

ISLAND CASES DECIDED.

Supreme Court Gives the Government the Best End.

CONGRESS THE SOLE ARBITER.

Ruling Requiring Return of Collected Duties Affects Only Transitional Period Between Treaty Ratification and Special Enactment.

Washington, May 28.—In the United States supreme court yesterday opinions were handed down in all but two of the cases before that court involving the relations of the United States to its insular possessions. The two cases in which no conclusion was announced were those known as the 14 diamond rings case, and the second of the Dooley cases. The undecided Dooley case deals with a phase of the Porto Rican question, and the diamond rings case involves the right to the frog importation of merchandise from the Philippines to the United States. The original intention of the court had been to adjourn after yesterday's sitting for the term, but discussion of the cases passed on took about 5 hours, so the court adjourned until today, when it is presumed the remaining cases will be passed upon. Of the several cases decided, the two which attracted the greatest share of attention from the court were what is known as the Delima case and that known as the Downes case, and of these two the opinion in the Downes case is considered the most far reaching as it affects our future relations, whereas the Delima case dealt with a transitional phase of our insular relations. The Delima 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 decision was received in the Downes case. The court was very evenly divided on both cases, but political lines were not at all controlling. The Delima 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 this case was substantially a claim that Porto Rico is foreign territory. The entire case turned upon that contention. The court held that the position was not well taken, that Porto Rico was not at the time a foreign territory, and that therefore the duty which had been collected must be returned.

Foraker Act Changes the Situation. The decision in 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 duties 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 those shipped from Porto Rico into 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 should 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. 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 on 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 by different lines of argument, and Justices Gray, White and McKenna announced opinions outlining their respective positions. Justice Shiras, White and McKenna also dissented in the Delima case, uniting in an opinion. Justice Gray also presented an independent and dissenting opinion in that case.

The other cases decided by the court were the Goetze vs. the United States, involving duties on importations from Porto Rico, and Crossman vs. the United States, duties on Hawaiian imports being involved. In these two cases the Delima decision was followed and assessment of duties prior to enactment of legislation for the islands held illegal.

The assessment of duties was partly sustained and partly upheld in the cases of Dooley and Armstrong vs. the United States. The duties were held legal when made during military occupation of Porto Rico and prior to ratification of the peace treaty, but

illegal when levied after the peace treaty, but prior to passage of the Foraker act.

The small court room was crowded to repletion throughout the day, prominent officials and many attorneys being present and the proceedings were followed from start to finish with keen interest.

Gist of Delima Opinion.

In the Delima case Justice Brown concluded as follows:

If an act of congress be necessary to convert a foreign country into domestic territory, the question at once suggests itself, what is the character of the legislation demanded for this purpose? Will an act appropriating money for its purchase be sufficient? Apparently not. Will an act appropriating the duties collected upon imports to and from such country for the benefit of its government be sufficient? Apparently not. Will acts making appropriations for its postal service, for the establishment of lighthouses, for the maintenance of quarantine stations, for erecting public buildings, have that effect? Will an act establishing a complete local government, but with the reservation of a right to collect duties upon commerce be adequate for that purpose? None of these, nor all together will be sufficient, if the government be sound, since acts embracing all these provisions have been passed in connection with Porto Rico and it is insisted that it is still a foreign country within the meaning of the tariff laws. We are unable to acquiesce in this assumption that a territory may be at the same time both foreign and domestic.

We are, therefore, of opinion that at the time these duties were levied Porto Rico was not a foreign country within the meaning of the tariff laws, but a territory of the United States; that the duties were illegally exacted and that the plaintiffs are entitled to recover them back.

UPHOLDS ADMINISTRATION.

Solicitor General Richards' interpretation of the Decisions.

Washington, May 28.—Solicitor General Richards of the department of justice, who had charge of the insular cases before the supreme court, made the following statement containing his interpretation of the decisions of the court:

"The important question involved in these cases was whether the cessation of territory contained in the treaty of Paris made Porto Rico and the Philippines integral part of the United States within the meaning of that provision of the constitution requiring 'all duties, imposts and excises to be uniform throughout the United States.' The court held that the cessation simply made Porto Rico and the Philippines domestic territory of the United States, subject to the full control of congress, which control could be exercised without reference to those limitations. This limitation, the court held, was intended to apply to the states of the union and does not apply to acquired territory unless by treaty and by subsequent act of congress it is incorporated within and becomes an integral part of the United States. The decisions are consequently a victory for the government. They sustain to the fullest extent the so-called insular policy of the administration. The government now has the sanction of the supreme court for governing these islands as their needs require. The court holds that the constitution did not of its own force at once apply to those ceded territories."

