

## THE GOVERNMENT WANTS REHEARING

Of Cases Involving Construction Of President's Philippine Tariff Order of July 12, 1898.

### PETITION U. S. SUPREME COURT

Atty.-Gen. Moody Criticizes the Reasoning of Justice Holmes, Disagreeing With Him.

Washington, May 17.—A petition of the government for a rehearing in the cases of the United States vs. Peabody & Co. and the United States vs. Warner, Barnes & Co., involving the construction of the president's Philippine tariff order of July 12, 1898, was submitted to the supreme court of the United States today. The petition was presented by solicitor-gen. Hoyt and was supported in a brief by Atty.-Gen. Moody.

The case was decided a few weeks ago adversely to the contentions of the United States, and the decision was accepted by the government as calculated to impose no considerable burden on the treasury. The attorney-general concludes his statement as follows:

"The reason for the importance to the government of the ground on which this case is to be decided, if it must be decided in favor of the complainants, is that there are doubtless claims amounting to more than \$1,000,000, on which all was not brought before July 1, 1892, the date of the ratifying act, but on which suits have been and will be brought in view of the present decision of the court. For these reasons, we think it of the utmost importance to the government that an opportunity should be given for a rehearing, in which the question of construction and ratification may be given a much fuller consideration, in view of all of the history of this legislation, than as it is respectfully submitted, it has heretofore had."

In his petition Mr. Hoyt recalls the fact that the decision was based upon the 11 diamond rings case, but contends that the cases are fundamentally different. The court held that the president's order expired by its own terms when the war with Spain came to an end, but the attorney-general says:

"It is difficult to see why, because the exercise of the war power was initiated under a foreign war, it ceases at the end of that war, and is not extended on into a much more serious war, simply because the territory was domestic. To entertain this view, it seems to me, to disregard the doctrine laid down in the civil war cases, which unhesitatingly sustain the exercise of executive power for which the government contends in dealing with an insurrectionary war in domestic territory. The president consciously and intentionally imposed the order on the war, and was not misled into unknowingly giving an authority in blank. There cannot be the slightest doubt about this. The commanding general and the subordinate officers acted at all times in strict accordance with the executive orders."

The court's inquiry, says Mr. Hoyt, was not exhaustive, and the attorney of the case rests upon the intention of Congress in ratifying the acts done in

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the Philippines. The government is convinced, he says, that Congress intended to ratify all that was done by the executive authorities in the Philippines. After extending this argument at some length by way of giving reasons for the rehearing, Mr. Hoyt concluded:

"Without magnifying the case, it is possible, I think, that while the opinion of the court strikes down only the tariff on merchandise from the United States, the legality of the entire structure of civil government after the ratification of the treaty is involved, and may be hereafter relative to other features not now presented or foreseen, if the court adheres unqualifiedly to the logic of its opinion."

"The court would not regard as controlling either the large amount of money involved or the fact that the claimants added the duties to the price of their goods. But it is worth while to point out as accentuating the great importance of this case that the refunds called for under the decision of the act of 1892 are the sum of \$2,000,000, and that this vast sum will be paid, in large part, to claimants, many of them aliens, who, as public records show, were, on the whole, opposing rather than supporting the authority of the United States."

In his brief, Atty. Gen. Moody reviews the conditions existing when the order was issued, and he deals in detail with the effect of the order and the amendments to it, showing that under these orders duties were levied on all goods going into the Philippines from the United States. Discussing Justice Holmes' decision as to whether the act of 1892 had the effect of ratifying the collection of tariff under the president's order, the attorney general says:

"It is difficult to follow the reasoning of the learned justice. The section approves 'The actions of the government of the Philippine Islands,' taken in accordance with the provisions of said order and subsequent amendments." He says "That the approval of the action of the authorities is confined to those which were in accordance with the order which, as we have already intimated, the collection of these duties was not."

"With deference the approval is not confined to those actions in accordance with the order, but is expressly and exclusively extended to include those which were taken in accordance with subsequent amendments. It is possible that actions taken in accord with subsequent amendments are to be excluded from the effect of the order, because they were not in accord with the original order? Why add the words subsequent amendments at all?"

