AFFAIRS OF THE DISTRICT.

The Attorney's Opinion on Tax Abatements and Discounts.

The Old Laws Not Repealed by the Act of February 1901—Short Measures for Selling Coal—Several Night Schools for Mixed Classes.

Andrew B. Duvall, the Attorney for the District, yesterday submitted to the Commissioners an opinion in which he holds that there is no provision in the Act of Congress of February 21, 1901, repugnant to the provision relative to the discount or abatement upon the payment of water-main taxes, and that the provision has not been repealed, but is still in full force and effect. The opinion was submitted upon the communication of Messrs. Cole and Donaldson, attorneys for Joseph Speidel, owner of certain lots in Centre Eckington.

"It appears," says the Attorney, "that these lots were assessed for a water-main tax, and that the owner was notified of the assessment on August 26, 1901. Within thirty days after the receipt of said notice, he tendered in full payment of the assessment the amount thereof, less 6 per cent. The Collector of Taxes refused to accept the amount tendered, claiming that the provision for abatement for payment in advance had been repealed by the act of Congress, regulating water-main assessments in the District of Columbia, approved February 21, 1901.

"The provision for a discount or abatement upon the payment of water-main taxes appears in the first ordinance upon the subject by the late Corporation of Washington, December 20, 1864. It was reproduced in the act of the late Legislative Assembly, approved June 22, 1873, and again in the act of Congress, to authorize the reassessment of water-main taxes, approved June 2, 1900. The provision thus appears to have been a settled feature in the system.

"On February 21, 1901, Congress passed an act regulating assessments for water mains in the District of Columbia, which provided, among other things, that the assessments should be payable in three installments, instead of four, and reducing the amount of interest on the deferred payments, but making no reference whatever to the matter of the discount or abatement for payment of the whole amount at one time, as allowed by the existing law. The act in its second section provides 'That all laws or parts of laws inconsistent herewith are hereby repealed.' The question, therefore, is whether the provision in reference to discount or abatement is repealed by this last-mentioned act.

"It is not expressly repealed, and if repealed at all it is by implication. Repeal by implication is not favored by the courts, and the rule of statutory construction is that there must be an unmistakable intent to make the new act a substitute for the old and to contain all the law on the subject. There must be an irreconcilable repugnancy, clear and convincing, and following necessarily from the language used in the later act. Hence every effort must be used to make all statutes stand, and if by any reasonable construction they can be reconciled the later act will not operate as a repeal of the earlier.

"It seems to me that if Congress intended to change this well settled feature of the water main assessment system, it would have definitely said so, but in its act no allusion whatever is made to the subject, which is distinct from the other provisions relating to payment mentioned in the act."

The Attorney refers to an opinion delivered by Justice Field in the Supreme Court of the United States, which bears out this construction of the law of repeal, and continues:

"The act of Congress approved February 21, 1901, which is claimed to repeal existing law, repeats some of its provisions, omits others, and adds new provisions, but it does not plainly appear to my mind that it was intended as a substitute for all of the provisions of the existing law.

"I am of the opinion that there is in it no provision necessarily repugnant to the provision relating to the discount or abatement, and that said provision has not been repealed, but is still in force and effect, and that in the case under consideration the amount tendered should have been received in full payment of the water main assessment."

As stated recently in The Times, Col. W. C. Haskell, Sealer of Weights and Measures for the District, is engaged in a crusade against the short measures used by hucksters in peddling vegetables and coal throughout the city. His two assistants are keeping a sharp lookout for dishonest dealers, and this resulted recently in quite an exciting chase between George A. Moore, of Colonel Haskell's office, and the driver of a huckstering wagon, who was selling coal from a short measure.

While Mr. Howe and his driver were at the corner of Tenth and F Streets northwest they noticed a coal wagon driving up Tenth Street, and hailed the driver to stop. Instead of stopping and permitting an inspection of the measures, the horse was whipped up and driven up Tenth Street and down H Street, toward Ninth, with the wagon of Assistant Sealer Howe and his driver in hot pursuit. Mr. Howe saw at a glance that his horse was losing ground; so his driver, who is somewhat of a sprinter, jumped from the wagon and ran for the fleeing team in front. He caught the horse at the corner of Ninth and H Streets northwest after running nearly the entire square between Ninth and Tenth Streets, but at that moment the two men on the wagon marked "coal and wood" took to their heels. Mr. Howe then had the huckster's wagon driven to the First police precinct, where he requested that it be held until $25 was left as collateral.

