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PORTO RICA IS A TERRITORY.

Supreme Court Passes on the Insular Cases—Circuit Court for Southern District of New York Overruled — History of Case of De Lima & Co. vs. Bidwell—Justice Brown Delivers the Opinion—"We Are Therefore of Opinion That at the Time These Duties Were Levied Porto Rico Was Not a Foreign Country Within the Meaning of the Tariff Laws, but a Territory of the United States; That the Duties Were Illegally Collected, and That the Plaintiffs Are Entitled to Recover Them Back."

Washington, May 27.—Justice Brown, of the United States Supreme Court today announced the decision of that court in the insular cases. The announcement of the court's opinion was begun at 12:27. The main opinion was handed down in the De Lima case. Justice Brown announced the court's decision on points of jurisdiction, holding that the court had jurisdiction. The De Lima case involved the importation of goods into the United States from Porto Rico after the ratification of the treaty of Paris and before the passage of the Porto Rican act.

De Lima & Co., doing business in New York, imported from San Juan, Porto Rico, during the months of June and July, 1899, certain sugars, the product of Porto Rico. Upon these sugars the collector at New York demanded and collected about $13,000 as customs duties.

HISTORY OF THE CASE.

De Lima & Co. sued Bidwell, the collector, as an individual in the supreme court of the state of New York to recover the duties thus paid, amounting to $13,146, alleging that they were unlawfully demanded, in violation of the constitution and collected by duress, the collector exacting the payment of the duties as a condition to the delivery of the sugars. On the petition of the collector the suit was removed to the circuit court of the United States for the Southern district of New York, which sustained a demurrer to the complaint both on the ground that no cause for action was stated and that the court had no jurisdiction. From the judgment dismissing the complaint De Lima & Co. prosecute error from this court.

PORTO RICO'S STATUS.

Justice Brown said that whether the duties imported from or into Porto Rico were dutiable depends upon whether Porto Rico is a foreign country. He held that the right to acquire territory involves the right to govern and control it by Congress, but he held that a country could not be both foreign and domestic.

The opinion was opposed to the contention of the government. He concluded that at the time the duties were collected, Porto Rico was not a foreign country, but a territory of the United States.

Justice Brown concluded as follows:

"If an act of Congress be necessary to convert a foreign country into domestic territory, the question at once suggests the question, what is the character of the legislation demanded for this purpose? Will an act appropriating money for its purchase be sufficient? Apparently not. Will an act appropriating the duties collected on imports to and from such country for the benefit of its government be sufficient? Apparently not. Will acts making appropriations for its postal service, for the establishment of light houses, for the maintenance of quarantine stations, for erecting public buildings, have that effect? Will an act establishing a complete local government, but with the reservation of right to collect duties upon commerce be adequate for that purpose? None of these, nor all together will be sufficient, if the contention of the government be sound, since acts embracing all these provisions have been passed in connection with Porto Rico. It is insisted that it is still a foreign country within the meaning of the tariff laws. We are unable to acquiesce in this assumption that a territory may be at the same time both foreign and domestic.

"We are therefore of opinion that at the time these duties were levied Porto Rico was not a foreign country within the meaning of the tariff laws but a territory of the United States, that the duties were illegally exacted, and that the plaintiffs are entitled to recover them back.

"The judgment of the circuit court of the Southern district of New York is therefore reserved and the case remanded to that court for further proceedings in consonance with this opinion."

POWER OF CONGRESS.

In the course of his reasoning on the subject of the acquisition of Porto Rico Justice Brown held that Congress has authority to control such territory.

"Indeed it is," he said, "scarcely too much to say that there has not been a session of Congress since the territory of Louisiana was purchased that that body has not enacted legislation based upon the assumed authority to govern and control the teritory. It is an authority which arises, not necessarily from the territorial clause of the constitution, but from the necessities of the case and from the inability of the states to act upon the subject. Under this power Congress may deal with territory acquired by treaty; may administer its government as it does that of the District of Columbia; it may organize a local territorial government; it may admit it as a state upon equality with other states; it may sell its public ownings to individual citizens or may donate them as homesteads to actual settlers. In short, when once acquired by treaty, it belongs to the United States and is subject to the disposition of Congress.

