

DECIDE CASES

United States Supreme Court Hands Down Opinions.

MAKES EPOCH IN COUNTRY'S HISTORY

Membe xpress Convictions on Extent to Which

CONSTITUTION MUST FOLLOW FLAG

Decision in a Measure Gives Comfort to Both Sides—Duties in DeLima Case Wrongfully Levied—Government Sustained in Downes Case—Philippine Cases Next

In the United States Supreme court Monday last, opinions were handed down in all but two of the cases before that court involving the relation of the United States to its insular possessions. The two cases in which no conclusion was announced were those known as the fourteen diamond rings case and the second of the Downes cases. The undecided Dooley case deals with a phase of the Porto Rican question and the diamond rings case involves the right to the free importation of merchandise from the Philippines to the United States.

Of the several cases decided the two which attracted the greatest share of attention from the court were what is known as the de Lima case and those known as the Downes case and of those two the Downes case is considered the most far-reaching as it affects our future relations. The de Lima case dealt with a transitional phase of our insular relations.

The de Lima case was the first to receive the attention of the court and as it appeared to be quite sweepingly opposed to the government's contentions, many persons precipitately arrived at the conclusion that the government had been worsted all along the line. This view suffered a decided change when the conclusion was announced in the Downes case. The court was very evenly divided on both cases.

The de Lima case involved the power of the government to collect a duty on goods imported into the United States from Porto Rico after the ratification of the treaty of Paris and before the passage of the Porto Rican act. The court said the government's contention in the case was substantially a claim that Porto Rico is foreign territory. The entire case turned upon that contention. The court held that Porto Rico was not at the time foreign territory and that therefore the duty which had been collected must be returned.

The decision of the Downes case followed the history of the dealings of the United States with Porto Rico a step farther.

That case dealt with the legality of the exaction of duty on goods imported from Porto Rico into New York after the passage of the Foraker act providing for a duty upon goods shipped from the United States into Porto Rico and also on those shipped from Porto Rico to the United States. In this case the court held that such exaction was legal and constitutional.

The point of the two opinions considered collectively is that Porto Rico was never after the acquisition of that island foreign territory; that until congress acted upon the question no duty could be collected, but as soon as congress outlined a method of controlling the island's revenues that action became binding. In other words, that congress has power under the constitution to prescribe the manner of collecting the revenues of the country's insular possessions and has the right to lay a duty on goods imported into our insular possessions from the United States or exported from them into the United States. It holds, in brief, that for taxation purposes they are not a part of the United States to the extent that goods shipped between their ports and the United States are entitled to the same treatment as though they were shipped between New York and New Orleans.

Justice Brown delivered the court's opinion in both and there were vigorous dissenting opinions in both. In the Downes case four of the nine members of the court united in an opinion characterizing in strong language the opinion of the majority in that case. In this opposing opinion the chief justice and Justices Harlan, Brewer and Peckham united, and the chief justice and Justice Harlan presented their views in written form. Justices Gray, Shiras, White and McKenna also, while agreeing with the conclusion announced by Justice Brown, announced that they had reached the conclusion by different line of argument, and Justices Gray, White and McKenna announced opinions outlining their respective positions.

Justices Shiras, White and McKenna also dissented in the de Lima case. Justice Gray also presented an independent and dissenting opinion in that case.

Children Killed by Bear.

The three children of E. P. Porterfield, a mountaineer residing about twelve miles southeast of Job, Wyo., while gathering flowers in the woods near their home, were killed and partially devoured by a bear. The remains were found by a searching party which had been out since Sunday evening. The bear was discovered later and killed.

The best dressed man in Dodge City is an editor, and he wears real diamonds.

DE LIMA CASE THE FIRST

Court Holds That Duties Were Wrongfully Decided.

The first case decided by the supreme court was that of Elias S. A. de Lima et al., plaintiffs in error against Geo. R. Bidwell, collector of the port of New York. The decision was rendered in behalf of the majority of the court Justice Brown, the opinion being concurred in by all the justices, except Justice McKenna, Shiras and White. The decision hung upon the levying of \$13,000 in duties on goods imported from Porto Rico into the United States the collection of the duty having been sustained by the lower court. In effect the decision was that territory acquired by the United States is a part of the United and not foreign territory and that such import duties could not be levied. The decision of the lower court was reversed.

