Archbishop Ireland Rebukes Certain Catholic Organs in United States.

DISCUSSES NEGOTIATIONS IN PHILIPPINES

Asserts that Pontiff is Greatly Pleased with Progress Made.

PAYS COMPLIMENT TO THE PRESIDENT

Bays Catholics Should Be Proud of Attitude Taken by Roosevelt.

HOPES THE HOWLERS WILL NOW CEASE

Matter is in the Hands of the Pope and Archbishop Believes it Duty of Catholics to Bow to His Opinion.

ST. PAUL, July 22.-Archbishop Ireland, in an interview with a representative of the Associated Fress today, reviewed at some length the negotiations conducted have questioned the fairness of the administration toward their co-religionists.

The archbishop said: "Yes, the news from Rome is quite satisfactory and quite correct. Advices coming to me from tho most reliable source confirm in all respects the dispatches given by the Assoclated Press. The sovereign pontiff and other Roman authorities are delighted with of great speed and favored postal subven-Governor Taft personally and with the negotiations in course of progress between him and the vatican.

"Reports sent out by the correspondents of certain London papers to the effect that the pontiff was displeased with the manner of acting of the commission of cardinals appointed to treat with Governor Taft were absolutely unfounded. As stated in this morning's Roman dispatches, the pontiff assured Governor Taft that he was satisfied with the results so far obtained, and that he was confident the negotiations would be the starting point of a complete and satisfactory solution of the question under discussion. This shows the matter as the vatican views it and as it really is.

"That the negotiations have not yet reached final conclusions and are to be transferred from Rome to Manila is what might have been expected from the be-ginning. Governor Taft is in a hurry to return to the Philippines and could not prolong his stay in Rome, and, on the other hand, the problems to be solved are so complicated, especially from the vatican standpoint, that time in the work is of prime necessity.

Came to Agreement Quickly.

"The vatican and Governor Taft came easily and quickly to a substantial agreement. The question for the vatican is what practical methods are to be adopted to put the agreement into execution. With a little time certain matters, now seeming to offer great difficulty, will be made, by quiet, skillful touches of pontifical diplomacy, to work themselves out without friction or excitement, and so, when in Manila, final conclusions are to be local and appears to have been confined to grantful playe hear ripe and made, by quiet, skillful touches of pontifical diplomacy, to work themselves out withreached, things will have been ripe and will turn out all right.

"This is the vatican method of proceeding. It is a wise and prudent method. Mr. Taft understands the matter and leaves Rome satisfied and hopeful. He carries away with him the pontiff's statement that the negotiations begun in Rome will prove to be the starting point of a complete and satisfactory solution of the questions at issue, and that much he considers quite sufficient for the moment. There can be no doubt but that the active co-operation of the vatican is secured to the American the Philippines, and that in the results to were incinerated because the ladders were come the government will have ample reason to congratulate itself on having sent Governor Taft to Rome.

"And now it is hoped there will be among certain classes of Catholics in America a cossation of movements and declarations such as we have had recent occasion to hear of regarding religious matters in the Philippines. The pope teaches those Catholics to trust the American government, as they seemingly have heretofore unwilling to do. In his conversation with Governor Taft he expressed the highest esteem for American methods of treating church matters and remarked that he had more than once pointed toward the United States as setting an example well worth copying. His words ought to signify something to those who profess to take him as their leader and guide. At any rate, the direction of Catholic affairs is his business, not that of irresponsible church societies or news paper editors; and when he informs Catholics that any one matter is in his hands they ought promptly to step aside and allow him to have charge of it.

In Hands of Pope.

"The question of religion in the Philippines is now formally and officially his own and it should be considered as such A few there may remain who still believe that they have a better understanding of it than he has, and will insist on telling him how to handle it, but such as those are the few, and at least it will be clear that they hold no brief whatever from the Catholic body at large.

"The agitation, such as it was in cer tain Catholic quarters, did no honor to those who participated in it. As is now proven, they spoke and acted without due knowledge and certainly without proper regard for the government of their

country. "They first should have been absolutely certain that injustice had been done to their co-religionists and next if injustices had been done, they should have sought a remedy to them by an appeal to the proper officers before raising in public irritating clamors. That the vast alterations made in the Philippines by the transfer of the is lands from Spain to American govereignty serious complications were sure to arise in church matters as they did in social matters was naturally to be expected, as it was also to be expected that time would be required to regulate things properly; and that meanwhile suffering in one form or another was to come to interests most sacred and vital.

