Kodol Dyspepsia Cure

Digests what you Eat

In speaking of indigestion, Dr. Lewis says: "It is deplorable that so many hundreds of thousands of Americans suffer from indigestion. It means that the blood of the nation is becoming impure; for undigested food poisons the blood. Unless a method is devised for overcoming this malady, our race must deteriorate."

Many persons use soda tablets to neutralize fermenting food; this only makes a chemical receptacle out of the stomach, and injures its sensitive structures. Others feed on pepsin, which is better, but not sufficient, for it digests only albuminous foods.

The preparation best fitted to relieve and absolutely cure indigestion is KODOL DYSPEPSIA CURE. It contains every known digestant and digests every kind of food. Its use is a common sense method of treating all stomach troubles, and the results are always certain.

It can't help but do you good

Prepared by E. C. DeWitt & Co., Chicago. The $1. bottle contains 2½ times the 50c. size.

When you need a soothing and healing application for piles, sores and skin diseases, use **DeWITT'S Witch Hazel SALVE.** Beware of counterfeits.

GEO. VAN WERDEN. GUS SAUR.

ARRESTED ON CHARGE OF MURDER

Hollan and Phillips are Landed in County Jail.

JOHNSON WAS SHOT

Men Say Because He Was Trespassing on Property.

Guthrie, O. T., Dec. 2.—Tom Hollan and Constable Phillips, of Beaver Creek township, this county, have been placed in the county jail on the charge of murdering Sam Johnson, a colored man, on last Saturday night.

Hollan is a white man and Phillips is colored. Hollan has been living on his father's farm, and had missed some corn at night. He secured Phillips to help him catch the guilty persons. On Friday night, both men watched, but saw no one. Phillips had a rifle and Hollan a shotgun. On Saturday Phillips helped Hollan on the farm, and that night the men decided to watch again. They agreed upon a certain signal so that there would be no accidental shooting. A man approached Phillips with a gun and Phillips claims that he asked him to halt and throw up his hand. According to the story told, the man, who afterwards proved to be Johnson, did not stop, and that Phillips shot him through the stomach at close range with his rifle. It is alleged that the gun carried by Johnson was the one formerly used by Hollon, and that Hollan was close by when the shooting was done. Johnson lived but a few hours. Both men will be held to answer to the charge of murder.

A MILLION VOICES

Could hardly express the thanks of Honor Hall of West Point, Ia. Listen why: A severe cold had settled on his lungs, causing a most obstinate cough. Several physicians said he had consumption, but could not help him. When all thought he was doomed he began to use Dr. King's New Discovery for Consumption, and writes: "It completely cured me and saved my life. I now weigh 227 lbs." It's positively guaranteed for coughs, colds and lung troubles. Price 50c and $1.00, at Gehring's pharmacy.

JENSEN BOUND OVER

Iowa Man Is Held Awaiting Requisition From Iowa.

El Reno, O. T., Dec. 2.—M. Jenson, who came to this city last July, was taken before Justice Mills on Saturday and was bound over until a requisition from Iowa can be secured.

From the evidence admitted it seems that Mr. Jenson was a grocery merchant in Council Bluffs, and that in December, 1900, as the information alleges, he represented to Stewart Bros., wholesale grocers in Council Bluffs, that there was no encumbrance on his stock of goods and other property, with the exception of a few hundred dollars. The indictment charges that this was a false statement whereby he obtained credit to the amount of several hundred dollars from the wholesale company. In May Mr. Jenson's stock of goods was attached and sold by the wholesale company, leaving Mr. Jenson somewhat in debt to the concern. He came here in July and has been in the city all the time. Mr. Jenson denies that he made any misstatement of his financial standing to the company with fraudulent intentions.

Jenson has been held under $500 bond, which was promptly given.

FOILS A DEADLY ATTACK.

"My wife was so ill that good physicians were unable to help her," writes M. M. Austin of Winchester, Ind., "but was completely cured by Dr. King's New Life Pills." They work wonders in stomach and liver troubles. Cure constipation, sick headache, 25c at Gehring's pharmacy.