The Downes' Case.

Justice Brown also delivered the opinion of the court in the case of Downes vs. Collector Bidwell, of the port of New York in which suit was brought by Downes to recover back duties to the amount of \$659.35 exacted and paid under protest upon certain oranges consigned to the plaintiff and brought to New York from Porto Rico during the month of November, 1900.

This case involved the question whether merchandise brought into the port of New York from Porto Rico since the passage of the Foraker act is exempt from duty, notwithstanding the third section of that act, which requires the payment of "15 per cent of the duties which are required to be levied, collected and paid upon like articles of merchandise imported from foreign countries."

The circuit court of the United States of the southern district of New York sustained the government in this position in imposing a duty.

The supreme court affirmed the opinion of the circuit court saying:

"We are of the opinion that the island of Porto Rico is a territory appurtenant and belonging to the United States, but not a part of the United States within the revenue clause of the constitution; that the Foraker act is constitutional so far as it imposes duties upon imports from such island and that the plaintiff cannot recover back the duties exacted in this case."

STATE SCHOOL FUNDS

Amount Due Each County From the Apportionment.

State Superintendent Fowler has apportioned the temporary school fund on a basis of 377,823 persons of school age, that being the census of one year ago. The total found for the semi-annual period is \$350,853.30 and the rate is a little less than 93 cents per scholar. The following statement prepared by the state superintendent, shows the amount apportioned to each county.

County	Am't Due	Am't Due	
Adams	6,816.06	Johnson	3,705.55
Antelope	3,886.26	Kearney	3,648.54
Banner	310.15	Keith	650.04
Blaine	138.36	Keya Paha	594.70
Boone	3,031.77	Kimball	221.01
Box Butte	1,309.43	Knox	5,060.04
Boyd	2,443.19	Lancaster	20,420.31
Brown	1,157.06	Lincoln	3,855.62
Buffalo	7,414.09	Logan	342.65
Burt	4,264.21	Loup	422.52
Butler	5,473.27	Madison	5,873.57
Cass	7,295.07	McPherson	29.86
Cedar	4,225.21	Merrick	2,940.01
Chase	859.90	Nance	2,492.41
Cherry	1,444.00	Nemaha	4,908.68
Chyenne	1,366.92	Nuckolls	4,322.71
Clay	5,627.43	Otoe	6,790.98
Collins	4,085.92	Pawnee	3,988.69
Cuming	5,184.48	Perkins	543.24
Custer	7,304.50	Phelps	3,017.89
Dakota	2,209.14	Pierce	3,012.44
Dawes	1,822.17	Platte	6,154.39
Dawson	4,211.28	Polk	3,742.33
DeWitt	4,605.67	Red Willow	3,374.31
Dixon	3,624.39	Richardson	6,531.90
Dodge	7,505.09	Rock	983.40
Dodd	38,513.50	Saline	6,591.33
Dundy	761.47	Sarpy	2,791.42
Dwight	5,181.69	Saunders	7,756.57
Franklin	3,277.09	Scotts Blf	822.75
Frontier	3,003.01	Seward	5,225.64
Furnas	4,346.86	Sheridan	2,106.10
Gage	9,841.49	Sherman	2,460.83
Garfield	648.17	Sioux	585.95
Gosper	1,807.08	Stanton	2,460.83
Grant	197.78	Thayer	4,859.46
Greeley	2,146.04	Thomas	157.86
Hall	5,618.14	Thurston	1,894.39
Hamilton	4,683.95	Valley	2,631.71
Harlan	3,288.24	Washington	4,370.08
Harrison	902.61	Wayne	3,467.46
Hayes	1,602.79	Webster	3,967.98
Hitchcock	4,088.71	Wheeler	427.17
Hooks	51.08	York	5,711.93
Howard	3,977.27		
Jefferson	5,168.69	Total	\$350,853.30

A Year of Solid Advance.

The missionary work of the American Sunday School Union in the year closing February 28, 1901, exhibited two most gratifying features. While 1874 new Sunday-schools were organized in destitute places, only 6 less than in the previous year, there were 591 reorganized, against 516 in the year before, and 3523 schools visited or otherwise aided, against 2987 of the previous year; and, better than all, 1923 cases of visit and aid to old schools against 7185 in the year before. From this it appears that while as great an advance as usual was made in the planting of new schools, there was a very great advance made in the important work of reviving and strengthening and confirming schools already in existence.