TARIFF AND TERRITORIES.

"Territory thus acquired can remain a foreign country under the tariff laws only upon one of the two theories: Either that the word 'foreign' applies to such countries as were foreign at the time the statute was enacted, notwithstanding any subsequent change in their condition or that they remain foreign under the tariff laws until Congress has formally embraced them within the customs union of the states. The first theory is obviously untenable. While a statute is presumed to speak from the time of its enactment it embraces all such persons or things as subsequently fall within its scope, and ceases to apply to such as thereafter fall without its scope.

"The theory that a country remains foreign with respect to the tariff laws until Congress has acted by embracing it within the customs union pre-suppose that a country may be domestic for one purpose and foreign for another. It may undoubtedly become necessary for the adequate administration of a domestic territory to pass a special act providing the proper machinery and officers as the President would have no authority, except under the war power, to administer it himself; but no act is necessary to make it domestic territory if once it has been ceded to the United States. We express no opinion as to whether Congress is bound to appropriate the money to pay for it.

JUDICIAL LEGISLATION.

"This theory also presupposed that territory may be held indefinitely by the United States; that it may be treated in every particular except for tariff purposes, as domestic territory; that laws may be enacted and enforced by officers of the United States sent there for that purpose; that insurrections may be suppressed, wars carried on, revenues collected, taxes imposed; in short, that everything may be done which a government can do within its own boundaries and yet that the territory may still remain a foreign country. That this state of things may be for years, for a century even, but that until Congress enacts otherwise will still remain a foreign country. To hold that this can be done as a matter of law, we deem to be pure judicial legislation. We find no warrant for it in the constitution or in the powers conferred upon this court. It is true the non-action of Congress may occasion a temporary inconvenience; but it does not follow that courts of justice are authorized to remedy it by inverting the ordinary meaning of words.

"A single further point remains to be considered. It is insisted that an act of Congress, passed March 24, 1900 (31 stat. 151), applying for the benefit of Porto Rico the amount of the customs revenue received on importations by the United States from Porto Rico since the evacuation of Porto Rico by the Spanish forces Oct. 18, 1898, to Jan. 1, 1900, together with any further customs revenue collected on importations from Porto Rico since January 1, 1900, or shall hereafter be collected under existing law, is recognition by Congress of the right to collect such duties as upon importations from a foreign country, and the recognition of the fact that Porto Rico continued to be a foreign country until Congress embraced it within the customs union. It may be seriously questioned whether this is anything more than a recognition of the fact that there were moneys in the treasury not subject to existing appropriation laws. Perhaps we may go further and say that, so far as these duties were paid voluntarily and without protest, the legality of the payment was intended to be recognized, but it can clearly have no retroactive effect as to moneys theretofore paid under protest, for which an action to recover back had already been brought."

After Justice White concluded his opinion Justice Brown announced the decision of the court in the case of Armstrong vs the United States, covering the shipment of goods to Porto Rico. This case, the court said, was similar to the Dooley case. While duties prior to the treaty were proper, those subsequent to the treaty were not. The judgment of the circuit court was reversed.

Justice White announced the dissent of Justices Gray, Shiras, McKenna and himself.

FORAKER ACT CONSTITUTIONAL.

Washington, May 27.—In the Downes case the United States Supreme Court decided in an opinion by Justice Brown that while Porto Rico is a territory of the United States, it is not such for tariff purposes and that the Foraker act is constitutional. The judgment of the circuit court was affirmed. A dissenting opinion was handed down by Justice White, in which Justices Shiras and McKenna concurred.

DOWNES VS BIDWELL.

Justice Brown next announced the opinion in the case of Downs vs Bidwell, relating to a shipment of oranges from Porto Rico to New York after the enactment of the Foraker act. The objections to the lower court's jurisdiction were overruled. Justice Brown then proceeded to show the difference of the question in this case from that involved in the first case decided, this difference being based on time and the course taken by the executive and legislative branches of the government. He said there was considerable divergence in the opinion of the court in the past and too much weight should not be given to particular phases of past decisions, such as that referring to the supreme authority of Congress, as that might refer to the supreme authority of Congress under the Constitution. After analyzing the case of Loughborough vs Blake, the justice summed up the conditions under which territories were not in the same position as states.