"Patience, then should have been had not haste should there have been to lay blame upon the government which was doing its best to bring order out of chaos and above all, no charges should have been made against the intentions of the government. It was rank and the rashness and rankest injustice to intimate that the gov ernment intended to proselytize in the Philippines or to do aught to teach the inhabitants the Catholic faith. To know in the slightest degree Mr. Roosevelt, Mr. Root

CANADIAN HAS Way to Best Morgan is to Operate Lines Between Hallfax and England.

LONDON, July 21.-The House of Comnons committee appointed to inquire into the question of steamship subsidies was in session this morning and examined Senator G. A. Drummond of Montreal.

Mr. Drummond said he had arrived at th. conclusion from recent developments of | American shipping combines that the land lines practically controlled the situation and that the ocean lines were merely adjuncts At first sight it would appear that the pur-chase of a number of old British steamers remedled by building new boats. But he believed that if this was done by a new organization it could be made unprofitable by portion of passenger traffic.

He believed the only hope of escape from the combination lay through Canada. He chief speaker, Deputy Le Rolle, Gaston Mrs. Latimer in Twenty-third street, New advocated a speedy, up-to-date service of Merry and the Abbe Partural were ar- York, told of by Latimer's sister, was pretwenty-two-knot steamers between Great rested. Britain and Halifax, instead of New York. Such a line ought to be subsidized at from \$350,000 to \$400,000 for ten years, half payable by Great Britain and half by Canada. Thereafter, he believed, the line, if judibetween Judge Taft and the vatican and clously maintained, would be self-supporttook to task certain Catholic organs which ing. It would be advantageous to both countries to cement the trade between Canada

> and Great Britain. Rear Admiral Lord Charles Beresford told the committee that he did not favor fostering trade by means of bounties. He less violent scenes, accompanied the closobjected to subsidies, but attached the ing of the schools and the departure of the greatest importance to Great Britain owning a mercantile marine containing vessels tions for the encouragement thereof.

Lord Beresford suggested that the government might build twenty-four knot and Beauvais, are voting resolutions apliners and allow the companies to work them, the government sharing in the profits.

The conference of the colonial premiers today also discussed steamship subsidies from the double standpoint of the economical carriage of goods and combatting the subsidies policy of the foreign governments. Nothing of a definite character, however, was accomplished.

TIDAL WAVE IS NOW FEARED Likely to Follow the Recent Severe of public order.

Earthquake Shocks in St. Vincent.

KINGSTON, Island of St. Vincent, July 22.—There was another severe earthquake here at 1:10 o'clock this morning. It was of long duration and was accompanied by a repetition of the phenomena of Thursday

day the weather is very squally and the sea for the interior, protesting, said:

within a certain area, with Kingston and its vicinity apparently the center.

USING LONGER LADDERS NOW Burning to Death of Nine Girls

Teaches London Fire Department a Lesson. LONDON, July 22.-The Metropolitan fire brigade 's receiving some hard knocks at naked statement of Count Posadowski, pubthe hands of lawyers engaged in the in- lishes a weaker statement of his words. quest upon the victims of the recent fire in

burning building. Captain Lionel de Lauteur Wells, royal navy, chief of the fire brigade, who had been on the stand vigorously defending his fire brigade in comparison with others, in-

have anything of the kind." of last year "did not even deaths at the Hoboken fire."

ARCHBISHOP FOR MANILA bustness. Vatican Preparing to Make Appointment and Create Philippine Dioceses.

ROME, July 22.-Besides an apostolic Sebastian Gebhard Messmer (a Swiss), professor of canon law at the Catholiuniversity in Washington since 1890.

The new Philippine dioceses will also be reated. Governor Taft before starting for Naples to visit Pompeti and Mount Vesuvius expressed a desire that the bishop of one of the new dioceses be a native

Major Porter has started for Paris spend a few days there before returning Washington.

His Majesty Well Enough to Resume Some of His Official Duties.

LONDON, July 22.-The weather was less disagreeable at Cowes, Isle of Wight, this norning, and the reports from the royal yacht Victoria and Albert continue chronicle King Edward's improvement. It is said that he walked a few steps yester-

The king will hold his first council since A. J. Balfour became premier on board his yacht shortly. It is expected that the name of the new lord lieutenant of Ireland to succeed Earl Cadogan, whose resignation was announced July 17, will then be announced.

