THE STATUS OF CUBA

Supreme Court Decides It Is Foreign Territory.

HELD BY US ONLY IN TRUST

The Decision in the Neely Case Was That the Postal Embezzler Is Subject to Extradition to the Island.

WASHINGTON, Jan. 14.—The United States Supreme Court today announced its decision in the case of C. W. F. Neely, charged with embezzlement of the public funds of Cuba while acting as financial agent of the Department of Posts of that island, holding that Neely is subject to extradition. Justice Harlan handed down the court's opinion, which was unanimous, and immediately after the opinion was concluded an order was issued requiring that the mandate in the case be issued at once. The opinion embraced a complete review of the case, explaining Neely's crime and arrest and his effort to prevent extradition to Cuba. The opinion also detailed the laws relating to extradition, and quoted the act of June 6, 1900, extending the provisions of section 5278 of the revised statutes to foreign countries which "are occupied by or under the control of the United States," so as to make the law cover, among other crimes, embezzlement. Relating that the Circuit Court for the Southern District of New York, to which an application for a writ of habeas corpus had been made, had rendered a decision adverse to Neely's claims, Justice Harlan said he had then applied to this court on the ground that the act of June 6, 1900, was unconstitutional. Entering then upon his reasoning in the case, Justice Harlan said that there was no dispute that June 6 1900, when the act under which this proceeding is brought became a law, Cuba was "under the control of the United States" and "occupied by this Government."

"The court," he said, "will take judicial notice that such were, at the date named, and are now, the relations between this country and Cuba. So that the applicability of the above act to the present case—and this is the first question to be examined—depends upon the inquiry whether, within its meaning, Cuba is to be deemed a foreign country or territory."

Continuing, he said:

"We do not think this question at all difficult of solution, if regard be had to the avowed objects intended to be accomplished by the war with Spain and by the military occupation of that island."

Justice Harlan then reviewed the legislation preceding the war with Spain, quoting the joint resolution of April 20, 1898, and the declaration of war which followed on the 25th of the same month. The protocol between the United States and Spain and the Paris treaty were reviewed for the purpose of showing Spain's relinquishment of sovereignty over the island. Notice was taken of the establishment of a military government over Cuba and Governor Brooke's proclamation of January 1, 1899, was quoted. The Justice then referred to the Governor's estimate of various departments in order to promote the civil government of the island. He also called attention to the promulgation of the postal code, superseding all other Cuban laws relating to postal affairs, and related that June 13 last Governor Wood had made his requisition upon the President for Neely. Announcing the court's conclusions on the status of Cuba, Justice Harlan said:

"The facts above detailed make it clear that Cuba is foreign territory within the meaning of the act of June 6, 1900. It cannot be regarded in any Constitutional, legal or international sense a part of the territory of the United States. While by the act of April 25, 1898, war was declared between this country and Spain, the President was directed and empowered to use our entire land and naval forces, as well as the militia of the several states, to such extent as was necessary to carry the act into effect. That authorization was not for the purpose of making Cuba an integral part of the United States, but for the purpose only of compelling the relinquishment by Spain of its authority and government in that island and the withdrawal of its forces from Cuba and Cuban waters. The legislative and executive branches of the Government, by the joint resolution of April 20, 1898, expressly disclaimed any purpose to exercise sovereignty, jurisdiction or control over Cuba, 'except for the pacification thereof,' and asserted the determination of the United States, that object being accomplished, to leave the government and control of Cuba to its own people. All that has been done in relation to Cuba has had that end in view, and so far as the court is informed by the public history of the relations of this country with that island, nothing has been done inconsistent with the declared object of the war with Spain.

"Cuba is none the less foreign territory within the meaning of the act of Congress, because it is under a military Governor, appointed by and representing the President in the work of assisting the inhabitants of that island to establish a government of their own, under which, as a free and independent people, they may control their own affairs without interference by other nations. The occupancy of the island by troops of the United States was the necessary result of the war. The result could not have been avoided by the United States consistently with the principles of international law or with its obligations to the people of Cuba. It is true that as between Spain and the United States, indeed, as between the United States and all foreign nations, Cuba, upon the cessation of hostilities with Spain and after the treaty of Paris, was thus treated as if it were conquered territory. But as between the United States and Cuba, that island is territory held in trust for the inhabitants of Cuba, to whom it rightfully belongs and to whose exclusive control it will be surrendered when a stable government shall have been established by their voluntary action."

