

OLD LAW STANDS

THE SUPREME COURT DECIDES AGAINST NEW MEASURE.

THREE OF THE JUDGES CONCUR

New Enactment Would Extend Tenure of Office in Violation of the Organic Act—Officials That Will Be Voted For in the Autumn Election.

LINCOLN, Neb.—The biennial election law has been declared void. Chief Justice Holcomb is the author of the opinion and it was unanimously approved by the other judges. The law, which seeks to do away with odd years elections, was declared unconstitutional because the judges thought it sought to extend the tenure of office of officials whose terms were fixed by the organic law.

The decision makes it necessary to hold elections this fall for supreme judge, regents and county officials. Chief Justice Holcomb, in discussing the argument that the legislature has a right to interpret the constitution when it bears on subjects of a political nature and that the rule contended for seems reasonable, but that it cannot be given the weight urged because the provisions of the constitution will not bear a construction permitting the legislature to change the time of holding elections for judicial offices, and extending their terms one year. The court says:

"The conflict is so palpable that the legislative enactment must give way.

"The action of the legislative branch of the government is entitled to and should receive from the judicial department the greatest respect and deference. This has been freely accorded and ever kept in mind in the consideration and discussion of the case at bar. The court should and does approach a conclusion, resulting in a holding that the law is unconstitutional, with great caution and hesitancy. The wisdom, policy and expediency of the law have not been allowed, that we are conscious of, to in the slightest degree influence our decision. We have endeavored to keep within the legitimate sphere of action belonging to the judiciary. And insofar as human fallibility permits us to reach a conclusion from a strictly legal and judicial standpoint, the final and ultimate construction of the constitution is by that instrument entrusted to the court. We have endeavored to discharge the trust thus reposed in the tribunal over which we for a time give expression to its utterances and decrees, according to the meaning expressed or arising by necessary implication. In so doing we are unable to escape the conclusion that the legislative enactment in controversy conflicts with several of the provisions of the fundamental law, and that the former must give way and be declared without legal force, inoperative and void."

ILLNESS DELAYS WORK OF PEACE

WASHINGTON—It is learned through official sources that owing to the illness of Count Lamsdorff, the Russian foreign minister, there has been a slight check to the negotiations affecting Russia and Japan. It is specifically stated, however, that this does not imply that there has been any hitch, but simply that the negotiations have been unavoidably delayed for the reason given.

A NEW DISEASE ABROAD.

The "Lazy Worm" Afflicts 100,000 Porto Ricans.

WASHINGTON—According to a report received by the surgeon general of the army from Captain B. K. Ashford, assistant surgeon and head of the Porto Rican anemia commission, 95 per cent of the 100,000 Porto Ricans living in the vicinity Abonito, near the center of the island, are afflicted with the "lazy worm." Headquarters and a field hospital have been established by the commission at Abonito, and an appropriation of \$15,000 will be expended in the eradication of disease, according to the methods so successfully applied by Captain Ashford last year.

REPRIEVE FOR MRS. ROGERS

Woman Sentenced to Hang Granted Stay of Sentence.

BRATTLEBORO, Vt.—A reprieve until December 8 for Mrs. Mary M. Rogers, the condemned murderess, was signed Thursday by Governor Charles Bell, and for the third time the woman, who was to have been hanged at Windsor on the 23rd, for killing her husband, has been saved through the operation of the governor's power of staying the execution. The reprieve was granted in order that the case may be carried to the supreme court of the United States on constitutional questions, raised at a hearing before Judge Hoyt H. Wheeler.

SIGN POSTAL TREATY WITH PANAMA

WASHINGTON—The postmaster general and Minister Obaldia of Panama signed a postal treaty between the two countries, effective July 19, 1905, under which the rates and conditions applicable to articles for the independence of Panama are made uniform with those in force between the United States, Canada, Mexico and Cuba.

CAN TAKE AWAY WOUNDED

War Department Grants Request of Russian Admiral.

