NOT IN FAVOR OF LARGER BATTLESHIPS

Recommends the Appointment of Two Vice Admirals and Promotion of a Number of Captains to Commodores.

WASHINGTON, Dec. 4 .- The annual re port of the secretary of the navy was sent to congress today. It reviews the work t the department for the year and asks for an appropriation of \$121,565,718.12, an inrease of over \$11,000,000 over last year. he report says in part:

The report says in pair.

Successful and efficient administration, and indeed good government in all its aspects, depends in greater degree on the personal qualities of the public servants imployed than on the system under which they work. Good men will secure good results under a bad system, although at the cost of greater effort and greater expense than under a good one, but no system, however good; will secure satisfactory results if administered by unworthy men. My experience in this department has convinced me that its work is done, on the whole, with great fidelity and marked efficiency; but I consider these results the fruits not of the system, but of the high haraster, both with respect to integrity and with respect to competency, of the efficers employed.

Two Vice Admirals.

I think the efficiency of the navy would

I think the efficiency of the navy would be promoted and its great expansion, both in size and in sphere of action, rather insequately recognized by the creation of two vice admirals, of whom the senior would under ordinary circumstances, command the Atlantic fleet and the junior the fleet maintained in Astatic waters. The risk of these officers would correspond to that of officers holding commands of the same or less importance in foreign navies, and is fully justified by the magnitude of the interests to be intrusted to their care. If this suggestion be accepted, I would further recommend that the number of rear admirals he reduced by two, so that the midditional expense (inconsiderable at most) would become altogether trifling.

There has been much discussion of late in the press and elsewhere as to the advanced age at which officers of our navy attain obnument rank. I think the apprehensions expressed in some quarters as to

sitiain command rank. I think the apprehonsions expressed in some quarters as to
heir probable inefficiency for this reason
in actual warfare are probably without
sufficient foundation. Doubtless a man is
as well fitted for command at 40 as he
ever will become, but, provided he retain
his health, he will probably remain for the
next twenty years of his life about as well
fitted for this purpose as he then was.
I'ndoubtedly his physical strength will be
lessened, but it must be remembered that
naval officers, if they avoid intemperance,
lead a far more healthful life, with much
less tendency to nervous exhaustion, than
men of the same age in commercial purmuits or the learned professions in civil
life.

manders to be commanders, and of lieuten

Engineers and the Personnel Bill.

Engineers and the Personnel Bill.

The deplorable disaster to the U. S. Bennington, in July last, revived the snimated discussion as to the merits of the act of 1895, generally known as the "Parsonnel bill," and led to many suggestions tooking to the provision of more, or more competent, engineers for the navy. This subject is discussed in the report of the engineer-in-chilef, to which I respectfully invite your attention. I trust his views will receive the careful consideration to which they are entitled from the congress. I must add, however, that I do not share these views, although I recognize fully the necessity for some action to deal with the serious situation which he very accurately describes.

The provisions of the personnel bill in so far as they affect the engineers are based upon the theory that a line officer of the navy must now be a competent sallor. The machines of propulsion in our ships are only the largest among a multitude by which the ship is not merely moved, but guided, ventilated, heated and fought, and an officer in charge of any division of a warship must now be an expert in engineering. It was fiterefore contemplated by this act to make every line officer an engineer, and also every engineer officer a line officer, and experience with its working has not indicated say insuperable difficulty in attaining these ends, provided the law is administered with fixity of purpose and total disregard of prejudice.

The real difficulty, as noted by the engineer in chief, arises in competion with the engineering service on short. The situation, in this respect is already embarrassing and will become a source of weakness and danger to our navy unless it shall be promptly remedied. In dealing with it, I tifink it must be borne in mind that the occupations of building and repairing marine engineer and of operating them on board ship are separate and distinct. I agree with the engineer-in-chief that it is an advantage for those engaged to one of these occupations to have some knowledge of the other,

these occupations to have some knowledge of the other, but this does not seem to me a decidive consideration.

