

SPAIN WITHDRAWS HER OBJECTIONS.

Lee Will Remain at Havana.

The Spanish Minister of State

Disavows the Rumor That His Recall Was Demanded.

The Matter of Purchasing Warships Abroad Discussed.

Several Now Under Construction Could be Procured by the United States in the Event They Should be Needed.

WASHINGTON, March 7.—There were no less than five important events to-day having a bearing more or less direct upon the troubled relations between the United States and Spain, viz: The introduction in Congress by Mr. Cannon of a resolution carrying \$50,000,000 for the purpose of defenses; the withdrawal by the Spanish Government of its intimated objection to the continuance in office of Consul-General Lee; the order of the cruiser Montgomery to proceed to Havana in place of the Fern; the passage through the House of the bill increasing the artillery army by two regiments, and the institution of negotiations looking to the purchase of warships for our navy.

Mr. Cannon's resolution probably led all other topics in interest, particularly when it became known that it was the result of a conference between the author, the President, Senator Hale and other leading spirits in Congress. As for General Lee's interests, the news of the satisfactory ending of the incident through the withdrawal of the suggestion by Spain was expected as soon as it was noted that a loop-hole had been left open through the failure to make the complaint in anything like an official shape. Some fear is expressed that the Consul-General will not find his post very congenial now that he knows he is an unwelcome guest in Havana, but the Administration is relying upon his devotion to the welfare of the Americans in Cuba and American interests generally to submit his own personal wishes to restraint and remain at his post.

Late in the afternoon Senor Dubosie, the Spanish Charge d'Affaires, received a cipher cablegram from the Minister of State at Madrid, Senor Gullon, saying: "You can disavow the rumor that any official application has been made for the recall of General Lee." This confirmed Mr. Dubosie's statement that a misapprehension had occurred, and that some intimation concerning General Lee had been construed into a request or demand for his recall, which Mr. Dubosie says with positiveness was never intended.

As there has been no explanation so far of the purpose which prompted the introduction of Mr. Cannon's resolution, it may be said that the money is wanted primarily as an emergency fund. It is said by officials who will have the disposition of this treasure that it by no means follows because Congress places such a sum of money in the control of the President that he will feel bound to spend all of it. Those who look for a wholesale purchase of warships from the bargain counters of European builders are likely to be disappointed. The Navy Department at present is inclined to make but one purchase of this kind, at first, at least, in the shape of a substantial ironclad. It does desire to get possession of several of the larger class of torpedo boat destroyers, such as the Sakul of the Russian army, vessels of 1,200 tons able to keep the sea in bad weather, a weak point with our own boats, and capable of enormous speed, such as 32 knots. But such craft are not for sale at all times. They are built to order generally, and could not be procured in this manner in less than six months from the date of contract, even in Europe, unless special prices were paid. There is no disposition on the part of the Navy Department to limit the navy with a lot of unserviceable craft in a spasm of fear, but rather to get a few of the best vessels to be had.

The offers of the ships to the Navy Department are now assuming definite and normal shape. During the day Secretary Long received a call from A. P. Lane, representing the Maxim-Nordenfledt Company, and the agents of several warships now nearing completion in large foreign ship yards. These include two cruisers of the type of the

Cincinnati, which are designed to be twenty-knot vessels, and two ironclads of fourteen knots, which would be called third-class battleships under our rating. These are now open to purchase, and it is understood that Mr. Lane's visit was in this connection. The two new cruisers are 330 feet long, 42 feet beam and 16 feet draft. They carry six 6-inch and four 5-inch guns and an auxiliary battery. The ironclads have an armament of two 10-inch guns, four 5-inch, two 6-inch, six 6-pounders and four 1-pounders. Mr. Lane regards these ships as first-class in every particular, as they were designed on modern principles, and are being built by one of the leading shipbuilding firms in Europe. All four, it is said, could be in commission within a few months. They were originally designed for one of the South American Republics, but there is said to be no obligation which would prevent their acquisition by the United States. Mr. Lane recently sold the Navy Department sixty of the Maxim-Nordenfledt rapid-fire guns, and his standing with officials is such as to give his representations as to ships much weight.