The court also outlined the power of Congress to legislate in the premises, saying:

"It cannot be doubted that when the United States required and enforced the relinquishment of Spain of her sovereignty in Cuba and determined to occupy and control the island until there was complete tranquility in all its borders and until the people of Cuba had created for themselves a stable government, it succeeded to the authority of the displaced government, so far as least that it became its duty under international law and pending the pacification of the island to protect the lives, the liberty and the property of all those who submitted to the authority of the representatives of this country. The power of Congress to make all laws necessary and proper for carrying into execution, as well as the powers enumerated in section 8 of article 1 of the Constitution, include the power to enact such legislation as is appropriate to give efficacy to any stipulations which it is competent for the President, and with the advice and consent of the Senate, to insert in a treaty with a foreign power. What legislation by Congress could be more appropriate for the protection of life and property in Cuba, while occupied and controlled by the United States, than legislation securing the return to that island to be tried by its constituted authorities of those who, having committed crimes there, flee to this country to escape arrest, trial and punishment? No crime is mentioned in the extradition act of June 6, 1900, that does not have some relation to the safety of life and property. And the provisions of that act requiring the surrender of any public officer, employe or depositary fleeing to the United States after having committed in a foreign country or territory, occupied by or under the control of the United States, the crime of embezzlement or criminal malversation of the public funds, have especial application to Cuba in its present relations to this country."

The court declined, Justice Harlan stated, to enter upon the question as to what the obligations of the United States would have been in the matter of protecting life and property in Cuba if not required to do so by the obligations of the treaty of Paris.

"That," he said, "is not open on this record for examination, and upon it we express no opinion. It is quite sufficient in this case to adjudge, as we do, that it was competent for Congress, by legislation, to enforce or give efficiency to the provisions of the treaty made by the United States and Spain with respect to Cuba and its people."

Replying to another contention of Neely's counsel, the opinion says that "when an American citizen commits a crime in a foreign country, he cannot complain if required to submit to such modes of trial and to such punishment as the law of that country may prescribe for its own people, unless a different mode be provided for by treaty stipulation between that country and the United States."

It was also argued on behalf of Neely that as peace now exists in Cuba and has existed there since the Spanish evacuated the island, the occupancy and control of that island under the military authority of the United States is without warrant in the Constitution, is an unauthorized interference with the internal affairs of a friendly power and that, consequently, the appellant should not be extradited for trial in the courts established under the orders issued by the military Governor of the island. In support of this proposition it was said that the United States recognized the existence of the independence of Cuba and the war with Spain was carried on jointly by the allied forces of the United States and of that republic. Replying to this point, Justice Harlan said:

"Apart from the view that it is not competent for the judiciary to make any declaration upon the question of the length of time during which Cuba may be rightfully occupied and controlled by the United States in order to effect its pacification—it being the function of the political branch of the Government to determine when such occupation and control shall cease and, therefore, when the troops of the United States shall be withdrawn from Cuba—the contention that the United States recognizes the existence of an established government known as the Republic of Cuba, but is now using its military or protective power to displace or overthrow it, is without merit. The declaration by Congress that the people of Cuba were and of right ought to be free and independent, was not intended as a recognition of the existence of an organized government instituted by the people of that island. Nothing more was intended than to express the thought that Cubans were entitled to enjoy—to use the language of the President in his message of December 5, 1897—that measure of self-control which is the inalienable right of man, protected in their right to reap the benefit of the exhaustless treasures of their country.

"Both the legislative and executive branches concurred in not recognizing the existence of such a government as the Republic of Cuba. It is true that the cooperation of the troops commanded by Cuban officers was accepted by the military authorities of the United States in its efforts to overthrow Spanish authority in Cuba. Yet, from the beginning to the end of the war the supreme authority in all military operations in Cuba and in Cuban waters against Spain was with the United States, and the operations were not in any sense under the control or direction of the troops commanded by Cuban officers."

The final conclusion of the court was announced as follows:

"We are of the opinion, for the reasons stated, that the act of June 6, 1900, is not in violation of the Constitution of the United States, and that this case comes within the provisions of that act. The court below, having found that this was probable cause to believe that appellant guilty of the offense charged, the order for his extradition was proper, and no ground existed for his discharge on habeas corpus. The opinion of the Circuit Court is, therefore, affirmed."

As soon as the War Department is officially informed of the decision of the Supreme Court, sustaining its contention in the case of C. W. F. Neely, steps will be taken to secure the prisoner's removal to Havana for trial. Neely is now in custody in the Ludlow-street Jail, New York, pending the hearing of civil proceedings against him on the charge of having brought stolen goods into the State of New York. Judicial steps will be instituted to vacate the civil proceedings and secure the transfer of the prisoner to the custody of William Hinkel, of New York, who has been appointed the agent of the military Governor of Cuba for the purpose of receiving the prisoner when surrendered by the United States Government on the application for extradition. When all the necessary preliminaries have been arranged, Neely will be surrendered to Agent Hinkel and placed on a United States transport and taken to Havana. The application for extradition was made in May last, and Neely's counsel resorted to every legal resource to resist action upon it by the United States Government. It is said that the United States authorities desire to have the trial of Neely precede the hearing of the case of Rathbone, who is charged with complicity in the same transactions.