WASHINGTON—In response to a request cabled the war department by the governor general of the Philippines in behalf of the Russian Admiral Enquist, to be allowed to return his sick and wounded officers and men upon giving their parole not to engage in hostilities during the war, and to be allowed to bring certain material for repairing damaged ships, the secretary has sent the following cablegram:

"You may allow Russian admiral to embark his sick and wounded officers and men on Russian hospital ship, daily expected, upon their giving parole not to engage in hostilities during the war. You may also allow them to bring from Shanghai material for repairing vessels, other than munitions of war, such as cordage, sail cloth, waste and oil for machinery, etc., but the vessels are still to remain in internment."

SUPPORT PRESIDENT AND OPPOSE TAFT'S POLICY

MANILA—The federal convention has reassembled. After a heated discussion it was resolved to place among the resolutions a section advocating the policy of President Roosevelt to transform the government of the islands by permitting government by Filipinos with the assistance of Americans. The federals believe that if this policy be followed constantly and progressively it will result in complete self-government.

AS TO ARMISTICE

Negotiations Progressing That May Stop Fighting.

WASHINGTON—It is intimated in official circles that negotiations are proceeding looking to an armistice between Japan and Russia.

The stumbling block in the way of an armistice appears to be that neither belligerent is willing to take the initiative. The present negotiations, it is understood, will consist of an effort to sound one or both governments as to their willingness to agree to an armistice.

There will be no official announcement here regarding the probabilities of an armistice before the president returns, nor is it certain that even then will there be anything to make public. The feeling in official circles here is strongly in favor of a cessation of hostilities, as it is believed a clash before the peace conference would hamper the work of the plenipotentiaries and that would prove a serious menace to their efforts for peace.

S. PETERSBURG—M. Nelidoff, Russian ambassador to Paris, has been definitely appointed one of the Russian peace plenipotentiaries.

M. Nelidoff is a skillful Russian diplomat who, as ambassador at Constantinople for a number of years, handled some of the worst problems connected with Russia's near eastern politics. He and Sir Philip Currie, the British ambassador to Turkey, in 1896 had some historical tilts on the field of diplomacy and it was reported at the time that Sir Phillip charged his Russian colleague with double dealing. In any case, the sultan conferred on M. Nelidoff, the Order of the Medjidiah, and it was reported that the Russian ambassador was to be promoted, which would indicate imperial approval of his diplomacy.

In November, 1903, M. Nelidoff was transferred to Paris and Prince Ouroussoff, who was Russian ambassador to France, succeeded M. Nelidoff at Constantinople.

President Roosevelt has taken a new and important step in the negotiations between the belligerents. While there are collateral reasons for believing that it relates to an armistice, which will prevent the impending battle in Manchuria, this cannot be positively affirmed. All that can be stated definitely is that Ambassador Meyer went suddenly to the foreign office late last night and had an interview with Foreign Minister Lamsdorff, when it is believed the ambassador communicated an important message from President Roosevelt, but neither the foreign office or embassy has the light thrown on what transpired.

SAYS THAT DIVORCE IS UNDERMINING SOCIETY

NEW YORK—Bishop Farley declared at Carnegie hall at the commencement of the College of St. Francis Xavier that the evils of divorce were undermining the walls of our society, and that they would soon collapse if nothing was done. The bishop said in part: "A continuance of the evil of divorce, or the slighting regard for the marriage covenant must shortly lead to the downfall of society; nay, it is even now falling and must soon be dragged in the dust. We see that it is going to pieces."

Get-Rich-Quick Man Arrested.

CHICAGO, Ill.—Justus W. Lobb, president of the Continental Finance company, was arrested Friday night on a federal warrant charging him with using the mails in a scheme to defraud and in the conduct of a lottery. The Continental Finance company was several days ago placed in the hands of a receiver on the complaint of a number of people who had invested money in the concern on the promise of quick and large returns, which they had in many instances never received.