INDIAN STRUCK COAL

Rich Vein of Ore Is Discovered Near Ralston by an Osage.

Pawnee, O. T., Dec. 2.—Bennett, an Osage Indian who lives at the mouth of Salt creek, three and one-half miles north of Ralston, is digging a well for stock water. He was down about eighty-two feet yesterday morning when coal was struck. The workmen have at last report gone two feet deeper in solid coal, the quality is said to be good, a chunk of it from the well having been tested at Gray Horse yesterday.

It has been known for years that a vein of coal lay buried in that vicinity, but the discoverers have kept the fact a secret until this strike. How thick the vein is nobody knows, but it is believed to be not less than four or five feet. The well diggers will know, however, in a few days, as they will keep on digging for that purpose.

A cold, cough or la grippe can be "nipped in the bud," with a dose or two of FOLEY'S HONEY AND TAR. Beware of substitutes. G. Gehring, 403 East Douglas; Geo. Van Werden, 328 North Main, Wichita Drug Co., 139 East Douglas.

AT SECRETARY'S OFFICE

New Business Firms Are Given Push for Success in Territory.

Guthrie, O. T., Dec. 2.—Secretary Grimes has issued charters to the following Oklahoma corporations:

The Garfield County Hospital at Enid, for a period of 20 years, to care for patients of the Caucasian race. The persons interested are C. H. Lackey, Frank Frantz and Albert Loewen.

The El Reno Plumbing and Electrical Supply company for a period of twenty years, to do a general business with a capital stock of $5,000. The men interested are, M. F. Potter, S. B. Potter, Mary B. Hazleton, F. B. Johnson and J. B. Royalty.

Elk Lodge No. 82, I. O. O. F. at Harrah, Oklahoma county, for a term of twenty years. The trustees are John Wanor, S. F. Curry and James Beavers.

Mount Carmel Cumberland Presbyterian church, six miles east of Choctaw, in Oklahoma county for a perpetual term of years. The church property is valued at $1,000. The trustees are C. F. Parker, Z. T. Sims and T. J. Rowlan.

First Christian church of Anadarko for a perpetual term of years with J. S. Hendryx, Junius Oldham, C. L. Heath, William Coleman, R. Z. McQuinch.

Everybody can be made to feel better. There is no limit to the usefulness of Hood's Sarsaparilla.

WITH ESCORT

GOVERNOR FERGUSON LEAVES WATONGA AMID SHOUTS OF THE PEOPLE.

Geary Spreads Herself in Honor of the New Governor.

Geary, O. T., Dec. 2.—Governor Ferguson was given a royal farewell today from his home on his departure for Washington and two hundred citizens, with the Watonga cornet band and glee club, accompanied him as far as this city.

On his arrival here a reception was given him and great enthusiasm shown in entertaining the new governor of Oklahoma.

CHARGED WITH FORGERY

James Fuller Has Hearing and Is Bound Over in Sum of $3,000

Oklahoma City, Dec. 2.—James H. Fuller, who is under arrest charged with having forged a deed, had his preliminary hearing Saturday afternoon in the probate court room. He was bound over in the sum of $3,000. Fuller is charged with having forged a deed conveying a quarter section of land from a man named Gray to his wife, Mrs. Gray. The man Gray had been dead a year or so before the deed was made. There were two children who were interested in the estate of their father, but they were under age. Fuller, it is said, wanted to get a loan on the land and he could not do so unless the title could be cleared. To clear the title he is said to have forged the deed. He secured a loan of $300 on the land. The loan was made by E. Walliker of this city.

HE'S A ROUGH RIDER

Calvin Hill Is Making Strong Fight for Pawnee Postoffice.

Pawnee, O. T., Dec. 2.—Calvin Hill, an ex-Rough Rider, is a candidate for postmaster of this city. Hill has been presenting a petition which has been generally signed. Other candidates are worried over the situation owing to the fact that Roosevelt has announced that "pull" does not go with him.

