

# THE DESERET EVENING NEWS.

TRUTH AND LIBERTY

FRIDAY, MAY 24, 1901. SALT LAKE CITY, UTAH.

NUMBER 158.

FIFTY-FIRST YEAR

## CONSTITUTION DOES NOT FOLLOW THE FLAG

### United States Supreme Court Will So Hold Decision, Which Will Be Handed Down Monday, Not Unanimous.

Chicago, May 24.—A special to the Herald from Washington, D. C., says: The decision of the Supreme Court in the case of the United States v. Wong, which does not follow the flag. This is the most important that great decision has ever made, will be handed down Monday.

The decision is in favor of the government, but by a divided bench. It will be at least five individual opinions, but some of these are concurred in, expressing the views of the writers more fully and particularly than is done in the opinion of the majority.

The court goes back to the period in which the republic was formed and endeavors to ascertain what was the intent of the framers of the constitution.

The opinion of the majority of the court is that the uniform taxation clause of the constitution, which has been invoked by the appellants in these cases, is in the following manner: The framers of the constitution, in writing that clause, had no thought of

its application to territorial possessions. No such question as is now presented had arisen in their minds. The clause "all duties, imports and excises shall be uniform throughout the United States," the court holds, was placed in the constitution as a result of the jealousies of the states which united in forming the nation. It was intended to prevent any state or combination of states securing advantage over another or others; to prevent the ports of one state gaining preference over those of another in the importation of goods.

This rule of uniformity was made primarily for the states united, the court holds, not for territories then possessed or afterwards acquired and the constitutional requirement is satisfied as long as all duties on imports are uniformly imposed at all the ports throughout the United States. The advantage of this uniformity may be extended to territories and possessions not states and not members of the American union, but that is for Congress to determine under the authority of the constitution.

## PROCURING CURIOS IN PEKIN.

### Question Before Diplomatic Corps—Story of How an American Lady Secured Some, Against Protest, Related at Meeting of the Ministers.

New York, May 24.—A dispatch to the Herald from Peking, says: The last general meeting of the diplomatic corps was the scene of a most acute phase of the controversy over looting.

The question was raised by diplomats friendly to Lady McDougal, who think a great injustice was done her by the supposed reference to her in one of Gen. Chaffee's letters upon the subject of looting.

Ministers of two European countries, who were with her throughout the day, declared that she left the palace without any plunder except a yellow robe placed in the empress' garden.

"But," they said, "we did, however, witness one scene of looting which, together with Lady McDougal, we tried, but unsuccessfully, to prevent. In the palace we met the wife of an American, accompanied by an American curio dealer. We suggested that the reception was exclusively for the members of the diplomatic corps, but she persisted in taking the curio dealer, whose expert opinion she wanted upon some of the empress' ornaments.

"Reaching the pavilion, the curio dealer said: 'Here, I am informed, most valuable porcelain is concealed.' In spite of the protests of Lady McDougal and ourselves, the wife of the American tried to open the cupboards. Finally she called an American soldier who pried a cupboard open with his bayonet, whereupon not wishing to assist at a scene we could not prevent, we withdrew."

The American representative at the meeting made no reply.

## PRESIDENT STARTS TOMORROW.

San Francisco, May 24.—Mrs. McKinley continues to improve and no change in the previously announced program of the President's movements is likely to be made. This morning President McKinley took breakfast at the home of Mr. and Mrs. George B. Moore. Here he met a few friends of Mrs. Moore, who is his niece. The remainder of the forenoon was devoted to the consideration of affairs of state. At noon the ceremonial corps was received at the Scott residence, and after lunch the President attended a reception tendered by the Sons and Daughters of the Revolution and the Loyal Legion at the Palace hotel. This was quite brief, and at its conclusion the President was driven to the United States transport dock, where he boarded the tug Golden Gate and crossed the bay to Oakland. Here he passed reviewed thousands of school children who were lined along the sidewalks. Each boy and girl carried an American flag, and the President's welcome was extremely enthusiastic. On returning to this city the President will proceed directly to his home, where he will pass the evening quietly with Mrs. McKinley. He will retire early, in order to obtain needed rest before beginning the homeward trip tomorrow.

## INTERCOLLEGIATE SPORTS.

New York, May 24.—The athletes of a score of universities and colleges met this afternoon in the preliminary trials for the intercollegiate championships at Berkeley oval. The finals will be held tomorrow afternoon at the same field. Yale was the favorite for the championship, although conservative estimates made at Harvard a close competitor and Princeton a dangerous opponent.

**SUMMARIES.**

One hundred yard run, trial heat—Won by H. H. Chudman, Bowdoin; O. S. Westney, Pennsylvania, second. Time, 16 3-5 seconds.

Second heat—Won by F. M. Sears, Cornell; J. B. McLain, Pennsylvania, second. Time, 16 1-5 seconds.

Third heat—Won by M. T. Lightner, Harvard; G. Cook, Pennsylvania, second. Time, 16 1-5 seconds.

Fourth heat—Won by C. Dupree, Yale; L. E. Haight, Harvard, second. Time, 16 1-5 seconds.

Fifth heat—Won by A. F. Duffee, Georgetown; R. M. Ingham, Yale, second. Time, 16 1-5 seconds.

Sixth heat—Won by N. H. Hargrave, Yale; E. H. Goodman Jr., Pennsylvania, second. Time, 16 1-5 seconds.

Seventh heat—Won by G. S. Westney, Pennsylvania, second. Time, 16 1-5 seconds.

Eighth heat—Won by J. B. McLain, Pennsylvania, second. Time, 16 1-5 seconds.

Ninth heat—Won by J. B. McLain, Pennsylvania, second. Time, 16 1-5 seconds.

Tenth heat—Won by J. B. McLain, Pennsylvania, second. Time, 16 1-5 seconds.

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