There are things that are wanted much more than warships in case of trouble, and the army shares these needs, so that a fair proportion of the \$50,000,000 would have to go to the War Department. These are abundant supplies of shot, shell and powder. The army is as short as the navy of these essential stores. It has been found, greatly to the gratification of the army officers, that there will not be nearly as much difficulty in securing modern arms for the army, even on a war footing, as was anticipated. This is because certain private gunmakers have just brought out a type of rotating rifle, very similar in general feature to the army rifle, using the same cartridge of .30 gauge, and with about as great a rapidity of fire. The plants of these companies are so extensive that they could turn the arms out very rapidly, so that the Springfield in the hands of the militia could be replaced in short order.

In connection with the subject of purchasing ammunition, it is said that no contracts have been closed, but that the Department has informed itself as to how speedily it could secure every kind of ammunition and supplies in case of emergency. This inquiry has shown, in a general way, that the facilities of this country are ample to meet any demand for powder, projectiles, cartridge cases, primers, fuse, etc. These supplies are not kept in stock, however, and in case of emergency they would have to be made on orders. It is said that the capacity of one of the factories turning out the brown prismatic powder required by the navy is 5,000,000 pounds per month, which would more than meet the demands of a conflict.

While no estimate has been made of the share of the \$50,000,000 appropriation to be allotted to ammunition, it is estimated at least \$10,000,000 would be so consigned, owing to the enormous cost of refilling the ammunition chests of the warships now in service. At present there is not enough ammunition on hand for one refilling beyond that on board. A single refilling costs \$3,000,000. Each of the battleships carries 400 tons of ammunition. With the amounts on hand, and the refills which are being calculated on, the navy would have an ample supply of ammunition, even if the ships were called into frequent action.

Naval officers explain that a refill will last through several engagements, owing to the limit of endurance of men while in action. If the guns could be worked constantly, a refill would be exhausted in one heavy engagement, but the guns, as well as the men, have their limit of endurance.

These considerations have all been taken into account in the rough estimates that have been made as to the refills requisite for the American fleet. The appropriation of \$50,000,000 for the national defense, which provision was made in the bill introduced in the House to-day by Mr. Cannon, would not involve the issue of bonds. This announcement was made by the Treasury officials, who stated that the Treasury was amply prepared to meet any demands that would likely be made on it. On February 1st the cash on the Treasury amounted to \$856,571,706, of which \$294,063,971 was gold, \$511,858,810 silver, \$167,564,568 in paper currency and \$25,084,002 in disbursing officers' balances, etc. The net available cash on hand above all amounted to \$225,564,243.

It is not felt at the Navy Department that the people of the Montgomery are taking any particular risks in going into Havana at this time, for it is said, should hostilities break out, it is a rule of honorable warfare that they be given safe convey out of the waters of the hostile country. Of course General Lee and the members of the Court of Inquiry at Havana would be equally exempt from molestation. The personnel of the Montgomery is: Commander, Converse; Lieutenant-Commander and Executive Officer, Bald; Navigator, Lieutenant Hutchings; Watch Officers, Lieutenant Field and Ensigns Steiger, Speak and Oberbauer; Surgeon, Dr. Curtis; Paymaster, Ramsay; Chief Engineer, Reeves; As-

sistant Engineer, Allen. The ship carries a crew of 228 men of all classes.

Without delay the officers of the Adjutant-General's Department to-day gave the necessary orders for the recruiting of the new artillery regiments authorized by Congress. The purpose is to enlist such men as have had service in the artillery wherever possible, and no doubt is entertained that plenty of material of the right kind will be offered. The names of the officers of the new regiments are now being selected. As for the men, it is the plan to assign fifteen soldiers from existing artillery regiments as the nucleus of each new company to take hold of and break in the new men who enlist, and it is expected that in a very short time Uncle Sam will have two grand regiments. The headquarters of one of the regiments will be established at Fort Slocum, on Long Island Sound, commanding New York, as there are suitable quarters available there. The destination of the other regiment has not been decided upon.

No report had come to the Navy Department since Saturday relative to the work of the Court of Inquiry at Havana, and the news is confined to the reports of the newspapers, which are carefully scanned by the officers. The Castine, which was docked at Port of France, has sailed for Barbadoes. The torpedo boat Winslow has arrived at Charleston, en route to Key West. The Oregon, which has been fitted with bilge keels at the Bremerton dock on Puget Sound, has sailed for San Francisco.