Cuban School Improvement.

NEW YORK, Jan. 14.—A. E. Frye, of Highland, Cal., who returned yesterday from Havana, where he spent two years as superintendent of public schools in Cuba, said last night:

"There has been a great improvement in the condition of the schools in Cuba. While there were not more than 10,000 pupils in 1887, there were 142,000 in May, 1900. The highest number ever registered before the war was 34,000 and the attendance never exceeded 17,000. There were no public schools in reality, under Spanish rule, and the school property had little or no value.

"Recently General Wood got the idea that many of the schools reported by me, and for which money was being drawn, did not exist. He gathered this by information submitted by subordinates. In my reports I reported the number of mulas (schoolrooms), while the military officers counted only the escuelas (schoolhouses), thus confounding matters. But I soon explained the facts to the satisfaction of Governor Wood. Under the system I have inaugurated no fraud is possible in the schools of Cuba. Under the old system there were 34 professors under pay in the University of Havana, where there were only 326 students."

Mr. Frye says that the Cuban children are very apt pupils and learn with great rapidity.

Woman Fatally Burned.

SAN FRANCISCO, Jan. 14.—Mrs. A. M. Millican, wife of the editor of the New York Medical Journal, was badly burned in a fire which partially destroyed the house in this city in which she resided, and no hopes of her recovery are entertained. She was rescued from the flames in an unconscious condition.

The High Standard of Quality

of G. H. Mumm's Extra Dry is constantly making new friends for this brand; 119,441 cases imported in 1900, or 78,283 more than any other brand. Special attention is called to the remarkable quality now imported.

ANOTHER PORTO RICO CASE

HUUS SUIT ARGUED IN THE SUPREME COURT.

Steamship Company Claims Exemption From Pilotage on Ground Island Ports Are Not Foreign.

WASHINGTON, Jan. 14.—The United States Supreme Court today resumed its hearing in the case of Charles Huus vs. the New York & Porto Rico Steamship Company, and Senator Lindsay continued the argument he began Friday. The action involves the question of pilotage, the owner of the steamship claiming exception on the ground that Porto Rican ports had ceased to be foreign. Senator Lindsay, in the course of his argument, said:

"Should it be decided that Porto Rican ports are not foreign ports in the ordinary sense of the word, it would be a violent construction to interpret the language of the statute of the State of New York, passed in 1884, so as to exempt from pilotage vessels from a land then foreign but since brought under the domination of the United States. It is a fundamental rule of construction that laws are to be construed as at the time of their enactment.

"And it would not be reasonable to assume that the Legislature of the state proposed to exempt from pilotage vessels belonging to after-acquired and far-distant territory of the United States, even supposing human foresight could have foreseen the subjection of such territory. It is doubtless within the power of Congress to exempt from pilotage vessels bound to or from Australia and the Philippine Islands. Likewise the State of New York could exempt such vessels from pilotage or could entirely abrogate compulsory pilotage. This, however, is not to be implied from the general language in an act of Congress relating to subjects of an entirely different nature which cannot be reasonably construed to affect the statutes of New York regulating pilotage."

Senator Lindsay quoted from decisions of the court to establish his contention that the term "foreign port" could be used in its broadest sense and that in early acts the trade between the Atlantic and Pacific Coasts was so considered as between foreign ports. Also that the court did consider a port foreign unless the clearance of the vessel coming to this country was given by an officer in a customs collection district established by Congress and exercising his functions under the law of the United States. San Juan, he argued, was never made a domestic port of the United States, and must be considered a foreign port until Congress includes it in one of the collection districts of the United States.

Following this line, he argued that vessels trading between New York and Porto Rican ports were not in the coasting trade. It was further argued that Congress did not intend to make the trade coasting trade, for trade was discussed as between Porto Rico and the United States, which would not have been the case had it been considered that the Porto Rican ports were domestic ports. None of the provisions of the act to govern Porto Rico, Mr. Lindsay argued, mentioned pilotage, and could be interpreted as affecting the point at issue.

In the course of his argument, Senator Lindsay referred to the decision rendered by the court in the Neely case. He charged that that decision establishes two propositions in support of the Government's contention, which apply to the pilotage case. The first of these was that the Government of the United States may occupy and exercise control of a country over which its sovereignty extends in time of peace without necessarily extending the Constitution of the United States to that country or its people and the second that the grant of Legislaive power to Congress includes the power to legislate for any people over which sovereignty is extended.

