

JURISDICTION OVER ISLANDS

Attorney General Claims Congress' Power is Absolute.

SOME PERTINENT QUESTIONS

Mr. Griggs Says Status of Arizona, New Mexico, Philippines and Porto Rico is the Same.

Washington, Jan. 10.—Solicitor-General Richards resumed his argument in the Porto Rico case today. Before the Supreme court convened today. Before taking up the line of his argument he made reply to a question of Justice White as to the meaning of the words "the Territories," as used by Chief Justice Marshall in the Loughborough case. He said, in that connection, that the power of Congress does not cease when it is organized and brought under the United States, but that he did not recognize that there is a distinction in the control under the differing circumstances.

Discussing the constitutional provision of uniformity in the matter of taxation, Mr. Richards said that the uniformity was intended to remedy the various and conflicting claims of the divers States comprising the Union in the matter of the revenues, and that such States comprising the Union like never meant to apply to a country that which now confronts the country in connection with its insular possessions.

Justice Harlan asked whether, in the opinion of the solicitor-general, Congress might prohibit trade between the United States and the islands, and the people of the island might come to this country. Mr. Richards said emphatically that, in his opinion, it had the right.

Later, Justices Harlan and Brewer asked questions which brought out the contention that the constitutional limitation of equality of taxation power lies only as between the States, and not between Territories. The solicitor-general said Congress could legislate duties for New Mexico and Arizona, provided rights of citizens were not impaired, which would be Justice White to ask if there could be such rights without having been citizenship. The solicitor-general further said he believed Congress could sell the Philippines whenever it saw fit. When Mr. Richards addressed the court, Mr. Griggs said that the intention was to be supplemental to those submitted in the cases involving similar questions, which have heretofore been argued. He proceeded with his argument, the attorney-general took up what he characterized as the misapprehension concerning his position on these questions. He said there were numerous statements in the brief of the appellants in the Armstrong case, and he quoted some of them, giving his interpretation of his own remarks made in the previous presentation of the subject.

Taking up the question of taxes, the attorney-general contended that the Constitution does not provide for absolute uniformity of duties under all circumstances, and that the uniformity clause of the Constitution refers to the States and not the Territories.

The power to govern territory, Mr. Griggs said, is expressly conferred by the Constitution. This power was given without limitation, and there was no reservation of power in the people of the Territories, though there is in the people of the States.

Referring to the inference that the power to govern Territories, which is absolutely conferred upon Congress, includes the power to tax either by direct or indirect methods. This right was absolute, and that the uniformity clause of the Constitution refers to the States and not the Territories.

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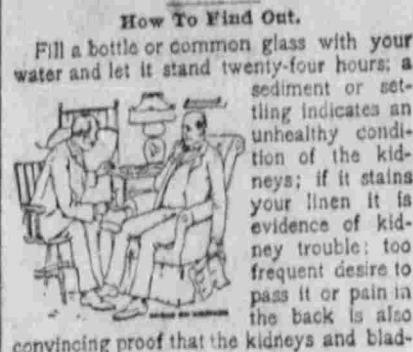
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Thousands Have Kidney Trouble and Don't Know It.



How to Find Out.

Fill a bottle or common glass with your water and let it stand twenty-four hours; a sediment or settling indicates an unhealthy condition of the kidneys; if it stains your linen it is evidence of kidney trouble; too frequent desire to pass it or pain in the back is also

convincing proof that the kidneys and bladder are out of order.

What to Do.

There is comfort in the knowledge so often expressed, that Dr. Kilmer's Swamp-Root, the great kidney remedy, fulfills every wish in curing rheumatism, pain in the back, kidneys, liver, bladder and every part of the urinary passage. It corrects inability to hold water and spending time in passing it, or bad effects following use of liquor, it cures and overcomes that unpleasant necessity of being compelled to go often during the night, and to get up many times during the night. The mild and the extraordinary effect of Swamp-Root is soon realized. It stands the highest for its wonderful cures of the most distressing cases. If you need a medicine you should have the best. Sold by druggists in 50c. and \$1. sizes.

You may have a sample bottle of this wonderful discovery

and a book that tells more about it, both sent absolutely free by mail, Address Dr. Kilmer & Co., Binghamton, N. Y. When writing mention reading this generous offer in this paper.

to their customs, then this country will not take any governing, except under the law of the Union as it now exists.