JUSTICE McKENNA DISSENTS.

Washington, May 27.—Justice McKenna delivered the dissenting opinion of the Supreme Court in the insular cases. He was joined in that opinion by Justices Shiras, White and Gray.

Justice McKenna went into a detailed examination of the cases cited in the majority opinion. He maintained that they did not show a clear current of decision, but disclosed much divergence of view. He referred also to the fact that precedents not in consonance with the majority view were now dismissed as dictum and not binding opinion.

He spoke of the dangers attending the dismissal of judicial opinions as "dictum" and of the greater danger when such a course may interfere or had interfered with the action of a nation. Constancy and certainty of judicial opinions were of the highest importance, the justice declared, and they should not be like the "exhalations of a marsh shining mistily." Justice McKenna's examination of the many precedents was exhaustive and almost an hour was given to showing to what extent the circumstances of each case bore on the present condition in Porto Rico.

After examining cases cited by the majority opinion, Justice McKenna said that opinion proceeded on the theory that the cession of Porto Rico was absolute, wheas that depended upon the treaty itself. He referred to the effects wrought upon the country at large by decisions limiting the governmental authority in respect to customs. The industrial policy of the country might be destroyed and those signing the dissenting opinion could not acquiesce in a view that might lead to such an end. In the opinion of those dissenting Justice McKenna said the judgment of the circuit should be affirmed.

Justice Gray followed with the brief announcement of his dissent from the majority opinion stating that he regarded it as irreconcilable with the opinion of the court in former cases.

JUSTICE WHITE'S OPINION.

Washington, May 27.—Justice White, in dissenting in the Dooley case made the announcement that in the Downes case, which questions the validity of duties levied on oranges imported from Porto Rico after the Foraker act, the majority of the court would, as Mr. White stated it, reverse itself and hold the duty valid. He said the opinion in the Downes case, which the court would announce later would thus lead to the inconsistency of the court deciding that after the Foraker act Porto Rico ceased to be a part of the United States and before the Foraker act it was a part of the United States.

Justice White said the court would, later in the Downes case, hold that Congress had the power under the Porto Rico tariff act to impose a tariff duty on goods coming from Porto Rico. He expressed himself as unable to conceive on what theory they thus proceeded and expressed the opinion that it was due to confusion of thought in the De Lima case.

It was settled law, by the decisions in the Woodruff case and the Houston case, he said, that the power of Congress to levy an import duty did not extend to any territory that was a part of the United States and the result of the majority opinion in the Downes case thus would be to bring about a state of things where territory which was a part of the United States before the Foraker act became a foreign territory after the Foraker act.

The dissenting justices throughout their dissents took occasion to criticise sharply the apparent conflict between the majority ruling in the De Lima case, and that which would follow later in the Downes case.

GEORTZE AND CROSSMAN CASES.

Washington, May 27.—In the cases of Geotze vs the United States and Crossman vs the United States brought here from the circuit court for the Southern district of New York to test in the Goetze case the validity of the levy of duty on importations of tobacco from Porto Rico into the United States after the ratification of the treaty and before the passage of the Porto Rican act, and in the Crossman duty on liquors imported into Hawaii after annexation but before the taking effect of the act providing a government for Hawaii, the court reversed the judgments below for the reasons cited in the De Lima case, holding the levy of duties was unconstitutional.

DOOLEY VS UNITED STATES.

Washington, May 27.—Justice Brown also announced the opinion of the court in the case of Dooley vs the United States involving the validity of a duty levied on goods imported into Porto Rico from the United States between the date of military ocupation and the taking effect of the Porto Rico tariff act. The court held that there could be no doubt of the validity of the duties levied by virtue of Gen. Miles' order prior to the ratification of the treaty of peace. It placed this right on the ground of military necessity.

With reference to duties levied after ratification of the peace treaty the court said a different rule applied and it held these duties invalid. Justice Gray, Shiras, McKenna and White dissented, the latter delivering the opinion.

PITTSBLRG "RIPPER" BILL.

Pennsylvania Supreme Court Sustains its Constitutionality.

