutely no popular sentiment here for the discovery of the identity of the mob. The guards at the jail, knowing that resistance to the mob was useless, offered none.

SENDS A GUNBOAT

Cruiser Cincinnati Sent to Venezuelan Waters to Reinforce Topeka

A Washington, August 12, dispatch The government evidently regards the situation in eVnezuela as most serious. At the request of the state department, the navy department today sent the cruiser Cincinnati, Commander McLean, from Curacao to Puerto Cabello, which place is being threatened by revolutionists. The Cincinnati will reinforce the Topeka in the work of protecting American and other foreign interests. It is believed the presence of two American vessels at that port will have a restraining effect on the revolutionists and that it will not be necessary to employ force. At the first demonstration, however, marines will be landed with instructions to shoot if need be. There are several American business firms in Puerto Cabello, besides American Consul Ellsworth.

Pope Sends Present

Among the passengers who arrived at New York August 12 on the steamer Hohenzollern from Naples was Bishop Thomas O'Gorman. He said that he brought a letter from Cardinal Rampolla to Secretary Hay, and also a letter and present from the pontiff to Roosevelt. He probably will go to Oyster Bay to see the president and then to Washington to see Hay.

Dashes Through Draw

A freight train on the Long Branch division of the New Jersey Central dashed into an open draw of the Elizabeth river at Elizabeth, N. J. Two men. William Webster, fireman, and Patrick Mansfield were killed. Boats had just passed through. The signal was up, but the engineer lost control of the train and the engine and eight cars went into the river.

Glant Steamer Launched

The Kaiser Wilhelm De Zweite was launched at Stettin, Germany. It is the biggest vessel in the world, being 707 feet long. The engines are 38,000 horse-power, with a speed of twentyfive knots, enabling her to cross the Atlantic in five days. The kaiser was present at the launching.

Expelled From Board

Lewin A. Wood, of the firm of Edwards, Wood & Co., of St. Paul, charged with reporting fictitious trades, was expelled from the Chicago board of trade by the directors. Transactions in grain carried through a Milwaukee house and neglected to make the required clearances formed the ground for the charges.

Steyn is Improving

Former President Kruger of the Transvaal republic left Scheveningen August 13 after a cordial farewell to former President Steyn of the Orange Free State. Mr. Steyn is improving in health.

Boycott American Lard

A recent Prussian army order forbids the use of American lard in army kitchens and directs that hams must be bought of domestic slaughter houses.

Boer Prisoners Returning Home The steamship City of Vienna sailed August 13 for Capetown with the second batch of Boer prisoners, numbering 1,090, on board.

HERE AND THERE

Announcement has been made that the American Can company has decided to erect a mammoth industry in Joliet, Ill., for the manufacture of tin cans. Twelve acres have been bought near the Rockdale mills of the American Steel and Wire company, and plans are ready for the erection of the first building.

Robert Kirby, a retired merchant of Kearney, Neb., on his way to Chicago, has disappeared, and so far the police have been unable to get any trace of him. Mr. Kirby, who is seventy-two years old, was accompanied by his sis-ter, Mrs. Tucker, 529 Center avenue, Chicago, and they were traveling over the Northwestern road. She missed him at Geneva, Wis.

Sheriff Solon, of Woodland, Wis. placed under arrest Albert Ullman, the father of Ida Ullman, who was shot from ambush on August 3, near Neosha. He at once confessed that he did the shooting.

The Illinois auxiliary of the McKinley memorial association has reported that the fund of \$50,000 asked of the people of Illinois had been raised. The fund consists of over fifty thousand subscriptions and, counting the indicidual school children who sent their pennies in through schools, the contributions in Illinois run into the hundreds of thousands.

AS THE WORLD REVOLVES

COMMAND NOT NEW TO GOBIN

Soldier Has Many Times Been Sent

to Awe Strikers Gen. John P. S. Gobin, who is in command of the militia sent to quell the rioting and keep the peace among the striking miners at Shenandoah, Pa., has been prominent as a leader in the state guard for many years and is himself an old soldier and past commander in chief of the Grand Army



of the Republic. Gen. Gobin was commander of a brigade during the war with Spain and was elected lieutenant governor of Pennsylvania in 1898. He has the full confidence of Gov. Stone and has had experience in preserving peace in the mining districts in the time of strikes.

HAD TO SEE THE RING.

Indian Soldiers Visiting England Make a Request.

A striking and hitherto unreported incident occurred at the reception of the Indian officers given by Lord George Hamilton.

When the visitors had been presented they doffed their turbans and with great solemnity laid them at Lord George Hamilton's feet, while one of their number in the name of all prayed that the secretary for India would allow the Indian troops to remain in England until they had an opportunity of seeing their emperor the king face to face.

The 1,000 Indians who are in Hampton court say they would willingly forego every penny of their pay for the next two months if they were permitted to stay until the king is able to review them.