PLEASES THE PRESIDENT.

Supreme Court Decision on Islands Suits the Administration.

Omaha, May 28.—The presidential train arrived here this morning. Mrs. McKinley is standing the trip very well and seems rejoiced that every hour brings her nearer home. At Sidney, Neb., the president and the cabinet received the official information that the supreme court had decided the insular cases in accordance with the contentions of the government. The news came in the shape of a telegram from Solicitor General John K. Richards. It was brief, however, and contained no details beyond the bare announcement that the administration had been sustained. Naturally the president and cabinet officers were elated over the victory, although they have never doubted that the decision would be in favor of the government.

Cubans Will Accept.

Havana, May 28.—By unanimous agreement the Cuban constitutional convention has decided to take final vote on the acceptance of the Platt amendment today. This decision was reached after long argument against the acceptance of the amendment by Senors Tamayo and Portuondo, who were answered by Senors Sanguly and Berret. The conservatives claim that the Platt amendment will be accepted by the convention by a vote of 17 to 11.

SPARKS FROM THE WIRES.

A Great Northern freight train collided with a dynamite car near Tacoma Monday. The engine and train were totally destroyed.

Major Taylor, the colored American cyclist, in the return match Monday, defeated Jacquelin, the French champion, in two out of three races.

James Post and his nephew were burned to death and Mrs. Post was burned seriously in a fire Monday in their residence at Havelock, Ont.

The strike of the machinists employed by the Brooks Locomotive works at Dunkirk, N. Y., was settled Monday. Their demands were granted.

It is now said that President Errazuriz of Chile, who has been suffering from paralysis, is much worse and that little hope of his ultimate recovery is entertained.

Secretary Gage Monday received and accepted the resignation of W. P. Hazen, for the last four years at the head of the United States secret service at New York.

The Wabash and Chicago and Alton roads agreed Monday to allow the question of differential fares for the former road between Kansas City and Buffalo to go to arbitration.

TWENTY-ONE MEN KILLED.

Terrific Explosion in a Tennessee Coal Mine.

CAUSED BY A BLOWN BLAST.

Flames Ignite Accumulation of Dust and Unfortunates Are Caught in Fiery Furnace—Only Four Escape Without Injuries.

Dayton, Tenn., May 28.—At the Richland mine, two miles from here, yesterday, a terrific explosion of coal dust resulted in the death of 21 men, all white, and most of them married and with families.

At 4:30 p. m. a dynamite cartridge was placed in position in one of the rooms for blast and the miners started for the mouth of the mine. The blast did not explode as intended, but instead a long flame shot out of the blast hole and ignited the accumulation of dust. Instantly a terrific explosion occurred and a seething mass of flame shot to the mouth of the mine and extended 399 feet into the open air, scorching the leaves from the nearby trees.

There were 34 men in the mine at the time. Four of these escaped with slight injuries. Twenty-one were killed and nine terribly burned, most of them fatally. The force of the explosion caused great masses of coal and slate to cave in from the roof of the mine and many of the ill-fated miners were completely buried.

Word quickly reached Dayton and rescue forces were at once organized and proceeded to the mine. One by one the blackened and horribly disfigured bodies were taken from the debris and carried to the mouth of the mine, where they were put on a locomotive and taken to Dayton. Scores of relatives and friends gathered at the mouth of the mine and the shrieks of anguish as the bodies were removed were heart-rending.

The dead: Tom Wright, Dick Smith, Will Matthews, Sam Smith, Bailey Smith, Tom Walker, George Holmes, J. P. Gohard, Terry Smith, Abe Gohard, Sam Burwick, Jim Pickle, Wash Trasley, Oscar Rodgers, Lewis G. Rodgers, Lowery Hawkins, J. F. Walker, Perry Pogue, Lige Poole, Andy Medley, Will Rose.

The injured: William Burchene, Sr., William Burchene, Jr., Bob Walker, Rev. F. M. Cook, Rev. William Hale, Bart Hale, Arthur Decker, Ed. Craig, J. T. Burwick.

PACKET DUBUQUE IS SUNK.

Diamond Jo Line Steamer Strikes Rock North of Burlington.

Burlington, May 28.—The Diamond Jo packet Dubuque, southbound, struck a rock 18 miles north of here last evening and sank in five feet of water. There were 59 passengers on board. All escaped injury.