New Paper at Hitchcock.

Guthrie, O. T., Dec. 2.—Hitchcock, Blaine county, has a new paper in the Vanguard, the first issue of which came out on Friday. Ferguson & Ferguson are publishers and are boosting the metropolis of their town to the front.

Garber Leaves With the Money.

El Reno, O. T., Dec. 2.—J. B. Lang, a barber who had charge of a shop owned by Dr. Dale, left town Friday night with $75, belonging to the proprietor. He also took several beds from the shop. Lang was seen at Chickasha on Saturday.

Don't Marry.

Almost everybody remembers the celebrated advice of the London *Punch*, "To those about to marry. *Don't.*" There is in that advice the expression of the feeling of many a mother who says, "I hope my daughter will never marry and suffer as I have."

In ninety-eight cases in every hundred there's no need for this suffering. Doctor Pierce's Favorite Prescription cures the womanly diseases which cause wifely misery. It dries enfeebling drains, heals inflammation and ulceration and cures female weakness. It invigorates the womanly organism, tranquilizes the nerves and gives the mother strength to give her children.

Do not allow an unscrupulous dealer to sell you something in place of "Favorite Prescription," claimed to be "just as good." There is nothing just as good for women as "Favorite Prescription."

"I am so pleased with your medicines, I simply know what thanks to give you for your kind words," writes Mrs. Milo Bryant of Lula, R. Thomas Co., Ga. "You have built up my stamina to the world, being all suffering women will know and be healed. I suffered so much with great pain in my back and the lower part of my stomach and prostration of the bowel. Could hardly walk to the down, and could hardly get up in the morning but one bottle of 'Favorite Prescription' and two vials of Dr. Pierce's Pleasant Pellets I feel like a new woman."

Dr. Pierce's Pleasant Pellets cure sick headache.

CLIMAX IN THE LIFE OF JENKINS

President Sends Stern Message and Directs Grimes

TO ACT AS GOVERNOR

Untill Ferguson Can Assume His Executive Duties.

Guthrie, O. T., Dec. 2.—As a climax to the stern statement made by President Roosevelt telling why he could not reappoint Wm. Jenkins as governor of Oklahoma, William Grimes received the following telegram today from Secretary Hitchcock:

"Washington, D. C. Dec. 1.

"Wm. Grimes, Acting Governor, Guthrie, O. T.:

"The president having removed Wm. M. Jenkins as governor and appointed Thomas B. Ferguson as governor and the latter being absent from the territory, you are directed to act as governor until Thomas B. Ferguson returns to the territor yand assumes his duties.

"E. A. HITCHCOCK, Secretary."

Mr. Grimes assumed his duties today and will take care of all the business that come into the governor's office until the return of Governor Ferguson. The telegram from Secretary Hitchcock means that Mr. Jenkins cannot transact no more business and ordinarily would need to secure the consent of Acting Governor Grimes in order to remove his personal belongings from the governor's office.

This decision coupled with the statement made by President Roosevelt has caused Mr. Jenkin's friends to feel that the authorities at Washington had been too severe in his case; and that the statement alone was enough to cause Mr. Jenkins to be "a marked man" without any telegram deposing him from official duties after his return and until Governor Ferguson returns from Washington, to assume his duties in the governor's office. Mr. Jenkins is expected in the city tonight and plans were made today for several of his intimate friends to meet him.

In the eyes of Oklahoma the action of President Roosevelt is a surprise. Ordinarily a man in trouble, or who could not be re-appointed, would have been given an opportunity to resign ,and that would have ended the episode. In this case, however, a written statement, signed by the president and scathing to the extreme, was published broadcast, and in the annals of Oklahoma politics it is without precedent. Politically, Governor Jenkins, no matter what his prospects might have been for the fulfillment of ambitions in this line, can never hope to rise above the conditions which have surrounded him and finally caused his removal.