Senator Lindsay was followed by F. Kingsburw Curtis, for the steamship company, who contended that the vessel upon which pilotage was demanded was exempt on the ground that Porto Rican ports have ceased to be foreign and that by the act of April 12, 1900, the trade between Porto Rico and the United States has been made coastwise.

The court authorized Charles A. Gardiner to file a brief in the pending Porto Rico and Philippine cases in behalf of the Tobacco Growers' Association of New England. The brief sustains the Government's contention that it is entirely competent of the United States to lay a tariff on commerce between the United States and their insular possessions.

The Hawaiian Case.

When the hearing had been completed in the other cases involving the connection of the United States with the insular possessions, the case of George W. Crossman et al., appellants, vs. the United States was called. This case is one covering the entry of goods from Hawaii, consisting of whisky, brandy and jam at the Custom-House at New York, April 26, 1900, and is the only Hawaiian case in the list. Duty was assessed under the provisions of the Dingley law.

The importers protested against collection of duty on the ground that the Hawaiian Islands were a part of the United States, that the provision of the annexation resolution which continued the customlaw of the Republic of Hawaii in force until Congress should legislate it was unconstitutional. An appeal was taken to the Board of General Appraisers to the United States Circuit Court and to the Supreme Court. Wickham Smith presented the case for the appellants. He laid down the following propositions upon which he said his clients rely:

"First—At the time of the importation of these goods the Hawaiian Islands, having been, by the action of Congress, approved by the President, annexed as part of the territory of the United States, were not a foreign country within any sense of that term and certainly not within the sense of that term as used in the enacting clause of the Dingley tariff act.

"Second—The action of Congress in providing in the joint resolution of annexation that the customs relations of the Hawaiian Islands with the United States and with other countries should remain unchanged until Congress should further legislate on the subject, was a violation of the provisions of the Constitution, 'that all duties, imposts and excises shall be uniform throughout the United States.'

"Third—As such joint resolution provided for the collection at the ports of the Hawaiian Islands of the duties upon articles sent thither from other ports of the United States, this was, in effect, a violation of the provision of section 9, of the Constitution, that no tax or duty shall be laid on articles exported from any state."

Counsel argued that this case was not like others before the court recently, for the reason that there was no question involved as to the force or effect of a treaty, the government of the Republic of Hawaii having ceded its sovereignty to the United States, which cession the Congress ratified. There is no question of a military government. The language of the annexation act provides that the islands were annexed "as part of the territory of the United States."

Mr. Smith then argued that in the five places where the words United States were used in the Constitution, with one exception, the term includes the states and the territories as well. The exception is that clause providing for the election of Presidential electors. After considering the application of the naturalization or bankruptcy laws in territories and states alike, counsel said:

"It would be a strange view of language to hold that the words 'throughout the United States' in article 1, section 8, were narrower or more limited in their scope than the words 'in the United States' in the 14th amendment. There is no principle of grammar, logic, law or common sense in which the words 'throughout the United States' in the uniformity clause with regard to taxation can be restricted to the states, excluding the territories.

"A long line of decisions by this court that certain fundamental limitations upon the power of Congress contained in the Constitution are in force in various territories of the United States are disposed of by those on the other side of this controversy by the statement that the Constitution operates in these territories because Congress has seen fit to extend it to them by its own acts. In other words they advance the doctrine that the Constitution has no force or operation in any territory until Congress puts it there and, of course, this logically implies that it only extends there to the extent to which Congress puts it there, and can remain there only so long as Congress chooses to permit.

"In other words, those who hold that Congress put the Constitution into the territories cannot escape from maintaining that Congress has power at any time to take the Constitution out of the territories. If the Constitution operates today in Arizona, New Mexico and Oklahoma only because Congress has chosen to extend it to those territories, it must be within the power of Congress tomorrow to enact that the Constitution shall no longer be operative in any of its parts in those territories. Indeed, it is a question whether Congress would need even to go through that form. A special subsequent statute repugnant to a prior general statute obviously repeals the latter (the Cherokee tobacco case, 11 Wall, 616), and therefore, according to those who are opposed to us in this case, Congress must have a right tomorrow to create an order of nobility in Oklahoma or to pass a bill of attainder in Arizona."