News of the wreck was received by telephone from Oquawka, eight miles below the scene of the accident, and at present there is no other source of news. While the boat sank in less than a minute it is stated that no person was drowned or injured, though there were 59 passengers on board. A large quantity of flour carried on deck as freight slid off into the water when the vessel listed to one side. The vessel now rests on a slanting bottom. The rock tows an 18 foot plank from the vessel's bottom, letting the water in with a rush. The Dubuque was on route from St. Paul to St. Louis. The steamer W. J. Young of Davenport, en route down, will probably take off the passengers and bring them to Burlington. The Dubuque is one of the finest Diamond Jo line packets running between St. Louis and St. Paul.

Captain King on Trial.

Mobile, Ala., May 28.—Former Captain and Quartermaster Cyril W. King in charge of the construction work at Fort Morgan, Ala., was put upon trial yesterday in the United States court charged with receiving a bribe from Contractor J. H. Hobson. Hobson charged that last summer he did \$800 worth of work at the fort and that King rejected a great deal of material. In October King offered to be easier on him for a consideration. Hobson paid King \$2,900 in installments, the last batch of money being marked and verified by a detective.

Cedar Rapids Strike Declared Off.

Cedar Rapids, Ia., May 28.—The Burlington, Cedar Rapids and Northern strike, involving 300 men, was declared off yesterday and the men who have not found other employment will return to work at once. The strike was caused by the introduction of the piece work system, which is not referred to in the terms of settlement.

One Killed in Wreck.

Alliance, Neb., May 28.—E. V. Fawcett, a Burlington and Missouri conductor, was killed in a wreck at Marsland last night. The wreck occurred on a curve at the crossing of the Niobrara, caused by the flange breaking from a wheel, throwing six cars and cabooses into the stream.

Injured Number Over Fifty.

Albany, N. Y., May 28.—Further information from the vicinity of the collision on the Albany and Hudson railroad, near East Greenbush, shows that the number of injured is over 50. There have been no other deaths, however, up to this hour.

Ends Life With a Razor.

Omaha, May 28.—Joseph Heche, 42 years old, an inmate of the county hospital, committed suicide shortly after midnight by cutting his throat from ear to ear with a razor.

ASKS WRIT OF HABEAS CORPUS.

Mrs. Bonine, Held for Killing of Census Clerk, Wants Release.

Washington, May 28.—A petition for a writ of habeas corpus was filed yesterday by counsel for Mrs. Lola Bonine, who is held in connection with the killing of young Ayres, the census



MRS. BONINE, clerk, in the Hotel Kenmore two weeks ago.

The decision holds that the case is in course of orderly adjudication by the authorities, that no emergency calls for the step and no menace to health is involved such as is contemplated by the statute empowering issuance of such writs, and that such action would be hasty. The court therefore ordered that the prisoner be not admitted to bail.

OPPOSE RAISING CUSTOMS.

United States Will Stand Out Against Revenue Proposal.

Peking, May 28.—It seems probable that Great Britain's position limiting the indemnity to be demanded from China to 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 5 per cent.

Mr. Rockhill told the ministers at a recent meeting that rather than take this step America would relinquish all claims 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.

GOVERNOR WOULD GO HIGHER.

South Carolina Senatorships Bring Out a Big Field of Candidates.

Chattanooga, Tenn., May 28.—Governor McSwain of South Carolina, who is attending the dedication services at Chickamauga, stated yesterday that he would probably be a candidate for the United States senate in the coming primary, although he had no definite announcement to make at present. Colonel Wiley Jones, chairman of the state Democratic committee, announced his candidacy for the senate.

TROOPS SAIL FROM CHINA.

All Except Legation Guard Now Out of the Flowery Kingdom.

Washington, May 28.—A dispatch received at the war department from General Chaffee at Taku, says that the transports Sumner and Lennox sailed May 27, and that all of the troops that are to leave China are off for Manila.

Grading Begun at Emporia.

Emporia, Kan., May 28.—Grading on the Kansas City, Missouri and Orient railroad was begun here yesterday. Laying of rails on the section between Emporia and Wichita will be commenced July 4.

Boers Capture a Post.

London, May 28.—The Times publishes the following from Craddock, dated May 27: "Kritzinger's invaders into Cape Colony, captured a post near Maraisburg after a stout resistance."

Cheeseman Embraces Episcopal Faith.

Creston, Ia., May 28.—Rev. T. W. C. Cheeseman, formerly a Congregational minister at Ashland, Neb., and a well known lecturer, has embraced the Episcopal church here.

TELEGRAMS TERSELY TOLD.