It is learned that Spain's suggestion was made originally upon a misapprehension due to a newspaper report. This report was to the effect that General Lee had expressed the opinion to a newspaper correspondent that the Spanish authorities were responsible for the disaster to the Maine. Accepting this report as to Lee's expression as accurate, the Spanish Prime Minister brought the matter to Minister Woodford's attention, making at the time the suggestion that General Lee's recall would be gratifying to Spain.

It did not require a great while for Spain to discover that General Lee had been, according to the United States authorities, incorrectly reported. Before this discovery was made, however, the reply of President McKinley refusing to head the suggestion and expressing a determination to keep Lee at his post was received. Spain then retired from her position, basing her retirement on the ground that the original suggestion had been founded upon a misapprehension of facts.

OFFICIALS CONSULT.

Regarding Our Present Relations With Spain.

WASHINGTON, March 7.—There was a good deal of consultation to-day between the President and Secretary Long and Assistant Secretary Day without doubt devoted to the consideration of our relations with Spain. Assistant Secretary Day also had a half hour's conference with Senor Dubosie, the Spanish Charge d'Affaires here, and arranged to find time to talk for a few minutes with Consul-General Lee, who is now in Havana. It is well known that the Administration has no statement to make further than that given out by Judge Day yesterday. It is still maintained that there has been no demand on the part of the Spanish Government for the recall of Consul-General Lee, but this denial does not take the form of a complete assertion that something like an intimation has been given that the Spanish Government would be pleased were General Lee relieved at Havana. In fact, there is an official statement and an official intimation, and therein a loop-hole for escape.

Had the Spanish Government made an unofficial demand for General Lee's recall it would have had no recourse in the event of our Government's refusal to comply but the Consul-General's executive standing. The matter not having taken that official form, there is no tangible excuse for Spain to look upon herself as humiliated in this matter. It is quite certain that the Administration does not take the view, as a hasty glance at the situation would seem to indicate, that there may not be peaceful termination of this last incident, and such officers of the Cabinet as have felt free to discuss the situation at all have not hesitated to declare that no rupture in the relations between the United States and Spain is likely to result.

As to the matter of sending supplies to Matanzas and Sagua, which has formed the basis of objection by the Spanish Government, it is believed that in official form, it is said at the State Department and at the Navy Department as well, that the programme laid down in the statement given out by the President is to be observed. The supplies are to go from Key West to these Cuban ports in "a naval vessel."

Secretary Long calculates that the supplies which left Saturday last by steamer for Key West will reach the latter port Wednesday. It was realized that if it is conceded that vessels of the United States navy may be in times of peace excluded from Matanzas or Sagua, by the same rule they likewise may be kept out of Havana harbor, and the Administration would thereby not only be prevented from redeeming its promise to send another warship to replace the Maine, but would be obliged to leave American citizens resident in Havana entirely without protection in case of need. This possibility was not contemplated with equanimity by the Administration, hence the officials stuck to their technical purpose of using a naval vessel for the transportation of supplies. The conference between Senor Dubosie, the Spanish Charge d'Affaires, attracted great interest, as it was thought that Senor Dubosie brought late dispatches which would serve to make the situation definite. The talk was surrounded with the greatest secrecy, and the parties interested would not discuss the situation, but it was learned that Senor Dubosie brought no dispatches of any kind, nor had he received any instructions from his Government. The purpose of his call was not to make representation on either of the incidents, but to ascertain what official basis there was for the pub-

lished report that a request had been made for General Lee's recall.

In view of the doubt existing, Mr. Dubosie took occasion to call on his government, with a view of learning the exact status of affairs. Meanwhile, while not being in a position to give any official denial to the reported request for General Lee's recall, Spanish officials discussed the possibilities of a misapprehension arising out of past incidents. Some time ago the published reports of General Lee's sympathy with the insurgents came to the attention of the authorities at Madrid. It resulted in considerable animadversion. It did not, as far as known, result in any official protest against General Lee's course.

The sending of relief supplies to Cuba by naval vessels underwent no change as the result of Senor Dubosie's call. In this matter he was fully informed, as it was through him that the request had been made that the supplies be sent on merchant vessels instead of on warships. Since making the request the Spanish Government has added nothing to further define its attitude. Senor Dubosie has felt from the first that it would be far more desirable in the present condition of affairs to have the supplies go by a transporter or merchant vessel, and he thought this view would be shared by the officials here. He still feels that a satisfactory understanding on the subject will be reached. He dismissed the idea, in speaking of the matter, that in any event there is any serious significance in a request of this kind. He views it as a suggestion which any Government might make concerning its own ports, which, by universal custom, are regulated to entrance and clearance of vessels by the rules of the home Government.