Counsel then said that cases had been cited wherein it was held that countries captured in war or ceded by treaty could be held as foreign until Congress had legislated to define their status. This, he said, would not help the Government in this case, as the islands were not conquered or annexed by treaty, but by legislative act. He said further:

"Upon what authority can they be held, after Congress has, by joint resolution, annexed them as a part of the territory of the United States, to be a country foreign to the United States? It is true Congress had not so fully and completely legislated with reference to the islands as it might and did do thereafter, but it has certainly legislated enough to make them cease to be foreign. It had not only annexed them as a part of the territory of the United States, but it had provided that the revenue from or proceeds of the public lands thereof might be used for the civil, military or naval purposes of the United States; it had authorized the President to vest the civil and judicial powers in such persons, to be exercised in such a manner as he might direct. It had, in effect, repealed so much of the municipal legislation of said islands as was contrary to the Constitution of the United States. It had prohibited Chinese from coming from the islands to the United States, and it had appropriated out of the treasury of the United States $100,000 to carry out the provisions of the joint resolution. Is it to be said for one minute that all these things were done with reference to a foreign country? Let those who maintain the other side of this controversy point out a single instance in the history of the United States, either before the Hawaiian annexation or since, in which Congress has annexed a place as a part of the territory of the United States and yet treated it as a foreign country.'"

Mr. Smith then cited a Treasury decision of April 17, 1900, holding that Porto Rico was not a foreign country within the meaning of the drawback clause of the Dingley law, and asked why Hawaii should have been considered a foreign country at that time.

Counsel followed with arguments tending to show that the uniformity clause of the Constitution with reference to indirect taxes is one of the fundamental limitations upon the powers of Congress, and that in consequence the provision of the annexation act which continued in force the customs regulations of the Republic was a clear violation of the uniformity clause. From this he went on to argue that in case the islands were considered foreign, any tax collected there upon goods coming from this country would be in effect an export tax, as there would be no difference whether goods going from a state to the islands were taxed at the point of shipment or at the destination, as the charge would lie from the time the goods were shipped. The decision of the Supreme Court of Hawaii, to the effect that the Constitution of the United States had been in force in the islands since August 12, 1898, was cited, and the argument closed thus:

"May Congress, in legislating for territory which it has annexed as a part of the territory of the United States, disregard the fundamental limitations upon its power written in the organic law to which Congress owes its existence? If it may, the judgment below is correct. If it may not, that judgment cannot stand."

To Prevent Typhoid in an Army.

The Spectator.

Dr. Canney points out that hitherto attention has been solely fixed on the question of ameliorating the condition of the sufferers, whereas, if prevention is possible, amelioration is obviously of secondary importance. Going at once to the root of the matter, he declares that the worst of the typhoid epidemics—that after Paardeberg—being a natural and expected result, "will have to be handed down in the annals of military medical literature as a byword for retribution for neglect of sanitary laws." Typhoid, he continues, can be prevented wholly, and dysentery largely, by filtration or boiling of all water used for drinking purposes, and this being so, he proceeds to discuss the equipment necessary for applying these methods to the exigencies of an army in the field. Of the two, the quick-boiling apparatus is more efficacious, but presents the greater difficulties in regard to fuel, bulk and weight. Thus an army of 50,000 men would require 500 combined heaters and stoves, weighing about 22 tons, and occupying 300 feet cubic space, plus the weight of 150 gallons of petroleum, and 20 gallons of spirit used daily as fuel. But he contends that it would render the transport of vast typhoid and dysentery hospitals unnecessary, and so vastly reduce the hospital equipment to be transported. In conclusion, Dr. Canney deals effectively with the objector who urges that "'Tommy' will drink when he likes." "There is not room," he says, "in our army for this laissez-boire theory."

Fighting in Gambia.

BATHURST, Gambia, West Africa, Jan. 14.—The British punitive expedition arrived at Dumbutu January 11, and completely surprised and routed the rebels. The troops captured the town after an hour's fighting. Sixty rebels were killed, 60 were wounded and 200 captured. Six important chiefs will be brought to Bathurst. The British casualties were six West Indians wounded.

Hazing on the Decrease.

WASHINGTON, Jan. 14.—Colonel Mills, Superintendent of the West Point Military Academy, was today before the Senate committee on military affairs. Colonel Mills told the committee he felt that hazing was on the decrease and finally would be stamped out. He was ready to co-operate with or receive any suggestion from Congress, but expressed the opinion that legislation was unnecessary.

Chicago's Saloon-Closing Law.

CHICAGO, Jan. 14. — The City Council tonight refused to adopt an amendment to the midnight saloon-closing law, making the hour for closing 1 A. M.

Boston & Montana Dividend.

BOSTON, Jan. 14.—The directors of the Boston & Montana Mining Company have declared a quarterly dividend of $5 a share and $5 extra.