Marries Miss Rand.

Announcement has been made in New York of the marriage of Prof. George D. Herron and Miss Carrie Rand. Miss Rand, prior to her marriage, devoted considerable time and money to socialism and it is the intention of her husband and herself to devote their lives to socialism.

Company A, Harry Tukey, captain, of the University Cadet Battalion, won the competitive drill, while First Sergeant, A. K. Barnes, of Company D won the individual prize.

CRASH AT CURVE

Frightful Collision of Street Cars At Albany, N. Y.

FIVE ARE KILLED—FORTY ARE INJURED

Cars Meet While Running at Full Speed—Both Motormen Dead—Men and Women Receive Broken Arms and Legs—Cause Not Known.

Electric cars racing for a switch while running in opposite directions at the rate of forty miles an hour east five lives Sunday at Albany, New York, by a terrific collision in which over forty people were injured, some fatally and others seriously. The lobby of the local postoffice, filled with dead and wounded, hysterical women and children looking for relatives and friends, surgeons administering temporary relief and ambulances racing through the city taking the wounded to hospitals were the early intimations of the accident.

The scene of the disaster was a point about two miles out of Greenbush, on the line of the Albany & Hudson. The point where the cars met on the single track was a sharp curve, and so fast were both running and so sudden was the collision that the motormen never had time to put on the brakes before south bound No. 22 had gone almost through north bound car No. 17 and hung on the edge of a high bluff with its load of shrieking, maimed humanity.

One motorman was pinioned up against the smashed front of the south bound car, with both legs severed and killed instantly, while the other one lived but a few minutes. Fully 120 men, women and children formed a struggling, shrieking pyramid, mixed with blood, detached portions of human bodies and the wreckage. Some of the more slightly injured of the men extricated themselves and began to pull people out of the rear ends of the two cars and almost every one was taken out in this way and nearly all were badly injured.

The women and children who had escaped injury and death were hysterical and added their cries to the shrieks of the dying and mutilated. Men with broken arms and bones, dislocated joints and bloody heads and faces tried to assist others who were more helpless. Help had been summoned from East Greenbush and vicinity and in a little time the bruised mass of humanity, with the mutilated dead for a gruesome and silent company, were loaded on extra cars and taken to Albany. There ambulances and physicians had been summoned and the postoffice turned into a morgue and hospital. As fast as the physicians could temporarily fix up the wounded they were taken to their homes or to the hospitals.

With both motormen killed it is hard to get to the real cause of the accident but it is supposed to have been on account of the south bound car passing a meeting point instead of waiting on the switch.

INCREASE IN THE SALARIES

Postmasters in Various Nebraska Towns to Be Benefitted.

E. H. L. Willis has been appointed postmaster at Battle Creek, Madison county, Nebraska, vice C. F. Montross, resigned. The salaries of the postmaster at Creighton, Pawnee City, Peru, Pierce, and Ponca have been increased one hundred dollars per annum.

Rural free delivery service will be established July next at North Bend, Dodge county, with one carrier, C. H. McConnell. He is to serve a population of 630, scattered over an area of forty square miles.

The postoffice at Mapleville is to be discontinued.

The salaries of these postmasters are to be increased one hundred dollars per annum after July 1: Franklin, Havelock, Lyons, McCook, Madison, Norfolk North Bend, North Platte, Oakland, Omaha, O'Neill, and Osceola.

New American Hymn.

At the Chicago auditorium Friday night during the eighth annual May festival concert of the Cook county Sunday school, a new American hymn, "Hail Thou Land, by God Selected," was sung for the first time in public. The composer is W. Conrad of that city. The hymn was sung by a chorus of 1,000 female voices, assisted by an orchestra and grand organ and was enthusiastically applauded by the audience.

Boy Kills His Sister.

Thomas Ryan, aged sixteen, of Toronto, Ont., shot and killed his ten-year-old sister, Olive. Ryan says he tried to frighten his sister by pointing a revolver at her and pulling the trigger. He forgot that the fifth chamber was loaded. The bullet hit the girl squarely in the forehead and she died shortly afterwards. Ryan is charged with murder.