BOERS ARE TO VISIT EUROPE Generals Boths and Delarcy with Their Secretaries Leave Cape-

town to Make Trip. PRETORIA, July 22.—Generals Botha here yesterday for Capetown enroute for

General Dewet will accompany them definitely fixed.

NEW IDEA DENOUNCE THE GOVERNMENT

Paris Mob Opposes Closing the Establish ment of Unauthorised Congregations.

FIGHTING ENSUES AND ARRESTS FOLLOW

ricals Lashed to Fury by the De-"uined Way in Which Govment is Carrying 4 Out the Law.

PARIS, Jus. er the distribution of prizes at a s selonging to an unby the American combination could be authorized congress on in the Avenue Parmentier here today violent speeches nouncing the government's action in closthe Americans, who, by means of true bills ing the establishment of unauthorized conof lading from the producing centers, could gregations. Fighting ensued, the crowds

for examination.

have occurred in other places. The determined way the government is demonstrations in Paris. Similar, though fact, the clericals are manifestly in a hopeless minority throughout the country.

Many municipal councils throughout France, including Lyons, Tours, Epernay proving the government's action, congratulating the ministry upon its firmness and urging it to continue its defense of civil society against the encroachments of the congregations.

The government is certainly applying the the country behind it, it will accomplish it is believed the task undertaken before Parliament reassembles. The clericals will doubtless continue their agaitation, but the movement is not likely to lead to any political result or cause serious disturbances

WOULD Committee of Reichstag Makes Addi-

tions Despite Vigorous

Opposition. BERLIN, July 22.-During the last sit- is incoherent, reads as follows: tings of the customs tariff committee of the The shock caused intense excitement Reichstag numerous increases upon the mong the inhabitants, who fied in their schedule proposed by the government were nightclothes into the streets and remained adopted, despite the vigorous opposition of out of doors until daybreak. Partially de- the Prussian representatives. Furniture, melished buildings are being pulled down wood pulp, paving stones, brick and cellulose teday for public safety.

Note that the tarff raised. Count you Posa-There was a thunderstorm last night. To- dowski-Wehner, imperial secretary of state

is receding. Some people anticipate a tidal Through such increased duties our con The Lokal Anseiger quotes Count von Posadowski-Wehner as telling the tariff committee today: "I can say to you, gen-

Count Posadowski made use of the above expression as a climax to his speech against the proposed increases in the tariff. His declaration has made a tremendous sensation in political circles, and the ministry,

government in its task of pacification in Queen Victoria street, when nine young girls OFFICER WARNS DE MORES too short to reach the fourth story of the Is Told of the Danger of the Expedition Which Resulted in His Death.

TUNIS, July 22 .- At the second day of cluding the New York fire department, ridi- the trial at Susa of El Kheir and Hamma culed New York's eighty-five-foot ladder, of Chiekh, charged with the murder of the which be handed in a photograph saying: Marquis de Mores in 1896, Colonel Ribillet "We had one of those, but we no longer was the first witness and the testimony of Captain Wells criticised New York's fire declared that they sought to dissuade the department reports, declaring the returns marquis from starting on the expedition

which resulted in his death. De Mores said to General Laroque: am only risking my own life and that is my

The general replied: "But the failure of your expedition may retard our penetration into the Sahara for ten or twenty years." Colonel Rebillet testified that the marquis promised to take the road to Bir-es-Sol, but ne did not keep his word and proceeded in the direction of Tripoli. De Mores' death, delegate for the Philippines the vatican is according to the witness, was due to a false preparing to appoint an archbishop of idea of the chivalrous character of the Manila, who probably will be Bishop Touregs, whereas they were treacherous and bloodthirsty.

NINETY-SIX ARE MISSING More People Perish in Steambon Disaster at Hamburg Than First Supposed.

HAMBURG, July 22 .- The survivors of the steamship Primus of Hamburg, which, with 185 passengers on board, was cut in two and sunk by the tug Hansa yester-KING TO HOLD A COUNCIL day, say that ninety-six of those who were on board that vessel at the time of the

disaster are missing. Primus has been partially raised and brought nearer shore. The total number of missing is now placed at 104. Sixtyone bodies have been recovered.

Inquiry into the circumstances of the disaster shows that there is a great lack of life-saving appliances on the Elbe excursion steamers. Primus is known have had on board only six life belts and a single boat. The steamer Dolphin, which came up later with 400 passengers, had only one boat capable of carrying seven persons.

VANDERBILT SLIGHTLY HURT Millionaire Collides with Market Wagon While Driving His Auto.