In regard to the new governor, it is the consensus of opinion among the men who know Governor Ferguson intimately that his administration will be a success. In the affairs of a notice such as the governor of Oklahoma, Ferguson has never had any experience, but his work has given him a broad experience and once initiated into his duties will undoubtedly be a success, such is the opinion of men who know him. Governor Ferguson is a typical western man. On the hills and prairies of southern Kansas he underwent the hardships of the pioneer. In Oklahoma his early experience was similar to the early days in Kansas. In spite of all obstacles, he has made a success, financially as well as in other ways, of his Oklahoma career.

For a time Governor Ferguson was a Methodist minister in southern Kansas. After that experience he became a school teacher and as such entered the State Normal school at Emporia. He spent two years there and his student career was not without laurels. During the first term of his first year in the normal school he won first place in the intercollegiate debate. There were four debaters; and previous to that time he had been selected from the senior class. In Ferguson's case he was placed on the list with three seniors. One of the seniors made an objection to the faculty, stating that a second year man had been selected to compete with seniors and by such an action, the standar dof the contest had been lowered. The faculty refused to interfere and Ferguson debated. George T. Anthony, and Governor Martin were two of the judges. When the final reckoning was made, Ferguson had 138 points; the closest man 120 and the student who had objected to Ferguson debating had received 117 points. In the next term of the same year, Ferguson won a prize for the best essay of the student body. This production is still preserved in the archieves of the institution.

A literary production of merit coming from the pen of Ferguson is the great Kansas Jayhawker, which was published a number of years ago. It deals with the border ruffian warfare of the early days of Kansas. It is written in dialect and at the time is an interesting book.

A man who has known Tom Ferguson for twenty years, said:

"In all the years that I have known Tom Ferguson, I have never known of his integrity being assailed. I consider him honest, strictly honest. As a young man, he saw many hard knocks, but in spite of them he has come to the front. I consider him a level headed man and if my acquaintance can be used as a standard by which he can be jdiged, I would say that Tom Ferguson will give Oklahoma a good administration."

The appointment of Ferguson to the supporters of ex-Governor Barnes, is distasteful. Ferguson has been identified with the territorial organization and is a warm supporter of Dennis Flynn.

A number of the appointees of ex-Governor Jenkins have decided to hand their resignations to Governor Ferguson as soon as he assumes the duties of office. The majorities of the appointees desire to retain their positions, but do not wish to handicap the new governor or cause him to remove them without resignations should he desire to do so. There will undoubtedly be changes in the departments, but these will not come for some time.

Fred L. Wenner was busy packing up personal party at the governor's office today and will retire from the office. Mr. Wenner is not a candidate for private secretary to Governor Ferguson and will devote his time to newspaper work. No one has any idea who will be Mr. Wenner's successor, not knowing Governor Ferguson's ideas in the matter.

Piles Cured Without The Knife.

Itching, Blind, Bleeding or Protruding Piles. No Cure. No Pay. All druggists are authorized by the manufacturers of Paze Ointment to refund money where it fails to cure any case of piles, no matter of how long standing. Cures ordinary cases in six days; the worst cases in fourteen days. One application gives ease and rest. Relieves itching instantly. This is a new discovery and is the only pile remedy sold on a positive guarantee, no cure no pay. Price 50c. If your druggist don't keep it in stock send us 50c in stamps and we will forward same by mail. Manufactured by PARIS MEDICINE CO., St. Louis, Mo., who also manufacture the celebrated cold cure, Laxative Bromo-Quinine Tablets.

GIANT MOTOR IS STARTED

Continued From First Page

yet there come to us the oppressive sense of an unspeakable loss, the departure of our friend and brother, anr Father, and the cheer of the nation, by the hand of the assassin.

"Oh, Lord God, let Thy pity and grace come to the people of this land by reason of this unspeakable calamity. And as Thy servant, the widows sits alone and bereft, may Thy comfort and consolation come to her.

