

SUPREME JUDGES DISAGREE

Some Hold Constitution Follows Flag, but Majority Takes Different View.

HAWAIIAN CASE LEADS TO DECISION

Congress Must Specially Extend Rights of Citizenship Before Acquired Territory Becomes Part of United States.

(From a Staff Correspondent.) WASHINGTON, D. C., June 7.—(Special Telegram.)—The history of the supreme court is a history of strong antagonism.

In the hundred years or more of its history sharp contrasts have been drawn by the majority and the minority of the judges. Constituted as the present supreme court of the United States it is hard to get a unanimous opinion from it, the members differ upon the construction of law as noted lawyers, the rule which is accepted, however, is that the well accepted principle in our form of government obtains, and yet sometimes one is almost led to believe with Blackstone, "That a united minority very frequently gives voice to the majority of the future."

By a vote of the constitution does not and Monday that the resolution of congress of 1898, annexing the Hawaiian islands, did not carry with it the protection of the constitution. This decision which is on all four with former resolutions of congress recently acquired by purchase or otherwise grew out of a case brought on appeal from the territory of Hawaii against Okaichi Mankehi, a Jap, who was convicted of manslaughter and sentenced to twenty years imprisonment in the penitentiary under the laws of the old Hawaiian republic. The conviction took place between the date of the adoption of the congressional resolution of annexation of 1898 and 1900, the date of the act creating the territory of Hawaii, and Mankehi was found guilty without the action of grand jury, and by a majority vote of the trial jury.

The attorneys for the Jap after trying the law points of the case through the several courts came before the supreme court with the one point that Mankehi had not been indicted by the grand jury provided under the common law which they contended was extended to the islands at the time of their becoming a part of the United States. The court could not agree with their contention and held that the common law of the resolution was to accept the cessation of the islands; second, to abolish all existing treaties and, third, to continue the existing law and customs regulations.

The court then proceeded to announce a decree that the constitution does not extend by force and vigor to territory acquired, but becomes operative in that territory only through the dictum of congress. The decision in so many words means that more annexation of territory does not change the territorial status of territory with all the rights and privileges conferred by the constitution on citizens of the United States, and in effect emphasizes the theory of constitutional construction which the supreme court laid down in the Dred Scott case, the question as to whether the constitution followed the flag came before it for final adjudication. It is notable that both the new justices, Justice Holmes and Justice Day, ranged themselves with the majority, while the four dissenting justices, Justices Fuller, Harlan, Brewer and Peckham, ranged themselves with the minority.

By noon Mr. Toggas declared that he felt well enough to go out for a walk about the block. As he was adjusting his lustrous, high-top hat, he said, "If you'll give me the money, I'll settle the account for the medicine and the drug store."

Mr. Toggas never liked bills to hang. Mrs. Toggas heard her delectable lord and master a shining golden eagle—a part of her week's allowance for all household expenses.

The druggist claimed half of the gold, and Mr. Toggas tucked the change in his lower right-side waistcoat pocket. But feeling a suspicious sensation that prophesied a return of the tortures, he slipped the money calmly submitted to the untiring efforts of his faithful nurse for relief.

That night Mr. Toggas fell into a refreshing sleep and awoke in the morning a completely delivered man. "Here, my dear," he said to his wife, "I have a promise made, and my thumb and index finger went down into the lower pocket on the right side of his waistcoat, and he laid a \$5 bill on the bureau.

Mrs. Toggas murmured her thanks to her husband, but refrained from touching the sacred testimonial of his dying love. For, surely, Mr. Toggas was nearing the end of his earthly career, and his avowed improvement was only a delusion. She gazed upon him in helpless abandonment on the sideboard in the dining room and strode away.

Mr. Toggas proceeded with his toilet, and when it was completed he turned suddenly toward the bureau, and picking up the money he had shortly before laid there, said in his old way:

"I think, Mrs. Toggas, you saved this much money, not partaken of a single meal while I have been sick. I may as well pay Elizabeth with it."

As Mr. Toggas left the room, his wife experienced a sensation of joy. Mrs. Toggas was relieved of the dread that hung over her and she was happy.

"Here's the \$5 I promised you," Mr. Toggas said to Elizabeth, who was busy preparing the morning meal. He laid the money upon the sideboard in the dining room and strode away.

Mrs. Toggas and Elizabeth were so happy that they could only gaze in admiration at Mr. Toggas as they sat at the table, while he ate sparingly of the morning repast.

Happy Mrs. Toggas stood with Mr. Toggas' lustrous high-top hat in her hand when Mr. Toggas appeared ready to leave for his office. After he had taken a last reassuring look at himself in the hall mirror, he went to the dining room, and said to Elizabeth, "I think your board has been worth this much for the time you have been with us as our guest."

Mrs. Toggas never questioned her husband's intentions. It was enough that he was well once more, and she was happy. What Elizabeth thought and said as she journeyed homeward would not be complimentary as an epitaph.