PARIS, July 23 .- As W. K. Vanderbilt. the Chartres road, near St. Arnold, hewith a market wagon driven by a woman and both were upaer. Mr. Vanderbilt was effect January 1, 1903. and Delarey, with their secretaries, left slightly injured on the leg and arm and the woman's face was scratched. automobile was badly damaged. The acci- of the president at luncheon today. At condent was due to the fact that Mr. Vander- siderable length they discussed the polithe journey to the coast. The date of bilt did not see the wagon until too late tical situation in New York state. Mr. raised by the larger automobile.

LATIMER MYSTERY DEEPENS REDUCE PHILIPPINE FORCES

Testimony at Caroner's Inquest Serve Only to Make New York Murder More Complicated.

NEW YORK, July 22 .- The coroner's inquest called to investigate the shooting of Albert C. Latimer at his home in Brooklyn on the morning of July 2 was resumed today. Latimer died in a hospital. All he told of the shooting was that he was shot in bed, and that he did not believe it was done by a burgiar. Frank Taylor testified that he had heard

shots on the morning of July 2 and that someone cried out, "Walter, Walter." Mrs. Belle Treadwell testified that a long time ago Mrs. Latimer said it was "hard to be tied to a man and see some one else were made to the assembled crowds, de- you really loved." Mrs. Treadwell thought the remark was made without any reference to Mrs. Latimer berself.

William H. Tuthill was called. He said control freights as well as a considerable breaking through the police cordon and he read that Latimer, when in the hespital, shouting, "Vive in libertel" Francois asked if he (Tuthill) was being watched. Coppe, the author and poet, who was the He denied that a meeting between him and arranged. The matter was explained to MM. Coppee, Lerolle and Merry were Latimer and they continued friends. On the later released. Comte de Maille, who was night of the shooting he went to the Claramong those taken into custody, was held endon hotel, called on a young woman friend, whose name he would give if re-Further disturbances and some arrests quired, but then he went home, arriving there at 11:15.

> Later a patrol wagon was sent for him carrying out the law against unauthorized by Mrs. Latimer and he went to her home congregations is lashing the ciericals into and did what he could for her. He said fury, which culminated in today's disorderly he could not account for Latimer's question: "Is Tuthill being watched?" It was true, he said, that he stayed at the Latimer house two nights after the shooting, but teachers at other places. As a matter of he did so because none of Latimer's

brothers was able to remain there. Hannah Larsen, a servant in the Tuthill home, corroborated Tuthill's statement, that he arrived at his home at 11:15. The witness said she could not describe Tuthill's clothes.

Elias Kasendorf, who lived near the Latimers, said he heard loud voices from Latimer's house five minutes before the shooting. He could see the back yard of the house where the shooting took place, law with all possible moderation, and with and he was sure no one escaped that way. Mrs. Albert C. Latimer, the woman, was ecalled and asked to describe the man she said shot her husband. She said the intruder wore a mask so that she could not see his face, therefore she did not know the color of his eyes, nor whether he had a mustache. He was of medium height. He wore the peaked cap found in the house INCREASE TARIFF after the shooting. The hearing went over until tomorrow.

Latimer's will was filed today. It disposed of property worth \$19,000, With the will was a codicil written on a prescription blank while Latimer lay on his deathbed in St. Mary's hospital. This codicil, which

Codicil: I desire all of my among my children only.

A. C. LATIMER.

The original will gave the widow onetenth of the property absolutely and the income of one-third additional for life, the remainder of the estate to go to the chil-

SENDING ASSISTANCE

Miners Contribute \$5.000 as a Starter to Relp the anthracite Strikers.

INDIANAPOLIS, July 22.—President Mitchell will leave for Chicago tomorrow afternoon. He will stay in that city a day tiemen, that my belief is our tariff bill will and will then go direct to Wilkesbarre to never pass." The national officers attach a great deal of importance to the resolution reported by the committee appointed by the convention to draw up an expression in regard to the recent mine horrors in which so probably through a desire to modify the many of the men lost their lives. In this resolution attention is called to the fact that in several instances the men have been sent back to work in mines before the dead bodies of their friends had been

removed. Miners from the Johnstown district, where the worst horror occurred, have declared emphatically that the men had been sent back to work there without making an effort to remove all the bodies first. This afternoon several large contributions for the strike fund were received. District No. 13 (Iowa) sent \$5,000; the Boilermakers and Iron Shipbuilders' National union, \$546; local union of mine General Laroque was read. Both officers workers of Glen Carbon, Ill., \$500; local union of Jackson Hill, Ind., \$200; district No. 3, Danville, Ill., \$100: local union at

Vandercook, Ill., \$50 and other unions smaller sums. Mr. Mitchell says the national officers of the organization are considering the question of accepting the offer of the British trades union, through their federation, of

financial aid in the strike. Indianapolis unions met tonight and resolved to assess members at least 1 per cent per week on their earnings for the anthracite strikers. This will amount to \$2,000 per week.

