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## AGAINST THE DYNAMITERS.

The supreme court of Idaho last week decided against the north Idaho dynamiters. The writ of habeas corpus asked for by William Boyle, one of the commissioners of Shoshone county who is now under arrest, was denied in one of the most vigorous decisions ever handed down by that tribunal. The decision was written and delivered by Chief Justice Huston, Justices Sullivan and Quarles concurring. Counsel were given five days in which to file their briefs, after which the court's formal opinion will be rendered.

The reading of the decision was listened to with breathless attention by the attorneys present. After Judge Huston had finished the court adjourned sine die. The following is the full text of the decision:

"This is an application for a writ of habeas corpus. To the petition a general demurrer is filed. The only question presented for our determination is, Does the petition state facts entitling the petitioner to the writ?"

"The petition alleges the illegal detention of the petitioner, and set forth the alleged cause of and authority for, such detention, and it is upon the alleged illegality or want of authority therefor that petitioner bases his right to the writ.

"The facts set up in the petition for the purposes of this decision are assumed to be true. Do they constitute sufficient ground for the issuance of the writ? It appears from the petition that on the 4th day of May, 1899, the governor of the state of Idaho issued the following proclamation: (The decision then recited the governor's proclamation declaring a state of insurrection in Shoshone county). That thereafter, upon the call of the governor, a military force was sent into said Shoshone county by the president which proceeded at once to secure the arrest of the parties engaged in, and who committed the outrages of the 29th of April, for the purpose of bringing such parties before the proper tribunal for trial.

"Among the parties who were arrested as being implicated in the murders, and other crimes resulting from the insurrection, riot or rebellion of the 29th of April, was the petitioner, and he bases his claim to be discharged from such arrest upon various grounds:

First. No insurrection, riot or rebellion now exists in Shoshone county.

Second. The governor had no authority to proclaim martial law or suspend the writ of habeas corpus in Shoshone county.

Third. That martial law does not exist, and has not been proclaimed, in said Shoshone county by any one having authority to make such proclamation.

Fourth. That the little disturbance of the 29th of April is over, that the parties implicated in it after having destroyed about a quarter of a million of property, and committed several murders, have retired to their homes, and that in recognition of the inalienable rights of the citizen they ought not to be disturbed.

Fifth. That the governor had no right or authority to send an agent or representative to Shoshone county to consult and advise with the military officer sent there by the federal government to assist in putting down the insurrection and restoring order in said county.

"Counsel have argued ably and in geniously upon the question as to whether the authority to suspend the writ of habeas corpus rests with the legislative or the executive power of the government; but from our view of the case that question cuts no figure. We are of the opinion that whenever for the purpose of putting down insurrection or re-

bellion, the exigencies of the case demand it for the successful accomplishment of the end in view, it is entirely competent for the executive or for the military officer in command, if there be such, either to suspend the writ or disregard it if issued.

"The statutes of this state make it the duty of the governor, whenever such a state or condition exists as the proclamation of the governor shows, does and has existed in Shoshone county for the past six or seven years, to proclaim such locality in a state of insurrection and to call in the aid of the military of the federal government to suppress such insurrection and re-establish permanently the ascendancy of the law.

"It would be an absurdity to say that the action of the executive under such circumstances may be negative and set at naught by the judiciary, or that the action of the executive may be interfered with or impeded by the judiciary.

If the courts are to be made a sanctuary, a city of refuge, where non-malefactors may flee for protection from punishment justly due for the commission of crime, they will soon cease to be that palladium of the rights of the citizens so ably described by counsel.

"Section 7405 of the Revised Statutes provides that when an armed force is called out for the purpose of suppressing an unlawful or riotous assembly, or arresting the offenders, and is placed under the direction of any civil officer.

"It having been demonstrated to the satisfaction of the governor, after some six or seven years experience, that the execution of the laws in Shoshone county, through the ordinary and established means and methods, was rendered practically impossible, it became his duty to adopt the means prescribed by the statute for establishing in said county the supremacy of the law, and insure the punishment of those by whose unlawful and criminal acts such a condition of things has been brought about: and it is not the province of the courts to hinder, delay or place obstructions in the path of duty prescribed by law for the executive; but rather to render to him all the aid and assistance in their power in his efforts to bring about the consummation most devoutly prayed for by every good and law abiding citizen in the state.

"The various questions raised by counsel have been considered by the court, and our conclusions thereon will be announced in the opinion hereafter to be filed. It is sufficient to say at this time that we do not consider the facts set forth in the petition sufficient to warrant the court in issuing a writ of habeas corpus. The demurrer to the petition is sustained and the writ denied.