Under the United States statutes a person is liable to $100 fine, and imprisonment in the jail until the fine is paid, for refusing to permit the Sealer of Weights and Measures, or his assistant, to inspect all scales, weights, measures, etc., of any kind in use.

In the Police Court yesterday the name of Edward Green had been given as the owner of the wagon, who was supposed to have deposited the collateral. The collateral was forfeited.

The measures when tested were found more than 25 per cent short; all three measures, one-half bushel, one peck and one-half peck, having been deliberately cut off two inches at the top, and the measure having never been sealed. Persons who of necessity must purchase coal in small quantities from these wagons are those who can least afford such a loss, and for their own protection, they should aid the Sealer's force by insisting upon seeing the seal of the Sealer of Weights and Measures on any measure that is used in measuring their purchases. Colonel Haskell hopes that the ten or twelve convictions in this line in the past few days will have the desired effect. He means to have this matter pushed to the end successfully, and the law enforced. Heretofore his force has been insufficient, but he is now in a position to give more time and attention. Unless the hucksters take warning and use more care in the condition and use of their scales and measures, innumerable prosecutions will follow.

The Attorney for the District yesterday forwarded to the Commissioners an opinion based upon the communication of Joseph R. Fague, attorney for the estate of John B. Reuth, relating to the payment of taxes for the years 1888 and 1889 on part of lot 28, square 462, without penalties, interest, and costs.

It appears that this property was advertised in the delinquent tax sale for 1888 and again for 1889. In each advertisement it was insufficiently and improperly described, and the claim is now made that because of this lack of description all penalties, interest, and costs should be remitted upon payment of the principal of the tax for each of the said years.

"It does not follow," says the Attorney, "from the concession, that the tax sale for each of said years is invalid; that thereby all penalties, which under the law had become part of the tax at the time of the sale, are extinguished. These penalties on each year up to the time of advertisement are still collectible, because they are part and parcel of the delinquent tax. I am of the opinion that, under the circumstances of the case, the Commissioners would be authorized to accept in payment the amount of the principal tax with penalty up to the time of the respective invalid tax sales."

The Times is in receipt of an enquiry from a young lady, who signs herself "A Poor Girl," asking whether there are schools at night where she can attend free of tuition.

An enquiry from the Board of Education develops the fact that there are three night schools where the young woman can attend. One of them is in the Franklin, one in the Jefferson, and one in the Gales school building. There is besides an old people's school at night in the Greenleaf school building, at which adults are taught.

The night schools have sessions Monday, Wednesday, and Friday evenings in the buildings mentioned, beginning at 7:30 o'clock. The schools for young people are mixed schools, where both boys and girls attend. The pupils are graded according to their advancement in studies and are taught as in the day schools.

There are no charges made in these schools, as they are supported as a part of the regular work of public education.

The Commissioners have prepared drawings of portions of the public reservations 173, 68, 134, 98, and Franklin Square, adjacent to which new cement sidewalks have been recently constructed. It appears that the new sidewalks are not so wide as the old ones and that the improvement has left a space between the walks and the grass of the reservations, which the Commissioners are desirous of turning over to the officer in charge of public buildings and grounds to be cared for under his supervision. The drawings will be submitted to Col. T. A. Bingham for that purpose.

Fred. G. Dietrich, of 602 F Street northwest, recently wrote to R. W. Dutton, Chief Engineer of the Fire Department, extending his thanks to Foreman Hooper, of No. 8 Engine Company, for the manner in which a small fire was extinguished at his dwelling 1209 East Capitol Street.

Chief Dutton has forwarded the communication to the Commissioners for their information, with the statement that a copy of the letter had been forwarded to Foreman Hooper.

Dr. D. Percy Hickling, visiting physician to the Washington Asylum Hospital, has recommended that the resignation of Miss Harriette Gorton as diet nurse be accepted, to take effect on October 29, and that Albert H. Wells be appointed pupil nurse, to take effect October 22.