THE PROTOCOL SIGNED

NO PROTEST MADE AGAINST ANY CLAUSE.

Russia Turns Over the Tien Tsin Railroad to Germany—Famine in Shan Si.

PEKIN, Jan. 14.—The protocol was signed this morning, the idea of protesting against any clause having been abandoned.

Prince Ching has notified Senor Decologan, the Spanish Minister, who is the dean of the diplomatic corps, that the agreement was signed yesterday morning, but that he did not expect to be able to present it to foreign envoys before Wednesday, owing to the difficulty in obtaining the imperial seal, which, he asserted, is in the forbidden city and private apartments of the Emperor, guarded by the Emperor's most trusted servants. He said also that a personal order from the Emperor would be required before those who have the seal in charge would deliver it, even to Prince Ching.

Russia today began turning over the railway to Germany. The latter intends to place the management of the line with former employes of the company under a military supervision. Germany has requested the station masters, engine drivers and mechanics who were formerly employed to report at the German headquarters, when they will be given their old positions.

The Ministers have been annoyed at receiving messages from their respective governments asserting that press dispatches say that the agreement was signed Saturday, which is officially denied.

COMPLAIN OF DELAY.

Unfounded Charge of Some of the Powers Against the United States.

WASHINGTON, Jan. 14.—Secretary Hay was back at the State Department today for the first time in a week, and, although able to direct affairs, he still shows signs of the severe cold he has had for some time. Minister Wu called early, and there was a conference lasting half an hour on the Chinese situation.

The department has now received responses from all the powers relative to the dispatch recently forwarded, through our diplomatic representatives abroad, requesting that the negotiations be expedited as much as possible. All the powers concur in this view, and express an earnest desire to reach a final settlement. It is rather a singular and unaccountable fact, however, that some of the foreign powers have referred to delays caused by the United States, whereas the efforts of this Government throughout have been to hurry matters along. It was for this reason that the recent proposition was made to remove the two points of indemnity and treaties to Washington or some other capital, although some of the powers seem to have the erroneous impression that this delayed proceedings. The State Department adheres to the purpose not to make known the powers who failed to answer or who opposed the proposition. But, in view of reports to the effect that Great Britain was most strenuous in opposing, it can be stated that the British Government was one of those receiving the suggestion most favorably.

Up to the close of the day, Mr. Conger had not advised the department of the signing of the peace protocol.

Russians Going North.

TIEN TSIN, Jan. 14.—The Russian troops, except 1000 men detailed to guard the legation of Russia and the Tien Tsin and Shan Hai Kwan guards, are evacuating the Province of Chi Li and entraining for Kiao Chao, Manchuria. It is reported they are going to Moukden.

The Chinese Retreated.

BERLIN, Jan. 14.—Field Marshal Count von Waldersee, telegraphing from Pekin under date of January 12, says:

"The Pavel column returned January 14, having ascertained at Ling Chin that the Chinese troops at Suan Hus effected a timely retreat."

Famine in Shan Si.

SHANGHAI, Jan. 14.—There is a famine in the Province of Shan Si, and it is said 5,000,000 people are facing starvation.

REVULSION OF FEELING.

Dewet No Longer Lionized by the British.

NEW YORK, Jan. 14.—A dispatch to the Tribune from London says:

For many months past the average Englishman has had a warm corner in his heart for Dewet. The pluck and intrepidity of the dashing Free Stater and the wonderful manner in which he is carrying on a losing fight against overwhelming odds appeals to the finer instincts of the people of this country, who are sportsmen in the best sense of the term. As a matter of fact, very little interest is taken in any engagement in which Dewet is not directly or indirectly engaged, and not even a budget of alarming messages from Cape Town about the invasion of the colony causes anything like the excitement which attends the news of a raid on the British lines, whether successful or otherwise, by the commandant of the Boer forces in the Orange River Colony.

It is by no means improbable, however, that a revulsion of feeling will be induced in England, at all events, toward the redoubtable enemy of the British Empire by General Kitchener's latest dispatch. Flogging as a mode of punishment is distinctly odd to the code of civilized warfare, and the British commander's announcement that by Dewet's orders three agents of the Peace Committee have been flogged in a Boer laager near Lindley is sure to call forth some hostile comment, which will not be any less bitter because one of the victims of this instance of petty tyranny, who was, indeed, shot after being flogged, was a subject of Queen Victoria.

