IS LIKE THE ELUSIVE FLEA

Convict Tracy Manages to Again Elude His Pursuers with Ease.

OFFICERS THINK THEY SURE HAVE HIM

When the Time Comes to Make the Final Grab the Much-Wanted Desperado Drops Out of Sight and Cannot Be Found.

SEATTLE, July 9.—The pursuit of Outlaw Harry Tracy appears to be temporarily suspended. Sheriff Cudihee has called in the guards from the southern suburbs, leaving only a sufficient number for careful patrol. It is believed that Cudihee expects the convict, if he reappears at all, to show up in another part of the country. The posse that started from Renton with the bloodhounds at 5 o'clock this morning returned at 2 o'clock in the afternoon after a fruitless search.

Since early this morning the posses have been scouring the country between Renton and Black River Junction. The territory lying in the square bounded by roads leading from Renton to Black River Junction, then to Orillia, thence to Spring Brook crossroads and back, has been sentried. It is believed that Tracy has hid in the dense woods of that district. Guards have been stationed at every road in this section. It is believed that he will soon make his appearance at some house and demand food, as he is known to be without supplies. The rumor that Merrill has joined his murderous comrade cannot be substantiated.

As matters stand at this moment no one knows the exact whereabouts of the desperado. The chase is suspended for the time being. The moment he shows his head men now waiting will be in pursuit.

The Salem penitentiary guard who is with the party at Renton is confident that Merrill and Tracy are once more together, although he will not state the reason for his belief. The marshal of Renton and a deputy sheriff have captured three suspicious-looking individuals at Renton. The men have the appearance of hoboes, and it is thought that they may be three of the four men who met Tracy at Black River bridge the night before last and walked through Renton in the convict's company. At the town jail they gave their names as Andy Nellson, Tom Madden and Phil Ritchie. The first two say they are loggers and the third says he is an iron bridge builder. Their statements as to their recent actions are conflicting. They say they came to Seattle two days before the Fourth of July and got on a spree. A diligent search is being made for the fourth alleged accomplice, who is thought to be hanging around Renton or may have joined the convict. Rumors are rife that the fourth man is none other than Merrill, but this is generally discredited.

SERIOUS FLOODS IN IOWA

(Continued from First Page.)

the Rock Island could not pass that point today. The town is under four feet of water.

The Racoon river at Adel, after being stationary all day, began to rise rapidly tonight and shut off the electric light plant and is doing great damage.

SIOUX CITY, July 9.—(Special Telegram.)—The Maple and Little Sioux rivers are on the rampage and southern Woodbury and eastern Monona counties are under water. The streams are from one to four miles wide and rising. The flood is the worst known in this section for years. All day long trains from the east and south have been unable to move and Sioux City has been effectually cut off from communication in these directions. A large wave rushed down Miller creek, which runs through Woodbury county, and destroyed all the crops in its course. The damage to corn alone will be great. The flood was caused by a series of cloudbursts, which followed each other in rapid succession. At Mapleton the Maple river is five miles wide. Castana, Correctionville, Danbury, Oto and Ida Grove were hard hit and report the streams overflowing their banks. No lives have been reported lost, but the damage to crops and buildings in the storm-stricken district will be great.

Storm Havoc at Maquoketa.

CLINTON, Ia., July 9.—(Special Telegram.)—Terrible storm, wind and rain struck Maquoketa last night. Plate glass windows broken, doors torn from hinges, shade trees uprooted, outbuildings blown down, houses unroofed. A deluge of rain followed. Maquoketa river overflowed, flooding hundreds of acres of lowland and destroying corn and oats.

FORT DODGE, Ia., July 9.—(Special Telegram.)—Continuous rain is paralyzing business in Fort Dodge. Railroads are almost out of business. The main line of the Omaha division of the Illinois Central between Fort Dodge and Omaha is unable to run regular trains on account of washouts. The Minneapolis & St. Louis road is badly crippled. The east end of the city is inundated and families are moving out of their houses.

Water is running through first stories of residences of a number of homes. A large natural basin at the east edge of the city is overflowing and volumes of water are increasing and causing great loss to property adjacent.