EUTERPE MUSICAL CLUB.

Mr. Heimendahl Chosen Director for the Coming Season.

The Euterpe Musical Club entertained the largest audience Monday evening, at its third musicale, that ever assembled in the clubrooms. The programme was especially interesting, the magnificent voice of Mr. Clifford Alexander Wiley being heard in the famous baritone solo from "Elijah," "It is Enough."

Miss Anna Ulke, a new member, rendered the cello part in a trio, "Meditation," by Richardson, which was received with great applause.

A social evening is being arranged by the club, to give members an opportunity to become better acquainted and to meet the new musical director.

The marked artistic and financial success which the Euterpe Musical Club has enjoyed since its reorganization last season, and the unstinted favor with which its biweekly musicales have been received, have induced the board of managers to somewhat widen the scope of the club's work, and to extend the enjoyment and benefits to be derived therefrom to a greater number of the music lovers of Washington. With this end in view, the club has engaged the eminent musician, W. Edward Heimendahl as musical director for the season 1901-1902. Mr. Heimendahl enjoys a national reputation, and needs no special introduction. In his selection the club has been very fortunate, as he is peculiarly fitted for the position. He is director of orchestra at the Peabody Conservatory of Music, Baltimore, and is held in high esteem in local musical circles. In his capacity as musical director of the Euterpe Musical Club he will exercise a general supervision over all musical renditions, and will have special charge of the concerted vocal and instrumental numbers, which will be made a feature of the club's biweekly musicales.

Mr. Heimendahl was born in Elberfeld, Germany. He showed more than the usual musical talent at an early age, and was placed in the hands of the local concert master to study the violin before he had reached his seventh year. At the age of nine he made his first public appearance, playing with orchestral accompaniment Beethoven's "Romance" in F. While on a visit to Elberfeld, Wilhelmj heard him, and persuaded him to accompany him to Wiesbaden, where he remained for two years studying under Wilhelmj's supervision. He then left for Brussels, Belgium, entered the Conservatory under Wieniawski, and after a year carried off a first prize at the annual competition of students. He remained another year perfecting his theoretical studies, enjoying instruction in harmony, counterpoint, and composition under Dupont, Kufferath, and Gevaert. He then settled in London, called there by Wilhelmj, to take part in the great Wagner Festival of 1877.

In 1879 he was engaged as solo violinist by the Boston Mendelssohn Quintette Club, and traveled extensively over the United States and Canada. He settled a year later in Chicago, where he organized the symphony concerts known under his name. In 1884 he left Chicago and went to New York to take charge of the Liederkranz and Brooklyn Philharmonic Chorus, as Theodore Thomas' assistant. It was then that he gave attention to vocal matters, taking lessons of Madame Cappiani, which he afterward continued with Mr. Shakespeare, of London. In 1886 he was called to Baltimore, where he took charge of the Maennerchor Society, organized the Philharmonic Orchestra, and conducted the saengerfest of the North American Federation in 1888.

In the year following he retired from public life, giving his attention chiefly to vocal culture, wherein he has developed a method essentially his own. During the coming season he will again give part of his time to public duties, and besides having been engaged to conduct the Peabody symphony concerts in Baltimore, will give his best energies to further the growing prosperity of the Euterpe Musical Club, of this city, which already occupies a conspicuous position in the front rank of prominent musical organizations.

ARREST TO FOLLOW RELEASE.

King, Whose Term Expires Today, Charged With a New Offence.

A warrant was issued yesterday by United States Commissioner Mills for the arrest of Larry, alias Albert King, now serving a term of imprisonment in the District jail.

King is now serving a sentence for the larceny of a check for $500 from J. E. Pepper, of Virginia. His term of imprisonment will expire tomorrow. He will, it is stated, be arrested as soon as he steps out of the jail.

The charge upon which King will be rearrested is for having a counterfeit United States Treasury note in his possession. This offence was committed in the State of Iowa in 1898.

VISITORS WITNESS A STRIKE.

Cornelius Vanderbilt Sees an Unexpected Event in Iowa.

