church shall be real, entire and absolute. "It will be the duty of the commission o promote and extend, and as they find coasion, to improve the system of education already inaugurated by the mili-tary authorities. In doing this they should regard as of first importance the extension of a system of primary educa-tion which shall be free to all and which shall tend to fit the people for the duties of citizenship and for the ordinary avocations of a civilized community. This instruction should be given in the first instance in every part of the Islands in the language of the people. In view of the great number of languages spoken by the different tribes, it is especially important to the prosperity of the island that a com-mon medium of communication may be established, and it is obviously desirable that this should be the English language. Especial attention should be at once given to affording full opportunity to all the people of the islands to acquire the use

the English language.
"It may be well that the many changes which should be made in the system of taxation and in the body of the laws under which the people are governed, except such changes as have already been made by the military government, should be relegated to the cival government which is to be established under the auspices of the commission. It will, however, be of the commission. It will, however, be the duty of the commission to inquire diligently as to whether there are any further changes which ought not to be delayed, and if so, they are authorized to make such changes, subject to your ap-proval. On doing so they are to bear in proval. On doing so they are to bear in mind that taxes which tend to penalize or repress industry and enterprise are to be avoided; that provisions for taxation should be simple so that they may be understood by the people; that they should affect the fewest practicable sun-jects of taxation which will serve for the general distribution of the burden.

"The main body of the laws which regulate the rights and obligations of the

ple should be maintained with as little people should be maintained with as ittle interference as possible. Changes made should be mainly in procedure and in the criminal laws to secure speedy and impar. dministration and respect for individua

In dealing with the uncivilized tribes of the island the Commission should adopt the same course followed by Congress in permitting the tribes of our North Amer-ican Indians to maintain their tribal organization and government, and under which many of these tribes are now liv ing in peace and contentment, surrounded by a civilization to which they are unable or unwilling to conform. Such tribal governments should, however, he subject to wise and firm regulations, and without andue or perty interference constant and active effort should be exercised to prevent barbarous practices and introduce

"Upon all officers and employes of the United States, both civil and military, should be impressed a sense of the duty to observe not merely the material but the personal and social rights of the people of the islands and to treat them with the same courtesy and respect for their personal dignity which the pe

"The articles of capitulation of the City

the American Army."
"I believe that this pledge has been faithfully kept. As high and sacred an ob-United States to give protection for property and life, civil and religious freedom, and wise, firm and unselfish guidance in the paths of peace and proxperity to all the people of the Philippine Islands. I charge this Commission to labor for the full performance of this obligation, which perns the honor and conscience of this country, in the firm hope that through their labors all the inhabitants of the Philippine Islands may come to look back with gratitude to the day when God gave victory to American arms at Manila and set their lands under the sovereignty and the protection of the people of the United

Amnesty Proclamation.

Coincidentally with the entrance of the Commission upon its labor I caused to be issued by General MacArthur the military Governor of the Philippines, on June 21, 1900, a proclamation of amnesty in gen-erous terms, of which many of the insurgents took advantage, among them a number of important leaders. This Com-mission, composed of eminent cittzens, representing the diverse geographical and political interests of the country, and bringing to their task the ripe fruits of long and intelligent service in educational, administrative and judicial careers, made great progress from the outset. As early as August 1, 1560, it submitted a prelim-mary report, which will be laid before the Congress, and from which it appears that already the good effects of returning or-der are felt; that business interrupted by hostilities is improving as peace extends; that a larger area is under sugar cultiva-tion than ever before; that the customs revenues are greater than at any time during Spanish rule; that economy and efficiency in the military administration have created a surplus of \$6,000,000 available for needed public improvements; that a stringent civil service law is in preparation: that railroad communications are expanding, opening up rich districts, and that a comprehensive scheme of education

Later reports from the Commission show yet more encouraging advances toward insuring the benefits of liberty and good government to the Fillpinos in the interest of humanity and with the aim of building up an enduring self-supporting and selfup an enouring sent-supporting and self-administering community in these far Eastern seas. I would impress upon the Congress that whatever legislation may be enacted in raspect to the Philippine Is-lands should be along these generous lines. The fortune of war has thrown upon this Nationan unsought treat which should be unsolithly discharged and Asshould be unselfishly discharged, and devolved upon this Government a moral as well as a material responsibility toward these millions whom we have freed from

an oppressive yoke.