BUSY DAY AT OYSTER BAY Unusually Large Volume of Official

Business Demands President's Attention. OYSTER BAY, N. Y., July 22 .- President

Roosevelt and Assistant Secretary Loeb disposed of an unusually large amount of official business today. The mail from Washington was very heavy and contained several matters of exceptional importance demanding the president's attention This afternoon Miss Alice Roosevelt was

the guest of honor at an elaborate luncheon and lawn party given by Miss Helen Beekman at her country place just east of Oyster Bay. Fifteen women were invited to meet Miss Roosevelt.

The president is preparing for his trip to Seagirt, N. J., on Thursday. General Manager Besler of the New Jersey Central has placed his private car "Atlas" at the disposal of President Roosevelt, and the train throughout will be of the latest pattern of the car builder's art. The presidential party will leave the state camp by special train at about 3 o'clock, returning to Atlantic highlands, where they will embark on Mayflower for Oyster Bay.

President Roosevelt has determined upon the following appointments for federal officers at New Orleans, La., and the announcement of them was made at Sagamore Hill tonight:

Elmer Wood, as naval officer, vice John Weber, deceased; Henry McCall, as colr., was driving a small automobile along lector of customs, vice Augustus I. Wimberley, to take effect next December; R. hind a larger machine, teday, he collided B. Kennedy (colored) as receiver of public moneys, vice Charles P. Johnston, to take in sections. One part was mailed to the

Frederick S. Gibbs, republican national return from Europe has not been to avert a collision, owing to the dust Gibbs returned by a late afternoon train bill, which has been placed in the "conto New York,

In Connection with Event Secretary Root Issues a Statement.

DISCUSSES NEED OF MILITARY COLLEGES

Says Every Effort Will Be Made to Give New Officers Advantage of the Schools to Be-Established.

WASHINGTON, D. C., July 22.-Secretary Root, before leaving Washington today,

issued the following: With the reduction of the Philippine force and the withdrawal from Cuba, the army is called upon to resume its most important work in time of peace, the work of prefecting itself in military science and skill and of promoting the preparation of the United States against future wars. I wish to call your attention to matters which require special effort on your part. skill and of promoting the preparation of the United States against future wars. I wish to call your attention to matters which require special effort on your part. Since the declaration of war with Spain in April, 1898, there have been appointed in the line of the army 1,542 lleutenants in addition to 26 appointed from the military academy. Of these 688 were appointed from officers of the volunteers; 414 were appointed from the enlisted men of the regular and volunteer armies, and 512 were appointed from civil life.

The abandonment of the military schools for commissioned officers, which followed the employment of the entire army in active military operations, has left these 1,542 new lleutenants substantially without means of acquiring a systematic military education. While many of the former officers of volunteers have acquired the most valuable experience by active service in the field, yet it is of great importance to them as well as to the untrained appointees from civil life and from the ranks that they shall have an opportunity for broad and thorough training, both practical and theoretical, under the competent master in the art of war whom our army is able to supply.

Millers, tonight announced the interests of the country are produced to defeat of Speaker his race for re-election to announcement was made prior ann

Provision for Schools.

Congress has now with wise liberality made provision for the reopening of the army schools, has given its sanction to the general system of military education embodied in the general order of November 27 last, including the enlargement and development of the Fort Leavenworth school into a general and staff college; the establishment of the war college at Washington with suitable buildings and the rebuilding of the engineer school and has made ample preparations for these purposes.

rebuilding of the engineer school and has made ample preparations for these purposes.

Every effort will be made by the war college board, which has general supervision and charge of the whole system, to bring its advantages to the new officers of the army as speedily as possible, and to organize officers' schools at all the considerable posts without delay. I ask for hearty and effective co-operation with them on the part of every officer of the army. There are 1,482 graduates of the military academy now holding commissions. They especially have an opportunity to demonstrate their loyalty to the principles of that institution by helping to diffuse throughout the service the benefits which have come to them from their four years of hard study.