Electric power is shut off. Wires are tangled up with telephone wires and all poles charged. Insulation on electric wires thoroughly soaked, rendering protection useless.

WEBSTER CITY, Ia., July 9.—(Special Telegram.)—This section of the state was visited again last night by a terrific rainstorm. The Boone river and its tributaries are out of their banks and the lowlands under water. The Northwestern has repaired its washout, but trains passing upon it have a slow order.

Man Killed by Tornado.

IOWA CITY, Ia., July 9.—(Special Telegram.)—Belated reports from many rural points in Johnson county show that the tornado Tuesday evening caused $75,000 damage to crops, orchards, buildings and live stock. Jacob Burkhart was instantly killed when his employer's barn was blown down at Oxford. The Iowa river here is inundating adjacent territory; it has risen five feet in twelve hours.

ONAWA, Ia., July 9.—(Special Telegram.)—The rainfall here for July to date is 9.50 inches, which breaks all July records since 1879, according to the weather observer, the nearest approach to this figure being July, 1896, when 8.02 inches fell during the month. The washout on the Illinois Central's Onawa branch was repaired today and trains are running nearly all on time, although the Little Sioux river is still very high and crops are under water. No trains ran on the Maple River branch today.

Washouts still continue and railroad officials say they can give no promise of trains at present. They may not have the track repaired for two or three days, as some washouts have occurred since yesterday. No Chicago papers have been received here for two days. The weather is clear today and it looks as if the rainy season is over.

Streams Become Torrents.

CARROLL, Ia., July 9.—(Special.)—Rain fell in torrents all day Tuesday and all streams have swollen out of their banks and appear like large lakes. Washouts on the large grade of the Northwestern near Arcadia held trains from the east in the Carroll yards for several hours. No. 15 continued west via Wall Lake. No. 4, which should arrive here at 11 a. m., and No. 8, due at 3:25 p. m., arrived about 6:30 last evening. It is years since there has been a general tieup on account of washouts on the Northwestern, and the present trouble is due to some new track which was completed late last fall.

Fully 200 men are at present working on the grade and 150 more are expected from Chicago on the first train.

OSKALOOSA, Ia., July 9.—Almost five inches of rain have fallen in Mahaska county during the last twenty-four hours. All streams are out of their banks and the damage in the surrounding country is heavy.

Heavy Damage at Missouri Valley.

MISSOURI VALLEY, Ia., July 9.—(Special.)—All the bottom land for miles near here is under water and the streams in this vicinity are overflowing. The damage to the crops on the lowlands will be great, as it is feared that the water will not drain off for some time. The rain yesterday did great damage to the crops on the hills on account of washing badly.

The hill streets of this city have been washed out so that some are almost impassable and several hundred yards of water main have been laid bare. The damage to the streets will probably reach $1,000. Nearly 1,000 feet of the Northwestern's double track east of here was washed out last night and all trains were delayed for several hours.

Damage Amounts to Thousands.

SIOUX CITY, Ia., July 9.—Damage to the extent of many thousands of dollars has been done in the bottom lands southeast of Sioux City by floods. Rain ceased falling at noon and the worst is believed to be over. The railroads have suffered severely from washouts. Farmers, however, are the greatest sufferers. Small streams, usually a few yards wide, are now swollen rivers miles in width.

Reports from towns near by tell of heavy loss. Otoe, Hornic, Luton and Mapleton are surrounded by vast expanses of water.

KANSAS CITY, July 9.—The Missouri and Kaw rivers at Kansas City continued to rise today as a result of heavy rains last night and both streams are now bank full. In the lower part of Kansas City, Kan., several cellars have been flooded and the water in the Kaw is dangerously close to the floors of some of the bridges near here.

ATCHISON, Kan., July 9.—Northern Kansas last night again experienced another heavy rainfall, following the unprecedented rains of the last few days. West of Clyde two Missouri Pacific bridges have been washed out and the branch between Yuma, Kan., and Prosser, Neb., is completely tied up by washouts. The Republican river is out of its banks in many places and bottom farms are flooded. Streams are still rising.

Peoria Swept by a Storm.