I have upon another occasion called the Pilipinos "the wards of the Nation." Our obligation as guardian was not lightly assumed; it must not be otherwise than honestly fulfilled, aiming first of all to benefit those who have come under our fostering care. It is our duty so to treat

" in the mountains of Luxon and the than it is at home; that there, as here, it shall be the revered symbol of liberty, enlightenment and progress in every ave nue of development. The Filipinos are a race quick to learn and to profit by knowledge. He would be rash, who, with knowledge. He would be rash, who, while the teachings of contemporaneous history in view, would fix a limit to the degree of culture and advancement yet within the reach of those people if our duty to-ward them be faithfully performed.

PORTO RICO AND CUBA. Success in the Former-Progress Toward Cuban Autonomy.

The civil government of Porto Rico provided for by the act of the Congress approved April 12, 1900, is in successful operation. The courts have been established: the Governor and his associates lished; the Governor and his associates working intelligently and harmoniously, are making a commendable success. On the 6th of November a general election was held in the island for members of the Legislature and the body has been convene on the first Monday of

by Congress conferring upon the Secre-tary of the Interior supervision over the public lands in Porto Rico, and that he be directed to ascertain the location and quantity of lands the title to which re-mained in the crown of Spain at the date the cession of Porto Rico to the United States, and that appropriations for sur-veys be made and the methods of the disposition of such lands be prescribed by law

On the 25th of July, 1900, I directed On the 20th of July, 1800, that a call be issued for an election in Cuba for members of a constitutional convention to frame a constitution as a basis for a stable and independent government in the Island. In pursuance hereof the Military Governor issued the llowing instructions: Whereas, The Congress of the United

States by its joint resolution of April 20.
1898, declared that the people of the
Island of Cuba are and of right ought to
be free and independent; that the United
States hereby dischaims any disposition
or interprise to Account and the United or intention to exercise sovereignty, jurisdiction or control over the said island, except for the pacification thereof, and except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people; and whereas the people of Cuba have extablished municipal governments, deriving their authority from the suffrages of the people given under just and gual laws, and are now ready, in like manner to revert to the establishment of a to proceed to the establishment of a general government which shall assume and exercise sovereignty, jurisdiction and control over the island; therefore, it is ordered that a general election be held in the Island of Cuba on the third Satday of September, in the year 1900, for iriay of September, in it - year 1900, for felegates to a convention to meet in the City of Havana at 12 noon on the first Monday of November, in the year 1900, to frame and adopt a constitution for the ple of Cuba, and as a part thereof o provide for and agree with the gov-rement of the United States upon the ciations to exist between that govern-ment and the Government of Cuba, and

roting precincts of the island under and oursuant to the provisions of the electoral naw of April 18, 1906, and the amend-ments thereof."

provide for election by the people of

The election was held on the 15th of The election was experienced assembled in the 5th of November, 1900, and is now a session. In calling the convention to refer the Military Governor of Cuba made

the following statement:

"As Military Governor of the island, representing the President of the United States, I call this convention to order. It will be your duty first to frame and adopt will be your duty first to frame and adopt a constitution for Cuba, and when that has been done, to formulate what, in your opinion, ought to be the relations between Cuba and the United States. The constitution must be adequate to se-cure a stable, orderly and free govern-ment. When you have formulated the rement. When you have formulated the re-lations which, in your opinion, ought to exist between Cuba and the United States, the Government of the United States will doubtless take such action on its part as shall lead to a final and authoritative agreement between the people of the two countries to the promotion of their com-mon interests. All friends of Cuba will follow your deliberations with the deepest interest, earnestly desiring that you shall reach just conclusions, and by the disreach just conclusions, and by the dig-The articles of capitulation of the City of Manila on the like of August, 1898, concluded with these words:
"This city, its inhabitants, its churches and religious worship, its educational es- may be signally illustrated. The fundatablishments and its private property of mental distinction between true republical descriptions are placed under the special safeguard of the faith and honor of the American Army."

mental distinction between true republican government and dictatorship is that the former is representative of the prople. In whatever office he confines himself strictly within the limits of his defined powers. Without such restraint faithfully kept. As high and sacred an ob-fined powers. Without such restraint ligation rests upon the Government of the United States to give protection for prop-ernment. Under the order pursuant to which you have been elected and conwench you have been elected and con-vened, you have no duty and no authority to take part in the present government of the island. Your powers are strictly lim-ited by the terms of that order.