The announcement which is made by the Post that the scheme for raising colonial police forces has been abandoned for the present can not, in the light of recent events, cause much surprise. The rates of pay were not considered tempting enough by the people living in South Africa, and of 16,000 men who applied in the United Kingdom to join the force, only 500 or so were selected as suitable. It was announced from Pretoria early in October that 12,000 police were to be enrolled in the Transvaal and Orange Free State, under command of General Baden-Powell. A few days later the Colonial Office issued an announcement to the effect that recruiting was taking place in South Africa only, but in November the government asked for 1000 recruits from the mother country, and in December they decided to increase this number to 5000. It has now apparently been agreed to drop the whole scheme altogether, and in order to meet the requirements of General Kitchener further enlistment of yeomanry will be called for.

Casualties at Belfast.

LONDON, Jan. 15.—The official list of British casualties in the recent fighting at Belfast shows 29 killed, 53 wounded and 73 missing. This does not account for the British losses at other point of simultaneous attack by the Boers, namely, Wonderfontein, Nooitgedacht and Wildfontein, and shows that affairs in that quarter were more serious than Lord Kitchener reported them to be.

Vessels Says It Is False.

GRAND RAPIDS, Mich., Jan. 14.—P. L. Wessels, one of the Boer envoys to this country, today said to the Associated Press, regarding General Kitchener's dispatch as to the flogging of three peace commissioners by General Dewet near Lindley last week, and the shooting of one of them:

"I am certain the report is false. Such an act is contrary to General Dewet's character and contrary to the nature and policy of the Boers. The Boers' only hope now is in arousing the sympathy of the world by the justice of our cause and our conduct of the war. Such an act as whipping and shooting peace commissioners might lose us the sympathy."

An Albatross' Lease of Life.

London Globe.

A writer in Nature says Sir William Corry told him some time ago that on one of his steamships coming from New Zealand an albatross, supposed to have been choked dead, kept in an ice box at a temperature which was always much below freezing point, was found to be alive at the end of 14 days. Captain Reed, in command of the vessel in question, supplements the story with the statement that the bird was supposed to be killed by being strangled with twine tied as tightly as possible around the neck. This twine was not removed. The beak was closed and tied, and the legs crossed behind the tail and tied. It was then wrapped in an old meat cloth and put with three other birds in the return box at the end of the port snow trunk. It remained there for certainly not less than 10 days. On the snow boy complaining that the bird "grunted" when he went near it, the albatross was taken out, when it was found that it could move its neck about and open its beak, and the eyes were open and lifelike. The lower half of the body and the legs were frozen hard. The fastening on the beak had come off. It was alive for two hours after being taken out, and was then strangled and put in the snow box.

Watching the Carlists.

MADRID, Jan. 14.—The police have ransacked the residence of the Marquis of Berralbo, a representative of Don Carlos, failing, however, to secure the documents they were seeking. The authorities are closely watching the movements of the Carlists, who are believed to be hatching an important scheme.

Declared a Draw.

LOUISVILLE, Jan. 14.—The Kid Broad--Dave Sullivan fight at the Auditorium tonight was declared a draw at the end of the 25th round.

HOTEL ARRIVALS.

THE PORTLAND.

D Corimer, St Joe	H R Shepardson, Chg
G H Carruthers, Salt Lake	A Liebenthal, S F
J F Templeton & w, St Louis	W A Hardy, Seattle
Lieut S B Wennam, U S R C S	A W Kittelson, Nome
W E Tallant, Astoria	Henry Fuhrman, Seattle
B H Pitts, St Louis	H S Fessenden, Frisco
L Kauffman, S F	C F Eggert, Seattle
C Fon, Dutch Hrbr	J H Sullivan, Chgo
W J Bull, S F	H T Kendall, Moat
F L Hewitt, So Bnd	Mrs S E Rector & daughter, Helena
W A Liebes, S F	C H Rector, Helena
A E Kirlee, Ilwaco	W H Mead, N Y

Women Femo-Lenes, replace cod liver oil, liquid tonics, nervines, iron pills, etc. They make rich blood and build up the weak parts of the body. All druggists, 50c.

CONSUMPTION PREVENTED, NOT CURED

THE GREATEST BENEFACTION OF SCIENCE CHECKS DISEASE BEFORE IT REACHES THE LUNGS.

Doctor Copeland Again Urges the Truth of His Theory, the Only Sound Theory in Lung Disease, the Theory Proved a Thousand Times, and Again a Thousand in His Practice, That the Only Proper Course, the Only Rational Course, the Only Scientific Course in the Treatment of Consumption Is to Cure the Catarrhal Stages.