Boer Forces are Active.

The commandoes of Krizinger, Van Reenen and Fouché debouched Sunday before dawn and crossed the railroad. They dashed southward, reinvading the most populous districts of Cape Colony. Fouché's commando has been resting many weeks in the Zuurburg mountains.

Suffers Second Stroke.

Henrik Ibsen, the Norwegian dramatist, has suffered a second stroke of apoplexy and his condition is almost hopeless.

PASSES HOUSE OF KINGS

Creek Treaty Only Lacks Signature of the Governor.

A dispatch from Okmulgee, I. T., says: The Creek treaty passed the house of kings Friday by a vote of 23 to 17, and it now awaits the signature of the governor to become a law.

The passage of the treaty makes one of the most important epochs in the history of the territory, removing as it does, the uncertainty that has made waiting capital timid. The town is wild with enthusiasm over the final passage of the treaty. Hundreds of thousands of dollars will be furnished immediately to build bridges, railways and other enterprises that have been planned on paper for months.

For twenty years the federal government has been trying to make a treaty with the Creeks, but has failed until now.

GUN EXPLODED IN HANDS.

Young Man Killed While Hunting Near York.

Payson Burnett, youngest son of E. P. Burnett, a lawyer of Sutton, Neb., died recently from the effects of an accident with a shot gun. Mr. Burnett was in the employ of D. E. Kinne, a farmer, had, together with Kinne's son, left the field at an early hour to do a little duck hunting on a neighboring pond. The gun used by Burnett was an old one, not having been used for some time, and instead of sending the charge out of the muzzle, threw it out of the rear, sending the charge and pieces of the breech in Burnett's face, a piece of steel penetrated the skull, making a hole the size of a dollar and lodging in the brain.

TRY TO WORK UP PREJUDICE

Protest in Commons Against Use of American Machinery.

Sir Alfred Hickman, conservative, former president of the British Iron Trades' association, in the house of commons the other day protested against railroads which were controlled by the government, and especially in Burma, in Egypt, continuing buying American locomotives, when the report of the inspector of Burma railways, mentioned by Lord Hamilton, the Indian secretary, in the house May 7, showed they required more repairs and more coal than locomotives of British make.

Sir Alfred Hickman also made allegations against the way an American firm is constructing the great viaduct in Burma.

EXONERATES CAPTAIN HALL

Was Accused of Cowardice, But Declared Not Guilty.

The record of the court martial in the case of Captain Newt Hall, United States marine corps, who was charged by Minister Conger with cowardice in connection with the defense of the legations at Peking, has just reached Washington. Admiral Remy has promulgated the finding in a special order which completely exonerates Captain Hall from the charge, and finds that the only matter of substance sustained in the charges is an error of judgment in connection with the withdrawal of his troops at the Tartar wall.

WILL REST NEAR LINCOLN

John R. Tanner to Be Buried Close to Martyr President.

The remains of former Governor Tanner, will remain almost beside those of President Lincoln in Oak Ridge cemetery, Springfield, Ill. Mrs. Tanner, his widow, has purchased 7,000 feet, located on the driveway from the gates to the Lincoln monument and about midway between the gates and the Lincoln monument and probably 300 feet from the latter and directly south of it. In this lot the remains of Governor Tanner will be laid to rest. The price paid for the ground was \$3,600.

Death From Morphine.

Edgar A. McCracken, an attendant at the Lincoln asylum committed suicide in Lincoln, Neb., by taking 15 cents worth of morphine. The immediate cause for his deed lies in the fact that he had discovered that his wife, also an attendant, had been clandestinely meeting Errett Bigelow, who has for several months been an employe at the institution.

Girl Painfully Injured.

Annie, the twelve-year-old daughter of Mr. and Mrs. John Reimer of Plattsmouth, Neb., met with a painful accident. She was running across the street towards her home, and in attempting to step upon the sidewalk, fell against the picket fence, sustaining a painful fracture of the bone in her left wrist.

Mistakes Wife for Burglar.

E. R. Richardson of Louisville, Ky., shot and killed his wife, mistaking her for a burglar. It is thought she was walking in her sleep. Richardson was paroled by the coroner.