Romaine Retracts Confession.

Denver, May 17.—In a letter to a newspaper correspondent in this city Robert B. Romaine has retracted the alleged confession made by him in jail

at Topeka, Kan., last September, implicating the Western Federation of Miners in the independence depot explosion of June 6, last year, by which 15 miners were killed, and a number of others maimed for life. Romaine now declares there is no truth in the statement which he made in the hope of thereby securing his freedom, and the particulars of which, he says, were furnished him by a man from Cripple Creek, who visited him in jail, gave him \$5, and promised him more money. Romaine is now serving term in prison at Lansing, Kan., for burglary.

### NAN PATTERSON'S COUNSEL.

A. Levy Says He Is Through With the Case for All Time.

New York, May 17.—Abraham Levy, who defended Nan Patterson during her trial for the murder of Caesar Young, announced today that he had withdrawn from the case, finally and absolutely.

Mr. Levy said he understood that Miss Patterson intended to accept an offer from a third party to have her discharged from custody, my hands were cleared. I am through with the Nan Patterson case. That cannot be put too plainly."

### MATRIMONIAL AGENCY.

Chicago Detectives Arrest Three Persons Conducting One.

Chicago, May 17.—In a raid made today upon the "Belmont Corresponding Club," an alleged matrimonial agency at 12-14 State street, detectives arrested three persons and seized several thousand letters and photographs. The prisoners gave the names of Oscar Weiss, "Doc" Mosh and M. Feicher. They were charged with disorderly conduct and were released under bonds to appear to-morrow before Justice Prindle.

### CASSIE CHADWICK.

She Makes a Statement Concerning Her Affairs.

Cleveland, Ohio, May 17.—Mrs. Cassie L. Chadwick made a statement to the representative of the Associated Press tonight concerning her affairs in which she said:

"Since Jan. 1, 1901, I have had \$1,210,000. Of this amount I borrowed not over \$400,000, the remainder coming from a trust fund and some sales."

"In April or May, 1901, I owed only \$55,000. I paid that debt. I was then induced to make an investment which called for almost \$400,000. I took no security for this investment, and the transaction so far as I was concerned never materialized. The investment was made upon the advice of a friend."

"In February, 1902, after my return from Europe, I was informed that my investment was a loss and that I was in debt \$400,000. Besides that sum there was an additional loss which I had incurred of \$200,000. In order to meet these obligations I made large loans for which I paid heavy commissions."

"I have borrowed in all \$900,000. I obtained \$175,000 on my own note. A loan of \$240,000 was secured by me on the endorsement of a prominent New Yorker. The other \$400,000 I have mentioned before."

### AUTOMOBILE ACCIDENT.

G. A. Kram Has Collar Bone Broken Near Goldfield.

Goldfield, Nev., May 17.—Chas. A. Kram, law clerk in the treasury department at Washington, D. C., was thrown from the automobile stage on the road from Goldfield to Tonopah this morning and received a compound fracture of the collar bone and other injuries. This is his second automobile accident this month. In Denver two weeks ago his chauffeur drove his machine into City Park lake, Mr. Kram jumping just in time to save himself.

J. G. Sweeney, attorney-general of the state of Nevada, arrived at Goldfield today after having had a walk of 27 miles because of an automobile break down between Bullfrog and Goldfield.

### GAMBLING HOUSE FOR WOMEN

One in West 43d St., New York, Raided by Detectives.

New York, May 8.—A gambling house for women has been raided in West Forty-third street by city detectives. Gaming tables, roulette wheels, playing cards and telephones were confiscated, and the only man found on the premises was arrested on charges of conducting the place.

A dozen or more handsomely garbed women were leaning excitedly over the tables when the police entered. With screams of alarm they ran to all parts of the building. Some jumped over the roof, but the others were found in closets and in the coal cellar. They pleaded hard for mercy, and after taking their addresses and confining them to a severe lecture the police allowed them to go. A big crowd which had assembled on the street, jeered the women as they passed.

Apparently the place was formerly a pool room, but had been fitted up with gambling paraphernalia so the habuies might find diversion between the races.