"And grant, Oh Lord, that we may duly feel the loss and sorrow attendant upon the departure from earth of a member of this body, a senator from South Dakota. Hear our devout prayers in behalf of Thy servant, the senior senator from New Jersey (Mr. Sewell) and grant that the means that are used for his recovery to health may be blest by Thee and may he come to his place upon this floor again crowned with Thy loving kindness.

"Grant Thy grace to every member of this body and to all who are dear to them and so may the light and favor of God our Father, be with us all now and evermore. Amen."

Credentials were presented of Charles H. Dietrich and Joseph H. Millard of Nebraska; Alfred B. Kittredge of South Dakota and Paris Gibson of Montana.

Mr. Frye administered to them the oath of office.

Formal resolutions were offered by Mr. Cullom of Illinois that the house be notified that the senate was ready to proceed to business; by Mr. Allison, that the hour of meetin gof the senate be 12, noon, and by Mr. Hale of Maine, that a committee of two senators be named to join a similar committee of the house to inform the president that congress was in session and prepared to receive any message that he might desire to submit.

Mr. Hale and Mr. Morgan of Alabama were named as the committee.

Mr. McLaurin of South Carolina offered a joint resolution authorizing the admission free of duty of imports of articles intended to be exhibited at the Charleston exhibition and the transfer of the government exhibits at the Buffalo exposition to the Charleston exposition.

Mr. Hoar objected to immediate consideration, saying that it was the universal practice of the senate to transact no business until the president had been informed that congress was prepared to do business. The resolution was withdrawn temporarily.

Recess was taken until 2 o'clock, but no report of organization of the house having been received at that time. Mr. Gamble of South Dakota, formally announced the death of Senator Kyle of that state on the first of last July. He offered the usual resolution expressive of the sorrow of the senate and after its adoption the senate as an additional mark of respect adjourned until tomorrow.

Rear-End Collision on Union Pacific.

Hills, Kan., Dec. 2.—Tonight a rear-end collision occurred on the Union Pacific, which resulted in the smashing up of the caboose and the blocking of the track for several hours. The west-bound passenger train ran into the rear end of an extra freight train.

No External Symptoms.

The blood may be in bad condition, yet with no external signs, no skin eruption or sores to indicate it. The symptoms in such cases being a variable appetite, poor digestion, an indescribable weakness and nervousness, loss of flesh and a general run-down condition of the system—clearly showing the blood has lost its nutritive qualities, has become thin and watery. It is in just such cases that S. S. S. has done some of its quickest and most effective work by building up the blood and supplying the elements lacking to make it strong and vigorous.

"My wife used several bottles of S. S. S. as a blood purifier and to tone up a weak and emaciated system, with very marked effect by way of improvement.

"We regard it a great tonic and blood purifier."—J. P. DUFF, Princeton, Mo.

SSS is the greatest of all tonics, and you will find the appetite improves at once, strength returns, and nervousness vanishes as new rich pure blood once more circulates through all parts of the system.

S. S. S. is the only purely vegetable blood purifier known. It contains no minerals whatever. Send for our free book on blood and skin diseases and write our physicians for any information or advice wanted. No charge for medical advice.

THE SWIFT SPECIFIC CO., ATLANTA, GA.

SYRUP OF FIGS

An Excellent Combination

The pleasant method and beneficial effects of the well known remedy, SYRUP OF FIGS, manufactured by the CALIFORNIA FIG SYRUP CO., illustrate the value of obtaining the liquid laxative principles of plants known to be medicinally laxative and presenting them in the form most refreshing to the taste and acceptable to the system. It is the one perfect strengthening laxative, cleansing the system effectually, dispelling colds, headaches and fevers gently yet promptly and enabling one to overcome habitual constipation permanently. Its perfect freedom from every objectionable quality and substance, and its acting on the kidneys, liver and bowels, without weakening or irritating them, make it the ideal laxative.

In the process of manufacturing figs are used, as they are pleasant to the taste, but the medicinal qualities of the remedy are obtained from senna and other aromatic plants, by a method known to the CALIFORNIA FIG SYRUP CO. only. In order to get its beneficial effects and to avoid imitations, please remember the full name of the Company printed on the front of every package.