War Declared on Dogs.

The marshal of Table Rock, Neb., has been instructed to kill every dog found running at large on the streets after June 10, and which does not wear around its neck a license tag, showing the payment of the canine tax.

Merchant Commits Suicide.

Claud W. Hudnall, aged thirty-two, a clothing merchant of St. Joe, committed suicide at an unoccupied house southwest of the city. He left a note saying his death was due to domestic difficulties.

WINS BY ONE VOTE

Platt Amendment Adopted by the Cuban Convention.

RADICALS MAKE A VERY HARD FIGHT

Vindictive in Arraigning of Supporters—Declare Friends of Amendment Traitors to Country—Many Encounters Averted.

A Havana dispatch says: The Platt amendment was accepted by the Cuban constitutional convention Tuesday by a vote of 15 to 14. The actual vote was on accepting the majority report of the committee on relations, which embodied the amendment with exceptions of certain clauses.

The radicals made a hard fight at the last moment, and Senors Portuondo, Gomez and Tamayo bitterly arraigned the conservatives. Senor Tamayo was particularly vindictive, and declared that everybody who voted in favor of the Platt amendment was a traitor to his country. The convention compelled him to retract this statement. On several occasions personal encounters seemed imminent. Senor Gomez spoke for more than an hour and his speech won over Senors Castro, Robaugh and Mandoley. He appealed to the patriotism of the delegates, and rehearsed the long fight for independence, denouncing as perjurers all who favored the amendment on the ground that they had sworn to draw up a constitution for an independent republic. Several conservatives asked Senor Gomez to retract, but he refused.

The following delegates voted against the majority report: Gomez, Genery, Portuondo, Laeret, Mandalay, Cisneros, Ferrere, Fortun, Robaugh, Tamayo, Silva, Castro, Zayas and Aleman. Senors Rivera and Bravo were absent.

The convention will continue its sessions which will be devoted to drawing up the election law. A Discussion, in an extra edition exclaims, "Now will come immediate independence."

KILLED IN A PRISON CELL.

Man Held for Safe Keeping Accused of Murder.

A dispatch from Memphis, Tenn., says Alexander Heden, a well-known citizen of Plunkett, Tenn., was murdered in a cell of detention at the police station, and N. A. Gillis of Cumby, Texas, is under arrest. Heden had been arrested for safe keeping, having imbibed too freely in strong drink. Gillis was also arrested for the same cause and put in the same cell with Heden. One of the guards in making the round late in the night found Heden lying on a cot with his head crushed in.

Examination showed him to be dead. As no one but Gillis was with Heden he was charged with the killing. Gillis, who was intoxicated, says he knows nothing of the crime, whatever.

BAD FIGHT IN SAND HILLS.

Quarrel Over Range Results in Shooting Affray.

A shooting scrape in which the victim barely escaped death, occurred about fifteen miles northeast of Alliance over a range in Deuel county. John and Henry Zerkis, it is charged, both shot P. J. Sturgeon at the same time. One shot struck a rib directly over the heart and glanced, coming out at the hip and the other in the left arm. E. P. Sweeney, the sheriff, of that county went out and captured the Zerkis and lodged them in jail at Alliance to await justice. The wounded man though seriously hurt, will probably recover. Particulars of the quarrel are meager.

SAMPSON MAY RETIRE

Admiral Likely to Ask Relief on Account of Ill Health.

According to a Washington dispatch in naval circles at the capital that Rear Admiral Sampson may ask for voluntary retirement on account of his health and that the navy department will grant his request. He will not regularly be discharged under the statutory clause until late next winter. No official application has been received at Washington from him and he may make none until after Secretary Long's return.

ACCUSED OF BANK LOOTING

Lieutenant Governor of Vermont Under Arrest.

Lieutenant Governor M. E. Allen, vice president and director of the Farmers' National Bank at Vergennes, Vt., which recently suspended, and J. W. Ketcham, a representative of the legislature from that place, were arrested by United States officers under indictments charging them with complicity with Cashier D. O. Lewis, in wrecking the bank.

Fatal Fight With Tramps.