OELWEIN, Iowa, Oct. 26.—While Cornelius Vanderbilt, Stephen S. Little and W. A. Read, of New York, were being shown through the shops of the Chicago Great Western Railroad here by President Stickney, 500 men walked out. They demanded the removal of a foreman who they say is brutal toward them.

The strikers included boilermakers and machinists, blacksmiths, carpenters and helpers. The company declines to grant the demand of the strikers.

MUSICAL MENTION.

The Boston Symphony Orchestra will give its first concert in Baltimore on Tuesday, November 5. Washington will not be included in the orchestra's bookings this season.

Miss Morgan, a talented pupil of Mr. Freeman, organist of St. John's Church, has been temporarily appointed organist of St. Margaret's choir. Frank Roach will continue as musical director of St. Margaret's.

A wedding of interest to musical people occurred last week in Northeast Washington, the contracting parties being Belle Carpenter, formerly contralto of Foundry Church, Fourteenth and G Streets, but now of St. Margaret's, and Charles Heaney, the euphonium soloist.

Harry L. B. Sheetz has just published an original composition under the name of "Gypsy Scarf Dance," which eclipses anything he has heretofore given the public. The new piece is characteristic, but just enough so to place it beyond the ordinary, and still keep it within the possibilities of popularity. Among Mr. Sheetz's other compositions are "Dreaming," a reverie; "Silver Spring Waltz," and the "Syncopated Sandy Dance," all popular selections.

Last Thursday afternoon at the Washington Club, Clifford Alexander Wiley, of New York, gave a "Musical Talk," followed by a recital. Mr. Wiley's discourse covered a wide field, and proved exceptionally interesting, while his group of songs were beautifully rendered, despite a bad cold. Mrs. C. W. Fairfax, mezzo soprano, and H. S. Whitney, bass, assisted Mr. Wiley. The programme included:

Mezzo soprano solo, Aria, "Benvenuto" ..... Eugene Diaz
Mrs. Fairfax.
Bass solo, "My Little Woman" ..... Osgood
Mr. Whitney.
"Heimlich Grusse" ..... Von Fielitz
"Under the Rose" ..... Fisher
Shepard, "See the Horse's Foaming Mane,"
"Mohar's Field" ..... Korbay
"Tears, Idle Tears," "O, Swallow, Swallow" ..... Sullivan

An interesting event that will be eagerly anticipated is the repetition of the "Persian Garden," which Mrs. H. H. Mills gave some time ago. The entertainment was attended then with unusual success, and Mrs. Mills will repeat it this season with a strong quartette. Another bit of pleasing information is the announcement of a series of studio musicales by Mrs. Mills, which will be inaugurated shortly in a recital, introducing Carrie Burkhart, a promising young soprano. Miss Burkhart sang a group of songs last Monday night at the Euterpe Club recital and was enthusiastically received. She is a protege of Mrs. Mills, and will undoubtedly be heard often during the winter.

The grand visitation of the officers of the Grand Lodge of Masons to Harmony Lodge last Wednesday night was the occasion for some excellent music. Clifford Alexander Wiley sang "The Two Grenadiers," and "The Clock of the Universe" was rendered by J. Walter Humphrey. Douglass G. Miller offered "The Highwayman," and the lodge quartette, which was so favorably received at the McKinley memorial services last month at Chase's, rendered "The Lost Chord" and "The Bridge."

Admirers of John T. Sullivan, of the Bellows stock company, as well as the general musical public, will be interested in a new march which is now in the publisher's hands. The composition is by Victor H. Johnson, and has been named for and dedicated to the popular actor. The title page will be ornamented by a picture of Mr. Sullivan. Mr. Johnson is the leader of the orchestra at the Lafayette Theatre and is favorably known here by reason of his many bright compositions.

Miss Cryder is in New York, attending a series of musical events which are quite the feature there at present. Miss Cryder will reopen her N Street studio on November 1, which will be gratifying news to her friends here, for her rooms are always the centre of attraction for a charming coterie, musical, literary and artistic. Miss Cryder will continue her classes, and will give another series of musicales, which last year proved among the most delightful events of the winter, and which brought together artists whose combined work was not excelled by any professional event of the season.