"The right to govern Territories is an inherent right, not an implied one. It is in the Constitution. So is the power of Congress to tax, with the three limitations which are provided. Congress may even choose the articles which may be taxed. Porto Rico's tariff is of the local kind, for all revenues derived from imports are allowed to be taken by the people for the support of the government. Never before was there such liberality on the part of a government."

While the rights of Congress to levy taxes, Justice Brewer interrupted to ask if, in the opinion of the attorney-general, it acted in the spirit and letter of the Constitution to have one

tariff rate in the States and another in the Territories. Mr. Griggs was emphatic in his belief that it was.

Justice White stated a case, namely, the setting aside of a free port on the Atlantic seaboard through which goods might be distributed to the States, and asked if that might be done. The attorney-general said that at such a port in a Territory it might, but that it would be an abuse of power.

Justice Harlan returned to a point he had brought into the solicitor-general's address—the right to prohibit trade between the islands and the States. The attorney-general held this was in the absolute power of Congress. By creating Indian reservations and by reserving islands in the North Pacific, the government, he said, had shown that it could prohibit trade and the movement of persons wherever it saw fit.

Closing, he said: "There must be, in the nature of things, a time between the deed of acquisition and the assumption by the United States of the full government of acquired territory when the relation between the federal government and the acquired territory will be inchoate. There might be cases of the acquisition of territory which possess no organized form of government whatsoever, not even of a local or municipal kind. Whether such territory should have any local government would depend entirely upon the will of Congress; the contention of the appellants would create the absurd necessity of having acts of Congress as to revenue and other matters extended in theory through tracts of country in which they were utterly incapable of enforcement, all the agencies of government being absent. It could never have been contended that such a condition of theoretical law and practical anarchy should arise."

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POWERS DECLINE SUGGESTION.

Negotiations Will Not be Transferred to Washington.

WOULD BE A GREAT MISTAKE

The Reasons Alleged May be Summed Up as Jealousy of the United States.

Paris, Jan. 10.—The correspondent of the Associated Press learns on good authority that the suggestion of the United States government to change the seat of the Chinese peace negotiations from Peking to Washington, will be declined by the powers. It was added that this important step was insignificant compared with the difficulties to be met with between the powers themselves, whose clashing interests will have full play in the coming discussions. The United States' proposal to shift the seat of the negotiations finds no favor in the European chancelleries. Three reasons are given for this opposition:

First—It is considered a great mistake to transfer the negotiations from China, where all the information is at hand respecting the situation and the feeling among the Chinese themselves, and more especially regarding the conditions of trade and commerce with which the negotiations will be chiefly concerned.

Second—The United States' commerce with China is comparatively small when compared with that of several other countries. Therefore the United States is not entitled to expect the negotiations to be carried on at Washington.

The third and most delicate reason advanced is that the European powers have not felt sufficient confidence that the United States government might not find itself influenced in the negotiations at Washington by the pressure

of interests having an eye to the exploitation of China. The attitude of some of the powers, moreover, is swayed by other motives in opposing the United States' proposal. Great Britain, for example, which seems to be the most strongly antagonistic, has probably taken into consideration the United States' attitude toward the Clayton-Bulwer treaty.

The feeling here favors Shanghai, if any change is made, as it is pointed out that Shanghai is the most important trade center in China and moreover, that the southern viceroys who are favorable to foreigners and anxious to further trade could make their influence felt. Failing Shanghai, Berlin or Paris is most likely to be chosen. The enormous British interests are in favor of the choice of London, but it is improbable that the other powers will agree to this.

There is no reason to suppose that Russia will withdraw from the joint negotiations. The treaty she has concluded with China concerns her special interests in regions contiguous to her territories, but she has great political interests to defend and further joint conference will be a speedy settlement. Russia aims chiefly at a wide expansion of her political influence. Great Britain wants to open the Chinese empire to her commerce, and at the same time strengthen her present foothold. The United States' efforts will be apparently devoted to securing commercial advantages, while France and Germany will endeavor to increase their trade generally and their political influence in certain provinces. The struggle between these conflicting designs will be bitter, and in any case will greatly protract the negotiations.