PEORIA, Ill., July 9.—A terrific rain and electric storm swept over Peoria and the adjacent country last night. Rain fell in floods for several hours and the damage wrought is extensive. All the railroad lines entering the city are more or less affected.

The Lake Erie & Western through freight, due here at 4 o'clock, went through a bridge at Farmdale, six miles east of here. The engine and several freight cars are piled in the bottom of Farm creek. The engineer was fatally injured and the fireman was buried in the mud beneath the engine. It will be several days before traffic is restored.

The Toledo, Peoria & Western passenger train, due here at 6 o'clock last evening, struck a landslide twelve miles east of here and the engine was derailed. The damage to the timothy and oats crop is very heavy. Several inches of rainfall was recorded.

Damage in Colorado.

PUEBLO, Colo., July 9.—A cloudburst has swept the Wet Mountain valley, the Grape creek region and other portions of Fremont county. Water was four feet deep in a portion of Florence. The Santa Fe railroad lost two iron bridges and 1,500 feet of track. It is reported that Chandler creek ran into the Chandler coal mine and filled it. Crops in the Wet Mountain valley were washed out. It was feared that Grape creek, the most terrible stream in the country in time of freshet, has damaged the fine irrigation system there, which supplies orchards and nurseries around South Canyon. The Arkansas river rose six or eight feet here, but has done no damage as yet.

NEW MEXICO NEEDS RAIN

Special Masses Are to Be Held in Drouth Regions of the Territory.

SANTA FE, N. M., July 9.—A special mass for rain was celebrated in Agua Frio and similar masses will be held in all the parishes of this section, as the drouth is shriveling up the crops.

Cloudburst in Mexico.

MONTERREY, Mex., July 9.—A special from Parras, state of Coahuila, says:

A cloudburst covering an area of fifty square miles did damage to the extent of $400,000. The big Batagian dam, the largest in northern Mexico, broke with all the floodgates open and was destroyed. The San Lorenzo dam, which has been standing for over 350 years, also was washed away. This dam was built of solid masonry about 1570.

SUPREME JUDGES NOMINATED

Democratic Judicial Convention of Missouri Adjourns After an All-Night Session.

SPRINGFIELD, Mo., July 9.—The democratic state judicial convention completed its work at 7 o'clock this morning, after being in continuous session since 9 o'clock last night, by the nomination of the following justices of the supreme court: Gavon D. Burgess of Chillicothe, chief justice; Leroy B. Valliant of St. Louis and James D. Fox of Fredericktown, associate justices. Judges Burgess and Valliant are members of the present court.

Judge Burgess was renominated at 1:10 this morning on the first ballot. The second ballot was not finished until 2:15. It was without result and an ineffectual effort was made to adjourn until today. The third ballot was not taken till 3:15, when a motion to adjourn was again voted down. In all eight ballots were taken.

Difficult Digestion

That is dyspepsia.

It makes life miserable.

Its sufferers eat not because they want to, but simply because they must.

They know they are irritable and fretful; but they cannot be otherwise.

They complain of a bad taste in the mouth, a tenderness at the pit of the stomach, an uneasy feeling of puffy fulness, headache, heartburn and what not.

The effectual remedy, proved by permanent cures of thousands of severe cases, is

Hood's Sarsaparilla

Hood's Pills are the best cathartic.

VATICAN REPLIES TO TAFT

Provides for Sale of Lands and the Payment of Indemnity.

CANNOT AGREE TO RECALL THE FRIARS

Claim Made that It Would Be Contrary to Right Guaranteed by Treaty of Paris and Put Holy See in Conflict.

ROME, July 9.—The answer of the vatican to the note of Governor Taft, governor of the Philippine Islands, concerning religious affairs in the archipelago, which was handed to Cardinal Rampolla, papal secretary of state, July 3, was delivered to Judge Taft at a late hour tonight.

As the vatican's reply is in French, it is being translated by Bishop O'Gorman of Sioux Falls, S. D., and Major Porter of the office of the judge advocate general of the army. It will be telegraphed entire to Washington tonight.

Since Judge Taft has been in Rome he has sent about 20,000 words by cable to the Washington authorities.

Answer of Vatican.