WITHDRAWS THE REQUEST.

Spanish Government Satisfied to Let Lee Remain at Havana.

WASHINGTON, March 7.—Spain has withdrawn her request for the recall of Consul-General Lee. It is believed that the incident is practically closed. The withdrawal came to-day in the shape of an official communication from Minister Woodford. It is stated that the request was never put in the shape of a demand, but was merely a suggestion on the part of Spain, and when she found it would not be pleasantly received by this country she promptly recalled it.

It is learned that the Spanish objection to Consul-General Lee is based largely upon his sympathy for the Cuban cause. It is believed that the incident has found their way into print. It is understood that the Spaniards also take exceptions to the friendly relations and companionship existing between General Lee and correspondents of papers which have been decidedly unpopular in Spain. It is believed that Senor De Loma carried information calculated to make the Spanish Government request the recall of Consul-General Lee.

LEE NOT WORRIED.

HAVANA, March 7.—General Fitzhugh Lee, Consul-General of the United States, when questioned to-day regarding Spain's demand for his recall, said: "I shall continue to do my duty, which is to guard American interests." He added: "Fitzhugh Lee, my son, came to visit me during the short vacation granted him by the Chesapeake and Ohio Railroad. He will return to the United States in a few days, and over next week. Mrs. Lee is not in and she is nervous. I have not written her anything to alarm her. I have no need to do so."

Only surmises can be made as to how long the United States Court of Inquiry will remain here, but it does not seem likely that the court's stay here will be much longer protracted. Its members profess ignorance as to the time of their departure for the United States.

SUBSTANCE OF THE REQUEST.

WASHINGTON, March 7.—The details of the Spanish request that the United States Government call General Fitzhugh Lee from his post as Consul-General of the United States at Havana are as follows: The United States Minister, General Stewart at Madrid, had a conference at the Spanish Ministry of State, last with Senor Gullon, the Minister of Foreign Affairs, and an official of the Ministry for Foreign Affairs, who acted as interpreter. Senor Gullon expressed the desire of the Spanish Government that General Lee be recalled, "as proof of the good will of the United States." General Woodford cabled immediately to Washington on the subject, and the reply of the United States Government was communicated to Senor Gullon on Saturday.

HIS ACTION APPROVED.

Members of Congress Support the President's Stand. WASHINGTON, March 7.—The sentiment at the Capitol to-day and especially on the House side, was unanimous in support of the action of the President in declining to recall General Lee. The immense gravity of the situation seemed to impress the members. Without regard to party, all united in commending the President's firm stand and the unanimous desire expressed was in support of any measures he may deem expedient to maintain the American contention.

Representative Livingston of Georgia, a minority member of the Appropriations Committee, and Mr. Bodine, a minority member of the Naval Affairs committee, both declared that they would vote for anything the President asked. "Congress ought to be solidly behind the President now," said Mr. Livingston. "This is no time for criticism or bickering of any kind. In the face of an impending foreign war, party lines should be forgotten. We are Americans first, partisans afterward." It can be stated on the highest authority that the attitude of Speaker Reed and some of the other Republican leaders who have sought to keep down the "line" spirit of the House, has been misunderstood by the public. Their purpose in delaying action on the bill creating two additional regiments of artillery was to prevent, as far as possible, any undue alarm. While it is not generally known, it is nevertheless true, that the Republican leaders of the House have given the Administration

PROVIDING THE SINEWS OF WAR.

Chairman Cannon of the House Appropriations Committee

Introduces a Bill Setting Apart Moneys for National Defense.

The Measure Carries an Appropriation of Fifty Million Dollars, and is Said to be the Outcome of a Conference Between President McKinley and Republican Leaders in Both Houses of Congress.

WASHINGTON, March 7.—Chairman Cannon of the Appropriations Committee to-day introduced a bill entitled "Making appropriations for the national defense." It is as follows: "That there is hereby appropriated out of any money in the Treasury not otherwise appropriated for the national defense, and for each and every purpose connected therewith, to be expended at the discretion of the President, \$50,000,000." It was referred to the Committee on Appropriations.