### WHIPPING POST LAW.

One for Oregon Wife-Beaters Effective Today.

Portland, Or., May 15.—The "whipping post law," passed by the session of the legislature January last for the punishment of wife beaters, goes into effect today in this state. The new law provides that a man convicted of wife beating may be punished with whipping, not exceeding 20 lashes, but this is only an additional punishment and not the exclusive punishment for the crime. The crime of punishment by fine or imprisonment is still in effect under the new law.

According to the law, the whipping is conducted within the walls of the county or city jail, and by the sheriff of the county or by a regularly appointed policeman, as the case may be.

### Deaths From Plague at Harbin.

London, May 18.—According to the correspondent at Tokyo of the Daily Telegraph, a severe epidemic of the plague has broken out at Harbin, and the deaths resulting thereon average 30 daily.

### Otto Kroeschell's Body Found.

Chicago, May 18.—The body of Otto Kroeschell, a wealthy manufacturer of boilers and machinery, has been found by divers at work on the Chicago river. The finding of the body ended a search by the police and relatives of Mr. Kroeschell, which has lasted nine days. He had been missing since May 8, when he left his home to go to his office.

For several months Mr. Kroeschell had shown symptoms of mental aberration according to his family. It is supposed that he either fell accidentally into the river while wandering or committed suicide in a fit of derangement.

## ROJESTVENSKY CUTS COMMUNICATIONS

Now on Final Stage of Journey to His Goal, Either Togo or Vladivostok.

### FIGHT MAY OCCUR ANY TIME.

On Military Side Indications Are for Another Great Battle Very Soon.

St. Petersburg, May 18, 2:40 a. m.—With a suspicious stoppage of dispatches from Manchuria and a strong possibility that Vice Admiral Rojestvensky has cut his last communications with his last communications, the final stage of his journey to his goal, either Togo or Vladivostok, seems interest is manifested in naval and military circles here on the two-fold field of war.

Through the admiralty, which has been completely silent since the advent of Rojestvensky in the China sea, publishes no dispatches, the conviction is growing that the united squadrons, as indicated by the Associated Press on May 15, departed from the Amann coast immediately after their junction, and naval officers are anxiously expecting news of the first skirmishes between scouts of the hostile fleets.

Capt. Clado confirmed the statement of the Associated Press that the vessels of both squadrons are equipped with apparatus for cleaning their bottoms at sea. He said it was entirely possible for Vice Admiral Rojestvensky to put the last finishing touches to the vessels of his division during the mysterious interval when they were lost to sight before passing the straits of Manchuria.

Neither the admiralty nor individual officers have any information regarding the rumored request of Vice Admiral Rojestvensky to be relieved, and all who were expressed regarding the report expressed doubts of its accuracy. It was pointed out that it would be entirely impracticable for the fleet to delay in the China sea until the arrival of Vice Admiral Birlhoff, and it was declared that Rojestvensky will keep his fleet in the China sea until he is incapacitated for command, which would then naturally devolve on Vice Admiral Volkensan, who is known as an officer with a Teutonic thoroughness and attention to the details of his profession. He is also a notable strategist and theoretician.

The Associated Press was informed late last night that Vice Admiral Birlhoff will be sent to Vladivostok, which possibly accounts for the origin of the rumor of Rojestvensky's request to be relieved of his command.

On the military side the indications are that events are rapidly shaping for the preliminary stage of another great battle. The Russian army has been retrained and is ready for action, and it is asserted that Gen. Linovitch is not the man to waste days in inaction. A further mobilization of cavalry in one or two districts was ordered today, and no large draft is required, as reinforcements for the cavalry arm are at hand in the recently embellished Cossacks, whose departure for Manchuria was postponed in anticipation of May day troubles, the most of whom can now resume the trip eastward. A small but important detachment will leave St. Petersburg today to join Gen. Linovitch's army.

### RUSS SCENES IN MANCHURIA.

Gen. Oku's Headquarters, May 14, 3 p. m. (via Pusan).—The railway has been completed and is being incorporated as far as Tieling, temporary bridges replacing those that were destroyed. Work is being rapidly pushed north of Tieling and material for permanent bridges is arriving from Japan. Thousands of junks are carrying supplies on the Lia river, between Newchwang and Tieling.