Philadelphia, May 27.—The supreme court today rendered a decision confirming the constitutionality of what is known as the "Pittsburg Ripper bill," recently passed by the legislature.

The bill establishes a new government for the "Second class' cities of the state, Pittsburg, Allegheny and Scranton.

Brooks Locomotive Works Resume

Dunkirk, N. Y., May 27.—Work was works today, about two-thirds of the employes reporting. None of the striking machinists or allied metal workers returned to work. All departments of the works are running, but with a reduced force.

The officers of the company have submitted to the strikers' terms of settlement which have been forwarded to President O'Connell at Toronto for his consideration.

Gathering for Confederate Reunion

Memphis, Tenn., May 27.—Thousands are pouring into the city from all over the South to attend the eleventh annual reunion of the United Confederate Veterans and the sixth annual reunion of the United Sons of Confederate Veterans, which opens tomorrow.

It is estimated that by noon today 18,000 strangers had arrived and by tomorrow morning 50,000 will have arrived.

Whitsunside Handicap.

London, May 27.—George Edward's Santoi, won the Great Whitsuntide handicap at the Hurst Park club Whitsuntide meeting today. J. Dawson Jr's, Rambling Katie was second and Captain Forester's St. Moritz finished third.

"Major" Taylor Defeats Jacquelin

Paris, May 27.—"Major" Taylor, the colored American cyclist, in the return match, today defeated Jacquelin, the French champion, in two out of three races.

RIOTING IN RUSSIA SPBEADS.

Caused by Production of Anti Semite Play "The Smugglers."

London, May 27.—Rioting has spread to south Russia, says a despatch from St. Petersburg, as a result of the production of the anti-Semite play, "The Smugglers." At Kutais, thousands of people congregated around the theatre and stoned the police. A detachment of Cossacks charged and dispersed the crowd. Thirteen policemen, 15 Cossacks and two officers were severely injured.

BANK WRECKERS ARRESTED.

Lieut. Gov. M. F. Allen of Vermont Has Been Indicted.

Vergennes, Vt., May 27.—Lieut.-Gov. M. F. Allen, vice president and director of the Farmers' National bank which recently suspended here, and J. W. Ketchum, a representative to the legislature from this place were arrested today by United States officers under indictments charging them with complicity with Cashier D. O. Lewis in wrecking the bank.

NOVOE VREMYA SUSPENDED.

An Editorial on Russian Labor Troubles Caused Big Sensation.

St. Petersburg, May 27.—The prohibition of the publication of the Novoe Vremya for a week because of its editorial article on the labor troubles is creating an immense sensation as indicating extraordinary nervousness on the part of the government.

The Novoe Vremya is second only to the Moscow Vjedomasti in conservatism and is usually allowed greater latitude than are the other papers. The editorial in question is mild as compared with many governmental publications on the labor situation in more quiet times. It merely said the operatives were poorly paid for excessively hard work and were beginning to be influenced by western literature and suggested that the government carry on the work begun for emancipation and enforce social reforms.

COUNTY SCHOOL COMMENCEMENT

Youthful Graduates Have Proud Day at the Theater.

MANY CREDITABLE EFFORTS

Instructive and Eloquent Addresses Made by Commissioner Anderson and Dr. Talmage.

The Salt Lake theater was decorated as beautifully this morning as is possible. Not with flowers and bunting and flags, but with the radiant faces of happy children. Happier perhaps than they ever were before. It did not require the artistic hand of man to make the scene attractive. It was a spectacle provided and arranged by nature and adorned in her most generous style. The graduating exercises of the Salt Lake county schools of 1901 will be chronicled in the annals of the county schools as among the most pleasant events of the kind in their history. The fine old auditorium was filled from the orchestra pit to the second balcony, and the audience was made up of bright, active, eager children and proud and happy mothers. The one hundred and four graduates occupied chairs on the stage, and their beaming countenances reflected the happifying currents that were surging within them. If it is true that all the world loves a lover, it is no less true that all the world loves the graduate, young or old. Every triumph in the lives of the boy or girl is applauded, and the love that was felt for the young folks at the theater this morning was attested in the great profusion of beautiful flowers, and the enthusiastic applause that accompanied every youthful effort.