The vatican's answer to Judge Taft follows:

The contract which the vatican proposes shall be signed by both parties comprises twelve articles.

The first article says the Philippine government is to buy the lands of the four religious orders concerned, the holy see acting as intermediary.

The second article describes what are the agricultural lands to be bought.

The third article says that if some of these lands are possessed by corporations, the friars will sell their share.

The fourth article establishes a tribunal of arbiters to be composed of five members, two of whom are to be chosen by the vatican, two by the Philippine government and the fifth member by the other four. In case of disagreement as to the fifth member he shall be chosen in common accord by the pope and President Roosevelt.

The fifth article provides that the work of the arbiters shall begin January 1, 1903.

The sixth article refers to title deeds. These will be transferred to the Philippine government.

Article vii sets forth that payment is to be made in Mexican dollars in the period of time proposed by Judge Taft in his note of July 3, interest during the time of payment accruing at 4 per cent.

Article viii deals with the transfer to the church of ancient crown lands with ecclesiastical buildings on them.

The ninth article proposes amicable accord in the matter of existing charitable or educational trusts which are in dispute. In the event of failing to agree in these matters recourse is to be had to the same arbiters, to whom will also be submitted the case of the medical college of San Jose at Manila.

Provides for Indemnity.

The tenth article provides for the indemnity the United States shall pay for the ecclesiastical buildings used in the war.

According to the eleventh article the expenses of the tribunal and the expense of the arbiters is to be paid by the Philippine government.

Article xii declares that the holy see in the sphere of action which is in its competence shall use all its influence for the pacification of the Philippine islands and in favor of their adhesion to the established government and to the end that it shall prevent all political opposition on the part of the clergy, both regular and secular.

The answer of the vatican is compiled in the order of Judge Taft's note of July 3. First comes the note which says that all the studies of the vatican were centered to render more clear, more precise and definite the conditions between the holy see and the Philippine government. In fact the note begs that if something further with this intent can be proposed that it be freely expressed, adding that it would be considered with great pleasure. The introduction proceeds in this tone until it comes to the question of the recall of the friars. It then says the vatican cannot accept the proposition to recall the friars within the fixed period. Such recall not being justified by reasons of force majeure, it would be contrary to the rights guaranteed by the treaty of Paris and would put the holy see in conflict with Spain. It asks:

"If the United States cannot order the withdrawal of the friars, how can the pope do so, especially when it has been proved that all the accusations made against them were partly false, partly exaggerated and partly inexact?"

However, the vatican promises that it will try to introduce into the Philippines clergy of other nationalities, especially Americans, gradually, as they are found ready or are adapted to the purpose.

The note agrees that the friars shall not return to the parishes they left, and where their presence could provoke trouble. The note ends by saying that the pope is willing that the school question in the Philippines be not insisted on now, but that his holiness hopes his representative in Manila may have an understanding with Judge Taft on this point, which is of capital importance in a country almost exclusively Catholic.

VATICAN CAUSES SENSATION

Blue Sister Not Allowed to Act as Nurse for Divorced Woman.

ROME, July 9.—A great sensation has been caused by the action of the Vatican authorities toward the Princess Joseph Rospigliosi, an American. Her husband is head of an ancient family of clerical nobility and his brother is commandant of the papal noble guard.

On August 26, 1901, Prince Rospigliosi married here Mrs. Marie Jennings Reid Parkhurst of Washington, the divorced wife of Colonel Frederick H. Parkhurst of Bangor, Me. The ceremony was civil and hence was not recognized by the Vatican.

Princess Rospigliosi, who is now on the point of confinement, engaged an English Blue sister as a nurse and the latter took up her duties. But Cardinal Macchi (secretary of apostolic briefs), hearing of this, forbade the sister to fulfill her duties, on the ground that the marriage was nonexistant.

The prince was furious and exerted all his influence to overcome the action of the church, but without avail. Finally he was obliged to send to England for a nurse. The incident is expected to have important developments.

When the news of the marriage of Mrs. Parkhurst to the prince reached the United States it was asserted that at first the vatican refused to sanction the marriage because Mrs. Parkhurst was a divorced woman, but as the prince declared she should be his wife, with or without the consent of the church, sanction was finally given.