COMMENCEMENTS ARE HELD

Fullerton Devotes Half a Week to Elaborate Exercises

PLATTSBROUGH HAS INSTRUCTIVE TIME

Closing Service and Arranging Concert for Tonight in Honor of Graduates.

NEBRASKA CITY ALSO JOINS IN HOLDING

Closing Service and Arranging Concert for Tonight in Honor of Graduates.

FILLERTON, Neb., June 7.—(Special.)—This has been commencement week in Fullerton. On Wednesday evening the juniors gave a reception to the seniors and high school teachers at the home of J. W. McClelland. A musical program was rendered, and exercises were held in the evening.

On Thursday evening occurred the commencement at Sheaf's opera house. The stage was beautifully decorated for the occasion with flowers and the motto of the house, while other parts of the house were decorated with the colors and banners of the other classes of the high school. The house was filled with the friends of the graduates and a fine lecture was delivered by Dr. James Heady on "What is a Man Worth?"

After the exercises were concluded the high school teachers tendered a reception to the class and all the teachers of the schools.

On Friday evening the alumni entertained the graduates with a reception at the Methodist Episcopal church. A fine program was prepared, an elegant menu served and toasts were given.

On Sunday morning the baccalaureate sermon was preached in the opera house by the Rev. M. H. Bothwell of the Methodist Episcopal church.

PLATTSBROUGH NOTABLE

PLATTSBROUGH, Neb., June 7.—(Special.)—The commencement exercises of the Plattsbrough high school were held in the Parnell theater last evening, which was crowded by the friends of the graduating class. The salutatory was well given by Arthur Dunning, and the valedictory by Miss Minnie Clifton.

Miss Helen Waugh received the highest average scholarship. This honor entitles her to a scholarship in Doane, Bellevue or Hastings colleges, or in Wesleyan or Cotner universities. Miss Jessie Barton was next highest in the class, which entitles her to a scholarship in the Cotner university.

Plans for Nebraska City. NEBRASKA CITY, Neb., June 7.—(Special.)—The closing exercises of the Nebraska School for the Blind will commence tonight at the Institute hall of this city.

Rev. A. E. Knickerbocker, preaching the sermon. The annual concert will be given on Monday evening at 8. Those taking a prominent part are Nona West, Vere Whitehill, Sophie Tichy, Merton Conn and Alma Beune.

The exercises will close on Tuesday, for which time a special program has been drawn up. President Orcutt will present the diplomas.

OUT OF THE ORDINARY.

A Missouri woman sat up until 1 o'clock the other night, waiting for her husband to come home, when he called in a very faint voice, "Only find him in the west upstairs. His definition," as she called it, was that he had not slept for three days.

Edward Warren and wife of Lowellville, N. Y., had a very interesting experience in Los Angeles, Cal., which they expect to reach in about five months. They will then go into a small boat and sail to the Hawaiian islands.

The United States post office contains a number of goat skins, young and old, which were found in the trunk of a woman who was arrested for carrying them to Germany. She had a total of 1,000 goats and kids.

Dr. Sargent, a Harvard says the finest living example of physical culture he knows is a young mulatto, T. E. White, who works in a brick yard. These are White's measurements: Height, 5 feet 3 inches; weight, 113 pounds; chest, 34 inches; arm, 21 inches; hand, 12 inches.

Exports and Imports at New York. NEW YORK, June 6.—Total imports of merchandise and dry goods at the port of New York for this week were valued at \$5,018,111.

Philadelphia Produce Market. PHILADELPHIA, June 6.—BUTTER—Firm, good demand; western creamery, 24c; early prints, 24c.

Minneapolis Wheat, Flour and Bran. MINNEAPOLIS, June 6.—WHEAT—Spot, No. 1 hard, 80c; No. 2 hard, 78c; No. 3 hard, 76c; No. 4 hard, 74c; No. 5 hard, 72c; No. 6 hard, 70c; No. 7 hard, 68c; No. 8 hard, 66c; No. 9 hard, 64c; No. 10 hard, 62c; No. 11 hard, 60c; No. 12 hard, 58c; No. 13 hard, 56c; No. 14 hard, 54c; No. 15 hard, 52c; No. 16 hard, 50c; No. 17 hard, 48c; No. 18 hard, 46c; No. 19 hard, 44c; No. 20 hard, 42c; No. 21 hard, 40c; No. 22 hard, 38c; No. 23 hard, 36c; No. 24 hard, 34c; No. 25 hard, 32c; No. 26 hard, 30c; No. 27 hard, 28c; No. 28 hard, 26c; No. 29 hard, 24c; No. 30 hard, 22c; No. 31 hard, 20c; No. 32 hard, 18c; No. 33 hard, 16c; No. 34 hard, 14c; No. 35 hard, 12c; No. 36 hard, 10c; No. 37 hard, 8c; No. 38 hard, 6c; No. 39 hard, 4c; No. 40 hard, 2c.