CALIFORNIA FIG SYRUP CO.

SAN FRANCISCO, CAL.

LOUISVILLE, KY. NEW YORK, N. Y.

For sale by all Druggists.—Price 50c. per bottle.

BREAKS RECORD FOR PRICE OF INDIAN BRIDE

Peter Red Eagle Pays Twenty-Four Horses and

BUGGY AND HARNESS

For the Osage Maiden, Celia Pawnee-No-Pashee.

Pawnee, O. T., Dec. 2.—Mr. Peter Red Eagle and Miss Celia Pawnee-no-pashee, two of the most prominent young people among the Osage Indians, have been married at Salt Creek camp, near Ralston, says the Dispatch.

The ceremony was according to the time-honored rites of the Osages, and the price paid for the bride was one of the highest ever known in the Osage nation. Twenty-four head of horses, a buggy, a set of harness and many other articles besides changed hands when the bride left her home to take up her abode in her husband's lodge.

The affair was in every way a swell one from the Indian standpoint. The bride is the youngest daughter of Big Hill Joe, the first governor of the Osage nation, and Peter Red Eagle is one of the best known of the young men of the tribe.

MYSTERY IS UNSOLVED

Inquest Over Body of Man Murdered at Shawnee Is Held.

Shawnee, O. T., Dec. 2.—The inquest held upon the unknown party who was found murdered in a pasture some six miles east of here last Wednesday evening, was held at the undertaker's room on North Broadway, says the Quill, late Saturday afternoon. The inquest developed no new facts outside the testimony of Mr. Duncan, who held a short conversation with the deceased the evening previous to the discovery of the remains in the pasture.

Between 6,000 and 7,000 people viewed the remains, but no one was able to identify them.

Dr. Duncan stated: "I live tw oand one-half miles east of Shawnee. I met the deceased about 4 o'clock Tuesday afternoon, at my house. The man asked me for a job of work, and in the conversation I had with him he told me he was from Chickasha, I. T. He had on a dark coat and vest, a pair of blue overalls over his pants and wore a soft, black hat. He had a small parcel in his arms, wrapped up in an old newspaper. The last I saw of the deceased he was going east."

The two negroes, Ed. Frazier and Wylie Walker, who was arrested on suspicion of having committed the crime, was released today. They, of course, claimed they never saw the man and knew nothing of him whatever. They were a tough looking pair, and will bes rwatching.

The remains of the unknown was interred yesterday by the county, thus probably closing a chapter in the affair of men that will never be unraveled.

AMERICAN TERRITORY

Continued from Fifth Page.

the export duties.

Justice White concurred in the result but delivered an independent decision. This case grows out of the imposition of tariq duties on goods shipped from New York to Porto Rico. Under the act of April 12, 1900, providing revenues and a civil government for Porto Rico, the sum involved being $1,623. This money was collected at Porto Rico on goods shipped to that port by Dooley, Smith & Co., to their agent who was in San Juan. The collections were imposed under that portion of the law in question which provides that "all merchandise coming into Porto Rico from the United States shall be entered at the several ports of entry upon payment of 15 per cent of the duties which are required to be levied, collected and paid upon like articles of merchandise imported from foreign countries into the United States under the Dingley tariff law."

Dooley, Smith & Co., brought suit in the circuit court of the United States for the southern district of New York to recover the money paid by them which they declared had been wrongfully collected at San Juan. oT their petition the United States demurred on the ground that the court had no jurisdiction of the subject of the action and on the further ground that the complaint did not state facts sufficient to constitute a cause of action. Judge Lacombe of the New York court sustained the demurrer upon the second point. The case was carried from his court to the supreme court.

The contention on the part of Dooley's counsel was that congress had not the power under the constitution to impose taxes or duties such as were levied under the act of April 12 upon articles taken into Porto Rican ports from other parts of the United States, Porto Rico being an integral portion of the nation.