A familiar face was observed on the streets of Washington last week, and its owner kept busy shaking hands at every turn. It belonged to none other than Hubbard T. Smith, the mention of whose name is quite sufficient, aside from identifying him with "Listen to My Tale of Woe," or the opera, "Cornet and Colin." Mr. Smith has just returned from Peking, where he was attached to the American Legation. He can now talk Chinese almost as well as he can write music—but he is not wearing a queue.

Much interest is being manifested in a new mandolin club which is being organized by William Edward Todd, jr. Mr. Todd has secured some of the best material in the city, and promises the local public some first-class music, such as is rarely rendered by mandolin organizations anywhere. At a meeting of the club last Monday officers were elected: H. E. Galleher, President; George Miller, Secretary; M. S. Snyder, Treasurer, and William Edward Todd, Director and Business Manager. The other members of the club are William H. Stewart, R. E. Doyle, Maurice M. Cleeves and Eugene Welch. Several concerts will be given here this winter, and an extended trip is underlined for next summer.

The choir of St. Augustine's Church, under the direction of Mme. J. Esputa Daly, will sing La Hache's Mass today. Wagner's "Pilgrim's Chorus" has been arranged to the "Veni Creator," and will be sung just before the sermon, and Gounod's "Ave Verum" will form the offertory. An arrangement of Sir Arthur Sullivan's "The Lost Chord" is now in rehearsal. It is for female voices, and promises to be very effective. An error was committed in this column last week through the statement that Mme. Daly's classes are being conducted at Droop's. Mme. Daly's studio is located in the Knabe Building, Pennsylvania Avenue.

Two new musical compositions have just made their appearance in "The Little Revelers," by Harry Wheaton Howard, and "O Cruel Love," by Dr. J. W. Bischoff. The latter is a contralto solo, and is dedicated to Elizabeth Antoinette Stuart, one of Dr. Bischoff's pupils.

The programme which will be rendered today by the choir of St. Aloysius Church will include:

"Angeles Me" ..... Dessort
Mass ..... Dachauer, No. 2
Offertory, "De Noble Parem" ..... Mendelssohn

Vespers will be sung at 7:30, and the psalms will be selected from Rosewig's Vespers.

"Magnificat" ..... Gregorian
Tenor solo, "Salve Regina" ..... Mendelssohn
Quartette, "O, Salutaris" ..... Marston
"Tantum Ergo" ..... Glorza
"Laudate Dominum" ..... Gounod

A change has been made in the personnel of the quartette of St. Aloysius through the resignation of Cecilia V. Murphy, owing to ill health. Miss Murphy has been succeeded by Mrs. Blanche Matlingly-Rogers, who was for many years the soprano soloist of St. Patrick's Church.

The musical prospectus for the coming season is unusually bright. Band and orchestra concerts with numerous individual recitals will serve to keep the public of Washington highly entertained. The first important event of the season will occur the 28th of next month, when Josef Hoffman, who used to be known as the "boy phenomenon," will give a piano recital. The others will follow in close order. Mme. Lili Lehman is scheduled for December 10, and Kubelik, the Hungarian violinist, who has been the sensation of London during the past year, will come December 17. A concert by Innes' Band will be the initial event of the new year, the date of its local appearance having been fixed for January 5. Victor Herbert and the Pittsburg Orchestra will come to Washington January 22, and will undoubtedly repeat their success of last year. February 2 will mark the first and probably the only concert by Sousa's Band, and March 5, the Pittsburg Orchestra will play a return engagement.

FUNERAL OF CADET O'REILLY.

Naval Student Buried at Arlington With Military Honors.

The funeral of Cadet Philip Maitland O'Reilly, who died at Fort Monroe, Va., on Thursday, took place yesterday at Arlington. Cadet O'Reilly was a member of the first class at the United States Naval Academy. During his summer vacation he contracted typhoid fever, and he was unable to return to the Academy in September.

The pallbearers were the following classmates of the deceased:

Cadets W. Lee Pryor, of Missouri; Leroy Brooks, jr., of Ohio; James A. Campbell, jr., of Pennsylvania; Louis B. Porterfield, of Alabama; Charles S. Kerrick, of California; Julius C. Townsen, of Iowa; Gilbert J. Rowcliff, of Illinois, and Richard Wainwright, jr., of Washington, D. C.