Chicago Stock Quotations. CHICAGO, June 6.—Call loans, 3/4 per cent; time loans, 4 1/2 per cent; official gold, 100 per cent; U. S. bonds, 100 per cent; U. S. stocks, 100 per cent; foreign stocks, 100 per cent; commodities, 100 per cent.

St. Louis Live Stock Market. ST. LOUIS, June 6.—CATTLE—Receipts, 1,000 head; market steady; good to choice, \$4.00 to \$4.50; fair to good, \$3.50 to \$4.00; poor to medium, \$3.00 to \$3.50; stockers and feeders, \$2.50 to \$3.00; rough steers, \$2.00 to \$2.50; bulk of sales, \$3.00 to \$3.50.

St. Joseph Live Stock Market. ST. JOSEPH, June 6.—CATTLE—Receipts, 642 head; steady to slow; pigs steady; hogs steady; sheep steady; lambs steady; calves steady; horses steady; mules steady; ponies steady.

St. Paul Live Stock Market. ST. PAUL, June 6.—CATTLE—Receipts, 1,000 head; market steady; good to choice, \$4.00 to \$4.50; fair to good, \$3.50 to \$4.00; poor to medium, \$3.00 to \$3.50; stockers and feeders, \$2.50 to \$3.00; rough steers, \$2.00 to \$2.50; bulk of sales, \$3.00 to \$3.50.

Omaha Live Stock Market. OMAHA, June 6.—CATTLE—Receipts, 1,000 head; market steady; good to choice, \$4.00 to \$4.50; fair to good, \$3.50 to \$4.00; poor to medium, \$3.00 to \$3.50; stockers and feeders, \$2.50 to \$3.00; rough steers, \$2.00 to \$2.50; bulk of sales, \$3.00 to \$3.50.

COMMERCIAL AND FINANCIAL

Weakness on Board of Trade.

CHICAGO, June 6.—Wheat opened weak

and, although the market steadied somewhat later in the session, the close showed a loss for July of 1/2 cent. Corn closed firm at a shade lower than yesterday.

General selling by commission houses during the early morning hours of the day, with the exception of Thomson-Houston and some other individual stocks, had a downward tendency. Prices in most of the departments of the bourse today were somewhat lower.

RECEIPTS FOR THE YEAR TO DATE. The following table shows the receipts of cattle for the year to date and compares with last year:

Table with columns: Year, Cattle, Hogs, Sheep, etc.

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OMAHA LIVE STOCK MARKET

Very Heavy Receipts of Cattle for the Week and Prices a Little Lower.

HOGS A SHADE LOWER THAN A WEEK AGO

Supply of Sheep and Lambs Unusually Light and Quality Common, but Good Stuff May Be Quoted a Little Higher for the Week.

SOUTH OMAHA, June 6. Receipts were: Cattle, 1,000 head; hogs, 1,000 head; sheep, 1,000 head; lambs, 1,000 head; calves, 1,000 head; ponies, 1,000 head; mules, 1,000 head; horses, 1,000 head.

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OMAHA WHOLESALE MARKET

Condition of Trade and Quotations on Staple and Fancy Produce.

EGGS—Fresh stock, loss, 1/2 cent

LIVE POULTRY—Hens, 10c; spring chickens, 12c; turkeys, 15c; ducks, 18c; geese, 20c; geese, 22c; geese, 24c; geese, 26c; geese, 28c; geese, 30c; geese, 32c; geese, 34c; geese, 36c; geese, 38c; geese, 40c; geese, 42c; geese, 44c; geese, 46c; geese, 48c; geese, 50c; geese, 52c; geese, 54c; geese, 56c; geese, 58c; geese, 60c; geese, 62c; geese, 64c; geese, 66c; geese, 68c; geese, 70c; geese, 72c; geese, 74c; geese, 76c; geese, 78c; geese, 80c; geese, 82c; geese, 84c; geese, 86c; geese, 88c; geese, 90c; geese, 92c; geese, 94c; geese, 96c; geese, 98c; geese, 100c.

GRAIN—Wheat, 100c; corn, 75c; oats, 60c; barley, 80c; rye, 90c; clover, 100c; alfalfa, 120c; timothy, 150c; hay, 180c; straw, 200c; wood, 250c; coal, 300c; oil, 350c; sugar, 400c; flour, 450c; soap, 500c; candles, 550c; kerosene, 600c; turpentine, 650c; rosin, 700c; pitch, 750c; tar, 800c; asphalt, 850c; cement, 900c; brick, 950c; stone, 1000c; lime, 1050c; sand, 1100c; gravel, 1150c; crushed stone, 1200c; crushed stone, 1250c; crushed stone, 1300c; crushed stone, 1350c; crushed stone, 1400c; crushed stone, 1450c; crushed stone, 1500c; crushed stone, 1550c; crushed stone, 1600c; crushed stone, 1650c; crushed stone, 1700c; crushed stone, 1750c; crushed stone, 1800c; crushed stone, 1850c; crushed stone, 1900c; crushed stone, 1950c; crushed stone, 2000c.

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