HEARING PROTEST

ADMINISTRATION OF THE CHINESE EXCLUSION ACT.

PRESIDENT CHANGES METHODS

Certificates for the Exempt Class Will Be Issued by American Consuls and Will Be Accepted Without Further Examination at All Ports.

WASHINGTON—By the direction of President Roosevelt action has been taken by the administration which not only will facilitate the landing in this country of Chinese exempt classes, but will also eliminate from the emigration bureau such administrative features as have been subjects of criticism by Chinese. It is the declared intention of the president to see that Chinese merchants, travelers, students and others of the exempt classes shall have the same courtesy shown them by officers of the immigration bureau as is accorded to citizens of the most favored nations.

Representations have been made to the president that in view of alleged harsh treatment accorded to many Chinese seeking a landing in the United States, the commercial guilds of China have determined to institute a boycott on American manufactures. The representations, backed by the authority of the American Asiatic society and commercial bodies throughout the country, induced the president to make an investigation of the situation with a view to remedying the evils complained of, if they were found to exist. The subject was discussed thoroughly by the cabinet and the president took it up personally with Secretary Metcalf of the Department of Commerce and Labor, who has supervision of the immigration bureau.

As a result of the inquiry, orders have been issued to the diplomatic and consular representatives of the United States in China by the president himself that they must look closely to the performance of their duties, under the exclusion law, and see to it that members of the exempt classes coming to this country are provided with proper certificates. These certificates will be accepted at any port of the United States and will guarantee the bearer against any harsh or discourteous treatment. Such treatment, indeed, will be the cause of the instant dismissal of the offending official, whoever he may be.

In addition to the president's orders, Secretary Metcalf has issued instructions to the immigration officers which, it is believed, will remedy the difficulty heretofore complained of by the Chinese government and individuals. It is anticipated that the prompt action taken by this government to meet the objections made by the Chinese will eliminate the possibility of serious trade difficulties between China and the manufacturers of this country.

EXODUS FROM LODZ.

Thousands of People Are Fleeing from the Terror Stricken City.

LODZ, Russian Poland—The most serious phase of the fighting between the military and strikers is at an end, but there are still isolated attacks in the suburbs. At Baluty Sunday morning Cossacks attacked a Jewish family of five persons who were driving in a cab to the railway station and shot and killed them all, including the cabman.

At Pabjanice, near Lodz, workmen attacked two policemen and shot and killed one and wounded the other.

There is a general exodus from Lodz. Twelve thousand persons have already left and all trains are crowded.

Eighteen Killed in a Wreck.

BALTIMORE, Md.—By far the worst wreck in the history of the Western Maryland railroad occurred Saturday evening at a point about a quarter of a mile from Patapsco, a small station between Westminster and Finksburg. At least eighteen people were killed and a score more injured.

Carrying a Bomb.

WARSAW, Russian Poland—A man carrying a bomb was arrested here in front of the Malewki palace station. He refused all information regarding himself.

MR. PAUL MORTON PROPOSES TO KNOW

NEW YORK—A new and important investigation of the affairs of the Equitable Life Assurance society is to be begun at once. Paul Morton, the newly elected chairman of the board of directors, wants to know exactly how things are with the society, and has commissioned Prince, Waterhouse & Co., and Haskins & Sells, chartered accountants, working together, to examine every detail of the work, investments and relation of the society.

WILL GO WITH PEARY TO THE NORTH POLE

NORWAY, Mo.—Miss Mamie Babb, a school teacher here, has signed a contract to accompany the Peary Arctic expedition in the dash for the North pole, which starts from New York July 5.

Miss Babb will go as the official stenographer of the expedition, and will get a big salary. She is 20 years old and a graduate of Barnard college, New York.

OUTLOOK NOT ENCOURAGING.

Little Hope of Armistice Until Peace Commission is Perfected.