To speedily attain the end desired, we must relinquish some theoretical advantages, and I therefore submit for your consideration and that of the congress the advisability of promptly organizing a service of marine engineers for shore duty only corresponding to the civil engineers now employed at our naval stations. I feel confident that a corps, of this character could be readily recruited from graduates from the best schools of engineering in the country, and that after a comparatively breif apprenticeship at our several naval yards, under the instruction of officers belonging to the former corps of engineers, they would be fully qualified to replace these officers, upon the retirement of the latter, in all forms of shore duty. It will be noted that by this suggestion the alarming scarcity of competent within a very short time, whereas the system suggested in the report of the system suggested in the starting of the system suggested in the starting of the system sugges

this health, he will probably remain for the next twenty years of his life about as well fitted for this purpose as he then was. I'ndoubtedly his physical strength will be lessened, but it must be remembered that the less tendency to nervous exhaustion, than men of the same age in commercial pursuits or the learned professions in civil life.

Nevertheless, it must be admitted that the comparatively advanced age at which, under existing circumstances, an officer can reasonably expect to become a captain is a hardship to the commissioned personnel and undesirable in the general interest of the service. As a means of affording some measure of immediate relief I suggest the re-establishment of the grade of commodore and the promotion of from twelve to sixteen of the oldest captains to this rank. Of course this would lead to the promotion of the like number of commanders to be captains, of lieutemant commanders to lieu

NOTICE

Lindsay Light Company has brought suit in

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against Block Light Company, for infringe-

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Total 22, 200,000

The same reasons which lead me to think it expedient to enlarge the dimensions of the South Carolina and Michigan lead me to advise that the battleships to be authorized be of the type recommended by the Board of Construction. Should professional opinion become substantially unanimous in advocating larger vessels before the construction of these ships is actually commenced, their plans can be, of course, remodeled.

Canolusian.

In dealing with all questions relating to

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ELKINS LAW DOES NOT APPLY TO SUIT

Decides that Santa Fe Was Victim o Salt Company and State Court Should Henr Matter.

KANSAS CITY. Dec. s .- Judge John F. Philips, in the United States district court for the western district of Missouri, today delivered an opinion holding that his court was without jurisdiction in the cases brought here by the federal government charging the Missouri Pacific, the Atchison Topeka & Santa Fe and other rallways with giving rebates on shipments of sait in Kansas and on coal in Colorado and other products in violation of the Elkins act. The motion of the rallways to quash

the proceedings was granted. and the republic of Mexico. The court al-On March 25, 1902, at the instigation of the attornoy general's office at Washington, Judge Philips granted a temporary order restraining the Missouri Pucific, the Santa Fe, the Chicago & Alton, the Burlington and the Bock Island railroad companies Paul Morton, with the transaction. But the from giving alleged rebates on various by the Interstate Commerce commission products. Last summer M. D. Purdy, assistant attorney general, brought additional proceedings, citing the officials of the railways for contempt, on the allegation that they had violated the court's order in continuing to give rebates. The contempt proceedings were argued in Judge Philip's court on November 18, when the attorneys for the railways moved that the proceedings be quashed, claiming that the court was without jurisdiction. Judge Philips opinion is as follows:

However reprehensive the conduct of the defendant railroad company (if it be as alleged in these transactions) may have been, or however much disposed this court may be to compel obedience to its lawful mandates, it is persuaded that it is without authority in this proceeding to draw to it the involved, rightfully belonging to the jurisdiction of the United States circuit courts for the districts of Kansas and Colorado. "Thus saith the law" is a perpetual injunction upon the judge when called today in delivering his opinion, which sustained the motion of the railways, was very lengthy and went into detail in covering the points involved. The grounds of the decision predicated in the opinion are sub-

stantially as follows: Basis of Decision. The original bill of complaint on which the restraining order was granted March attorney general of the United States predicated of alleged violations of the interstate commercee law in granting rebates on shipments of grain and packing house products from Kansas City to eastern points. This suit is based on the conception of the attorney general that the United States had a right to resort to the United States circuit court in equity to carry out the policy of the interstate comnerce law and ot enjoin railroads generally from violating it. But after the temporary restraining order was made, and after the demurrer to the original bill was argued and submitted, the supreme court of the United States in the case of the Missouri Pacific Railway company against the United States, 189th United States reports, decided that the United States circuit court had no jurisdiction to grant such relief; so when the restraining order was issued by the United States circuit court of the western district of Missouri, the court was without jurisdiction, and, therefore, the defendant could not be held in contempt of the court for violating an order which it was without jurisdiction to

The Estimates.

The estimates submitted for the expenses of the department and the service for the fiscal year ending June 30, 1907, exceed by some eleven and a half millions the amount appropriated for the same purpose for the current fiscal year. While this additional expense is, of course, to be regretted in itself, it can hardly be deemed unreasonable, in view of the steady growth of the navy. In fact, these estimates have been reduced by more than \$15,000,600 from the aggregate of those submitted by the several chiefs of bureaus, and I think any further reduction will be made at the risk of diminishing the efficiency of the navy.

It will be observed on examining them that there is a large reduction, in the amount asked for the increase of the navy, the aggregate of the sums requirested for this purpose being some siscond, 600 less than what was given for the present fisual year. On the other hand, there is a very heavy increase in the estimates of the Bureau of Ordnance and considerable additions to the appropriations given for those of equipment and steam engineering, besides the increased amounts required for pay and maintenance of the Navy and Marine corps. Elkins' Law too Late. Second, while what is known as the Elkins' act, passed by congress in February, 1903, authorized such a proceeding by the United States district attorney of the jurisdiction where the offense was com-mitted, this act being passed nearly a year after the restraining order of March 15, Within the past two years very impressive, lessons as to naval problems of the highest impertance have been an meet by the bloody war in eastern Asia, now happily concluded. As to some conclusions to be drawn from this experience, we may fairly say that everyone is agreed. Such are of paramount impurtance to a belligerout of thorough preparation, drill, discipline, target practice and proximity to a well-supplied base at the moment of alecisive conflict. suit might, after the passage of the Elkins' act, have been continued in force by the amendment thereof on the part of the state's attorney alleging that the railthorough preparation drill, discipline, target practice and proximity to a well-supplied base at the moment of declarve conflict.

On other points professional opinion, at least is practically unanimons. It is universally recognized by those qualified to speak that, morale and gunnery being equal, victory will usually fail to the heavier battery; that torpede craft and mines have a real, although a somewhat restricted, field of usefulness in naval warfare, and that superior speed is of value in a fiset, not merely because it enables the commander to force or avoid battle, but because it, is a source of strength in actual conflict.

On yet other questions, however, we cannot say that any such unanimity exists. The recent war has taught us little, if anything, about the utility of submarines. It has caused, or at least left, nuch difference of opinion as to the value of armored cruissers, and it has created a still more serious divergence of views respecting the best limit of size for the future battleship. As a matter of fact, no battleship of as much as 16,000 tons displacement was used by either beiligerent, and while, on the one hand, at least one great nower has determined upon the construction of an 18,000 ton battleship, and others are reported to have in contemplation vessels of from 20,000 to 22,000 tons, on the other some authorities think these leviathans will prove less formidable and more vulnerable than battleships of 18,000 tons, such as our contemplated South Carolina and Michigan.

The department has been caused serious concern by the conflicting advice on the last-mentioned question, tendered it by its authorized expert advisers. The general board recommended some time since that the last-mentioned vessels be increased in displacement from 18,000 tons, and as our contemplated for the Sattleships, to cost approximately \$25,00,000 each, with an anticipated armament of eight 12-inch guns and substantially the same tonnage as is contemplated for the South Carolina and Michigan.

After very carefully road company was then continuing to grant rebates of the character mentioned in the original bill; yet, no such action was taken by the district attorney and if it had been the injunction to be granted would have road company at the time of the amended proceedings under the Elkins' act, but it would not have a reactive effect so as to validate the original injunction order. And furthermore, the offense charged in the information for contempt is the alleged granting of rebutes by the defendant rollroad company on the commodity of sait shipped from Hutchinson, Kan., a year or more after the granting of the temporary restraining order, and of subject matter of commerce entirely different from that covered by the restraining order-an offense committed in the jurisdiction of the United States circuit court of Kansas, and which should have been proceeded in by the United States district attorney of that

make.

state. The court commented upon the fact that the Hutchinson (Kansas) Salt company was using a short line railroad connecting with its plant and also connecting with the defendant railway company, the information charging that the stockholders of said short railroad were the same as the stockholders of the Hutchinson (Kansas) Salt company; and that the defendant rallway had entered into a joint traffic urrangement with that road in the shipment of zalt, making an unreasonable division of the joint rate with the short line road. The court in its opinion animadverts upon bringing such a question before the United States court for determination in a collateral contempt proceeding, rather than proceeding where the short line railroad was in corporated and where all of its business was conducted. It is for the state authorities, it says, to determine whether the state corporation is violating the law of its creation in charging excessive rates; that congress has never undertaken to determine which is the reasonable or the equitable division of joint rates between two railroad companies.

Santa Pe a Victim. The interestate commerce act only requires that the joint rate which is a matter of private contract between the companies, when made, shall be filed with the Interstate Commerce commission at Washington and that it shall not be departed from; that,



of "holding up" the Atchison, Topeka & Santa Pe Railway company by refusing to do business with it unless it would aubmit

shipper as well as the railroads; that it is

not fair play and "a square deal" that the

railroads should "be held" by the shipper

and then punished by the government for being "held up" while the shipper gets

the "rake-off." The court suggested in

the opinion that the railroads could best

assist in relieving themselves from such an

attitude by opening, rather than closing

Clears Ripley and Morton

Fe railway company grows out of rebates

alleged to have been granted by the rall-

road to the Colorado Fuel and Iron com-

and New Mexico to Arizona, El Paso, Tex.,

luded to the fact that this matter had at-

tracted public attention because of the sen-

sational association of the names of Presi-

dent Ripley and the then vice president,

record in the case and the evidence taken

falled to furnish any foundation for tou-

puting to those gentlemen any personal responsibility for the alleged violation of the

interstate commerce law. Such matters.

however, the court said, is extraneous, and

for the reason assigned in the foregoing

discussions the court held that it was without power to proceed to sentence for con-

tempt. The concluding part of the court's

opinion is as follows:

The second information against the Santa

the mouths of those under their control.

was the state of A. C. Snekel's daughter. to the exorbitant action; that greatest offender in such transactions is Miletus, W. Va., with a leg sore. Buck len's Arnica Salve cured her. 25c. For salhe shipper, and instead of going directly by Sherman & McConnell Drug Co. after the shipper under the law the government seeks alone, by a contempt proceed Flood Passes Away. ng, to punish the railroad company which has been held up by the shipper; and the

PITTSBURG, Dec. 4.—The flood caused by the sudden rise in the Allegbeny, Monongahela and Ohio rivers, which threat-ened much damage to the cities of Pittsgovernment will never strike at the root of the rate evil until it goes after the

upon to exercise judicial power which he burg. Allegheny and McKeesport and may not disregard without standing in contempt of his own conscience. Novelties-Frenzer, 18th and Dodge

> Ginners Cotton Report. DALLAS, Tex., Dec. 4.- The report of the National Ginners' association on this year's crop was made public at noon The report gives 9,622,000 bales as the senson's yield. President J. A. Taylor issued a statement saying that the crop re-port his been practically completed and he has allowed 2 per cent for an under-

> > 5

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