While the audience was assembling the children's mandolin and guitar club under the leadership of Theodore Best, discoursed the sweet music for which that body of little musicians has become famous. County Superintendent B. W. Ashton presided over the exercises, which were opened with a selection from the children's mandolin and guitar club. The invocation was offered by John Cook, trustee of the schools. This was followed with a song by the pupils of the Sandy school, they did it so well that another song was required of them.

The salutatory was then given by Miss Lizzie Winder, the young lady who carried off the honors of her class. Her home is in Farmers ward, and her effort was a strong and matured comment on the present school system. The paper was written in an excellent style and indicated a scope of reading and grasp of thought that would have reflected credit on a person of thrice her years. She said that the glory of the United States was its great number of self-made men. The old adage that whatever is worth doing is worth doing well, embraces the whole of education.

Mamie Pugh of Mill Creek recited the thrilling piece, "Alameda," in a clear sympathetic voice and with good elocutionary effect. The effort evoked hearty applause.

Bertie Palmer of Taylorsville, the boy who carried the honors for the young gentlemen, read a paper on "Our Public Schools." It gave a well-connected and intelligent account of the advent of the public schools, which was made in England years ago. The progress and growth of public education was traced and the workings of the present school system were treated in a most creditable manner. The young man laid stress on the necessity of paying more attention to grammar, saying that the use of bad English was one of the deplorable faults of the country.

County Commissioner James H. Anderson, addressed the graduates on the "Reward of Merit." His speech was exceedingly interesting, abounding in rich illustrations and eloquent admonitions to the children. The public school is the avenue through which the child receives most of its understanding of what the duties of life are. He said that the county schools are in a better condition today than they ever have been in all their history.

Miss Emma Bangerter, of Granger, read a well written and thoughtful essay on "Our Parents." The young ladies' tribute to the mother was very beautiful indeed.

The next feature was an address to the graduates by Dr. James E. Talmage, delivered in his usual style and reflecting his happy and practical thoughts. He urged upon the pupils not to allow the memory of the school days to pass from their minds, for it would be an inspiration to them in after life. He was pleased with the term commencement, for it was really the beginning. The doors of the High school and Univertities were open to these children and they would be welcomed. The speaker said that he also thought of those who perhaps are at home today weeping, because of having failed in the test in which the happy children on the stage have succeeded. He bid them not to give up hope. It was ten times nobler to fail in a good course than to triumph in a bad one. If the public schools did not make good men and good women he would withdraw his support from them. Turning to the parents the speaker stated that the highest, most glorious achievement of man is to spend a life of usefulness to mankind and leaving children after them to carry on the good work.

"What is the endings of life anyway? They are but the beginnings. We pass from kindergarten to common school, from school to college, and we graduate into the school of life, the ending of each study is but the beginning of a higher one. And what is death, that many dread? Death is but the beginning of a course of study in a higher grade."

Dr. Talmage pointed out the necessity of work. "The lazy man is a diseased man," exclaimed he, "and if I were an autocratic health officer I would pin a yellow flag on the back of every lazy man."

Walter Ure, of Sugar, a little boy in short trousers, read a thoughtful paper on "No Excellence Without Labor."

The valedictory address was then delivered by Adam Bennion, of Taylorsville. His theme was "Duty," and was handled and presented in a style that was very creditable to the young man.

The mandolin and guitar club rendered a selection after which Superintendent Ashton presented the certificates to the graduates.

SENATOR PETTIGREW HERE

Was With the Utah Bolters from Convention in 1896.

Ex-Senator F. R. Pettigrew and wife of South Dakota have been visitors to Salt Lake since Saturday evening. The ex-senator stated that he was here on private business and expected to leave for the east some time today. He is reported to have cleared up $250,000 during the late excitement on Wall street, but he will neither affirm nor deny the statement.

The ex-senator has represented South Dakota for twelve years. He was elected by the Republican party but later joined the Silver Republicans. He is one of the men who walked out of the St. Louis convention with Messrs. Cannon, Kearns, Allen and Salisbury of Utah in 1896. He has been prominently connected with the political and busines interests of South Dakota for thirty years, and has done much to build up his home city, Sioux Falls.