The newly appointed officers should realize that there is much to be learned, and that the way to qualify themselves for the high and independent command for which they should all hope is by constant intellectual exercise and by systematic study of the reasons of military action and the materials and conditions and difficulties with which military commanders have to deal.

Careful attention to the instruction of

deal.

Careful attention to the instruction of the newly appointed officers is enjoined on all regimental troop, battery and company commanders. They should be impressed with the importance of the faithful performance of every duty, however unimportant it may appear to them and with their responsibility for such conduct and bearing in all their relations as shall de honor to the service.

YOUNG AMERICAN IN PERIL Captured with Band of Filibusters in Nicarngua and is Likely

to Be Executed. WASHINGTON, July 22 .- The State department has taken active steps to save the life of Dr. Russell Wilson, a young Ohio physician, who is held under arrest at Bluefields by the Nicaragua military

authorities. Wilson was a member of a filibustering party which made a landing near Monkey Point, about four miles from Bluefields. Most of the party were captured owing to the inability of the commander of the expedition to land reinforcements on account of heavy weather, and among the number

The Nicaraguan general was about to ex-

was Wilson.

ecute him summarily, but was induced by the pleas of some of the English-speaking people of Bluefields to allow the law to follow its course. This meant a trial by court-martial and it is the understanding that a death sentence was almost inevitable. Wilson lives at Milan, O., and Senator Hanna has interested himself in his case. Today Acting Secretary Hill telegraphed to the United State consul at San Juan del Norte to make an immediate investigation and report the facts at once, not only to the department, but also to Senator Hanna. In addition the consul was directed to use his offices with the Nicaraguan authoritles in favor of young Wilson, as Senator Hanna has represented that he was not a ombatant, but was attached to the revolutionary expedition in a medical capacity. The department, however, has not been informed officially of the facts connected with Wilson's capture and in this case is

acting entirely on Senator Hanna's representations. WESTERN NEWS AT CAPITAL Several Rural Free Mail Delivery Routes Established in Nebraska.

WASHINGTON, July 22 .- (Special Tele gram.)-J. C. Deming has been appointed postmaster at Dustin, Holt county, Neb. vice J. B. Dennis, resigned.

Rural free delivery service will be established on September 1 in Nebraska as follows: Bennett, Lancaster county, one additional route, area covered, twenty-six square miles population, 500; Bennington Douglas county, one route, area covered, twenty-eight square miles, population, 420 Emerald, Lancaster county, one route, area covered, twenty-two square miles; population: 450; Brock, Nemaha county, one route,

tion, 500. The postoffices at Ferry, Mahaska county, Landis, Taylor county, Ia., have been ordered discontinued July 31.

area, twenty-eight square miles, popula-

CONSCIENCE TROUBLES Another Twenty Dollars Added to Fund at Washington by One Who is Sorry.

WASHINGTON, July 22 .- One of the most unusual contributions to the conscience fund ever chronicled in the history of the Treasury department was received today. Some possessor of an uneasy conscience sent to the department a \$20 gold certificate collector of customs in New York, and N the other from Jersey City to the Treasury The committeeman from New York, was a guest department. Accompanying this part of the bill was a letter signed "Conscientia."

When both pieces of the bill were received they were exchanged for a new \$20 actence fund."

CONDITION OF THE WEATHER POLICE BOARD AGAIN

Forecast for Nebraska-Fair Wednesday; Thursday Showers and Cooler.

Temperature at Omaha Yesterdayı
 Hour.
 Deg.
 Hour.
 Deg.

 5 n. m.....
 63
 1 p. m.....
 80

 6 a. m.....
 63
 2 p. m.....
 81
 m 67 8 a. m 68 m 71 10 a. m..... 75 11 a. m..... 77 12 m.... 10

AFTER HENDERSON'S SCALP MATTER SETTLED IS TITLE TO OFFICE

National Federation of Millers Will Attempt to Defeat Iowa Man for Congress.

MINNEAPOLIS, July 22 .- H. S. Kennedy, secretary of the National Federation o Millers, tonight announced that the milling interests of the country are in league to procure the defeat of Speaker Henderson in his race for re-election to congress. The announcement was made prior to Mr. Kennedy's departure for Des Moines, to attend a meeting at which measures and means to the encompass Speaker Henderson's political

The resentment of the millers arises from Speaker Henderson's action in holding up the London dock clause amendment to the Harter bill, designed to do away with what American exporters regard as unjust discrimination against United States flour in the unloading charges at London. According to Mr. Kennedy, Representative Loren Fletcher had practically secured assurances of the passage of the amendment and the millers of the country felt certain that their wishes would be carried out when Speaker Henderson suddenly interposed his interference and held up the measure.