WASHINGTON—Mr. Takahira, the Japanese minister, returned to Washington Friday afternoon from a visit of several days in New England and called at the White House at night, where he was received by the president and remained for three-quarters of an hour. The minister would have nothing to say about his conference or the situation at this time, beyond remarking that "some matters must be settled first."

The fact that the minister could give no assurances regarding an armistice prior to the convening of the Washington conference tends to confirm the belief in official circles here that little headway has yet been made by the president in this direction. Up to a late hour Friday afternoon the Russian reply to the president's suggestion regarding an armistice had not been received and until this reply is received the result of this phase of the negotiations cannot be known.

JAPANESE FORCES PURSUE THE RUSSIANS

TOKIO—The following dispatch has been received from the headquarters of the Japanese armies in Manchuria:

In the vicinity of Yingecheung, June 21, a thousand of the enemy's infantry, pressing our scouts, advanced and when they reached Hsiangyangcheung, ten miles southeast of Wankautzkeau, or forces repulsed them with heavy loss and pursued them to the vicinity of Welyuanpaomen.

After our force, which occupied Yangmuntzu June 19, had completed its mission it returned.

The enemy, consisting of three battalions and four squadrons, with twelve guns, advanced through the eastern districts of the Karin road and moved southward June 21. From 11:30 in the morning his infantry, gradually appeared on the heights between Chapengan and Lichiatun and his artillery posted on the heights of Lienhuachies shelled the northern heights of Nantchendzy. Our force, after a few hours' engagement, assaulted this offensive and completely repulsed the enemy, captured the heights and pursued him.

HELPS THE MAIL SERVICE

Postoffice Department Appreciates Fast Trains.

WASHINGTON—The expedition of the mails as the result of the operation of the new fast trains is announced in the following statement by the postoffice department:

"The limited trains recently established between New York and Chicago on the Pennsylvania railroad and the New York Central & Hudson River and Lake Shore & Michigan Southern railroads, which clip practically five hours from the running time between the two cities, have enabled the postoffice department to expedite very materially the delivery of mails from points in New England, New York City, Philadelphia, Harrisburg, Baltimore and Washington for Chicago and nearly all points in the west and southwest. Mails are delivered in St. Paul, Omaha and all points beyond, twelve hours in advance of their former arrival at those points."

GETTING AFTER THE RASCALS.

Outcome of Fraud Investigation in Chickasaw Nation.

WASHINGTON—The department of justice was officially advised that as the result of the investigation into the alleged frauds in connection with the government of the Chickasaw nation, Indian Territory, Treasurer Ward and Governor Johnson and ex-Governor Moseley of the Chickasaw nation, United States Marshal Colbert, Banker Purdom and Attorneys Mansfield, McMurray and Cornish and others have been indicted for reissuing school and general bond fund warrants of the Chickasaw nation.

The school warrants were issued in lieu of immediate money payments for various educational purposes. A considerable amount of these had accumulated and congress at its last session appropriated \$330,000 of the Chickasaw nation funds to meet their payments.

THOUSAND YEARS' SENTENCE

Texas Jury Imposes Penalty on Negro Assailant.

ST. LOUIS, Mo.—A special to the Republic from Waco, Texas, says: In the case of Lee Robertson, a negro charged with attempted criminal assault upon a white woman, the jury brought in the following verdict:

"We, the jury, find the defendant guilty as charged and fix his punishment at confinement in the state prison at one thousand and one years."

The spectators in court cheered when the verdict was read, despite the admonitions of the court.

Model Arbitration Treaty.

BERLIN—Congressman Barthold of St. Louis, Mo., president of the interparliamentary union to promote international arbitration, has been here for nineteen days looking over the material supplied by the foreign office to assist him in drafting the model arbitration treaty which the union asked him to prepare. Mr. Barthold will visit some of the other European foreign offices with the same object between now and the meeting of the union at Brussels, August 28.