DEATH AT MAMMOTH.

Frederick W. Nichols, Formerly of This City, Passes Away.

Frederick W. Nichols formerly of this city died at his home in Mammoth, Utah, last Saturday evening. He was a highly respected man, and his friends, of whom he had many, sincerely mourn his loss. He was a native of England, having been born at Sea Beresford, Kent, on November 4, 1865. When he was thirteen years of age he emigrated to Utah, and in 1890 he married Miss Anna Johnson. Between the years 1895 and 1897 he filled a very creditable mission in England, and presided for some time over the London conference. He leaves a wife and four children and a great number of relatives.

The funeral will be held from the Twentieth ward meeting house, Tuesday, May 28, at 2 p. m.

FRANCHISE GRANTED.

Salt Lake City Railway to Build to Highland Boy.

The board of county commissioners this morning granted the Salt Lake City Railroad company a franchise to operate an extension of its West Temple line to the Highland Boy smelter. The franchise was granted as originally drawn up with the exception that permission for a 15-cent fare was substituted for 10-cent fare, so that the company will be permitted to charge 5 cents within the city limits and 10 cents outside. In its objection to a through 10-cent fare the company cited the Rapid Transit line to Murray. On which 5 cents is charged to the city limits and 10 cents for the rest of the trip to Murray.

The route of the new extension will be from the terminus of the company's line at the southern city limits on West Temple to Twelfth South, thence west to Second West or Highway No. 10, thence south to Highway No. 6, thence west to Highway No. 13, and south to Highway No. 76.

There will be an hourly service during sixteen hours of each day to the city limits, and provisions are made for carrying freight and express at moderate charges. A license of $10 a year for each motor car will be imposed by the county. The line must be completed within two years.

WESTERN MINERS' FEDERATION

Assembles in Joint Convention With Western Labor Unions.

Denver, Colo., May 27.—The Western Federation of Miners and its ally, the Western Labor Union, assembled here in joint convention this morning and will continue their deliberations in separate sessions throughout the week. About 175 delegates, representing every state and territory west of the Missouri river and British Columbia, were present at the joint meeting, which was called to order by Edward Boyce, president of the western federation. Addresses of welcome were made by Gov. Orman and Mayor Wright and responses by President Boyce and President Daniel McDonald, of the Union.

Matters of vital importance to western workingmen, including the Coeur D'Alene mining troubles and the question of cheap labor from the Orient, will be discussed.

The Chinese exclusion act expires May 5, 1902, and the conventions will recommend its renewal as well as the adoption of measures to exclude the Japanese.

"The exclusion of Japanese is more important than the legislation against the Chinese" said President McDonald. "These people are willing to labor for such small pay that they are actually displacing Chinese."

VICTIMS OF THE LAKES GALE.

Captain and Crew of Three Masted Schooner C. H. Hackley, Perish.

Chicago, May 27.—A special to the Tribune from Milwaukee, Wis. says:

Seven more victims have been added to the list of those perishing in last Friday's gale. This fact became know today when a water-logged, dismasted hulk, all that remains of a schooner, was sighted ten miles off shore, between Sheboygan and Milwaukee by an incoming steamer. Beyond doubt it is the three masted schooner C. H. Hackley, of this city, which met the storm while on its way to Sheboygan.

The Hackley, which was manned by Capt. Oertling and a crew of six men, was due at Sheboygan the night of Friday. Its failure to reach the port and stories of floating wreckage had aroused the fear that the vessel was lost, but no confirmation of the disaster was obtained until today.

That Capt. Oertling and his six seamen escaped is believed impossible, as had they reached the shore they would have been heard from long ago, and if adrift on wreckage they could not have survived the wild storm of Friday. No schooner except the Hackley is missing, all that were out during the gale having reported since the wind subsided.

A tug will be sent out to locate the derelict, and, if possible, salvage the schooner and the cargo.

Marinette, Wis., May 27.—More lives have been added to the list of those who perished in Friday's gale. Capt. Robert Evans, of the steam barge Francis Hinton, bound from Milwaukee to Marinette, arrived here today and reports the finding of a capsized three-masted schooner fifteen miles off Manitowoc Sunday afternoon.