"When the convention concludes its in. bor I will transmit to the Congress the constitution as framed by the convention for its consideration and for such action as it may deem advisable."

Transpacific Cable.

I renew the recommendation made in my special message of Pebruary 10, 1899, as to the necessity for cable communication between the United States and Hawaii with extension to Manila. Since then droumstances have strikingly emphasized this need. Surveys have shown the entire feasibility of a chain of cables which at each stopping place shall touch on Amer-lcan territory, so that the system shall be under our own complete control. Manila are within telegraphic reach, con-nection with the systems of the Asiatic Const would be increased, and profitable opportunities for a more direct cable coute from our shores to the Orient than is now afforded by the trans-Atlantic, Continental and trans-Asiatic lines. I urge attention to this important matter.

FEDERAL DEPARTMENTS.

Army Should Be 60,000 to 100,000-The Navy, Postoffices, Etc.

The present strength of the Army is 100,000 men-65,000 regulars and 25,000 volunteers. Under the act of March 2, 1899, on the 30th of June next the present volunteer force will be discharged and the Regular Army will be reduced to 247 officers and 29,025 enlisted men. In 1828 a board of officers convened by President Cleveland adopted a comprehensive scheme of coast defense and fortifications which involved the outlay of something over \$100,000.000. This plan received the approval of the Congress and since then regular appropriations have been made and the work of fortification has steadily progressed. More than \$60,000,000 have been invested in a great number of forts and guns, with all the complicated and scientific machinery and electrical appliscientific machinery and electrical appliances necessary for their use. The proper
care of this defensive machinery requires
men trained in its use. The number of
men necessary to perform this duty alone
is ascertained by the War Department,
at a minimum allowance, to be 18,420.
There are is or more military posts in
the United States other than the coastdefense forgifications. The number of
these posts is being constantly increased
by Congress. More than \$22,000,000 have
been expended in building and equipping
them, and they can only be cared for
by the Regular Army. The posts now in
existence and others to be built provide
accommodations for, and, if fully garrisoned, require 20,000 troops. Many of
these posts are along our frontler or at
important strategic points, the occupa-

ished, certainly not until the conclusion of the labors of the constitutional conven-tion now in session and a government pro-vided by the National Constitution should we been established and its stability sur-d. In Porto Rico we have re-ced the garrisons to 1838, which include 856 native troops. There is no room further reduction here. We will be quired to keep a considerable force in the Philippine Islands for some time to come. From the best information ob-tainable we shall need there for the immediate future from 55,000 to 50,000 men. I am sure the number may be reduced as the insurgents shall come to acknowledge the authority of the United States, of which there are assuring indications.

which there are assuring indications.

It must be apparent that we will require an army of about 60,000, and that during present conditions in Cubs and the Philippines the President should have authority to increase the force to the present number of 100,000. Included in this, authority should be given to raise mative troops in the Philippines up to 15,000, which the Taft commission believes will be more effective in detecting and suppressing guerillas, assassins and la-

will be more electrical assassins and la-drones than our own soldiers.

The full discussion of this subject by the Secretary of War in his annual rert is called to your earnest attention. I renew the recommendation in my last annual message that Congress provide a special medal of honor for the volunteers, regulars, saliors and marines on duty in the Philippines who voluntarily remain

in the service after their terms of enlist-ment had expired.

I favor the recommendation of the Sec-retary of War for the detail of officers from the line of the Army when vacancies occur in the Adjutant-General's depart-ment, Inspector-General's department, Quartermaster-General's department, subelstence department, pay department, ord mance department, pay department, order nance department and signal corps. The Army cannot be too highly commended for its faithful and effective services in active military operations in the field and the difficult work of its able administra-