MINNEAPOLIS, July 22,-The Grand Army of the Republic committee named by Commander-in-Chief El Torrance in connection with the Memorial university established at Mason City, Ia., by the American patriotic societies, met here to day and agreed that besides the colleges of medicine and liberal arts to be founded there should be a college of American history with a four-year course. It was announced that the institution would open September 10 with a good attendance. The committee included Commander Torrance. Governor S. R. Van Sant of Minnesota Judge J. O. Pierce of Minneapolis, chairman, and Colonel L. B. Raymond of Iowa. Captain Sorter, president of the Board of Regents, also was present.

FORAKER SAYS ROOSEVELT Ohio Senator Says No One Else is Considered for Republican Candidate.

CINCINNATI, July 22 .- Senator Foraker, was asked: "Are you correctly quoted as to the republican candidate of 1904, namely, that nobody is seriously thought of except President Roosevelt?"

"Yes, the statement published is correct, "Yes, the statement published. Roosevelt and the fact is as there stated. Roosevelt as settled. Upon the former hearing there is the only man who is seriously thought of by the great masses of the people. There was much discussion upon the question bitious partisans are trying to fan into a blaze, but they cannot make them burn mental capacity, and in the opinion, State steadily and they will all go out in due vs. Savage, it is said: time, extinguished by the firedamp of American politics."

BOILER MEN ELECT OFFICERS Association Names St. Louis Man President and Decides to Meet

Next in Chattanooga. ATLANTIC CITY, N. J., July 22 .- The lumbus, O.; J. M. Robinson, Boston; M. tanooga.

The convention will meet next year at Chattanooga.

FOUL PLAY IS SUSPECTED Believed that Soldier Found Dead at Brighton Was Murdered.

DETROIT, July 22.—Suspicion of foul play has been raised in connection with the death of Private Joseph Desmond of the Event of the Fourteenth United States infantry, whose remains were found terribly mangled on the Pere Marquette tracks at Brighton today, near the rifle practice encampment. Desmond's home is at Leavenworth, Kan. Two privates are under arrest at Fort Wayne, charged with absenting themselves from the Brighton camp yesterday without leave.

TRANSPORT SUMNER ARRIVES Members of Seventeenth and Twenty Fourth Infantry, with Officers, Return

SAN FRANCISCO, July 22.-The United States transport Sumner arrived today from Manila. It brought more than 100 cabin passengers, mostly officers and army families; 203 enlisted men of the Seventeenth infantry and 226 of the Twenty-fourth. There for the city of Omaha. Peter W. Birk-Richard Johnson of the Twenty-fourth infantry died of pneumonia and Sergeant John Kelly of the Seventeenth infantry, who was on his way home to be retired, succumbed to a general breaking down.

Movements of Ocean Vessels, July 22. At New York-Arrived: Kron Prinz Wil-heim, from Berlin; Frederich der Grosse, from Bremen; Lombardia, from Genoa and

York. At Liverpool-Sailed: Eaxonia, for Boston nstown. Arrived, Taurie

New York.

At Moville—Arrived: Anchoria, from New York: Mongolian from Montreal.

At Bremen—Arrived: Neckar, from Baltimore; Kaiser Wilhelm der Grosse, from At Lizard-Passed: Pennland, from Phil-

Supreme Court Hands Down Still Another

Opinion in the Case. MODIFIES JUDGMENT IN LAST ORDER

New Commission.

Holds that Governor's Duty is to Appoint

Res Judicata Does Not Apply to Abstract Principle of Law.

JUDGE SEDGWICK WRITES THE OPINION

Argues that Former Cases Are Not Disturbed by Present Decision Further Than to Modify the Order.

(From a Staff Correspondent.) LINCOLN, July 22 .- (Special.)-The sate preme court this afternoon handed down another opinion in the Omaha Fire and Police commission case, this time modifying the judgment recently pronounced in the case of Redell against Moores. It is now held to be the duty of the governor to appoint a Board of Fire and Police Commissioners for Omaha. The syllabus and text of the opinion, which were written by Judge Bedgwick, follow:

Abstract questions of law cannot be made the subject of litigation. There must be real parties and a res in dispute that will become res judicata when the litigation is

measure.

Mr. Kennedy explains that no funds will be solicited outside of lows to prosecute the campaign against the speaker.