One thing which Great Britain and the United States wish secured is the raising of the prohibition which now exists in China against foreigners acquiring landed interests.

A WIFE'S REVENGE.

Kills Her Husband and Then Kicks His Dead Body.

Kansas City, Mo., Jan. 10.—Philip H. Kennedy, agent for the Merchants' Dispatch Transportation company, was shot five times and killed by his wife, Lulu K. Kennedy, at his office, in the New Bridge building, in the heart of the city, at 5:30 o'clock this afternoon. The woman kicked the lifeless body of her husband as she exclaimed: "Now you will never seduce another woman."

Kennedy was about 20 years of age, and his wife is 20.

W. E. CHANDLER DEFEATED.

New Hampshire Republicans Name Judge Burnham Senator.

Concord, N. H., Jan. 10.—Judge Henry E. Burnham of Manchester won the nomination of the Republican members of the legislature for United States senator over William E. Chandler and the first ballot. Chandler received 47 votes; Burnham, 198; Congressman Sullivan, 23; Henry M. Baker, 29; Henry B. Quincy, 22; H. W. Blair, 1.

The choice of Judge Burnham, which was finally made unanimous, ended the fiercest political fight in the history of New Hampshire. Senator Chandler was opposed by men in his party who ob-

HAY-PONCEFOTE TREATY PROGRESS

Amendments Not Regarded as Insuperable Obstacles.

AMERICA'S POLICY IN CHINA.

Some Criticism, but Generally Considered Triumphant—United States Commands World's Steel Markets.

New York, Jan. 11.—A dispatch to the Tribune from London says: Negotiations over the amended Hay-Poncefote treaty have begun, but there will not be any real progress until Lord Lansdowne has an opportunity of submitting the altered convention to the cabinet which will meet at the end of next week. The subject is no longer referred to in the press, and the foreign office can count with confidence on public support in any disposition it may make of the whole affair. John Bull's eyes are fixed upon South Africa with a vacant stare, for he does not know what is going on in China like outside his present range of view, and Nicaragua also.

No forecasts of Lord Lansdowne's action are of any value, since he has not committed himself in any way on the canal question and will not be prepared to discuss it until he has consulted the cabinet. There is, however, a more hopeful feeling respecting the re-adjustment of the convention, and it is based on analogies to the Suez situation where England, by means of political control, exercised at Cairo, has de facto the same powers in reserve with which the Senate desires to arm the American government de jure.

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The fact that American embassies in London and Berlin have been taking up some minor details of the Hay-Poncefote treaty has induced some flippant journals to assert that the Washington government has been wabbling so long and shown so plainly that it does not know its own mind that the European powers do not regard its diplomatic will as serious. This view is not shared by the men in diplomatic circles. They consider that the state department has appeared to good advantage throughout the Hay-Poncefote negotiations, and that his work has been a masterpiece of a favorable position to enforce the "open door" principle. They also regard the rumored purchase of the Danish West Indies as a prudent and statesmanlike act, which assures command of the approaches to any canal and precludes European challenge of the Monroe doctrine from any source.

LORD ROBERTS CELEBRATES.

Lord Roberts celebrated yesterday, the anniversary of his arrival at Cape Town, by attending with the Duke of Cambridge the banquet of the royal artillery at Woolwich. He accepted invitations only on the understanding that the dinners would be private and that his work as headquarter commander would not be interfered with. This is a necessary precaution when the situation in South Africa is so serious. Gen. Kitchener's dispatches, while recording British successes in repelling the Boers, show that the Boers are attacking with great spirit at many points and that their operations are concentrated.

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LAURIER'S SPEECH.

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Plans for Arid Lands Irrigation.

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Another Orphan Asylum Victim.

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Quality and not quantity makes De Witt's Little Early Risers such valuable little liver pills. F. C. Schramm.

NAILED THE CHAP.

Her Father in the Same Mind.

"I never thought for one moment that coffee was the cause of my worn out feeling and dull headaches and energy all gone, until I began to notice that my bad feeling came on every morning after drinking coffee for breakfast, no matter how well I felt when I got up."

"I began to think the subject over and finally decided to try Postum Food Coffee in place of my coffee. I am now as healthy as a horse and my energy is back. After making the change, I discovered, to my delight, that the headache and worn out feeling did not come on after breakfast."