The continued and rapid growth of the postal service is a sure index of the great and increasing business activity of the country. Its most striking new development is the extension of rural free delivery. This has come almost wholly within the last year. At the beginning of the flecal year 1898-1999, the number of routes in operation was only 381, and of routes in operation was only 381, and most of these had been running less than 12 months. On November 16, 1900, the mber had increased to 2614, reaching ber of applications now pending and awaiting action nearly equals all those granted up to the present time, and by the close of the current fiscal year, about 4000 routes will have been established, providing for the daily delivery of mails at the scattered horses of about 1500 cm. at the scattered homes of about 2,500,000 of rural population. This service ameliorates the isolation of farm life, conduces to good roads and quickens and extends the dissemination of general information Experience thus far has tended to aliay or make it a general burden. Its actual application has shown that it increases postal receipts, and can be accompanied to the government to the officers so election will be held in the several precincts of the island under and it to the provisions of the electoral April 18, 1906, and the amendation of the Pastmanter-General, which or make it a general burden. of the Postmaster-General, with its recommendations, is recommend-ed to the consideration of the Congress. The full development of this special service, however, requires such a large outlay of money that it should be undertake only after a careful study and thorough understanding of all that it involves.

The Navy.

Very efficient service has been rendered by the Navy in connection with the insurrection in the Philippines, and the recent

A very satisfactory settlement has been de of the long-pending question of the manufacture of armor-plates. A reason-able price has been secured, and the necessity for a Government armor-plate

the Secretary of the Navy for new ves-

makes necessary.

I commend to the favorable action of

The Public Domain.

The total area of public land, as given by the Secretary of the Interior, is approximately 1,071,881,652 acres, of which 917,935,850 acres are undisposed of, and 164,745,782 acres have been reserved for various purposes. The public lands disposed of during the year amount to 12,482,867,96 acres, including 62,422,96 acres of Indian lands, an increase of 4,271,674,80 over the preceding year. The total receipts from the sale of public lands during the fiscal year were 34,373,788,10, an increase of 41,300,630,76 over the preceding year. by the Secretary of the Interior, is ap-

The results obtained from our forest policy have demonstrated it- wisdom and the necessity, it the interest of the pub-lic, for its continuance and increased appropriations by the Congress for the carrying on of the work. On June 30, 1990, there were 37 forest reserves created by Presidential proclamations under section

Presidential proclamations under section 24 of the act of March 3, 1891, embracing an area of 46.425,529 acres.

During the past year, the Olympic reserve in the State of Washington was reduced 609,080 acres, leaving its present area at 1,512,840 acres. The Prescott reserve, in Arizona, was increased 10,240 acres to 423,659 acres, and the Big Horn in Washington 1,500 increased from the Washington 1,500 increases from the control of the c acres to 423,589 acres, and the Big Horn reserve, in Wyoming, was increased from 1127,580 acres to 1.180,500 acres. A new reserve, the Santa Ynez, in California, embracing an area of 145,000 acres, was created during this year. On October 10, 1906, the Crow Creek forest reserve, in Wyoming, was receased with new teasure. Wyoming, was created with an area of 56,330 acres.

Pensions and Patents.

At the end of the fiscal year there were on the pension roll 93,25 names, a net increase of 2010 over the fiscal year 1899. The number added to the rolls during the year was 45,34. The amount disbursed for army pensions during this year was 113,700,534 24, and for Navy pensions 35,781,-333 41: a total of \$125.462,130 65, leaving an unexpended balance of \$5,542,768 25 to be covered into the Treasury which shows an increase over the previous year's ex-penditure of \$107.077 70. There were \$54 names added to the rolls during the year by special acts passed by the first ses-sion of the Fifty-sixth Congress. The act sion of the Fifty-sixth Congress. The act of May, 1500, among other things, provides for an extension of income to widows' pensions under said act to 1550 per annum. The Secretary of the Interior believes that by the operation of this act, the number of persons pensioned under it will increase, and the increased annual payment for secretary will be between the more particular to the contract of for pensions will be between \$1,000,000 and \$4,000,000. The Government justly appreciates the services of its soldiers and sailors by making pension payments lib-

eral beyond precedent to the men, their widows and orphans.

There were 25.50 letters patent granted, including reissues and designs, during the fiscal year ended June 26, 1800: 1860 trade-

ther establishment of schools in the Terinvited thereon.

The Hawaiian Islands. Much interesting information is given th the report of the Governor of Hawaii as to the progress and development of the Islands during the period from July 7, 1898, the date of the approval of the joint 1888, the date of the approval of the joint resolution of the Congress providing for their annexation up to April 30, 1990, the date of the approval of the act providing a government for the territory and thereafter. The last Hawaiian census, taken in the year 1895, gives a total population of 100,000, of which 31,019 were native Hawaiians. The number of Americans reported was 8485. The results of the Federal census taken this year show the

section 7 of said act repeals chapter 3s of the civil laws of Hawali, whereby the Government was to assist in encouraging and developing the agricultural resources of the Republic, especially irrigation. The Governor of Hawaii recommends legislation looking to the development of such water supply as may exist on the public lands, with a view of promoting land settlement. The earnest consideration of the Congress is invited to this important recommendation and others as important recommendation and others as members of the Senate and House, embodied in the report of the Secretary

The Twelfth Census.

The Director of the Census states that the work in connection with the 12th cen-sus is progressing favorably. This Na-tional undertaking, ordered by the Con-gress each decade, has finally resulted in gress each decade, has finally resulted in the collection of an agregation of statis-tical facts to determine the industrial growth of the country, its manufacturing and mechanical resources, its richness in mines and forests, the numbers of its agricultural districts, their farms and products, its educational and religious op-

ing to sociological conditions.

The labors of the officials in charge of the bureau indicate that the law of March 3, 1899, requiring the completion of the four important and most desired subjects, namely, population, agriculture, manufacturing and with the season of the property of the people will. I doubt not furnish an example in their legislation of that wise economy which, in a season of the property of the property of the completion of the property of the completion of the property of the completion of the property of the complete of the property of the complete of the complet namely, population, agriculture, manufacturing and vital statistics, will be completed within the prescribed limit. The field work incident to the above inquiries is now practically finished and as a reritories, including the Hawailan Islands and Alaska, has been announced. The growth of population during the last decade amounts to over 13,00,000, a greater numerical increase than in any previous census in the history of the country. Bul-letins will be issued as rapidly as possi-ble, giving the population by States and Territories and by minor civil divisions. Several announcements of this kind have already been adopted, and it is hoped that the list will be completed by January 1 Other bulletins giving the results of the manufacturing and agricultural industries will be given to the public as rapidly as circumstances will admit.

The Director, while confident of his ability to complete the different branches of the undertaking in the allotted time, finds himself embarrassed by the lack of a trained force properly equipped for statis-tical work, thus raising the question whether, in the interest of economy and announcement from Constantinople that a thorough execution of the census work, there should not be retained in the Government employ a certain number of experts, not only to aid in the preliminary organization prior to the taking of the decennial census, but, in addition, having the advantage in the field and office work it is the expectation that the Cramps, in of the bureau of trained assistants to faof the bureau of trained assistants to fa-cilitate the early completion of this enormous undertaking.

the claimants, will turn over to the State Department the amount of the claims, in the neighborhood of £23,600, and that the I recommend that the Congress at its department will disburse the money to the claimants. While in this way there will present session apportion representation among the several states as provided by be no direct dealings between the United States and the Turkish Government, the

Department of Agriculture.

The Department of Agriculture has been extending its work during the past year, reaching farther for new varieties of seeds and plants, also co-operating more fully with the states and territories in research along useful lines; making progress in meteorological work relating to lines of wireless telegraphy and forecasts for ocean-going vessels; continuing in quiry as to animal diseases; looking into the extent and character of food adulteration; outlining plans for the care, preservation and intelligent harvesting of our cruiser, but if the former cannot complete the results of the collection of the indemnity demanded in the Essegui case. The State Department prefers the use of an imposing action, a certified copy of which is former cannot complete the first plants of the court above named, in the foregoing action, a certified copy of which is first plants for the sum of 153, which it did, not be captious as to the form deferded, and there is no disposition to be captious as to the form taken in the payment.

The settlement of this matter will permit the battle-ship Kentucky to proceed on her way to Manila or return over her court far enough to pick up the American "You will please take notice that all moneys. . . etc., are attached by virging and the collection of the sum of the sum of garnishment intended to be used with a writ of execution. The notice said on her way to Manila or return over her court far enough to pick up the American "You will please take notice that all moneys. . . etc., are attached by virging and the collection of the form of notice of garnishment, when he really had a writ of execution. The notice said on her way to Manila or return over her out for a consultation of the collection of the form of notice of garnishment, when he really had a writ of execution. The notice said on her way to Manila or return over her out for a consultation of the said of the form of notice of garnishment intended to be used with a writ of execution. The notice said on her way t wood lands; studying solis that producers may cultivate with better knowledge of conditions and hoping to clothe desert places with grasses suitable to our arid regions. Our island possessions are hold conditioned in the Moorish case. the Congress the measure now pending for the erection of a statue to the memory of the late David D. Porter. I commend also the establishment of a National naval reserve and of the grade of Vice-Admiral. Provisions should be made, as recommended by the Secretary, for suitable rewards for special merit. Many officers who rendered the most distinguished service during the recent war with Spain have received in return no recognition from the Congress. United States. Inquiry into methods of improving our roads has been active during the year; help has been given to many localities, and scientific investigation of material in the states and territories has been inaugurated. Irrigation problems in our semi-arid regions are receiving careful and increased consideration. An extensive exhibit at Paris of the products of agriculture has made the peoples of many countries more familiar with the varied products of our fields and their comparative excellence. The collection of statistics regarding our crops is being im-proved and sources of information are be-ing enlarged to the end that producers may have the earliest advices regarding op conditions. There has never been a ne when those for whom it was estab-hed have shown more appreciation of he services of the department

In my annual message of December 5, 888, I called attention to the necessity for some amendment of the alien contract law. There still remain important fea-tures of the rightful application of the eight-hour law for the benefit of labor and of the principle of arbitration, and I again commend these subjects to the

careful attention of the Congress.

That there may be secured the best service possible in the Philippines, I insued, under date of November 19, 1809.

the following order:
"The United States Civil Service Com-mission is directed to render such service as may be practicable to the civil service board, created under the act of the United States Philippine Commission for the establishment and maintenance of an honest and efficient civil service in the Philippine Islands, and for that purone Philippine Islands, and for that purpose to conduct examinations for the civil service of the Philippine islands, upon the request of the civil service board of said tslands, under such regulations as may be agreed upon by the said board and the said United States Civil Service Commission."

The civil service commission is greatly embarrassed in its work for want of an adequate permanent force for clerical and other assistance. Its needs are fully set forth in its report. I invite attenset forth in its report. I invite atten-tion to the report and especially urge upon Congress that this bureau of the public service, which passes upon the qualifications and character of so large a number of officers and employes of the Government, should be supported by all needed appropriations to secure prompt-ness and efficiency. needed appropriation ness and efficiency.

Hall of Records Needed.

I am very much impressed with the statements made by the heads of all de-partments of the urgent necessity of a hall of public records. In every depart-mental building in Washington, so far as I am informed, the space for official records is not only exhausted, but the walls of rooms are lined with shelves, the middle floor space of many rooms is filled with file cases, the garrets and basements, which were never intended and are unfitted for their accommoda-tion, are crowded with them. Aside from existence and others to be built provide accommodations for, and, if fully garrisoned, require 25.000 troops. Many of these posts are along our frontier or at important strategic points, the occupation of which is necessary. We have in Cubs between 5000 and 6000 troops. For the present our troops in that island canto be withdrawn or materially dimnto the present our troops in that island canto be a separate building especially deto the recognity for the formal transfer to cooking in the constitution of the Secretary of the Intarior to cooking the provide that is the commodations of the secretary of the Intarior to cooking the cooking as surplus of \$110,400.75.

The attention of the Congress is called to support them. There should be a separate building especially defostering care. It is our duty so to treat the present our troops in that Island canto the report of the Secretary of the Inthem that our flag may be no less benot be withdrawn or materially diminterior touching the necessity for the fursigned for the purpose of receiving and

THREE CASES DECIDED structures of the several executive depart-ments. Such a hall need not be a costly structure, but should be so arranged as to admit of enlargement from time to time. I urgently recommend that the Congress take early action in this mat-

I transmit to the Congress a resolution

adopted at a recent meeting of the Amer-

ican Bar Association concerning the pro-posed celebration of John Marshall day

been arranged and it is earnestly de-sired by the committee that the Con-gress may participate in this movement to the honor of the merits of the great

Washington Centennial.

The transfer of the Government to this

city is a fact of great historical inter-est. Among the people there is a feeling of genuine pride in the capital of the Re-

public. It is a matter of interest in this

it is 218,196. The Congress having pro

vided for "an appropriate National cele-bration of the centennial anniversary of the seat of government in the District of Columbia," the committees author-

addition to a reception and other exer

Precaution Against Extravagance

not abate but strengthen our co

tations and perils requiring constant flance to avoid. It must not be used to

nend. Let us keep always in mi

erty; its superstructure peace.
WILLIAM McKINLEY.

THE TURKISH SETTLEMENT

Will Permit Battle-Ship Kentucky

to Proceed to Manila.

WASHINGTON, Dec. 3.-The officials of

the Turkish Government had arranged to

pay the American mission claims under cover of a contract with the Cramps for

February 4, 1901. Fitting exercises

jurist.

THE LOWER COURTS WERE RE-VERSED IN TWO OF THEM.

Warehouse Case Prom Linn County Turns on Proof of Absence-Execution and Attachment.

SALEM, Dec. 3 .- The Supreme Court to day decided three appealed cases, in two of which it reversed the lower court, and in one made an affirmance. The cases were as follows:

A. Wheeler, assignee of the Blaker-Graham Company, appellant, vs. J. A. McFeron, respondent, from Linn County, George H. Burnett, Judge, reversed;

connection that in 1800 the population of the District of Columbia, was 14,683; today it is 278,718. The population of the City of Washington was then 3210; today opinion by Bean, C. J.
This was an action to recover \$700 damages for the conversion of a building in the town of Shedds, Linn County, known as the Blaker-Graham Company's warehouse. The defense was that the property belonged to A. Blaker and had been attached by the defendant as Sheriff of Linn County, in a case brought by A. C. Olin against Blaker. Upon the trial, the plaintiff offered in evidence the testimony given on a former trial of this cause, but it was refused by the court upon the sround that there was not sufficient proof of Blaker's absence from the state. A verdict was rendered in favor of the decommittee of Governors appointed by the President and the committee appointed by the inhabitants of the District of Co-lumbia generally. The programme, in fendant, notwithstanding which the plain tiff moved for judgment in his favor, for n that the facts stated in the cises at the Executive Mansion, pro-vides commemorative exercises to be held jointly by the Senate and House of Representatives in the hall of the House answer did not constitute a defense. This motion was overruled, judgment entered and plaintiff appealed.

and plaintiff appealed.

Preliminary to the offering of the evidence in question, testimony was given, showing in substance that Blaker formerof Representatives, and a reception in the evening at the Corcoran Gallery of Art in honor of the Governors of the states and territories. ly resided in Portland, that six or seven the prior to the trial he sold his home and property in Oregon, and went with his family to Alaska to remain, as he said, for two years; that in July, 1898, plaintiff eddressed a letter to him at Dawson City, and in due time received an answer dated at that place; that he had not returned to Oregon, and was not in the state at the time of the trial. to the knowledge of his brother-in-law, or his former business associate, E. R. McFarland, and, as they believed, he was atill in Dawson City. The Supreme Court holds that this was a sufficient showing to make his testimony given on the for-mer trial competent. The opinion says: "His nonresidence in the state is quite It will not retard but promote legitimate industrial and commercial expansion. Our growing power brings with it temporary to the company of t clearly established, and it will be pre-sumed to continue until the contrary is made to appear, within the familiar rule that when a fact in its nature continuous

is once proven to exist, it will be pre-sumed to continue, in the absence or proof t othe contrary."

The motion for judgment, notwithstanding verdict, was upon the ground that the pleadings of defendant were not well framed. The Supreme Court holds that the answer is sufficient after verdict, and says that "any defect in the plead-ings can, no doubt, be cured by amend-ment before snother trial."

W. B. Barr, respondent, vs. J. A. War ner, appellant, from Linn County, George H. Burnett, Judge, reversed; opinion by Moore, J.

This was an action to recover \$125, alleged to be the reasonable value of a solar compass loaned to the defendant, who broke it and falled to return it. In his answer, the defendant set up that who broke it and failed to return it. In his answer, the defendant set up that subsequent to the commencement of the action, plaintiff and defendant had agreed that \$3 should be the amount due, and that the action should be dismissed upon the payment of this amount: that the amount agreed upon had been garnished in defendant's hands to satisfy an execution against the plaintiff's property. At the trial the defendant offered in evidence the execution and return thereon. dence the execution and return thereon, but they were rejected by the court, and the jury was instructed to find for the plaintiff in the sum of \$93, which it did,

"You will please take notice that all moneys... etc., are attached by virtue of the writ of attachment issued out of the court above named, in the foregoing action, a certified copy of which is herewith served on you," etc.

The copy was of the writ of execution which had been erroneously called a writ of attachment. The opinion of the Su-

No Orders to the Kentucky.

WASHINGTON, Dec. 2.—It was said at the Navy Department today that the visit of Captain Chester and his staff, of the battle-ship Kentucky, to Constantinople was not by express direction of the department. Captain Chester was acting under his own discretion.

County of Union is liable to the 55 trial fee in each of them, whether the judgment be right or wrong."

In this connection he also says that the judgments "are entitled to full faith and credit until they are reversed, overruled or set aside in a legal manner."

property attached, as required by the tatute. The Supreme Court says; "The notice warned the defendant that all debts due or owing from him to O'Connor & Barr, or either of them, were attached, and we think this is sufficient." It is also held that plaintiff's contention that the debt was a contingent liability only, is without merit. A new trial is ordered.

sel that the notice did not specify the

Lewis & Mills, appellants, vs. H. P. McNary et al., respondents, from Marion McNary et al., respondents, from Marion County, George H. Burnett, Judge, af-

firmed; opinion by Bean, C. J.

This was an action brought on a redelivery bond to recover the difference
in the market value of some hops at the time of their delivery to defendant under the bond and their return to plaintiffs at Nary shall redeliver the property to the plaintiffs if a redelivery thereof be ad-judged, and (2) that he shall pay to them such sum of money as may for any cause be recovered against him. After the trial of the cause redelivery was adjudged, but no judgment was rendered against McNary for damages. While being held under the redelivery bond, the hops were much depreciated in value, and it is for this depreciation that forms the

omplaint was sustained on the ground that the complaint did not state a cause

of action. The Supreme Court sustains this ruling, saying: "The property was promptly delivered to the plaintiffs as soon as it was decreed that they were entitled thereto, hence the first condition of the bond was compiled with. No sum whatever has been recovered against McNary on account of the redelivery of the property, and so there has been no breach of the latter clause in the bond. . . The de-murrer to the complaint was properly sustained, because it appears affirmatively

Blackburn's Opinion as to Fees. Attorney-General D. R. N. Blackburn today rendered an opinion, in which he holds that Union County is liable to pay the State of Oregon a trial fee of \$\ \mathbb{E}\$ in two criminal cases appealed from that county and affirmed in the Supreme

Wong Gee was convicted of murder in the second degree and Harry Tucker was convicted of burglary. Each appealed to the Supreme Court and neither paid the trial fee in that tribunal. In each case ments on appeal, which included in each case the trial fee of \$8. It has been the custom for the counties to pay these trial fees when the bills were presented therefor by the Clerk of the Supreme Court, and then collect such fees from the appellants if they could be collected. Union

The matter was submitted to the Attornev-General by Clerk Murphy, of the Supreme Court, because Union County had demanded to know where the state got its authority for rendering judgment against the county for the payment of costs in criminal cases affirmed in the Supreme Court. Judge Blackburn's opinion quotes many sections of the code, and then says: "So far as I have been able to ascer-

tain, as the result of a careful examina-tion of the criminal code, no reference is tion of the criminal code, no reference is made anywhere therein to a trial fee in a criminal action, nor is title 8 of chapter 14 of the code of civil procedure made a part of the criminal procedure. If either the county or the defendant can be made liable for a trial fee in a criminal action, it must be because the words, 'parties to a judicial proceeding' were intended by the Legislature to apply to parties to criminal actions as well as to parties to the Legislature to apply to parties to criminal actions as well as to parties to civil proceedings in the courts." After discussing other questions, Judge Blackburn continues: "By virtue of sec-tion 1206 of Hill's code, in a criminal ac-

tion the State of Oregon is the plaintiff and the person prosecuted is the defend-ant; therefore, each one is a party to a 'judicial proceeding,' but the county from 'judicial proceeding,' but the county from which the appeal is taken, and not the state, is made liable for 'foes earned in the Supreme Court' in the first instance, 'upon the order of the court,' but if collected of the defendant, after having been paid by the county, they are then to be paid by the clerk to the County Treasurer, so that the county is reimbursed."

After going extensively into the question of the state's right to tax the costs explaint the county, the Attorney-General against the county, the Attorney-General

has this to say of the two judgments under consideration:
"As long as these judgments stand, the County of Union is liable to the state for

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