WANT COLLEGE OF HISTORY

Committee on Memorial University at Mason City Has Other Plans.

MINNEAPOLIS, July 22.—The Grand

determined.

The former determination of this court that certain parties were entitled to hold the office of fire and police commissioners of the city of Omaha, under the appointment of the mayor and council of the city, is not binding on the governor, so as to prevent his appointment of commissioners under the provisions of the act for the incorporation of metropolitan cities.

The right of the parties in that litigation to the term in dispute therein is res judicata, but the principle of law announced, having been found erroneous and overruled, will not be followed.

Text of the Opinion. Text of the Opinion.

> The opinion follows: "After the former opinion in this case the relator filed what is by him denominated motion for a new trial. This being an original action in this court, relator assumed that he was entitled to use this form of motion. After argument the court announced to the parties that the motion would be treated as a motion for a rehearing under rule 7 and not as a motion for a new trial. "The reason for this view is that a new trial is a reconsideration of an issue of

fact (code, section 314), and in this case no evidence was taken and no lasue of fact presented, the sole office of the motion is to point out errors in the former opinion of the court. This is the province of a motion for a rehearing. The court, after argument, being desirous of further considering the questions presented, both parties were allowed time to file further briefs, and the case was submitted as upon argument after rehearing is allowed. "The power of the legislature to impose

se of an interview here today, upon the governor the duty of appointing of Fire and Police Commis sioners for the city of Omaha was declared in Redell vs. Moores, 16 Neb., overruling State vs. Moores. This question had not been discussed in the present prowas much discussion upon the question siveness of judgments can be applied to sovereign states while acting in govern-

The state in the exercise of its governmental functions is not obliged to invoke the aid of the courts in any case, but when it does so, it assumes the character of an ordinary suitor and is bound by self-imposed restraints. It claims no advantage over its adversary, and though one is a sovereign and the other a citizen, they stand equal before the law.

Doctrine of Res Judicata.

Upon the present hearing the application of the rule in this case has been much dis-American Boiler Manufacturers' associa- cussed. The doctrine of res judicata retion of the United States this afternoon quires that when a thing is determined by elected the following officers: President, a court of competent jurisdiction the parties John O'Brien, St. Louis; secretary, J. to that litigation shall not be allowed in D. Farasey, Cleveland; treasurer, Joseph any other cause to retry the matter. The Wangler, St. Louis. Vice president: Rob- rule is of universal application. No proper ert Monroe, jr., and Samuel Berger, Co- party to litigation, whether sovereign or subject, is exempt from its control. To ap-F. Cole, Newman, Ga.; J. F. Casey, Chat-ply the rule it is necessary first to ascertain what issues were determined in the former litigation. It is said by respondents'

attorney in their brief: In the Moores case the parties based their respective claims wholly upon the source from which they were derived. There was no common source; they came through entirely different sources. While the immediate question was the right to the officers for a limited term, a determination of that question necessarily involved a determination as to the location of the appointing power. A determination of that question was necessary, imperative

Point in Former Cases. "This is a very plausible statement of a

point insisted upon, but is it entirely sound? It was undoubtedly necessary to determine the location of the appointing power, but was that the thing (res) in litigation, the substantive matter that the respective parties were contending for, or was it a proposition of law called in to assist in determining the right of the respective parties to the thing in controversy? That action was begun on the relation of the attorney general against J. H. Peabody et al, who were appointed by the governor. They answered, setting up their appointments as members of Board of Fire and Police Commissioners hauser et al, upon their application, were allowed to intervene, setting up their right to the office by virtue of an appointment from the mayor and council of the city. Each party demurred to the pleadings of the other and the question presented was, which party under the law is entitled to hold the office, the respondents for the term for which they had been appointed by the governor, or the intervenors for the term for which they had been ap-Naples.

At Queenstown—Arrived: Haverford, from Philadelphia, for Liverpool, and proceeded. At Rotterdam—Arrived: Ryndam, from New York via Boulogne Sur Mer.

At Antwerp—Arrived: Friesland, from tion of the law—that is, to ascertain whether under the law the governor should appoint, or the duty devolved upon the city authorities. That was the question argued by counsel and decided by the court. But was it in the legal sense the subject matter of the litigation? It seems clearly not. If the question had been presented to the court as the thing to be At Auckland-Arrived: Sonoma, from San litigated, it would not have entertained it. The relator would have been told that

(Continued on Fourth Page.)