### ROJESTVENSKY'S HEALTH.

St. Petersburg, May 17.—Very disquieting reports are in circulation this evening about Vice Admiral Rojestvensky's health. It is said that he has telegraphed to the emperor that it is impossible for him to proceed. An evening paper prints a report that the admiral suffers from a nervous breakdown.

No official confirmation of the report that Rojestvensky has requested to be relieved from duty is obtainable at the admiralty. Nevertheless, the admiral's health has been the cause of considerable anxiety here. It is well known that he suffered from kidney trouble before leaving Cronstadt, and throughout the long voyage to the east he suffered at times to such an extent that he had to be carried about on a stretcher.

But the Russian commander stoutly braved to his post. If he is now compelled, on the eve of battle, to give up his command, the admiralty would regard it as little short of a national misfortune.

Rojestvensky has proved to be a genuine sea commander and a confident leader. He would show equal ability as a fighter. Should Rojestvensky be compelled to leave the fleet, the command would devolve on Rear Admiral Volkensan, who is now with Rojestvensky.

### DISREGARDED NEUTRALITY.

Saigon, Cochinchina, May 17.—Admiral de Jonquieres, the French naval

commander at Saigon, who has been cruising along the Annam coast on the cruiser Guichen, returned here today. According to the reports gathered concerning the Russian fleet Admiral Rojestvensky showed absolute disregard of the discussions on the subject of neutrality.

The Russian commander proceeded as if his position gave him complete independence. He declared that he acted on his own judgment and said that criticism did not change his opinion. From discipline, it is added, was maintained on board the Russian warships.

### NAVAL ACTION EXPECTED.

Tokio, May 18, Noon.—The reported departure of Vice Admiral Rojestvensky from Honkoku bay northward renewed the popular expectation of a naval action in the near future. It is believed that Admiral Rojestvensky, having filled his coal bunkers, and resupplied his fleet is now in a condition to assume the aggressive, if he so desires. It is the opinion of some that Rojestvensky may make a demonstration in the vicinity of the islands of Formosa, and the Pescadores, and then enter the Pacific en route for Vladivostok. This, however, is purely speculative. Everything depends upon Admiral Rojestvensky's plans which, while as yet undisclosed, may include an extended stay in southern waters.

It is reported that the contractors who supplied the coal and provisions to Admiral Rojestvensky in Indochina waters, approached the French colonial officials prior to the arrival of the Russian fleet, and arranged a rendezvous at Kiamranh and Honkoku bays. Confirmation of this report is, however, not obtainable.

### JUNCTION OF FLEETS MADE.

Saigon, May 18.—A junction was effected May 8 by the squadrons of Vice Admiral Rojestvensky and Rear Admiral Nebogoff. It took place outside territorial waters.

The vessels started seaward May 14, going in an easterly direction.

### TEA

The American trade is not very prosperous; so much trash.

Your grocer returns your money if you don't like Babbler's tea.

### GARDNER DAILY STORE NEWS



Thin underwear is the first step to comfort as the sultry days approach.

Taking the past few days as an indication,

'Tis time to take that step now.

We can give it to you as thin as you like

And as good as it is thin, 50c to \$10 the suit.

All of the good light weight kinds.

ONE PRICE.

J. P. GARDNER

136-138 MAIN ST.

THE QUALITY STORE.

## MORO OUTLAW PALA.

He Has Been Killed and Troops Trail His Followers.

Manila, May 18.—News has been received that Pala, the outlaw Moro chief, who has been pursued the past two weeks on the island of Jolo by troops under the command of Gen. Leonard Wood has been killed. His few surviving followers are being trailed by the troops. At the beginning of the uprising Pala was reported to have a following of 400 well armed men, most of whom have been killed.

### Joe Jefferson's Birthplace Sold.

Philadelphia, May 18.—Joseph Jefferson's birthplace has been sold at auction for \$8,125. It is a three and one-

half stories stone building at the southwest corner of Fifth and Spruce streets. Some years ago a plan was formed to purchase the property and hold it as a Jefferson museum but the idea was dropped.