The body bearers were eight marines from the Washington Barracks.

Seventh and K Streets. **Goldenberg's** Seventh and K Streets.

Strong Leaders Just for Tomorrow!

Another splendid list of rare economics for Monday's thrifty-minded shoppers. Strong values, every one—certain to bring you to a quick realization of the fact that your needs can be served to best advantage here. Accept them as our idea of big bargains—wanted goods at least prices possible for any store to quote.

5c All-wool Brush Binding — 2½c
100 pieces of All-wool Brush Skirt Binding, in black only. Color fully warranted. Regular value, 5c a yard. Special for .....

$2.50 and $3 Mantel Scarfs — 98c
Beautiful Silk Mantel Scarfs and Door Panels—elaborately trimmed in lace, embroidery, and applique effects. Fine hemstitching on some, others richly appliqued in Filet de net Laces. All colors and white. Worth $2.50 and $3.00, for .....

$1.00 Silk Velvets — 79c
The popular Panne Velvets, fine lustrous finish, silk face, all the leading colors. Quality always sold at a dollar a yard. Special at .....

Regular 98c Pompons — 48c
The stylish Pompons for trimming Fall Hats, some of stiff coque feathers, others of soft, downy feathers, with silk chenille dots; others of fine silk floss, in all colors. Regular prices, 75c and 98c, for .....

$2.50 and $3.00 Hats — 79c
Ladies' Untrimmed and Ready-to-wear Hats, of the handsomest sort. Softest of soft draped felt, others of felt, combined with velvet. Others of fine silk velvet, and costly locking Black Jet Hats, with newest style spangles. Worth $2.50 and $3.00, for .....

Toilet Sets for — $1.59
Nine-piece China Toilet Sets, full size—and in three choice decorations. Worth a great deal more—but offered for Monday at .....

Nickel-plated Lamps for — $1.19
Good size Nickel-plated Reading Lamps, with 10-inch dome shade, that sell regularly for $1.50—for .....

Good Wash Boards for — 10c
Extra well-made Zinc Wash Boards, strong and lasting—offered for Monday at 10c each.

$4 Walking Skirts — $2.69
Fine quality Walking Skirts, of Oxford Vicuna, with deep flounce, and 20 rows of tailored stitching. Regular $4.00 value—Special at .....

Boys' Regular 50c Shirts — 35c
Lot of Boys' "Anchor Brand" Shirts, with a pair of separate cuffs. Fine washable percale. Regular 50c Shirts, for Monday at .....

Boys' Regular $3.00 Suits — $1.89
Boys' Double-breasted Suits, of Oxford grey and striped grey Cheviot. All sizes, from 8 to 15 years. Regular $3.00 value, for .....

$2.75 Dresses — $1.98
Misses' All-wool Serge and Cashmere Dresses, well lined throughout. Waists are neatly trimmed with circular ruffles over shoulders; narrow white braid and buttons. Colors are red, gobelin, and navy. Sizes 6 to 14 years. Regular $2.75 values—reduced to $1.98 for Monday's special selling.

$1.00 Black Taffeta Silk — 85c
Guaranteed Black Taffeta Silk, extra heavy, soft, rustling finish. Every yard bears the words "wear guaranteed" woven in the selvage. $1 quality for .....

$1.25 Table Covers for — 75c
Six-quarter Tapestry Table Covers, in armure weaves—attractive colorings. Heavily fringed. Regular prices, $1.00 and $1.25—for .....

19c and 25c Fur Trimmings — 11c
Newest style Angora Fur Trimmings, in all widths—which sell regularly at 19c and 25c a yard—for one day at.

50c Large Pearl Buttons — 23c
Large size fine clear Pearl Coat Buttons, that sell regularly at 50c a dozen, offered for one day at .....

19c Florodora Combs — 10c
The newest is the Florodora Back Comb, for holding stray locks in place. Regular price, 19c, for .....

Glass Water Pitchers — 10c
Half-gallon size Glass Water Pitchers—offered for one day at .....