The eagle will hereafter be the model and emblem of the American Women Suffragists.

Fire in the residence of Rev. I. T. Osborn, two miles north of Hailey, Ida., Monday, resulted in the death of Mrs. Osborn and her young son.

The conference of western railroad presidents, which was to have been held during the first week in June, has again been postponed until Sept. 4.

Two boys named Harley Mann and J. B. Adams were playing in a barn loft at Tilsonburg, Ont., Monday, when the hay became ignited and both boys were burned to death.

The different unions in the tailoring trade in New York, Brooklyn and Newark, issued a notice to the manufacturers that they are preparing for a fight for the abolition of the middlemen in the clothing trade.

A dispatch from Union, B. C., says the steamer Kinghurst is on the rocks off Denman Island, in the Gulf of Georgia. The Kinghurst is a new steamer and was built for trade from Cape Nome to adjacent points.

ADOPT REVISION REPORT.

Presbyterian Assembly Settles Vexed Question.

END OF THE DEBATE ON CREED.

Dr. Moffatt Introduces Harmonizing Amendment and It is Adopted Unanimously—Next General Assembly to Be Held in New York.

Philadelphia, May 28.—By a unanimous vote the Presbyterian general assembly 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. Dr. James D. Moffatt is due the credit of having brought the commissioners to such harmonious conclusion. When recommendation B was, on Saturday, adopted by a comparatively small majority, Rev. Moffatt announced that in view of the divergence of opinion he would today present what he hoped would meet with the approval of the entire assembly. When he presented this amendment today it was instantly accepted by the commissioners and the adoption of the report as a whole with but little delay.

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

The momentous question of creed revision having been disposed of the assembly proceeded to the consideration of unfinished business. The report of the special committee on judicial commissions was first in order and was adopted after a brief discussion. This report recommended the establishment of a permanent judicial committee to which shall be referred all judicial issues which the general assembly does not elect to try before the whole body. There will be no appeal from the decisions of this commission.

During the afternoon reports of various special committees were considered and adopted, among them a supplemental report of the committee on theological seminaries, which recommended the consolidation of the Louisville and Danville seminaries.

New York was selected as the meeting place for the next general assembly.

SEAL UPON WOMAN SUFFRAGE.

United Presbyterian Assembly Formally Accepts Report of Committee.

Des Moines, May 28.—United Presbyterian general assembly placed its seal upon the question of approval of woman suffrage by formally accepting the report of the judicial committee, which was to the effect that the question was purely a civic one and therefore not one that properly can come before an ecclesiastical legislative body.

Ten thousand dollars were appropriated for home missions, an increase over that of last year.

Dismissed Cadets Call on Root.

Washington, May 28.—The five cadets who were dismissed from West Point were at the war department yesterday. Secretary Root stated at the conclusion of the conference that the statement made by the cadets had not altered his opinion and that the situation remains unchanged. The secretary of war has approved the findings of the court martial in the cases of Cadets Vernon and Perry, who have been dismissed from the academy.

Expelled for Advertising.

Cedar Falls, Ia., May 28.—At the state convention of dentists at Clear Lake action was taken whereby the name of Dr. J. A. Jones of Ackley was stricken from the membership roll and he was prevented from reading a paper before the convention. The charges made were that his name had been connected with an advertisement of Dr. C. E. Perkins of Des Moines in such a manner as to make him guilty of unprofessional conduct.

Ten Thousand Dunkards at Lincoln.

Lincoln, May 28.—The Dunkard National conference held all day and evening services, divided into groups of outdoor and side meetings. The attendance reached its height yesterday, and 10,000 persons, it is estimated, were on the grounds. The religious services were varied by many annual reunions and sightseeing excursions. The home of William J. Bryan was visited by thousands.

Rev. Charles A. Fritz is Dead.

Hastings, Neb., May 27.—Rev. Charles A. Fritz, who has been pastor of the German Lutheran church for the last ten years, died suddenly yesterday at his home. Father Fritz, as he was familiarly called, had reached a ripe old age, but his sudden demise was a surprise to all his friends.

Irrigation is Discussed.

Omaha, May 28.—The conference at the Omaha club of senators and representatives from Nebraska and Wyoming in the United States congress was an informal affair yesterday morning and the discussion ranged over the broad fields of both states, from sheep herding to agriculture.

Death of General Stone.

Burlington, May 28.—General George Augustus Stone, a veteran of the civil war, and since 1884 national bank examiner in Iowa, died at Burlington hospital, aged 68 years.

HERRON AND MISS RAND WED.

