

# Oregonian



VOL. XL.—NO. 12,485.

PORTLAND, OREGON, TUESDAY, DECEMBER 18, 1900.

PRICE FIVE CENTS.

Any Size Any Quantity Any Style  
**MACKINTOSHES, RUBBER AND OIL-CLOTHING**  
Rubber Boots and Shoes, Belting, Packing and Hose.  
Largest and most complete assortment of all kinds of Rubber Goods.

**Goodyear Rubber Company**  
R. H. PEASE, President.  
F. M. SHEPARD, Jr., Treasurer.  
J. A. SHEPARD, Secretary.  
73-75 FIRST ST.  
PORTLAND, OR.

BETTER THAN EVER,  
**Beau Brummell**  
Whether the Constitution Follows the Flag—Fourteen Diamond Ring Case.  
BLUMAUER-FRANK DRUG CO.  
144-146 Fourth Street PORTLAND, OR.

**SHAW'S PURE MALT**  
The Condensed Strength and Nutrient of  
**BARLEY AND RYE**  
Blumauer & Hoch, 108 and 110 Fourth Street  
Sole Distributors for Oregon

**HOTEL PERKINS**  
Fifth and Washington Sts. PORTLAND, OREGON  
EUROPEAN PLAN

Rooms—Single..... 75c to \$1.50 per day  
Rooms—Double..... \$1.00 to \$2.00 per day  
Rooms—Family..... \$1.50 to \$3.00 per day  
J. F. DAVIES, Pres. C. T. BELCHER, Sec. and Treas.

**St. Charles Hotel**  
CO. (INCORPORATED).  
FRONT AND MORRISON STREETS  
PORTLAND, OREGON

American and European Plan.  
American plan ..... \$1.25, \$1.50, \$1.75  
European plan ..... 50c, 75c, \$1.00

**Useful Xmas Presents.....**  
Scroll Saws, \$4 Tool Chests, \$5  
Magic Lanterns, \$10 Skates, \$1  
Printing Presses Cutlery  
Fine Carvers Electric Novelties  
DAYTON HARDWARE CO., 192-194 First St.

**USEFUL AND ORNAMENTAL**  
For the Holidays—  
A nice pair of Andirons  
or Fire Set.  
M. J. Walsh · 245 Washington St.  
SUCCESSOR TO FRANK HOLCOMB & CO.

**Crowds...**  
Have made their selections and purchases from our  
**Rich and varied stock**  
And still it seems as if it had been hardly touched. We have everything conceivable in Diamonds, Watches, Cut Glass, Sterling Silver, Silver, Gold, Ivory, Pearl, Ebony and Leather Goods, dainty and unique articles for the dressing tables.  
It will be wise to make your selection early. Goods will be reserved if desired.  
Out-of-Town Orders Receive Careful Attention.

**A. & C. Feldenheimer.**  
Diamond Importers—Manufacturing Jewelers.  
Store open evenings during December. Third and Washington Streets

**Simply a Perpetual Treat**  
Every home which has a piano and a Pianola has music otherwise accessible only to the wealthiest, and then only in limited quantities and at rare intervals.  
M. B. WELLS, Northwest Agent for the Aeolian Company  
Aeolian Hall, 353-355 Washington Street, cor. Park, Portland, Or.  
We are Sole Agents for the Pianola; also for the Steingway, the Chace and the Emerson Pianos.

**Helena Water Case.**  
HELENA, Mont., Dec. 17.—The Supreme Court of Montana today affirmed the judgment of the District Court in the case of the Helena Water Works Company against the City of Helena, holding that the contract for water between the two was not legal, because the city has exceeded its constitutional limit of indebtedness. The company is incorporated under the laws of New Jersey, and is owned by Eastern men. Appeal to the United States Supreme Court may be taken.

**Daily Treasury Statement.**  
WASHINGTON, Dec. 17.—Today's statement of the Treasury balances, exclusive of the \$150,000,000 gold reserve in the division of redemption, shows:  
Available cash balance ..... \$146,892,225  
Gold ..... 99,506,721

## STATUS OF ISLANDS

Important Matter Now Before the Supreme Court.

### ARGUMENT IN THE GOETZ CASE

Two Suits to Determine the Question Whether the Constitution Follows the Flag—Fourteen Diamond Ring Case.