### AT CONEY ISLAND.

Censorship Established Over Exhibition of Freaks.

New York, May 18.—For the first time in the history of Coney Island a censorship has been established over the exhibition of freaks and amusements there. An employee of the Brooklyn license bureau will exercise this function. He has already withheld permits from the managers of several monsterities which he declared to be revolting.

The Best Hot Weather Medicine

SALE TEN MILLION BOXES A YEAR

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THEY WORK WHILE YOU SLEEP

PREVENT ALL SUMMER BOWEL TROUBLES

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ONE PRICE TO ALL NEVER UNDERSOLD

For Friday and Saturday!

The Biggest Special in Ladies' Shirt Waist Suits at \$2.00 Each.

Our entire stock of new 1905 shirt waist suits, consisting of mercerized cutting in the new shepard plaid, Persian lawn and fancy materials, very elaborately trimmed with fancy washable braid, all made in the newest style and pattern. Sizes 32, 34, 36, 38, 40, 42 and 44. These suits were bought to retail at \$5.50, \$4.50, \$4.00, \$3.50 and \$3.00. For two days only your choice at—

# \$2.00

**SPECIAL**

# THREE HOUR SALE!

Tomorrow Morning From 9 to 12 Only!

**CORSETS**—Any of the Premier "Bon Ton" W. B. and Worcester High Grade Corsets. Any values up to \$5.00 pair. Three hours. One pair to a customer only. **\$1.50**

**GLOVES**—The Elsa Nicholas "Trousseau" and Amazon Dress Gloves for Ladies. All colors and sizes. \$1.75 and \$2.00 values. Three hours, per pair. Only one pair to a customer. **10c**

**MEN'S HOSE**—Black Mace Cotton with Embroidered Colored Silk Stripes, selling at 20c the pair. Three hours, per pair. Only one pair to a customer only. **8c**

**GINGHAMS**—The Celebrated Red Seal Zenker Gingham. You have always paid 10c a yard for this brand. Three hours, per yard. 10 yards to a customer only. **8c**

**RED SPREADS**—The Full Size Marseilles Red Spreads that will cost you \$1.35 and \$1.50 anywhere in the city. Three hours only, each. 7 yds to a customer only. **89c**

**RIBBONS**—Wash Taffeta Statin Taffeta, all Silk Ribbons. Full 4 and 5 inches wide. Come in all colors, and sell regularly at 25c the yard, per yard. 10 yards only to a customer. **13c**

We shall give all day a coupon entitling bearer to one sitting for photograph by Mr. Newcomb, with every \$2.00 purchase.

**New York Cash Store.**

## WOMAN'S RIGHTS ARE MANY:

- To Be.
- To Be Well.
- To Be Happy.
- To Be Good Looking.
- To Be a Wife



DR. R. V. PIERCE, of Buffalo, N. Y., SPECIALIST IN WOMAN'S DISEASES.

and Mother.

Many of Them are Not in the Enjoyment of Their Rights!!

HOW SHALL THE LOST BE REGAINED?

"Come and Let Us Reason Together."

Most of the women who are deprived of any or all of the above-named rights are suffering unjustly and needlessly.

More than forty years ago Dr. R. V. Pierce learned this and made it the chief business of his life to find and restore to them their lost treasure—HEALTH. It had been frittered away by ignorance, prejudice and wrong treatment.

DOCTOR PIERCE FOUND IT BY DIGGING—first, for knowledge of the true cause of woman's suffering, then in MYSTER EARTH for the best remedy, for NATURE WAS LIBERAL in her provision of remedies for the healing of her children.

Since alcoholic stimulants and medicines made with alcohol have been found so injurious in female cases Dr. PIERCE'S FISH-BUILDING AND PUNTING-EXHAUSTING METHOD OF TREATMENT, using only vegetable agents prepared without alcohol and so combined and adjusted as to secure the maximum of benefit from the minimum of medicine (thus avoiding disturbance of the stomach's functions), has been steadily increasing till the popularity of his "FAVORITE PRESCRIPTION" induced him to put it within the reach of the multitudes who were (and are) clamoring for it and now it is known all over the world.