Mrs. Parkhurst is a granddaughter of Samuel Chester Reid, who commanded the American privateer Brigadier General Asa Strong, in the battle at Fayal in the war of 1812. On her mother's side she is from the Rowan family of Kentucky. About ten years ago in Washington she met Mr. Parkhurst, who is a member of the Maine legislature and of Governor Hill's staff, with the rank of colonel.

The couple were married and lived happily for a time in Bangor. They had two children. Several years ago they became estranged and Colonel Parkhurst sued for divorce. The divorce was granted and Mrs. Parkhurst left the city. At Bar Harbor she met Prince Joseph, who fell in love with her.

Argentina and Chile Sign Treaty.

BUENOS AYRES, July 9.—Argentina and Chile have signed a convention defining more precisely the objects of their recent treaties, providing for arbitration and the limitation of armaments with the view of averting the possibility of future complications. Public opinion approves of the new convention.

Argentina announces that its policy is absolute neutrality in questions concerning Chile, on the Pacific coast. The convention explains that it is not proposed that either nation shall reduce its naval equipment now afloat.

Relief Ship Sails for Victoria.

LONDON, July 9.—The Anarctic steamer Morning purchased by the Royal Geographical society as a relief ship for the discovery, sailed this afternoon for Victoria.

STEAMER IN A COLLISION

One Member of the Crew Killed, but the Passengers All Escape Injury.

NEWPORT, R. I., July 9.—The Fall River line steamer Priscilla is at its pier in this city with a big hole in its port bow and one of its crew dead and wedged in by wreckage, so that his body will be extricated only with gret difficulty, as a result of a collision with the Merchants' and Miners' Transportation company's steamer Powhattan, in Narragansett bay, last night.

Priscilla was bound out for New York. It was very foggy at the time and it was proceeding slowly. Off Point Judith another steamer struck it on the port bow, cutting a hole which ran down below the water line. Finding itself seriously damaged, Priscilla whistled for assistance and soon afterward tugs arrived and it was towed back to its dock in this city.

While an examination was being made of the apperture in Priscilla's hull it was found that one of the crew had been caught in his bunk by the wreckage. He was dead, but his body was securely wedged in between iron rods and beams in such a way as to prevent its being extricated at once. At daylight it was evident that mechanical appliances would be necessary before the body could be released.

The name of the victim has not been learned. With this exception no one is believed to have been injured.

PROVIDENCE, July 9.—The steamer Powhattan, Captain A. T. Hudgins, bound for Baltimore, via Norfolk for this port, arrived here this afternoon and reported having been in collision with Fall River line steamer Priscilla last night. Its bow was badly damaged and a great hole was stove in the port side of the steamer below the water line. The forward compartment was flooded, but no water reached the other bulkheads of the ship and no damage was done to the freight.

There was not the slightest show of disorder with the 138 passengers of Powhattan, among whom was a delegation to the conference of the Baptist Young People's union from Maryland. A vote of thanks was tendered Captain Hudgins by the passengers for his prompt action during the trying moments following the collision.

The passengers, most of whom were in bed, were turned out of their rooms in darkness and their nervousness and excitement intensified as they found the men on the ship passing out life preservers by candlelight. There was no panic, although no help was near and the steamer was apparently in great danger.

It was the sister ship of Priscilla, the Puritan, which came at first to the rescue. It was on its way from New York when it heard the signals of distress. Putting a line on board it took Priscilla in tow, stern foremost, for Newport. The vessels arrived without further mishap and the passengers were landed safely. They were sent on to New York by rail. Their baggage was saved in good order.

Powhattan has been placed in dry dock, where extensive repairs will be made.

E. W. Grove.

This name must appear on every box of the genuine Laxative Bromo-Quinine Tablets, the remedy that cures a cold in one day. 25 cents.

ST. LOUIS TERMINAL MEETING

Representatives of Railroads Comprising Association Hold Session in New York.

NEW YORK, July 9—A meeting of the representatives of the railroads comprising the Terminal association of St. Louis was held here today. The meeting lasted for more than two hours and it was announced at the close that the proceedings were informal and consisted of a general discussion of the affairs of the association.