The Cannon bill, it was learned later, was the outcome of a conference held at the White House this morning, at which Mr. Cannon, Secretary Long, Mr. Dingley, Senator Allison and General Grosvenor were present. The situation was considered so grave that it was deemed imperative that an immense appropriation of this character should be at once made to prepare for the national defense.

After the conference Mr. Cannon went to the Capitol and called a special meeting of the Appropriations Committee. After this meeting Mr. Cannon introduced the national defense bill in the House. The Appropriations Committee will meet to-morrow.

The Cannon bill appropriating \$50,000,000 for the national defense will probably be presented to the House to-morrow. Cannon says he has simply introduced the bill in his individual capacity as a Representative. This is, of course, true, but it can be stated positively that the bill was introduced as the result of the conference with the President and the Republican leaders of both houses, and that the bill has the President's approval. The bill will be considered at the postponed meeting of the Appropriations Committee to-morrow, and probably be reported for immediate action. Several Democrats, members of the committee, say they will vote for it if the President deems it necessary, and so far as known there will be no vote against it.

There is little doubt expressed among Senators that the Cannon bill appropriating \$50,000,000 will promptly be considered and speedily passed when it reaches the Senate. Many Senators express the opinion that the most effective method of dealing with the question would be to take up and pass the bill immediately upon its receipt in the Senate, without reference to committee. Some of the members of the Committee on Appropriations expressed themselves as satisfied to have the measure to take its course, but others are of the opinion that none of the effects of the measure will be lost to have the bill referred and reported in the regular way.

Senator Allison, Chairman of the committee, expressed the opinion that the bill should be referred, saying that the committee would probably be able to report it within twenty-four hours. A few Senators said that they did not consider that the time had come for the actual appropriation of money for the preparation for war, but they did not indicate any intention to antagonize the passage of the bill or to seek to delay it.

TROOPS TO GO TO YUKON.

The Royal Canadian Dragoons Ordered to Prepare to Move. WINNIPEG (Man.), March 7.—The Royal Canadian Dragoons here have been ordered to prepare to move to the Yukon. They will form part of a military expedition which the Federal Government is sending to that part of the Dominion. The expedition will be 200 strong. The necessity for the expedition is not known.

OTTAWA (Ont.), March 7.—The report that the Dominion Government intends to send a military expedition to the Yukon is not altogether accurate. What the Government is contemplating is to send out men and officers of the permanent corps to the Klondike in future instead of taking away more of the mounted police, which would necessitate engaging new policemen. In this way a saving can be effected, and the permanent corps can have a little experience at roughing it in the West, instead of laying in idleness in the garrisoned cities.

WARSHIPS FOR RUSSIA.

Big Contract Said to Have Been Placed in the United States. PHILADELPHIA, March 7.—The "North American" to-day publishes the following: "While the attention of the public during the recent war scare has been, for the present, diverted from the Cramp ship yard to League Island, yet it is safe to assert that the Kensington firm of ship-builders is at the moment on the eve of securing a foreign contract of sensational proportions. "Although the members of the firm maintain the utmost secrecy on the subject, yet it is a fact that during the week just past a force of draughtsmen has been working on plans and estimates almost continuously. "These plans and estimates, it is said, are being drawn up for the consideration of a foreign Power, and include a first-

class shipyard, such as is operated by Cramps, besides several battleships and cruisers.

"Although the name of the foreign Power is being kept a secret, it is generally understood by those in a position to know that the plans and estimates will eventually find their way to Russia. This is more readily apparent in view of the fact that all signs on the European horizon point conclusively to a war between Japan and Russia in the near future. "Japan realizes that Russia is making encroachments in China, where she herself should enjoy the fruits of victory. Russia, on the other hand, will not recede, hence a war with Japan seems inevitable."

MARTIN TRIAL.

Counsel for the Prosecution Begins Argument. WILKESBARRE (Pa.), March 7.—The beginning of the end of the trial of Sheriff Martin and his deputies for the shooting of the strikers at Latimer attracted the largest crowd that has yet been present. Attorney Scatter, of counsel of the commonwealth, opened the argument for the prosecution. He held that the strikers had a perfect right to march on the public highway, and that Sheriff Martin and his deputies had no right to shoot down the strikers. He claimed that the strikers had committed no act of violence and consequently declined to disperse when the Sheriff read his proclamation, and that the Sheriff told them that "if you are determined to go to Latimer you will have to go over my dead body."