So much interest has been aroused by the series of articles by Doctor Copeland on the relation of catarrh to consumption that he has, in the following talk, explained what his experience has taught him in all the years of his practice concerning catarrh and consumption. Doctor Copeland says:

"The great trouble that I find is to explain to the people so they will understand the importance of taking care of their breathing apparatus, which is undoubtedly the most important part of the body. While man may live quite a time without food and without water, he dies in a very few minutes when robbed of air, and if he does not get air in sufficient quantity and of proper quality he will suffer and linger along until he develops an incurable disease, from which he will die. It is very hard to show the people how simple, common catarrh, which is so prevalent, is a forerunner of such serious consequences as bronchitis and consumption.

Our Specialties

Chronic Catarrh in all its forms, Asthma, Bronchitis, Incipient Consumption, Diseases of the Stomach, the Kidneys, the Nervous System and Blood treated at the Copeland Institute at

$5 A MONTH

Medicine included, until cured. Don't pay more.

GREAT RISK TAKEN.

"I would like to appeal directly to every thinking person in the world with a positive fact, namely, that each one I address I want to consider that he is running a gauntlet that is an extremely risky one when he allows himself to remain uncured from any form of bronchial or catarrhal lung disease, for no matter who you may be, you stand one chance out of seven of dying of consumption. In other words, every seventh person in the United States gets consumption and dies from it. A great many more people than one out of seven get consumption, but some of them by change of climate and by proper doctoring get cured. I should think that fully one person out of every five develops consumption, while statistics prove beyond question that one out of seven dies from it.

"In a climate like ours people are subject to diseases of the breathing apparatus, and the greatest number of those so affected begin with catarrh of the nose and throat, which after a time extends into other parts.

DANGER FROM CATARRH.

"There are some persons, and indeed a number of them, who have an immunity from consumption, but it will be found on close investigation that such persons do not contract colds easily and do not develop catarrh from the colds. Every person who has catarrh is carrying around with him a disease that is liable at any time to allow the development of consumption.

"In some persons the strength and vitality of youth allows them to prevent the advancement of catarrh into the lungs, and while they may be annoyed with nasal or throat catarrh during the early part of their life, they suffer no serious constitutional disease as the result of it. But even such persons, when they grow old, find they are beginning to cough, and the cough is always very bad during the Winter, and gradually gets worse as they grow older and weaker, until at last it carries them away.

NO IMMUNITY FOR THE OLD.

"It used to be thought that only young people and people of middle age developed consumption, but it has been found of late years that there are just as many old people who suffer from consumption as there are young people, and that old people suffer from that form of consumption almost exclusively that results from catarrh. Two-thirds of the people who live past the 60th year in this climate die from consumption that started with catarrh during the early part of their lives.

"It is like this: Youth can resist much; good constitutions can resist much, but in the latter end of man's existence his fires burn lower, his youth is gone, his vitality is gradually sapped and disease is allowed to extend into his vital parts.

"As I have said before, catarrh in the form of catarrhal consumption is not the only form of consumption, but the history of nearly every case of consumption is the history of catarrh that has extended from the nose to the throat, from the throat to the bronchial tubes and thence to the lungs. Those people even after they have developed consumption and finding that they still take cold easily and have exaggerated catarrhal symptoms, often try to persuade themselves that they are only suffering from catarrh, and that their lungs are not affected.

NO CURE FOR CONSUMPTION.

"I have spent as much time as any doctor that I know of in investigating all the so-called cures of consumption. I find after 20 years of investigation that there is no reliable cure for consumption, nor do I believe there ever will be such a cure found.

THE PROPER COURSE.

"The proper course in dealing with consumption is to prevent it. I know that those people who are careful of their breathing apparatus, who have their catarrh cured, rarely, if ever, develop consumption, so I wish it thoroughly understood that I do not claim to cure consumption, but I am on record as saying that it is my aim, and has been for years past, to rid people of the disease that so often prepares the way for consumption, namely, catarrh, and that in doing this I am satisfied that in the majority of cases, at least, I am able to prevent consumption."

HOME TREATMENT.

Doctor Copeland requests all who are ailing, all who feel a gradual weakening or all who realize that their health is being undermined by some unknown complaint, to cut out this slip, mark the questions that apply to your case and he will diagnose your case for you:

"Is your nose stopped up?"
"Do you sleep with mouth wide open?"
"Is there pain in front of head?"
"Is your throat dry or sore?"
"Have you a bad taste in the morning?"
"Do you cough?"
"Do you cough worse at night?"
"Is your tongue coated?"
"Is your appetite failing?"
"Is there pain after eating?"
"Are you light-headed?"
"When you get up suddenly are you dizzy?"
"Do you have hot flashes?"
"Do you have liver marks?"
"Do your kidneys trouble you?"
"Do you have pain in back or under shoulder-blades?"
"Do you wake up tired and out of sorts?"
"Is your strength failing?"

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