It was said that no definite action could be taken today regarding the admission of another road or any other matter, as it was not a meeting of the Terminal association proper. It was also stated that the plan to have the Rock Island become a member of the association would be taken up at a meeting to be held at St. Louis at some future day.

Louisville and Nashville Dividend.

NEW YORK, July 9.—The directors of the Louisville & Nashville road today declared the regular 2½ per cent semi-annual dividend. A statement issued at the meeting showed a surplus for the year after payment of dividends of $1,706,805, against $1,586,113 the previous year.

Will Take Up L. & N. Stock.

NEW YORK, July 9.—It was stated today by authority that J. P. Morgan & Co. will exercise their option upon the Louisville & Nashville stock owned by John W. Gates and Edwin Hawley. Four per cent bonds will be issued to take up this stock.

OUTINGS.

An Inexpensive and Ready Prepared Luncheon.

During the vacation, suppose you cook less and play more.

Grape-Nuts, the food that makes breakfast so easy to get all the year 'round, is the ideal food for that purpose.

Grape-Nuts is thoroughly cooked at the factory by food experts, and is always ready to serve with the addition of cream. You can save yourself the heat from cooking and the time and exertion necessary to prepare other food, by its use.

Its high nutrition gives strength and nourishment without the internal heat of meat and other heavy food, keeping the temperature of the body cool and comfortable; its delicious flavor pleases every palate.

Picnicker and camper as well as the housewife preparing the regular meals at home, can pass a pleasant and enjoyable summer by the use of this ready prepared and easily digested food and will miss the usual heavy and sluggish feeling generally felt in hot weather.

Many pleasant ways of changing the form of use found in recipe book in each package.

TAKES ON DIPLOMATIC PHASE

Secretary Hay Interested in Gaynor and Greene Extradition Case.

COMMUNICATES WITH BRITISH EMBASSY

Attention of English Government is Called to Acts of Canadian Authorities in Connection with Alleged Criminals.

WASHINGTON, July 9.—The extradition case of Benjamin D. Greene and John F. Gaynor, whose removal from Canada to the state of Georgia for trial on charges of misappropriating and embezzling over $3,000,000 in connection with river and harbor improvements at Savannah, Ga., has been sought for some time in the United States, will take on a new diplomatic phase in a few days when Secretary Hay communicates to the British government statements of officers of the State department, alleging that the Canadian authorities are pursuing an extraordinary and unwarranted course in the case.

The delays and embarrassments in the extradition proceedings resulted in Mr. Marion Erwin, special assistant to the attorney general, who has been in active charge of the extrdition proceedings for the United States transmitting to the attorney general under date of Montreal, July 7, a special report on the case in which he calls attention to the fact that the legal representatives of Messrs. Greene and Gaynor are closely connected through professional and family ties with the Canadian officials whom this government must look to for extradition of the men whose custody it seeks.

Mr. Erwin, in his report, says that as the fugitives had employed as their counsel the firms of lawyers to which belonged the highest officials of the provincial and Dominion governments, he was precluded by the position taken by them from conferring with the law officers of the crown.

He therefore retained two attorneys of Montreal and the Canadian bar, who had ably assisted him.

Recites Extradition Laws.

Continuing, the report recites the extradition laws of Canada as applying to the offense charged against Greene and Gaynor and details the proceedings instituted to effect their extradition. Every step of the proceedings, the report says, was in accordance with the Canadian law and the extradition treaty between the United States and Great Britain. Reference is then made to the issuance by Judge Andrews of Quebec of writs of habeas corpus which were served at night upon the jailer at Montreal, who held the men under the extradition commissioner's order for further proceedings.

On what followed the report says:

"Without notice to the commissioner or the attorneys representing the United States in the proceedings the Montreal gaoler, who holds his appointment under the provincial authorities, within a few minutes after service of the writs upon him conveyed the prisoners by special train back to Quebec.