**DOCTOR PIERCE'S FAVORITE PRESCRIPTION.**

This is not and never was a "patent medicine" but is

### A Real Prescription

written and used by

### A Real Physician

In

### A Real Practice.

It is not usual for physicians to give much publicity to their prescriptions and patients seldom know or care what they are taking so long as they are receiving benefit from the treatment.

One of the important ingredients in "FAVORITE PRESCRIPTION" is

BLAND CATHARTIC (Chicofaga), which has a most beneficial and lasting effect in cases of uterine congestion with dragging pain and tenderness. Combined scientifically and in proper proportions with other remedies its good effects are decidedly increased.

To restore the many false and malicious attacks, bogus formula and other untruthful statements published concerning Dr. Pierce's world-famed family medicines the Doctor has decided to publish all the ingredients entering into his "Favorite Prescription" for women. They are Lady's Slipper root, Black Cohosh root, Unicorn root, Blue Cohosh root, Golden Seal root.

Dr. Pierce's laboratory is thrown open to the public, under courteous guidance, every working day in the year, where visitors may see process of manufacture. The best MEDICAL SPECIALIST ADVICE is offered to women who will write to Dr. PIERCE, care of Invalids' Hotel, Buffalo, N. Y., and state their trouble. All letters received under pledge of strictest confidence and answers sent in securely sealed envelopes.

### The Perfect Way.

Scores of Salt Lake City Citizens Have Learned It.

If you suffer from backache, There is only one way to cure the kidneys.

A bad back means sick kidneys. Neglect it, urinary troubles follow. Doan's Kidney Pills are made for kidneys only.

Are endorsed by Salt Lake City people.

Robert C. Kirkwood, engineer on the Oregon Short Line R. R., residence 424 West Fourth South, says: "Like most men who follow the occupation I do, the jarring and jolting of the engine causes a constant strain on the small of the back, and a lameness, soreness and aching is the result. I suffered severely at times with my back and on more than one occasion I have been relieved by the use of Doan's Kidney Pills. procured at the J. J. Hill Drug Co.'s store. Not only can I speak positively about the preparation myself, but Mrs. Kirkwood derived so much benefit from the use of the remedy that we both took upon it as of great value. I will be pleased to tell others about the merits of Doan's Kidney Pills."

For sale by all dealers. Price 10 cents. Foster-McBirn Co., Buffalo, N. Y., sole agents for the United States. Remember the name—Doan's—and take no other.

# BARTON'S SPRING SALE NOW ON

BARGAINS THAT ARE GOING RAPIDLY.

Pure linen collars, regular 15c	8 t 13c	Mens' Hats, \$2.50 grades, at	\$1.95
35c Neckwear, all sizes	19c	Mens' Hats, \$3.50 grades, at	\$2.85
75c Neckwear, all shapes	39c	Fancy Vests, \$2.25 grades, at	\$1.60
Fancy Hosiery, 15c values, at	8 t 13c	Fancy Vests, \$3.50 grades, at	\$2.60
Fancy Hosiery, 15c values, at	10c	Mens' Pants, \$2.25 grades, at	\$1.60
Mens' Underwear, \$1.50 grades	.98c	Mens' Pants, \$3.50 grades, at	\$2.65
Mens' Shirts, 75c values	.49c	Mens' Pants, \$4.50 grades, at	\$3.65
Mens' Shirts, \$1.00 values	.69c	Boys' Pants, 75c kinds, at	.39c
Mens' Monarch shirts, \$1.50 kinds	\$1.00	Boys' Caps, 75c kinds, at	.39c
Suspenders, 50c grades	.10c	Boys' Shirts, 75c kinds, at	.49c
Handkerchiefs, 15c regular, at	8 t 13c		
Irish Linen Handkerchiefs, 35c regular, at	19c		

**20% Discount on Boys' Suits.**

**\$14.85** High-class Suits, Handsome Fabrics and Elegantly Tailored, worth \$18.50, \$20.00 and \$22.50, going