"After a very thorough trial I am fully convinced that coffee was the cause of my trouble, and that leaving it off and using Postum Food Coffee has restored me to health."

"My father, who has had very poor health for several years, quit coffee some time ago and began using Postum in place of it. It would surprise anyone to see how much he has improved."

"When I buy Postum Food Coffee, I take care to get the genuine article, for I am not to be deceived by cheap imitations. I think it far exceeds any coffee."

"Please do not print my name."

This lady lives in Prairie City, Iowa. Her name will be given by the Postum Cereal Co., Ltd., of Battle Creek, Mich.

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A SOUR STOMACH Is Often the Real Cause of a Sour Temper.

That the condition of the digestive organs has a marked effect upon the character or disposition is a truism as old as the hills. Old Ben Johnson wisely said "the pleasure of living depends upon the liver," and it is a fact which none may dispute that a sunny disposition more often results from a healthy digestion than from any other cause.

And dyspepsia, commonly called sour stomach or heartburn, is caused by slow digestion of food; instead of being promptly digested and converted into blood, bone and muscle, it lies in the stomach for hours, fermenting and decaying, creating gases which cause pressure on the lungs and heart, short breath and general discomfort and irritation.

Such half digested food is indeed poor nourishment for the body, brain and nerves and the result is shown in irritable tempers, unaccountable headaches and that depressing condition usually called the "blues," but how quickly all these disappear when appetite and digestion are restored.

Laxative medicines only irritate the already irritated stomach and bowels and have no effect upon actual digestion of food.

The sensible course to follow is to make use of simple natural digestives like Stuart's Dyspepsia Tablets after meals until the stomach has a chance to recuperate.

The natural digestives which every healthy stomach contains are pepsins, diastase and Hydrochloric and lactic acids, and when any of them are lacking the trouble begins. The reason Stuart's Dyspepsia Tablets are so valuable and successful in curing stomach troubles is because they contain, in a pleasant, concentrated tablet form all these absolutely necessary essentials for perfect digestion and assimilation of food.

Henry Kirkpatrick of Lawrence, Mass., says: "Men and women whose occupation precludes an active out door life should make it a daily practice to use Stuart's Dyspepsia Tablets after meals. I have done so myself and I know positively that I owe my present health and vigor to their daily use."

From the time I was 22 when I graduated from school which I broke health from overwork until I was 34, I scarcely knew what it was to be free from stomach weakness, I had no appetite whatever for breakfast and very little for any other meal.

I had heartburn and heartburn nearly every day, and sometimes was alarmed by irregularity and palpitation of the heart, but all this gradually disappeared after I began using Stuart's Dyspepsia Tablets. I can eat at my meals with relish and satisfaction, which I had not known since I was a growing boy."

The success and popularity of Stuart's Dyspepsia Tablets is enormous, but it is deserved, and every druggist in the United States, Canada and Great Britain has a good word for this meritorious preparation.

For a Cold in the Head
Laxative Bromo-Quinine Tablets.

First and Foremost
In the field of medicine is Hood's Sarsaparilla. It possesses actual and unequalled merit. It cures all diseases caused or promoted by impure or impoverished blood. If you have rheumatism, dyspepsia, scrofula or catarrh you may take Hood's Sarsaparilla and be cured. If you are run down and feel weak and tired, you may be sure it will do you good.

The favorite family cathartic is Hood's Pills.

PORTFOLIOS
OF THE
PARIS EXPOSITION

They consist of 120 elaborate views on heavy enameled paper, in 20 parts. The Paris Exposition beautifully portrayed. Only 10 cents each part to News readers. A book that sold for 75 cents and \$1.00 at the time of the World's Fair. Parts 1 to 29 now ready at the News Office. Send 10 cents for a sample. You will be charmed with the work.

Whosoever has suffered from piles knows how painful and troublesome they are. TABLERS' PILLS FOR PILES. PRICE 50 cents in bottles. Tubes, 75 cents. Z. C. M. I. Drug Dept.

B. H. ROBERTS' NEW BOOKS,
Which have been in course of preparation for several months, are now ready for delivery.

"THE RISE AND FALL OF NAUVOO."

An invaluable work for Mutual Improvement associations, price \$1.25.