"In view of the fact that there were other judges at Montreal exercising habeas corpus powers and in such cases the Canadian laws gave a judge in the district of Quebec no authority to bring a prisoner from Montreal on habeas corpus inquiry it is not believed that the gaoler at Montreal would have adopted so extraordinary a course without notice to the parties in interest, except under high official pressure. The attorneys at that time appearing in the proceedings for the fugitives and moving to have that done, embraced among others the firm of Fitzpatrick, Parent, Tadhereau, Roy and Cannon, of which firm Hon. Charles Fitzpatrick, minister of justice for the Dominion of Canada, is a member.

"Of which firm Hon. S. N. Parent, prime minister of the province of Quebec is a member.

"Of which firm Mr. Cannon, son of the deputy attorney general for the province of Quebec is a member.

"Also Mr. Honore Gervais, law partner of Hon. Mr. Archambault, attorney general for the province of Quebec.

"Also Mr. Chauveau, son of the extradition commissioner at Quebec."

Reviews Motion of Counsel.

The report next reviews the motion of counsel for the United States to quash the writs of habeas corpus and remand the prisoners in order that the extradition hearing might proceed and the fact that the evening before Justice Andrews was to render his opinion the prisoners attempted to prop that proceeding on a claim that it was illegal and through their counsel, Messrs. "Fitzpatrick, Parent, Roy and Cannon," have other writs of habeas corpus issued to come before Justice Caron, a judge with concurrent jurisdiction, with Justice Andrews on the ground that their custody by the sheriff at Quebec was illegal. Attention is then directed to the fact that Justice Andrews in denying the prisoners' claim that the first writs of habeas corpus were illegal said that it was not for the persons who induced him to issue the writs of habeas corpus to claim that they were illegal and avail themselves of such a means of escape. The report said that under Canadian law a second writ of habeas corpus cannot issue except on "new facts," the prisoners' counsel, on petition alleging only the same facts, caused other writs to be issued by Justice Caron.

The gaoler in making his returns to these writs refused, "on request of counsel for the United States, to attach copies or send out in his return the substance of the documents under which he held the prisoners."

"If the gaoler had been acting under the advice of officers of the crown," adds the report, "free from the entangling relations of counsel for the fugitives, it is incredible that in a country which shares with us the high standards of justice and fairness, which is our common heritage, a gaoler could have wilfully withheld the documents of his authority to the prejudice of a party to the litigation."

Causes United States Trouble.

Counsel for the United States, by reason of the gaoler's defective return, were compelled to move to amend it by annexing copies of the documents under which they were held, and the defective returns were made the basis of a motion before Justice Caron for a writ of certiorari by the prisoners' counsel, who thereby sought to divest Extradition Commissioner Lafontaine of power to proceed with the case, and this, although Justice Andrews had refused a similar certiorari. Justice Caron, after a week's consideration, granted the prisoners' motion for certiorari and withheld judgment on the motion of the United States to have the documents showing the cause of the prisoners' detention annexed to the returns.

The report continues: "In the meantime the counsel for the prisoners, who in England or in the United States would be debarred from such proceedings, have in open court challenged the right of the United States to be heard at all in these proceedings and its right to employ Canadian counsel to represent it in the courts."

Attention then is directed to the fact that should the Quebec authorities finally decide to let Judge Lafontaine, the extradition commissioner, proceed with the case and should he finally commit them to jail for extradition under the Canadian law the prisoners must stay there fifteen days and that during this time they have the right to apply for writs of habeas corpus and it is further in the power of the minister of justice to refuse to surrender the prisoners and to discharge them from custody. In conclusion the report says: "It will thus be seen, that before we can finally take the prisoners out of Canada, we will have to submit the regularity of our proceedings in some very important features to a high official of the Dominion government, whose firm was retained in advance of the extradition proceedings to resist extradition and whose powerful political influence has been felt at every turn the case has taken.

"If this state of affairs is to continue without protest on the part of our government we had just as well understand in advance that the extradition of criminals from Canada under our treaty does not apply to cases where the fugitives have committed financial crimes of magnitude."

Upon receipt of this report the acting attorney general called the matter to the attention of the State department.

TO BUILD ANOTHER BRIDGE

St. Louis and Eastern Capitalists Organize to Make Many Improvements.