China Will Comply.

BERLIN, March 7.—The "Tagblatt" to-day publishes a dispatch from Peking saying China has agreed to lease Port Arthur and Ta Lien Wan to Russia for ninety-nine years. Russia demands the settlement of the lease of Port Arthur and Ta Lien Wan by March 24. The Tsung Li Yamen has given full powers to Yang Yu, the Chinese minister at St. Petersburg, and negotiations have been transferred there. The matter is practically settled. What will Japan do? England will do nothing. China has given Japan a written undertaking to pay the indemnity in May.

Grave Situation at Bombay.

BOMBAY, March 7.—The situation here is grave. There is extreme unrest among the natives, who are incensed at the plague measures, which wound their religious susceptibilities. In addition, the plague authorities are at loggerheads with the city corporation, which has stopped their supplies of money.

Fresh Outbreak in the Philippines.

LONDON, March 7.—A dispatch to the "Daily Mail" from Hongkong says that fresh cases of plague have broken out in the Philippines, and that fifty-three Spanish soldiers have been killed. No further details are known at Hongkong.

Appointments by the President.

WASHINGTON, March 7.—The President has signed these nominations to the Senate: William J. Bowers, to be Collector of Customs for the District of San Diego, Cal.; Passed Assistant Engineer Franklin J. Schell to be a chief engineer.

Condition of the Treasury.

WASHINGTON, March 7.—To-day's statement of the condition of the Treasury shows: Available cash balance, \$224,864,297; gold reserve, \$168,577,237.

EVENTS ON THE TURF.

RACING RESUMED AT THE OAKLAND TRACK.

Vioris, Thelma, Highland Ball, Eddie Jones, Orimar and Sly the Winners. SAN FRANCISCO, March 7.—Racing was resumed at the Oakland track to-day, and the form players fared rather badly. The winners were Vioris, Thelma, Highland Ball, Eddie Jones, Orimar and Sly. Only two were favorites. Thelma was 3 to 1, and she did the trick to win of the margin of several bookmakers. Results: Three and a half furlongs, selling, Ventura (St. Sloan), 11 to 5, won; Buena Ventura (Hennessy), 10 to 1, second; Toluca (Gray), 50 to 1, third. Time—1:04.3. Malay Orables, Camara, Senicolon, Master Buck, Hacyan, Maud Ferguson, Sly and San Augustine also ran. Mile and an eighth, selling, Thelma (Woods), 20 to 1, won; Marie Scott (O'Connor), 7 to 1, second; Seneca (Gray), 3 to 1, third. Time—1:35. Palfreman, Widow Jones, Treachery and Lost Girl also ran. Seven furlongs, selling, Highland Ball (Holmes), 10 to 1, won; Dr. Marks (H. Martin), 6 to 12, second; Tulare (Veenow), 8 to 1, third. Time—1:29. Town Topics, Prompto, Sutton and Skalkano also ran. One mile, three-year-olds, the Cadmus stakes, value \$1,250, Eddie Jones (Thorpe), 1 to 2, won; Lord Marmion (Clayton), 5 to 2, second; Prince Tyrann (Conroy), 19 to 1, third. Time—1:43.5. Dr. Bernays and Punter also ran. Mile and a sixteenth, selling, Orimar (H. Martin), 5 to 2, won; Senator Bland (St. Sloan), 6 to 5, second; Marplot (J. Wood), 7 to 1, third. Time—1:48.7. Mercutio, Flashlight and Scarborough also ran. Six furlongs, Sly (Gray), 5 to 2, won; Al (Conley), 4 to 5, second; Koenigen (Clawson), 15 to 1, third. Time—1:16. Road Farmer, Amelio Ponso, Charlemagne II, Louise Princess and Charlemagne also ran.

RESULTS AT NEW ORLEANS.

NEW ORLEANS, March 7.—Weather fine; track fast. Results: One mile, Balance All won, Delgado second, Legistic third. Time—1:44. Seven furlongs, Percy F. won, Ben Frost second, Globe H. third. Time—1:28.5. One mile, What Next won, Glenmoyn second, Robert Bonner third. Time—1:42. Handicap, mile and twenty yards, Octavius won, Elkin second, Albert S. third. Time—1:44.5. Mile and a sixteenth, Rockwood won, Jim Conway second, Briggs third. Time—1:50.5. Six furlongs, Towanda won, Onimcor second, Corell third. Time—1:35.5.