"But if we do not see the emperor." said a native officer yesterday, "we shall be disgraced. Every one in India will laugh at us and scorn us as the men who were not allowed to see the emperor. Yes, we will stay for the coronation if it can be in September; but, at any rate, we must stay until we see the king."-London Mail.

TO WED A MILLIONAIRE.

Pretty Telephone Girl Wins Heart of Albert Edward Tower.

Although the date for the wedding has not yet been fixed, preparations are already under way for the marriage of Miss Mary Bogardus, a telephone girl of Poughkeepsie, N. Y., to Albert Edward Tower, millionaire proprietor of the Poughkeepsie Iron Works. Miss Bogardus has resigned her position in the telephone office and with her sister is visiting relatives in the country.

If the wedding takes place early in the fall, which is the arrangement at present, it will occur little more than six months after the wife of Mr. Tower fatally shot her 14-year-old son and killed herself in the palatial Tower home in Poughkeepsle.

The acquaintance of Miss Bogardus and Mr. Tower began when the manufacturer's telephone became one of



those which Miss Bogardus answered in her work. Mr. Tower was charmed by her voice, sought an introduction, and proposed marriage. The engagement was to have been kept a secret owing to the recent death of Mrs. Tower, but now that it is out the preparations for the wedding are in progress.

The Home of England's Wealth. The Bank of England generally con tains sufficient gold, in 16lb. bars, to make 20,000,000 sovereigns. The Bank, which stands in three parishes, covers three acres of ground, and, as the current price of land in the vicinity works out at £1,000,000 an acre, it is easy to form an idea of the money value of the home of England's wealth. The ratable value is about £1,000 a week, the Bank employs about 1,000 people, pays a quarter of a million a year in wages, and £35,000 a year in pensions. There are £25,000,000 worth of notes in circulation which have been handed over the Bank's counter.

THE WEEKLY

DEATH OF VETERAN SAILOR

Commodore Montgomery, Ex-Confed-

erate, Passes Away at Chicago. Commodore Joseph E. Montgomery of the old confederate navy died at the home of his son, Dr. James Montgomery, 183 Cass street. Alcago, at the age of 85 years. He has buried at New Albany, Ind., in the familiar vault. His wife was buried there six teen years ago. The commodore is survived by his son, Dr. James Montgomery, a daughter, Mrs. C. M. White, and six grandchildren.

Commodore Montgomery was born in Carrollton, Ky., eighty-five years ago. After receiving his early education he showed a fondness for navigation and the earlier years of his life were spent in this pursuit on the Ohio and Mississippi rivers. In 1861 he offered his services to Jefferson Davis, of whom he was a warm personal friend, and he entered the ser ice under the command of Gen. Leonidas Polk. Owing to his perfect knowledge of the country he was placed at the head of a band of scouts and gained his first marked distinction at the battle of Belmont, where he attempted to capture Gen. Grant. The latter escaped, but without his horse. Because of his bravery shown in this fight Montgomery was commissioned by Jefferson Davis to construct a fleet for the protection of the Mississippi river. He fought as commodore of the flect in engagements at Fort Pil-



low, New Orleans and Memphis. After the last named battle he went to Montgomery and superintended the construction of the gunboat Nashville and took it down the Alabama river to Mobile, where he sank seven of Admiral Farragut's federal boats on mines laid in Mobile Bay. After this he made an attempt to cross overland to Texas, but was taken by the northern troops. At the conclusion of the war he was pardoned by President Johnson.

THE ANGEL OF THE TOMBS.

Remarkable Woman Who Recently Died in New York.

A few weeks ago a woman died in New York, and at the hour of her funeral nearly all the courts in that great city suspended and many of the judges and officers attended. It was a singular tribute, not paralleled, perhaps, in history. This woman's name was Rebecca Salome Foster, and of her one of the judges said: "Her name was strange in the social life of New York. She founded no societies; she left no monuments in art or literature. yet her death will be mourned by thousands of those she had comforted in New York and all over the land. by men in all walks of life, and especially those of the criminal bar, who had daily been in contact with this gentle, unobtrusive woman." She was the "Angel of the Tombs." and had devoted herself to the prisoners. It was a tribute to simple and self-forgetful goodness which distinguished judges and officers and condemned criminals joined in paying.

WILL ESTABLISH NAVAL SCHOOL.

Rear Admiral Taylor to Select Site on the Great Lakes. Rear Admiral Taylor, who is at the



the shores of the great lakes to select the best site for a naval school and training station, is chief of the bureau of navigation, and one of the most scholarly men in the navy. Prior to taking charge of the bureau of navigation he was the moving spirit at the naval school at Newport. is what might be called the chief of staff of the secretary of the navy, and has full charge of the personnel of the navy. He was in command of the battleship Indiana in the battle with the Spanish fleet at Santiago.