ST. LOUIS, July 9.—A corporation composed of St. Louis and eastern capitalists has been organized for the purpose of building a bridge over the Mississippi river, the erection of extensive terminals on the river front, an elevated road to the world's fair site and a new depot in the heart of the city. It is stated by the incorporators that the total investment in the terminals and elevated road, aside from the cost of the bridge, would reach $10,000,000 at the outset, with a possible expenditure of $5,000,000 later on extensions.

The incorporators are: J. C. Van Blarcom, vice president of the National Bank of Commerce; Edward F. Goltra, president of the American Steel Foundry company; W. B. Doddridge, formerly chairman of the executive committee of the Terminal association; Mayor M. M. Stevens of East St. Louis and T. C. Doremus of New York City.

Mr. Doremus stated today that the new enterprise was not connected with other railroad interests. Certain New York capitalists, he said, appreciated the great possibilities of St. Louis and had joined local men of means in pushing the enterprise.

DEATH RECORD.

Judge William Marvin, Aged 94.

SYRACUSE, N. Y., July 9.—Judge William Marvin died at his home in Skaneateles this morning, aged 94 years. He was appointed United States district attorney for Florida in 1835 by President Jackson and was appointed United States district judge at Key West by President Van Buren. He held court at Key West until 1863 and it was a union court, with the American flag floating over it, though every attendant of the court, from district attorney to crier, joined in secession. After the war President Johnson appointed Judge Marvin provisional governor of Florida. After the government was established he was elected to the United States senate, but was not allowed to take his seat because negroes had not been allowed to vote. Judge Marvin returned to his home in Skaneateles in 1867, where he has since lived. He has written several works upon maritime law and upon theological subjects. He was warden of St. James Episcopal church at Skaneateles and deeply interested in church matters. He voted for every democratic president from Jackson to Cleveland, but did not vote for Bryan in 1896.

Judge Marvin was brother-in-law of General Ludington, quartermaster general, U. S. A.

Mrs. Charles Stewart.

HOT SPRINGS, S. D., July 9.—(Special.)—The remains of Mrs. Charles Stewart, a bride of only two weeks, were brought here from Spearfish last evening, she having died at that place that morning after about ten days of terrible suffering. The young people were married here at the home of the groom on Wednesday, June 25, and left the same day for a trip through the Hills. The bride complained of some stomach trouble the day of the wedding, but thought nothing seriously of it, believing the trouble was only temporary and not serious. Mr. Stewart is the son of Mayor Stewart and the popular young bride and groom enjoyed one of the prettiest weddings ever given in Hot Springs. The funeral was held at the home of the groom's parents, in the room where just two weeks previous the words were spoken that united the two loving hearts.

Alexander McDonald.

DENVER, Colo., July 9.—Alexander McDonald, aged 33 years, formerly of Port Jarvis, N. Y., and Cleveland, died today of asthma on a train bound to Denver from Chama, N. M.

James P. Stephens.

NEW YORK, July 9.—James P. Stephens, one of the oldest pottery manufacturers in this country, is dead at Trenton, N. J., from heart disease. He was born in Cincinnati, O., sixty-two years ago. Mr. Stephens is credited with developing the manufacture of pottery in certain lines to the highest point attained in this country.

Duchess of Atholl.

ROME, July 9.—The duchess of Atholl (who was the eldest daughter of Sir Thomas Moncreiffe), died last night while on her way from Italy to Switzerland.

Court Has No Jurisdiction.

CLEVELAND, O., July 9.—Judge Wing of the United States circuit court today dismissed the proceedings brought by the Philadelphia National League club against Pitcher Bernhardt to compel him to play with the Philadelphia club or not at all. The court held that it had no jurisdiction in the case, Bernhardt being a citizen of the state of New York. The case of Lajoie was then taken up by the court.

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makes regular trips from foot of Douglas street, making regular trips to Sherman Park, where there is fine shade, music and dancing. No bar on boat. Everything first-class.

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VINTON STREET PARK.

Colorado Springs vs. Omaha

July 10

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RESORTS.

Krug Park

TONIGHT

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and OTHER HIGH CLASS FREE SHOWS

Admission to park, 10c. Children Free.

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