Revision in Dreyfus Case.  
Paris, June 3.—The court of cassation today rendered a verdict in favor of a revision of the Dreyfus case and ordering a court martial to sit at Rennes, 60 miles from Nantes, for the trial of the prisoner. Previous to the announcement of the verdict, crowds assembled at the Palace of Justice and in its neighborhood awaiting the decision. Perfect calm prevailed. The decision, which was pronounced at 3:40 p. m., says the prisoner is to be retried on the following questions: Is Dreyfus guilty of having, in 1894, practiced machinations or having had communication with a foreign power or its agents with the view of facilitating acts of hostilities in the case of a war with France; or having furnished means therefor by furnishing notes on documents traced on the borders of

## Cattle Market.

The beef cattle market is rapidly approaching that condition when the best pastured are confidently predicting a strong advance in prices, says the Denver Stockman. Whether the advance comes or not remains to be seen. Last week the receipts in the four big markets were in excess of the same period of last year, and these seems to be plenty of cattle coming to market but the encouraging point is the strong tone of the market, notwithstanding the liberal supplies. Prices are about half a dollar higher than at this time a year ago, and the demand seems equal to all the cattle that are coming. The cattle now going to the market are the cattle that went into the feeds lots last fall. There are indications that the feeders have been pushing into market earlier than usual, and that within a couple of weeks there will be a noticeable falling off in supplies. Should that occur an advance may be expected. However, the wisecracks have been predicting a strong advance for the past year, and while there have been temporary advances there have been no prices such as have been predicted. The stock cattle market of the immediate future will depend largely upon developments in the fat cattle market. At present stock cattle are undoubtedly selling too high as compared with the fat cattle. An advance in fat cattle will not warrant any advance in stock cattle, but will simply justify present prices. Buyers are holding back and waiting for the advance. If it come soon they will buy more willingly at present figures, but if it fails to come stock cattle will have to sell lower during the summer.

Despite the published request of General Wade Hampton for the discontinuance of a movement set on foot to collect a fund with which to erect a home for the gallant South Carolinian to replace the one recently destroyed by fire, near Columbia, S. C., the work of securing the fund for this purpose is still in progress, with every prospect of early success. Leading citizens of Columbia have \$1000, and at Charleston the subscribers to the fund have adopted a resolution pledging \$2000 toward the building of a house to be presented to General Wade Hampton and for other purposes. Other subscriptions aggregating about \$1000 are announced. In short, it seems to be the determination of the people of South Carolina to proceed to the work of building a home for their most illustrious son in the most direct way and without delay. When this is done it will be hard for General Hampton to decline the gift of a home from his devoted friends and admirers.

The teacher of a school in the suburbs of Portland has established a question box as an aid to education, allowing the pupils to deposit questions they wish answered in this box, and at stated times answering them for the general information of the school. Among the pupils is a boy of brilliant parts, so brilliant, in fact, that he seems fated to develop into one of those "sleek imps they call a poet" or, still worse, into a "dashed genius" of no use to any one. This boy annoyed the teacher by depositing all sorts of foolish questions in the box, such as "Why don't a man's whiskers grow on his nose as well as the rest of his face?" or "How is it that cows which eat green green grass give white milk?" and such improbable conundrums. Finally, this boy was forbidden to deposit any questions in the box. He complained to annoy the teacher by getting other pupils to deposit questions

which he had written or which they had written at his suggestion. Finally, to shut him out of the game altogether, the school towel (it was lucky it wasn't a printing office towel) was used to gag him, by fastening it around his head, over his mouth. His hands were then tied behind him, and he was looked upon as disposed of for the time being. All the same, some of his questions found their way into the box, and on examination it was found that he had gnawed a hole through the towel, swallowing the section cut out, and was thus enabled to whisper suggestions to a pal, who "did the rest." Just whether to abolish the question box or expel the boy is what is now troubling the teacher.

The smallest railroad in the world is being built in Central Park for the pleasure of little New Yorkers. It will be a double-track road, 12 1/2 inch gauge. One train will be called the "Black Diamond" and the other the "Empire State Express." The locomotives will be 5 feet 8 inches long and 25 inches high, and the engineer of each will be such a big man that his feet will take up all the tender, and the coal will have to be kept in a scuttle at either end of the road. The line will be 800 feet long, and it is to be completed in time for the youngsters to enjoy themselves on it this summer.

Wearly Watkins—What is this here Christian Science—the science of gittin' rich 'bout gittin' into jail?

Hungry Higgins—That's one of 'em, but this here other, I take it, is a sort of disease. If you're sick you jist say you're well, and you are.

Wearly Watkins—I wonder if a guy could learn to get drunk on that system?

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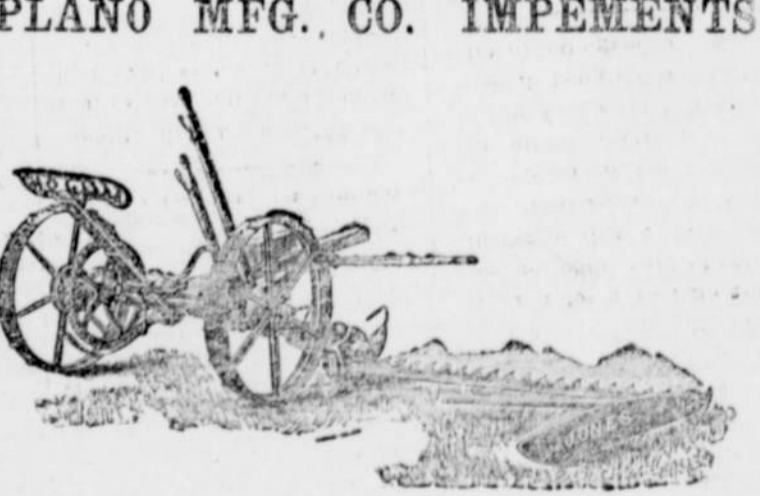
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