Troops Sail for Manila.

Washington, May 27.—A dispatch received at the war department from Gen. Chaffee at Tau says that the transports Shumner and Lennox sail today, May 27th, and that all of the troops that are to leave China are off for Manila.

CORDON OFFERS $500 REWARD.

Assailants of Deputy Sheriff Thompson Make Good Their Escape—Were They Majors' Friends?

$500 REWARD.

Five hundred dollars reward will be paid for the capture and conviction of the two men who shot Deputy Sheriff Frank Thompson on Friday night, May 24th.

Description—The description of one man is as follows: Between twenty and thirty years of age; about five feet nine inches high; dark complexion; black clothes and black hat; description of other man not known. One of them carried a 38 caliber revolver.

Address all communications to H. H. Cordon, sheriff of Boxelder county, Utah.

(Special to the "News.")

Brigham City, May 27.—At least fifty armed men have been diligently scouring the country in and about Brigham City with the hope that they will be able to run down and apprehend the men who on Friday night last made such a dastardly attempt upon the life of Deputy Sheriff Thompson of this place. Thus far they have not even obtained the faintest clue as to the identity of the guilty parties and the chances now are that they never will.

Sheriff H. H. Condon, who is directing the movements of the searching posses is doing everything in his power to stimulate interest and to that end has personally offered a reward of five hundred dollars for the capture of the desperados who committed the deed.

The elements added materially in the escape of the would-be assassins. The night wsa dark, the wind blew a gale and the streets were filled with dust. Four shots in all were fired. There were the two men at the gate who attacked Mr. Thompson and a third one a block away, who immediately after the shooting started to run as rapidly as it was possible. He was out of sight, however, in an instant. The supposition is that he was a lookout for the men who held up Mr. Thompson.

On Saturday there were two theories as to the shooting—today there is only one. It was at first thought by a few—not many—that tramps had done the work. The majority was of the opinion that friends of Abe Majors laid a deliberate plan to rescue him. Now all are of that opinion, or practically all. It is about as certain as anything can be that the men who did the shooting escaped on horses. Tramps do not travel that way. Two horsemen were seen far to the west of here the day following. They were riding rapidly away towards Nevada. The officers here believe they are the men wanted.

A strange coincidence, and one that leads the officers to believe that Majors was to be liberated at all hazards is the fact that at the time Deputy Sheriff Thompson was shot down Majors was pacing his cell instead of being in bed as was always his custom at that time of night. He appeared to be very uneasy. This would seem to be that he was aware that an attempt was to be made to give him his freedom. How he got that information or through whom is a mystery. It is admitted that Sheriff Cordon is in possession of information of an important character. What it is, however, he refuses to give out at this time. It is understood that Deputy Sheriff Thompson also believes that the assault was made upon him simply to secure possession of the keys to the jail, which were in his possession. The general verdict is that had the plan been executed as attempted Majors would have been at large at the present time, as it would have been no more difficult for three men to make their escape under the cover of the heavy darkness and wild wind that prevailed than it would for two to do so.

In addition to carrying the keys that could have given freedom to Majors, Thompson is an important witness in the case against him. Thompson has, contrary to all expectations, passed a crisis in his condition and there is now some hope of his recovery.

MEMORIAL DAY EXERCISES

Grand Civic and Military Parade to the Cemeteries.

Interesting and Appropriate Exercises—Judge Botkin and Fisher Harris Will be the Speakers.

Memorial day will be observed in Salt Lake this year in an appropriate manner. In fact the exercises will be unusual as the arrangements have been in the hands of enthusiastic soldiers young and old. There will be a civic and military parade and fitting exercises will be held at Mt. Olivet and the City cemeteries. All soldiers' graves will be strewn with flowers.

Captain F. M. Bishop will be marshall of the day, aided by Captain W. C. Webb and Captain J. E. Caine of the Spanish-American war, and F. H. Clark and S. W. Tatlock of McKean post and H. P. Burns and Phil Needer of Maxwell post, G. A. R.

LINE OF MARCH.

The line will form on Market street, the right resting on Main St., and march in the following order:

Platoon of Police.
Marshall and aides.
Governor Wells and Staff.
Held's Military band.
National Guard of Utah.
Hauerbach's band.
Posts of the Grand Army of the Republic, and other old soldiers.
Society of the Army of the Philippines and Spanish-American war veterans.
Members of the Military Order of the Loyal Legion.
Speakers of the day, and officers in carriages.
Members of the Woman's Relief Corps and citizens in carriages.

The line of march will be as follows: Leave Market St. at 10 o'clock sharp, and move north on the west side of Main St. to the Pioneer Monument, thence countermarch around the monument and south on the east side of Main St. to Second South St., and thence east to State St., where the line will be broken and conveyances taken for the cemeteries.

AT THE CEMETERIES.

McKean Post, G. A. R. and details from the two corps, with a detachment of the Spanish-American War Veterans will reapir to the City cemetery and hold appropriate services on the ground set apart for the burial of the soldier dead of the last war. Following the ritual service of the G. A. R. will be an address by the Hon. Fisher Harris.

Maxwell Post and Corps and McKean Corps, and a detachment of the Spanish-American War Veterans will go to Mt. Olivet cemetery where the general service for The Unknown Dead will be held at the G. A. R. Monument, followed by an address from Judge Botkin, a veteran of the War of the Rebellion.

During the day details from the several bodies will see to the decoration of all old soldiers' graves with the flowers provided for that purpose.

INTERCOLLEGE BASEBALL.

L. D. S. vs B. Y. A. on Walker's Field Tomorrow Afternoon.

An important game of baseball will be played between the team of the Latter-day Saints' college of this city, and that of the Brigham Young academy, of Provo, tomorrow afternoon at 4 o'clock on Walker's field.

The academy team has been greatly improved since the college nine defeated it some weeks ago at Provo; and after defeating nearly everything in Utah county, the Provoites feel ready to tackle the L. D. S. champions once more.

The L. D. S. players are, as usual, willing to meet all comers; and from the record of each team to date one of the closest and finest games of the season is expected to come off tomorrow between the two schools.

IKE RUSSELL HOME.

Young Salt Lake Soldier and Student Back Again.

Isaac Russell, a Salt Lake boy, who left here three years ago, as a volunteer in the Utah battery, returned home yesterday and today is meeting his friends at the University who are giving him a warm welcome. He was in the army in the Philippines for two years and after receiving an honorable discharge, began publishing a weekly paper called the "American Soldier." He sold out his newspaper business, was chief clerk for Evans and company, government contractors, and then obtained a position with Gen. Bates as civilian aid in the establishing of local governments throughout the islands. He made considerable money and coming to California began a course at Stanford University. He is now in Salt Lake for the summer and expects to return to Stanford next September. This past year he specially distinguished himself in English by leading his class with "A" standing.

When seen today by a "News" representative Mr. Russell was averse to recount his army experience. He said that the Philippines is a good place to live in providing one is temperate, and that there are good opportunities for capital there. He said that there had been many changes here in the way of progress since he left, but that the greatest change for the better is the Deseret News. He thinks the paper has gone forward by leaps and bounds.

MISS LOLA BONINE.

Files an Application for a Writ of Habeas Corpus.

Washington, May 27.—A petition for a writ of habeas corpus was filed today by counsel for Mrs. Lola Bonine, who is held in connection with the killing of young Ayers, the census clerk, in the Hotel Kenmore two weeks ago. The petition was refused.

Mr. Broderick is Unpopular.

New York, May 27.—There is no doubt, the London correspondent of the Herald thinks, that Mr. Brokerick, the secretary of state for war, is not popular with the British army. It is learned from talk in the military clubs, that no less than one thousand officers have sent in their papers to the war office.

In military circles it is the only topic of conversation. Dissatisfaction is expressed on all sides. None of these military men believe Mr. Broderick will be able to realize a new army scheme. The recruiting outlook is very black, indeed.

Over Fifty People Hurt.

Albany, N. Y., May 27.—Further information from the vicinity of the collision on the Albany and Hudson railroad near East Greenbush shows that the number of injured is over fifty. There have been no other deaths, however, up to this hour.