Vows Omitted From the Ceremony Which Was Extremely Simple.

New York, May 28.—Announcement was made yesterday of the marriage on Saturday evening last of Professor George D. Herron and Miss Carrie Rand, the ceremony having been performed in the apartments of Dr. Charles Brodie Patterson of this city. The Rev. William T. Brown, pastor of Plymouth church, Rochester, N. Y., performed the ceremony, which was extremely simple, there being no vows taken by either party. Miss Rand, prior to her marriage, devoted considerable time and money to the cause of socialism and it is the intention of her husband and herself to devote their lives to socialism.

SEVEN FOR COURT-MARTIAL.

Trial of Militiamen to Take Place Within Ten Days.

Lincoln, May 28.—The seven militiamen who disobeyed the orders of Captain Bolshaw at the state penitentiary last Thursday will be tried by court-martial within the next 10 days. An official report of the disturbance was submitted to Adjutant General Colby by Captain Bolshaw. Of the seven offenders only one was an old member of the guard, the others having joined the Lincoln company for the purpose of obtaining temporary employment. They were regularly enlisted, however, and consequently are subject to military discipline.

IS FINED TEN THOUSAND.

Chicago Man Pleads Guilty to Operating Illicit Oleomargarine Factory.

Chicago, May 28.—Having pleaded guilty to operating an illicit oleomargarine factory, Albert T. Dow, proprietor of the Fertile Valley Creamery company, 2334 State street, was yesterday fined \$10,000 and sentenced to six months in the county jail by Judge Kohlsaat in the general court. Dow is said to have cheated the government out of \$40,000 in revenue payment. This is said to be the heaviest fine ever imposed in a federal court.

Deserters Under Arrest.

Des Moines, May 28.—Bert A. Smith, Charles Schultz and Luther Kelley, all of Ottumwa, have been brought to Des Moines under arrest as deserters from the army. They enlisted last fall and were assigned to the Fourteenth cavalry and were sent to Fort Leavenworth. They served one month and grew tired of the life. They were all recaptured near Ottumwa, where they came from and will be sent back for punishment.

No Change in Strike Situation.

Toronto, May 28.—President O'Connell of the International Machinists' association said yesterday that there was nothing new in the strike situation in the United States. Special conferences of the International Metal trades will, he said, meet today and tomorrow representatives of the strikers, and the bosses will meet in Chicago to attempt to adjust the differences there.

Baseball Scores Yesterday.

American League—Milwaukee, 3; Philadelphia, 8; Chicago, 10; Baltimore, 3; Detroit, 4; Washington, 3. Western League—Omaha, 1; Colorado Springs, 9; Des Moines, 6; Denver, 5; St. Paul, 4; Kansas City, 5; Minneapolis, 4; St. Joseph, 5.

The Cat Catcher.

The dog catcher is not the only person in the city who is sincerely hated by both man and animal. There is a cat catcher as well, and he comes in for his full share of antipathy. He makes a living at the business, and a very good one, it is said. Few are aware of the fact that pussy's fur is a very desirable article of commerce. There are any number of dealers in this city who are glad to pay all the way from 50 cents to \$1 for a cat's skin, according to size and quality. The method of catching the unsuspecting cat is a particularly mean one. It is a well established fact that cats are very fond of catnip and will troop after a man who carries a bundle of it. This greed leads to the undoing of pussy, who will come to a stand if a bit of the herb is thrown on the ground and is thus made an easy prey. A bag and a chloroformed sponge do the rest, and many a household pet, the disappearance of which caused sorrow, can be accounted for in this way.—Philadelphia Press.

A Well Merited Retort.

Ex-Assistant United States District Attorney Sutherland Tenney of New York was graduated from the Columbia Law school in 1875, when he carried off the first prize of \$500. A disappointed competitor congratulated him and added: "I suppose it was because your thesis was illegible, as usual, and the judges gave you the benefit of the doubt."

Mr. Tenney, unruined, replied, "How much better you would do if you adopted that practice in all your work!"—Saturday Evening Post.

Dorothy in England.

Do you realize how many children are named Dorothy? A children's hospital in London not long ago asked every child in England named Dorothy to contribute a shilling toward a bed to be called by that name. The result was enough money to found a dozen beds, showing that there are thousands and thousands of children named Dorothy living in England alone.—Athenaeum.

Quite Free.

Pastor—I understand Brother Jorkins considered my sermon very free. Do you know on what ground?

Deacon—I have an idea. When the collection was taken up after it, he was asleep, and it passed him.—Philadelphia Press.