Extra Large Wash Tubs — 69c
Extra large size Galvanized Iron Wash Tubs, best quality—special for Monday at 69c each.

THE STATUS OF A VOLUNTEER.

Court-Martial Finding Against Capt. P. C. Deming Opposed.

The Circuit Court of Appeals in Missouri will soon render a decision upon the case of Capt. P. C. Deming, formerly a volunteer subsistence officer, under arrest for alleged complicity in the so-called commissary frauds in the Philippines. Should Deming win his point many persons now in confinement upon similar charges will have to be released. The case is consequently being watched with considerable interest.

Deming's lawyers applied for his release on a writ of habeas corpus on the ground that he was illegally tried by a court-martial upon which sat a number of officers of the Regular Army. Article 77 of the Articles of War was quoted as sustaining the point that a volunteer officer brought before a military court must be tried by volunteer officers exclusively.

The civil court to which Deming made application recently, held that the volunteer establishment, to which Deming belonged, was not, in fact, a "volunteer" army in the accepted sense of the term; that the officers and men who made up the so-called volunteer force were in reality short term regulars, and that it was quite regular and proper that officers of the Regular Army should sit on a military court trying such an officer as Deming. The latter's attorneys are not satisfied with this decision and have now appealed the case to a higher court.

The War Department proposes to fight the question and will take the case to the United States Supreme Court, if necessary. In the meantime, General E. H. Crowder, who is a lieutenant colonel in the Judge Advocate General's Office, has been assigned to the case. He arrived in Washington yesterday and at once entered upon the work of defending the departmental position, giving up the unexpired portion of his leave, after a service in the Philippines, in order to do this work.

The significance of the decision rests in the possibility that it will have a direct bearing on several many cases in which the conditions of trial were similar to that of Deming. One of the cases, for instance, is that of Reed, another volunteer subsistence officer, who is now in prison in Manila, and whose case has gone to the President. If the civil courts decide finally that the phraseology of article 77 admits of no such discretionary interpretation as has prevailed in the army, and as has been held by the lower court in the Deming case, then there will be some rare occurrences. The volunteers, if tried by regulars, and who are now imprisoned, must be promptly released from confinement; fines must be returned, and the record of dishonorable discharge and dismissal fastened upon the accused by the illegal military process must be cleared. In most instances the retrial of the offenders will be impossible.

VIVA VOCE VOTING.

How Elections Were Conducted in the Old Days.

The proposition of the Rev. Dr. Richard McIlwaine, a member of the Virginia Constitutional Convention, to return to viva voce voting at elections revives many interesting memories. This method of voting was general in this country for many years, and survived in Virginia until the civil war period. In Maryland it was abandoned seventy-five or eighty years ago, and voting by ballot was introduced, with the idea that it would promote secrecy and do away with the coercion of employes by their employers. In this expectation the advocates of the new plan were disappointed, as it was found that if an employe was to be coerced or a voter bribed it was perfectly feasible to make him vote an open or a marked ticket. This introduction of the Australian system of voting in recent years had the same object in view, but again there were disappointments as it was soon discovered for defeating this object. Other features of the Australian system, however, are so far superior to the old plan of voting by private tickets as to entirely justify its general adoption throughout the land. What effect the new form of ballot adopted in Maryland will have upon the secrecy of the vote remains to be seen. The new law abolishes aid by ballot clerks, but allows a chosen one method of ascertaining how a man votes.

Judge Taney, in his autobiography, gives an interesting description of a viva voce election in Calvert County in the year 1799, when he was a candidate for the House of Delegates. Members of the House, electors of Senators and the sheriffs were the only officials elected by the people in this State for more than half a century after the State government was established. The Governors were elected by the Legislature and other officials were appointed. At the time Judge Taney was a candidate for the Legislature he says it was not considered right in principle or expedient to carry party divisions into the counties of the State, and nothing was said of the politics of the candidate, but whether he was better qualified for the place than his competitor. The whole county voted at the courthouse, and the election lasted four days. The votes were viva voce and the sheriff held the election, and when the polls were closed and the votes added up he proclaimed in a loud voice the names of those who were chosen. The candidates during the election sat on a raised bench immediately behind the sheriff, so that each of them could see and be seen by every voter. When a voter came up every candidate began to solicit his vote and to press his own name upon him. These scenes were occasionally enlivened by sallies of wit between the voter and the candidate, and sometimes the voter gave a pretty hard hit to a candidate whom he happened to dislike. The four days were days of no small anxiety to the candidates; the poll books being open before them, they were always aware of the exact number of votes each had received and the ebbs and flows in their prospects.