WASHINGTON, Dec. 17.—In the United States Supreme Court argument was begun today on the question of whether the Constitution follows the flag, and the Philippines Islands and other insular possessions acquired through the war with Spain, with respect to the United States proper, to say whether their people are citizens and indicate whether the Constitution follows the flag.

One of the cases is that of John F. Goetz, who in June, 1899, imported from Porto Rico a quantity of cigars into the United States through the port of New York and protested against assessment of duty on the importation, claiming that the tobacco was not subject to duty because Porto Rico at the time of the importation was not a foreign country, and because, therefore, the imposition of duties on goods brought from a place within the territory of the United States into a part of the United States is not lawful and valid under the Constitution.

The Collector of the Port and the Board of General Appraisers both ruled against him, as did the United States Circuit Court for the Southern District of New York, when Goetz took the case before that tribunal. From the opinion of the court the importer appealed to the United States Supreme Court.

The other case is known as the 14 diamond ring case. In that suit the claimant is one Manuel Puppe, who served as a soldier of the United States in Luzon, Philippine Islands. While there he purchased or acquired the rings in question, and brought them to the United States without paying duty on them, some time in the year 1899, between January 1 and September 25. The rings were seized on May 18, 1900, at Chicago, by a United States customs officer, as merchandise liable to duty, which was fraudulently imported to the United States contrary to the law. Information for the forfeiture of the rings was filed in the office of the Government June 1, 1900, to which the claimant pleaded, setting forth that at the time he acquired the property Luzon was a part of the territory of the United States, and that he was a citizen of the United States under the Constitution, and particularly under section 2, article 1, thereof, and he insisted that under article 1, Congress is required to see that all taxes and duties shall be uniform throughout the United States. To this plea the United States demurred, and the district court gave judgment of forfeiture for the Government. This judgment claimant removed to the Supreme Court by writ of error.

The case of John F. Goetz vs. the United States was taken up at 3:30 P. M. Attorney-General Griggs was present in behalf of the Government, and a number of prominent attorneys, including Secretary Carlisle, were interested listeners.

Edward C. Perkins, of counsel for Goetz, asked that the Porto Rico case and that involving the status of the Philippine Islands be combined. The Attorney-General assented to this, and it was arranged that each side should have five hours for the presentation of their case. Goetz was then begun by Mr. Brown, of the counsel for the appellant.

Mr. Brown rehearsed the main features of the Porto Rico case, with the circumstances of the enactment of the tariff law of 1897 and the imposition of the duties on the goods of Goetz. The main point, he said, was that Porto Rico was not a "foreign country," and that Porto Rico was in the United States, so that an import against the goods of Porto Rico would be a violation of the provision that "all goods, duties imposed on exports shall be uniform throughout the United States." Mr. Brown remarked that the counsel who had opposed this view had maintained that Porto Rico was a part of the United States, only in a Pickwickian sense. It was conceded, he said, that "the people of the United States constituted an absolute sovereign nation; that the power to acquire territory or carry on war had been delegated by the people to its constitutional agents, and that this includes the power to occupy foreign territory and to govern its inhabitants while it remains foreign territory, subject to the rules and usages of civilized warfare and international law." It was also conceded, Mr. Brown said, that the people had delegated the power to add paramount acquisitions to its territory. But with these concessions, the people had established certain constitutional limits never to be transcended. This case was something more than an ex proprio vigore. It went to the extent of denying the rights of any branch of the government to transgress the limits laid down by the Constitution. Mr. Brown closed his brief introductory presentation of the case by referring to its momentous character, which he and his colleagues regarded as the most profound and important that they ever had been called upon to present.

Mr. Perkins followed, taking up more particularly the constitutional phases of the case. He maintained that the Constitution was in effect a power of attorney, and said the question was as to what were those powers. The prosecution of the war in Porto Rico or elsewhere, or the acquisition of this or that place, were all acts which must be brought within the powers of the Constitution. The metaphor of the Constitution following the flag, Mr. Perkins regarded as equivalent to saying that a man's shadow followed him. The first constitutional point urged by Mr. Perkins was that the "claims of unlimited power in new territories is opposed to our entire theory of constitutional government." A large number of cases were cited to show the attitude of the United States Supreme Court on analogous issues in the past. An unbroken line of decisions, he said, had established the prohibitory clauses of the Constitution applying to the government of the territory of the United States. In one decision as late as last March, