# DESERET EVENING NEWS: TUESDAY, JANUARY 8, 1901.



lected on sugars imported into New York from Porto Rico after ratification of the Paris peace treaty, and before passage of the Porto Rican act; the Downes case, duties on oranges brought from Porto Rico into New York after the passage of the Porto Rican act; the Dooley case and the Armstrong case, duties on goods imported from Porto Rico during military operation and partly before and partly after the ratification of the treaty, and also after passage of the Porto Rican tariff after passage of the crossman case, duties on liquors imported from Honolulu into New York after the passage of the reso. lution annexing the Hawalian islands and the passage of the act providing for their government.

for their government. The reference to ex-President Harri-son's Ann Arbor address is preceded by a statement of the government's posi-tion with reference, to the extent to tion with reference, to the extent to which the Constitution applies to new-ly-acquired territory. The brief denies the doctrine of proprio vigore and that all the limitations of the Constitution apply everywhere throughout the scope of the authority of the government, but says there are limitations in the Consti-tution which much through both the tution which apply through both the States and Territories, organized and unorganized.

Because some limitations apply, ft does not follow that all apply. Those which do apply everywhere both within and without the United States in its broadest sense, it says, are those securing the blessings of justice and liberty to all people. Tyranny and oppression cannot constitutionally exist under the ereignty of a republic. whose found ers declared that all men are entitled to life, liberty and the pursuit of happi-ness. This is what Justice Bradley meant when he said, in Mormon Church vs United States (136 U. S. 1-44): ubtless Congress, in legislating for the Territories, would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments. out these limitations would exist rather by inference and the general spirit of the Constitution from which Congress derives all its powers, than by any express and direct application of its pro-This statement of the government's This statement of the government standing ground leads it up to the no-tice which it takes of ex-President Harrison's address. Of this address, Solicitor General Richards's brief says: "In a recent address, a portion of which I understood has been brought to the attention of the court, a dis-tinguished statesman and lawyer af-fects to believe, if the view of the government is correct, Congress could constitutional objection, pass a Porto Rican act providing for a number of shocking things. The govern-ment has never asserted and does not believe, that Congress has the power of a despot in Porto Rico. The funda-mental limitations in favor of personal rights which are formulated in the Constitution and its amendments re-ferred to by Justice Bradley, stand in the way of everything suggested which shocks the moral sense. Congress could not pass an ex post facto law, or declare an attainder, or grant any title of nobility or provide for the trial or punishment of treason other than in the law marked out by the Constitution, all these things being prohibited by direct and applicable propositions. If the first ten amendments do not limit by direct application, Congress in leg-isiating for our new possessions, isiating for our new possessions, neither do they operate within the



## SENATORS PROMINENT IN THE DEBATE ON THE ARMY BILL.

The debate in the senate on the army reorganization bill is perhaps the most important that the present congress will see. Senator Hawley, as chairman of the committee on military affairs, is championing the measure. Among the more active opponents of the bill are Senators Pettigrew and Bacon.

render Any Principles.

Victory in 1904.

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the exigencies of their social life, has been sustained. If the constitutional guarantees relating to indictment by a jury and trial by a petit jury are not federal in character and therefore do not tie the hands of the inhabitants of a Teartiene when computing and of a Territory when organizing as a State, why should they tie the hands of the President and Congress in pre-serving order and in protecting life and property in our new possessions? "It is a strange contention that as soon as the treaty went into effect the

power of the President and Congress to preserve order in the new possessions ceased. There were no grand ju-ries, no petit juries, no machinery for ries, no petit juries, no machinery for punishing crime by the forces of the Anglo-Saxon law, and yet, if the limi-tations intended for the States at once of their own force applied in these new possessions, crime could be pun-lshed in no other way. The Constitu-Omaha, Jan. 7 .- The tenth annual hanquet of the Jacksonian club of Nebraska was held at the Millard hotel tonight, 350 persons sitting at the tation which gave the United States the power to acquire property by treaty and imposed on Congress the duty of governing it, did not leave the national government helpless by demanding im-R. Tillman, whose address was on "The ossibilities Democratic Party; Its Duty and Des-The brief then goes into the question of the validity of the duties assessed and collected on the several importatiny Senator Tillman said the liberty and tions involved in the cases at bar, fol-lowing the general lines of the argu-ment heretofore made by Attorneyfreedom of the country depended on the Democratic party, whose future General Griggs. must decide the question of imperialism. It, however, contains some new sugor freedom. He said he was pleased at restions, the most interesting being this: If Chief Justice Taney was wrong (referring to the case of Flem-ing vs Jago, holding that the United the enthusiasm with which he had been received. "I am not in the habit of at-tending banquets," said the senator, "and am somewhat at a loss how to received. States may demand the cession of ter ritory as the condition of peace, in or ake the Democrats on this occasion." Mr.Tiliman said he had no aspiration. der to indemnify its citizens for the in-juries they have suffered, or to reimto be a untional leader, but was satis-fied to represent the people who had chosen him for that purpose. He de-fined the position of the Democrats of the different sections of the country and burse the government for the expenses of war), and we cannot take territory sub modo, to indemnify or reimburse us, but only to make it a part of the United States, then before the Presi-dent carries a war into the enemy's dvocated the standing together of all those who adhere to Democratic princountry he should send a committee ahead of the army to ascertain and report whether the territory he prociples Mr. Tillman paid his respects to exnew trying to "come forward and save the party." He said he refused to com poses to invade and conquer is fit to be made a part of the United States, for neither the treaty-making power non Congress can prevent that result if a promise with Mr. Cleveland, and said it was presumption to attempt . to say cession follows conquest. Before the President sent Dewey to Manila he should have satisfied himself that the what would be the duty of the Demo cratic party four years hence. He declared no one could attempt to Philippines were suitable for incorpo-ration into the Union, for we could de-stroy the Spanish power there only at what would be the policy of the party in 1904. "Our destiny," said he "must be defined by the principles which have guided the party since its foundation." the risk of have to assume the bur-Mr. Bryan began his address at 1:25 a. m. He sald in part: "I do not take dens of sovereignty ourselves."

gaged with the Boers and lost forty officers and men killed or wounded. The fact that the wounded had been taken into Heilbron indicates that Knox's mounted force has followed De. W.J. BRYAN ON DEMOCRACY wet from the Orange and Calden rivers. Would Rather Continue to Lose than to Surin southeastern corner, to the northern edge of the colony toward the Vaal, He edge of the colony toward the Vaal. He has not been diverted from his pursuit by raids of mauraders south of Orange river, but has traversed the country keeping on the right side of the rail-way. He has a roving commission evi-dently and has been ordered to follow Dewet as long as his horses are fit for the work. The new Lindley affair will probably turn out a Boer success, either or the part of Dawet or of the forces Outlook Not So Dark As in 1872-Predicts Regeneration of Party and

on the part of Dewet or of the forces which have crossed the Vaal, broken which have crossed the value of the second through the railway cordon at Rhenos-ter and reached Lindley. It is a fresh indication that the fighting is not over, although Lord Kitchener and the burghers have been handing about the



States which compose the Union. "As this court, speaking by Chief Justice Walte, said in United States vs Cruinkshank et al., (92 U. S., 541-552): "The states of the stat The first amendment to the Constitution prohibits Congress from abridging the right of the people to assemble and to, petition the government for a redress of grievances.'

This, like other amendments, proposed and adopted at the same time, was not intended to limit the powers of the people, but to operate upon the national government alone. "Protection of life, liberty and prop-

erty, rests primarily with the State,' as Chief Justice Fuller said in Re Kempler (136 U. S., 428-448). The Constitution makes no provision

for protecting the citizens of provision States in their religious liberties, for this is left to the State constitutions and laws,' says Mr. Justice Catron in Parmell vs First Municipality In Parmell vs First Municipality (3 How, 539-609). The Constitution forbids the States to pass any bill of at-tainder, ex post facto law or law im-pairing the obligation of contracts, or to grant any title of nobility, and the ourteenth amendment provides that to State shall deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal pro-tection of the laws; but outside the range of these limitations, the people of the State, through its constitution

and laws, are supreme, "They can define treason against the State as they see fit; they can limit the freedom of speech and of the press; they can restrict the bearing of arany can restrict the bearing of al-rangements; they can provide for the quartering of troops; they can regu-late the right of search and of arrest; they can provide for the trial of capi-tal or the trial of capital or other infamous crimes upon in-formation and without indictment, and They can do away with the trial of clvil suits by a jury. And they may do many other things which I need not enumerate.

The right of the people of the States to change their laws and system of procedure so as to make them conform to changed views of administration or



then give a verdict on the evidence as to the merits of Dr. Pierce's Golden that the people would soon understand Medical Discovery.

#### WHAT MRS. HAYTER SUFFERED.

said: "When a man is divorced from his wife he no longer looks after the "I had been sick for more than a year with kidney trouble." writes Mrs. Lacy Hayter, of Jacksboro, Jack Co., Texas. "Several different doctors treated me, but nome did me any good. One doctor said that I never could be cured, that I had Bright's Disease. I suffered nearly death at times i had spells the doctors called spasma, Was bed-fast most of the time for six months. My mother begged me to try Doctor Pierce's Golden Medical Discovery." welfare of his wife until he is remar-ried to her." Mr. Bryan predicted a regeneration of the party and victory in 1904. FRESH AFFAIR AT LINDLEY.

#### WHAT DR. PIERCE SAID.

"With but little hope I wrote to Dr. Pierce, and he said 'he could cure me.' I began to take his 'Golden Medical Discovery,' and aithough I had given up to die. I began to improve from the start, and by the time I had taken twenty-two bottles I was entirely cured. I weigh more than ever before in my life and am entirely well."

Dr. Pierce's Golden Medical Discovcry cures diseases of the stomach and other organs of digestion and nutrition. It cures through the stomach diseases of heart, liver, lungs, kidneys, etc., which have their origin in disease of the stom-

ach and its associate organs. Sick persons are invited to consult Dr. Pierce, by letter, free. All correspond-ence private. Address Dr. R. V. Pierce, "uffalo, N. Y.

bles. The occasion was one of interest on account of the presence of Hon. W pipe of peace. J. Bryan, who responded to the toast KILLED WITH A HAT PIN. "Democracy," and Senator Benjamit.

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as personal the eulogies offered to ma

this evening, but rather to my connec-tion with the Democratic party." He

referred pleasantly to Senator Tillman, and said he was glad to have the Dem-

ocrats of Nebraska know more of the

senator than they were able to learn

Mr. Bryan asserted that he was by no

means out of politics, and each follow-ing campaign would find him arrayed

ten in Kansas City is right now.

this manner.

tion was vindicated when the Republi-

can party decided that it was necessary

to increase the money circulation. He arraigned the Republican party for

what he termed hypocrisy on the trust

question and other planks of its plat-

form. He insisted that the Democratic

rty was the conservative party, and

Referring to party reorganization he

Believed it Will Turn Out to be

Another Success for the Boers.

Tribune from London says: The fresh affair at Lindley, where the British have already had many mis-haps, is vaguely described by Lord Kitchener. The force referred to as the

body guard' is not Knox's own guard,

but a distinct organization, either a

corps recruited by Lord Roberts for personal protection during the march from Modder river to Pretoria or some other South African contingent, Military

men do not understand that Gen. Knox himself was with the force which

suddenly was attacked by a Boer com-mando of superior strength, but explain

Tribune from London says:

New York, Jan. 8 .- A dispatch to the

through the press.

## Fate of a Young Man Who Kissed a Girl Against Her Will.

Minneapolis, Minn., Jan. 8 .- A special to the Times from Tacoma, Washn ... says:

Last week at Prescott, Walla Walla ounty, Frank Sloan in fun kissed Miss Ella Boone, whom he had blindfolded. She resented his action, and pulling a hat pin from her hat, stabbed him in the leg. The pin was broken off in his limb, and blood poisoning resulted. Next day the pain became so intense that Sloan went to the hospital at Wal-An X-ray machine failed to a Walla. locate any sign of the remaining por-tion of the pin, and Sloan grew worse and died. Miss Boone had remarked in Sloan's presence that she had never been kissed. This innocent remark led This innocent remark led to Sloan's death.

## P. D. ARMOUR'S FUNERAL.

### Will be Private Services then Body Will Lie in State.

Chicago, Jan. 8 .- The funeral of Philip D. Armour will take place tomorrow in the Armour Mission. The family found it necessary late last night to make a change in the original plan. which contemplated only a private ser-vice at the residence, 2,115 Prairie avenue. So many manifestations of public interest and sympathy were aroused by the death of Mr. Armour that those in-trusted with the arrangements quickly perceived that the capacity of the resl-dence would be inadequate. Late last night the following notice was issued by the family:

The final arrangements regarding the funeral of the late Phillp D. Armour provide for private services at the family residence for relatives and friends at a time not yet fixed.

"The public services will be held at the Armour Mission, Thirty-third street ing campaign would had him arrayed on the side of Democracy. "I would rather continue to lose," said he, "than to surrender any of the principles for which we have fought. The situation was not so dark in 1872 as now, but we and Armour Avenue, where the body will lie in state from noon until 2 p. m. Wednesday, January 9."

The active pall bearers will be select-ed today from among the heads of the departments of Armour & Co. The honwon in 1876. We are still in the right. The platform that was right when writ-Mr. Bryan said the position of the Democratic party on the money ques-

departments of Armour & Co. The hon-orary pail bearers will be: Roswell Miller, C. H. McCormick, John C. Black, George B. Harris, Jesse Spalding, Frank H. Head, Marshall Field, George H. Webster, C. M. Favor-ite, A. J. Eatling, Otto Young, Samuel Allacton Allerton

Frank W. Gunsalus will deliver the funeral sermon. An immense gath-ering is expected, in view of the fact that business will be entirely suspended in every department of Armour & Co.'s vast establishments, both in Chicago and in other cities. Hundreds of em-ployen thus will be enabled to attend the services. The burial will be private at Graceland cemetery.

H. O. Armour, the only living brother, will arrive in this city today from New York. The neuhews, Kirk and Charles of Kansas City, reached the city last night. Many of the lieutenants of Armour & Co., in other cities will come to Chicaga today.

## CRINA'S REQUEST DENIED.

### Von Waldersee Says the Expeditions Will Not Cease.

Pekin, Jan. 7 .-- Count von Walder-Pekin, Jan. 7.--Count von Walder-see says that China's request, through her representatives at foreign courts, that the expeditions cease, cannot be complied with at present. No expedi-tions, he asserts, are sent out without adequate cause. Where there are scenes of bloodshed or disorder the troops are sent to it, this being the only means of preventing outrages. He declares that the expeditions are not declares that the expeditions are not intended for punitive purposes, but merely for police purposes, with a view of giving the necessary protection to that several British columns are co-operating in the pursuit of Dewet, and ,hat one of them has been sharply enlife and property.