It is interesting to recall the fact that in the session of 1799, to which Taney was elected, one of the principal measures was a bill authorizing a canal between the Chesapeake and Delaware bays. Taney warmly supported the bill, and it was passed against the opposition of the people of Baltimore.—Baltimore Sun.

ENGLISH TOBACCO FASHIONS.

British Subjects Have Given Up Chewing and Snuffing.

That things are not always what they seem, even in tobacco, is piquantly revealed by the report issued recently by the principal chemist of the Government laboratory. The cheap cigar, however, is not such an unblushing fraud as once it was, so that Calverly's warning to freshmen, Manilas vocat, hoc praetexit nomine caules, is now less needed. But we must still not trust too much in the name; the most we often can hope is that the tobacco grew at the place whose name it bears, for a large number of "foreign" cigars are manufactured in England, because leaf tobacco pays a much lower duty than the cigar itself. The law, however, has to fight against adulteration, and in the main, as we gather, does it successfully. Some "additions" are allowed, as necessities or improvements; but a certain number of manufacturers, if given an inch, try to take an ell, by always mixing with the tobacco as much as possible of any ingredients that may legally be used. A little water, for instance, is required, but not enough maternally to increase the weight.

In roll tobacco a small quantity of some kind of oil is wanted, but some time ago it was found that both this and the cake tobacco from certain factories contained much more oil than was justifiable; also that the amount was gradually being increased, and the practice was spreading probably because others were doing it in self-defence. Nor was this the only adulterant. About a year ago action was again taken, and the legal limit fixed at 4 per cent. That a check was needed is shown by the fact that forty-four out of sixty-one samples were found to be adulterated—one-fourth with either licorice or glycerine, the rest with salicylic acid. It is satisfactory to learn that a substantial penalty was inflicted. It is well the article should be pure, now that the consumption has become so large. For the year ended last March 82,221,918 pounds of leaf tobacco and 2,348,206 pounds of manufactured were imported into the United Kingdom. Rather more than 2,000,000 pounds of this was again exported, but over 83,000,000 pounds remained, and we suppose had for its epitaph, pulvis et umbra—snuff and smoke. In fact, we use on an average a little over two pounds a head yearly. The increase has been marked during the last ten years. From 1881, when a little less than fourteen ounces a head was consumed, there has been a gradual rise of something like three ounces a decade, but during the last ten years the annual consumption has been increased by seven ounces. This is mostly due to the habit of cigarette smoking, which has extended to women, and is the delight of street urchins. The custom has its drawbacks.

The ambitious youth after trial of the old-fashioned pipe sometimes found that sensations worse than those of a Channel passage did not encourage him to persevere, but the mildness of the cigarette tempts to unrestricted consumption. Doctors, however, tell us that tobacco in this form is less harmless than it seems, and make it responsible for neurasthenia and something like angina pectoris. But there have been fashions, as in everything else, in the consumption of tobacco. Probably not one person chews where twenty did in the days of Nelson. More than a century ago the "long clay," or the churchwarden" was the fashionable pipe in the common rooms of colleges no less than in the village alehouse. Then smoking was for a time voted bad form, and snuff came into vogue. From the days of the Regency to the opening of the Victorian era most gentlemen and many ladies took it. Huge silver snuff boxes were placed on college tables at dessert—one at Cambridge owns a genuine ram's horn adorned with Scotch pebbles—now they have mostly retired to the plate chests. Then the pipe came in again. Gone, except in some by street, are the effigies of snuffing Highlanders. Gone to cabinets of curios are the boxes, little and big, of wood, lacquer, enamel, silver, gold, and adorned with miniatures and jewels. Not often do we see friends exchanging pinches of snuff. Yet it is still consumed, especially by workingmen, and, as the report leads us to infer, in very considerable quantities.—London Standard.

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