In a fight with a gang of tramps at Carrollton, Mo., Charles McKinney, a son of Polhemus McKinney, was killed while assisting his father to arrest them. Three of the gang were rounded up by the sheriff. The others escaped.

Fell Thirty Feet.

L. B. Herdman of Central City, S. D., whose wife was murdered at Garden City a year ago, became overcome while working in the Stanley mines, and fell a distance of thirty feet landing astride a pipe. He is badly disabled from the accident.

OTHER CASES GO OVER.

Diamond Rings and Second Downes Cases Go Over Till October.

The United States Supreme Court has adjourned until the second Monday in October. The Philippines diamond case and the second Downes case, consequently go over till then.

PRICE OF DEPARTURE.

Powers Notify China of Their Best Terms.

Wiring to the London Times from Peking Dr. Morrison says: "The powers will agree to the evacuation on the issue of an imperial edict admitting China's indebtedness is 450,000,000 taels, plus interest, and that China will willingly comply."

It seems probable that Great Britain's position limiting the indemnity to be demanded from China 450,000,000 taels will be agreed to by the end of the week. United States Special Commissioner Rockhill thinks this may be considered an American victory. Though his proposition limiting indemnity to 310,000,000 taels was not accepted, still it was the cause of the other powers considering the idea. The only point likely to cause further delay in a decision by all the powers except America is that regarding the raising of the foreign customs to 5 per cent.

Mr. Rockhill told the ministers at a recent meeting that rather than take this step America would relinquish all claim to indemnity and even make a money present to China, as American commercial interests would suffer far more thereby than those of any other power, with possibly one exception.

DECIDE FOR REVISION

New Confession of Faith for the Presbyterians.

By a unanimous vote the Presbyterian general assembly recently adopted the report of the special committee on the revision of the confession of faith. The debate on this important question had extended into the fourth day and to Rev. James D. Moffat is due the credit of having brought the commissioners to such a harmonious conclusion. When recommendation "B" was on Saturday adopted by a comparatively small majority Dr. Moffat announced that in view of the divergence of opinion he would offer an amendment which he hoped would meet with the approval of the entire assembly. When he presented this amendment it was instantly accepted by the commissioners and the adoption of the report as a whole followed with but little delay.

A viva voce vote was taken and when the 640 ayes responded to the question the commissioners arose and sang "Praise God from Whom All Blessings Flow," which was followed by a prayer of thanks given by Moderator Minton.

YOUTH SHOTS HIMSELF.

Makes Deliberate Effort to End His Own Life.

Eric Olson, a young Swede who has been living in the neighborhood of Fairmont, Neb., for the past year, attempted to commit suicide by shooting himself in the breast. The bullet did not penetrate the bone, but passed around the left side and lodged under the shoulder blade. He was taken to the hotel and the bullet extracted. The physician thinks that if no complications set in he will recover. No cause is assigned for the deed, but the young man was evidently temporarily deranged.

PAPER MAKERS' COMBINE

Canadian Government to Institute an Investigation.

A Toronto dispatch says the Canadian Press association has been advised by Hon. Mr. Fielding, minister of finance, that the government will conduct the investigation and summon all necessary witnesses in the inquiry into the alleged paper makers' combination. The association had intended prosecuting. Mr. Fielding's communication meets all the claims of the press association. Eminent counsel will be employed in the inquiry, which will open before Judge Taschereau in Monte real.

Bill-Posting Trust.

The Chicago Chronicle says: "For the purpose of combatting adverse legislation, as well as regulating prices and putting down competition, a gigantic trust, to consist of all the principal bill-posting companies in the United States and Canada, is in progress of organization. A meeting will be held in Buffalo, July 7 to 10, to perfect the combination."

Bullet Pierces Her Heart.

At Nardin, Okl., a party of young society people went picnicking and when a picture was being made of the group, Miss Nora Wolfram asked Miss Bishop to point a rifle at her, adding to the romance of the scene. Miss Bishop did so. The rifle was discharged some way accidentally and Miss Wolfram was instantly killed, the bullet piercing her heart.

Young Woman a Suicide.

Miss Nina Whitman, aged twenty-two, committed suicide at Glendive, Mont., by drowning. She was a trimmer in a millinery store. Her mother resides at Galena, Ill., and a sister is a principal in the Oak Park school of Chicago. Business