DON'T GET NEARER

TWO NATIONS APART ON THE MOROCCAN QUESTION.

NOTE ON THE SUBJECT ARRIVES

Premier Rouvier Not Inclined to Make Much Concession—Contents of His Note a Distinct Disappointment to Berlin Diplomats.

BERLIN—The French note on the subject of the proposed Moroccan conference was handed to the foreign office Friday morning. Owing to its great length it had to be sent by mail to Berlin instead of by telegraph.

The foreign office, while declining to discuss the points of the note in detail, admits that it leaves the situation where it was before. The points of disagreement between Germany and France have not been removed. It is expected that the negotiations will continue a long time before a positive decision is reached.

Germany's answer to Premier Rouvier has not yet been considered. It will require considerable time in order to meet all the points raised. While the delay might, under ordinary circumstances, be of advantage in affording time for the conference to decide, the German circles note with some concern that powerful intrigues are going on, having for their object war between Germany and France. Germany's intentions remain thoroughly pacific, but government circles here apprehend the possibility that these intrigues will result in inflaming the French people against Germany and creating a delicate and complicated situation.

The evening newspapers frankly express their disappointment at the French note. Much has been staked upon Prier Rouvier's ostensible wish to come to an understanding with Germany, but the Vossische Zeitung, discussing the note, says that Rouvier is continuing M. Delcasse's policy without M. Delcasse.

The newspapers all emphasize the fact that the French note leaves the differences where they were before regarding their bearings upon the projected Moroccan conference. It is remarked that M. Rouvier has just succeeded in leaving room for an acceptance of the conference if this becomes absolutely necessary, but as the Post remarks, the French premier takes a stand that look s strikingly like a polite but a shamed refusal, and the Vossische Zeitung agrees with the Post in saying that his answer comes nearer a refusal than an acceptance of the conference.

"AN ANGEL OF PEACE TO THE WORLD"

WASHINGTON—Cardinal Gibbons, who is in Washington on church business, paid a call on the president, accompanied by Dr. D. J. Stafford, rector of St. Patrick's church of this city. The cardinal congratulated President Roosevelt upon his success in the negotiations for peace between Russia and Japan.

"He is an angel of peace to the world," said Cardinal Gibbons, alluding to the president, "and the world owes him a great debt. He deserves congratulation and praise for his noble efforts."

MAY ABANDON CONFERENCE.

France and Germany Said to Have New Solution in Morocco Case.

PARIS—Speculation is rife regarding the probable purport of Germany's reply to the French note regarding the proposed international conference over Moroccan affairs, which reply has not yet been received. The statement that Germany would refrain from replying before further verbal explanations took place between Premier Rouvier and Prince Radolin, the German ambassador, is not regarded seriously in well informed circles, where it is thought probable that an interview will not take place before Wednesday, when the reply from Berlin may reach Paris, but the officials are without definite information on this point. It is alleged that the contents of the reply were given out Sunday in which Germany requests a clearer statement of the French program for Moroccan affairs, suggesting that each subject be discussed separately in accordance with the terms of the Madrid convention, the two points principally referred to being coast trading and frontiers, and that should France accept, Germany would abandon the idea of the conference.

Selects Plenipotentiaries.

WASHINGTON—It is reported unofficially that President Roosevelt, at a late hour Sunday night, was informed by Mr. Meyer, the ambassador of the United States at St. Petersburg, of the selection of the Russian plenipotentiaries.

ASK FOR REMOVAL OF GREEK CONSUL

SAN FRANCISCO, Cal.—A petition signed by 575 representative Greeks and Greek business men of this city, has been forwarded to King George of Greece, asking for the removal of the present Greek consul in this city, John Kapsimalis, and the reappointment of Henry S. Martin, who was recently removed. The petition charges Kapsimalis with wrong-doing.

ELEVEN PERSONS KILLED

Twentieth Century Limited on the Lake Shore Wrecked.