NEBRASKA FREIGHT LAW INVALID.

So Declared by the United States Supreme Court.

An Important Opinion Handed Down by Justice Harlan.

Declares That the Law is in Violation of the Fourteenth Amendment, and Deprives a Person of Property Without Due Process of Law.

WASHINGTON, March 7.—Justice Harlan to-day delivered his opinion in the Nebraska maximum freight rate case. He held the Nebraska law to be contrary to the Fourteenth Amendment, in that it authorized the taking of property without due process of law, and was therefore invalid. Hence the railroad won. Justice Harlan's opinion affirmed that of the Circuit Court of Appeals for the Eighth Circuit, which was against the maximum freight rates law and favorable to the railroads.

This case was instituted to test the validity of a law passed by the Nebraska Legislature in 1893, prescribing the maximum rates for the transportation of freights by railroads within the State. The Act applies specifically to freight whose transit begins and ends in the State, and there was no effort in its enactment to control interstate freight. It affected all the railroads in the State and the railroad companies instituted proceedings, which were terminated by to-day's opinion, by filing a bill in the Nebraska Circuit Court soon after the law was enacted. The object of the bill was to secure an order restraining the State officials from putting the law into force. The law was attacked on the ground of its unconstitutionality. It was charged that, inasmuch as the Act applied only to State freights, it was a discrimination against them and therefore unconstitutional in spirit of the fourteenth amendment to the Constitution. The railroads contended that the maximum rate fixed was unreasonable and ruinous to the roads. It was also asserted that the Act interfered with interstate commerce. The State met these allegations with argument in support of the validity of the law. The decision in the Circuit Court was delivered by Justice Brewer of the Supreme Court, who sustained the contention of the railroads and held against the validity of the law. His opinion was based largely upon the charge of unreasonableness. He made a computation showing that the reduction effected in freight rates amounted on an average to 25 per cent., which he held was a discrimination against the railroads. The case has been twice argued in the Supreme Court, Hon. W. J. Bryan appearing as one of the counsel for the State at the last hearing.

Much interest has been manifested in the decision ever since the case was docketed, because of the probable influence a result favorable to the law would have upon legislation in other States. The contention that the State was the real party in interest, and that therefore the Federal Courts could not take cognizance of it under the Eleventh Amendment to the Constitution was overruled, the court saying that the Federal Courts had jurisdiction because both of the diverse citizenship or alienage of the parties and also on account of the fact that the law, as attacked, was contrary to the provisions of the Federal Constitution. Justice Harlan then took up the constitutional questions involved. "By the Fourteenth Amendment," he said, "it is provided that no State shall deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. That corporations are persons within the meaning of this amendment is now settled."

Justice Harlan said that the following principles must be regarded as settled: First, a corporation is a person within the meaning of the Fourteenth Amendment, declaring that no State shall deprive any person of property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. Second, a State enactment or regulation made under the authority of a State enactment establishing such rates for the transportation of persons or property by railroads as will not admit of the carrier earning such compensation as under the circumstances is just to it and to the public, would deprive such carrier of its property without due process of law and deny to it the equal protection of the laws, and would therefore be repugnant to the Fourteenth Amendment to the Constitution of the United States. Third, While rates for the transportation of persons and property within the limits of the State are primarily for its determination, the question whether they are so unreasonably low as to deprive the carrier of its property without due process of law and therefore without due process of law cannot be so determined by the Legislature of the State or by regulations adopted under its legislation that the matter may not become the subject of judicial inquiry. "This last proposition Justice Harlan said covered the case in point. He then proceeded to make an exhaustive examination into the effect of the enforcement of the rates described upon the business of the different Nebraska lines showing the reduction to amount to 25 per cent. for the years 1891, 1892 and 1893. The result was to show that each of the roads involved would for this period have conducted their business at a loss with only one or two exceptions, and those for only a short time. Chief Justice Fuller and Justice McKenna did not participate in the hearing or in the decision.

Steamer Catalonia Disabled.

HALLIFAX (N. S.), March 7.—The steamer Delaware, from Liverpool for Philadelphia, is coming in with the steamer Catalonia, from Queenstown for Boston, in tow.