Justice Brown said that the duties levied were attacked on the ground that they violated the clause of the constitution declaring that no tax or duty shall be laid on articles exported from any state.

The court, he said, in the case of Woodruff vs. Parham, had held that the word "import" in connection with the provisions of the constitution, "that no state shall levy any imports or duties on imports or exports," applied only to articles imported from foreign countries into the United States. In that case Justice Miller, who delivered the opinion of the court, said: "It is not too much to say so far as research has extended, neither the words 'export' or 'import' or 'imports' are to be found in the discussion of this subject, as they came down to us from that time, in reference to any other than foreign commerce without some special form of words to show that foreign commerce is not meant. Whether we look, then, to the terms of the clause of the constitution in question, or its relations to other parts of that instrument, or to the history of its formation and addition, or to the comments of the ewmost men who took part in those transactions, we are forced to the conclusion that no intention existed to prejudge in this clause.

This definition of the word "imports" had afterward been approved in the case of Brown vs. Houston. Proceeding, he said that if, then, Porto Rico be no longer a foreign country under the Dingley act, as was held by a majority of the court in De Lima vs. Bidwell, it is impossible to say that goods carried from New York to Porto Rico can be considered as "imported" from New York within the meaning of this clause of the constitution. If they are neither exports or imports they are still held to be taxed by congress under the ample and comprehensive authority conferred by the constitution "to lay and collect taxes, duties, imports and excises."

The question wh ether a duty laid by congress upon goods arriving at Porto Rico from New York is a duty upon an export from New York to Porto Rico was not free from doubt. The manner and the place at which the tax is levied being a minor consequence.

One thing, however, he added, is entirely clear. The tax imposed is on goods imported into Porto Rico since it was exacted by the collector of the port of San Juan after the arrival of the goods within the limits of that port. From this moment the duties became payable as upon imported merchandise. Now, while an import into one port almost necessarily involves a prior export from another, still, in determining the character of the tax imposed, it is important to consider whether the duty be laid for the purpose of adding to the revenues of the country from which the export takes place, or for the benefit of the territory into which they are imported. By the third action of the Foraker act imposing duties upon merchandise coming into Porto Rico from the United States it is declared that "whenever the legislative assembly of Porto Rico shall have enacted and put into operation a system of local taxation to meet the necessities of the government of Porto Rico by this act established, and shall by resolution be duly passed, so notify the president, he shall make proclamation thereof, and thereupon all the tariff duties on merchandise and articles going into Porto Rico shall cease and from and after such date all such merchandise and articles shall be entered at the several ports of entry free of duty."

"And by section four, the duties and taxes collected in Porto Rico in pursuance of this act shall not be covered into the general fund of the treasury, but shall be held as a separate fund and shall be placed at the disposal of the president to be used for the government and for the benefit of Porto Rico until the government of Porto Rico, herein provided for, shall have been organized, with all moneys theretofore collected under the provisions hereof, then unexpended shall be transferred to the local treasury of Porto Rico.

"Now there can be no doubt whatever that if the legislative assembly of Porto Rico should, with the consent of congress, lay a tax upon goods arriving from ports of the United States, such tax, if legally imposed, would be a duty upon imports to Porto Rico, and not upon exports from the United States; and we think the same result must follow if the duty be laid by congress in the interest and for the benefit of Porto Rico.

"The truth is that in imposing the duty as a temporary expedient with a proviso that it may be abolished by the legislative assembly of Porto Rico at its will, congress thereby shows that it is undertaking to legislate for the island temporarily and only until the local government is put into operation. The mere fact that the duty passes through the hands of the revenue officers of the United States is immaterial in view of the requirement that it shall not be covered into the general fund of the treasury, but be held as a separate fund for the government and benefit of Porto Rico.

"The exaction is really correlative to that of Downs vs. Bidwell, in which we held that congress could lawfully impose a duty on imports from Porto Rico, notwithstanding the provision of the constitution that all duties, imposts and excises shall be uniform throughout the United States.