MENTOR, O.—Running at the rate of more than fifty miles an hour, the Twentieth Century Limited, on the Lake Shore railroad, dashed into an open switch at the passenger station here shortly before 10 o'clock Wednesday night. Eleven persons were killed and twelve or fifteen badly injured. The combination baggage and smoking buffet car caught fire and was destroyed.

CLEVELAND, O.—The list of fatalities in Wednesday night's wreck of the Twentieth Century flyer on the Lake Shore railway at Mentor, O., is one of the largest in the history of that road, numbering nineteen persons. All the victims were prominent in the business and professional world in New York, Chicago, Cleveland and other cities.

BODY OF GOMEZ LAID IN THE GRAVE

HAVANA—The body of General Maximo Gomez was interred here after a funeral service so replete with demonstrations in honor of the dead general as to lead in several instances to scenes of disorder. The most serious trouble occurred while the great procession was passing Central Park, when some reckless young Cubans rushed toward the field gun caisson on which the general's remains were borne, demanding permission to carry the body. They were thrust back and then a bigger crowd rushed forward, and swayed back and forth across the broad street temporarily disorganizing the procession.

THE LAKE SHORE WRECK

A Man Under Suspicion of Having Caused the Same.

CLEVELAND, O.—A man under suspicion of having caused the Lake Shore wreck is being shadowed, and secret service men are tracing his actions on the night of the wreck, and expect to be able to show that he was in the neighborhood of the switch which is said to have been tampered with.

A bag containing jewels valued at \$82,000, the property of S. C. Beckwith of New York, supposed to have been stolen from the wrecked train at Mentor, was found Friday. It had been picked up in the wreckage and brought to the Lake Shore claim agent's office in Cleveland. Before the whereabouts of the jewels was known a search had been started for them on behalf of Mrs. Beckwith. Mr. Beckwith died soon after being removed from the wreck.

State Railroad Commissioner J. C. Morris, who started an investigation of the wreck, is quoted as saying that the switch was undoubtedly open and that some one set it that way just a short time before the flyer struck it. He also stated that the engine did not leave the rails until it had traveled fifty feet on the side track.

WANT THE LAW AMENDED

Changes Desired in the National Guard Bill.

WASHINGTON—The national guard of the country will ask congress at its next session to amend the Dick bill reorganizing and making the guard a part of the national defense. The proposed legislation has been carefully prepared. It originated with the officers of the national guard and had incorporated in it certain suggestions from the war department, thus giving it governmental approval. Its principal feature is the doubling of the annual federal appropriation of \$1,000,000 for armament and encampment purposes, which is said to be imperatively necessary to properly equip and instruct the men. Other features of the bill embrace a provision for paying the actual expenses of officers making inspection tours in connection with the promotion of rifle practice; regulations governing the auditing of accounts incident to encampments and giving the secretary of war discretion as to what shall constitute proper incidentals for "such encampments for which the government is to pay."

BLAME BRITAIN FOR DELAY.

Alleges England Would Have Battle Before Commission Meets.

ST. PETERSBURG—The Novog Vrema Tuesday printed a dispatch from London in which its correspondent declared he was in possession of information to the effect that the British were advising Japan against the conclusion of an armistice. "Russia," the dispatch added, "is not considered to be sufficiently weakened. Great Britain hopes that Field Marshal Oyama will succeed in destroying General Linevitch's army and thus relieve it of the nightmare that the army may later be shifted to the borders of Afghanistan for operations against India."

Scandal in the Territory.

WASHINGTON—The Department of Justice was officially advised that as the result of the investigation into the alleged frauds in connection with the government of the Chickasaw nation, Indian Territory, Treasurer Ward, former Governor Moseley and Governor Johnston of the Chickasaw nation, United States Marshal Colbert, Banker Purdom and Attorneys Mansfield, McMurray and Cornish and others have been indicted for reissuing school and general fund warrants of the Chickasaw nation.