"It is true that this conclusion was reached by a majority of the court by different processes of reasoning, but it is none the less true that to the conclusion that certain provisions of the constitution did apply to Porto Rico, and that certain others did not, there was no difference of opinion.

"It is not intended by this opinion to intimate that congress may lay an export tax upon merchandise carried from one state to another. While this does not seem to be forbidden by the express words of the constitution, it would be extremely difficult, if not impossible, to lay such a tax without a violation of the first paragraph of article 1, section 9, that 'all duties, imposts and excises shall be uniform throughout the United States.' There is a wide difference between the full and paramount power of congress to legislating for a territory in the condition of Porto Rico, and the power with respect to the states which is merely incidental to the right to regulate interstate commerce. The question, however, is not involved in this case, we do not desire to express an opinion upon it. These duties were properly collected and the action of the circuit court in sustaining the demurrer to the complaint was correct, and it is, therefore, affirmed."

Chief Justice Fuller and Justices Brewer, Harland and Peck united in a dissenting opinion in the Dooley case.

The opinion was read by the chief justice, and was based largely on the constitutional provisions conferring the regulation of commerce. He said: "The power to regulate interstate commerce was granted in order that trade between the states might be left free from discriminating legislation and not to impart the power to create antagonistic commercial relations between them. The prohibition of ports was coupled with the prohibition of taxation on articles exported. The citizens of each state were declared "entitled to all privileges and immunities of citizens in the several states," and that included the right of ingress and egress and the enjoyment of the privileges of trade and commerce."

Further on the opinion says: The prohibition on congress is specific and noticeably different from the prohibition of the states: the state is forbidden to lay "any imposts or duties," congress is forbidden to lay "any tax or duty." The state is forbidden from laying imposts or duties on "imports or exports," that is, articles coming into or going out of the United States. Congress is forbidden to tax "articles exported from any state."

Taking up the plea that the duties in this case were laid not on articles exported from the state of New York, but on articles imported into Porto Rico, the chief justice said the language used precludes this contention. The geographical origin of the shipment controls and it is not material whether the duties were collected at the place of exportation or at Porto Rico. They were imposed on articles exported from the state of New York and before the articles had reached their ultimate destination and had been mingled with the common mass of property on the island.

The dissenting opinion concluded as follows:

The proposition that because the proceeds of these duties were to be used for the benefit of Porto Rico they must be regarded as if laid by Porto Rico itself, with the consent of congress, and were therefore lawful, will not bear examination. Congress may lay local taxes in the territories, affecting persons and property therein or authorize territorial legislatures to do so, but it cannot lay tariff duties on articles exported from one state to another or from any state to the territories, or from any state to foreign countries, or grant a power in that regard which it does not possess. But the decision now made recognizes such powers in congress as will enable it, by means of taxation, to exclude the products of Porto Rico from the states as well as the products of the states from Porto Rico; and this, notwithstanding it was held in Dellima vs. Bidwell that Porto Rico after the ratification of the treaty with Spain ceased to be foreign and became domestic territory.

"We think it clear on this record that plaintiffs were entitled to recover and that the judgment should be reversed.

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3,000 Bills Introduced.

Washington, Dec. 2.—It was estimated by officials of the house that over 3,000 bills had been introduced before 12 o'clock today. There was much rivalry for the honor of having bill No. 1, so low than 15 members having asked for this precedence.

The indications are that the bill of Cleary restricting the sale of oleomargarine will be so designated when the records are made up. The bills took a wide range. Three Pacific cable bills, by Representative Sherman of New York, Corliss of Michigan, and Jones of Washington, gave varying phases of this project, Mr. Jones proposing the northern route via Puget Sound, with an appropriation of $2,000,000, and Mr. Corliss proposing a government built and maintained route, while Mr. Sherman offered the plan allowing private participation in the enterprise.

Among other measures introduced were one by Flynn, of Oklahoma, granting statehood to Oklahoma, and one by Curtis, of Kansas, for the punishment of persons assaulting or killing the president of the United States.

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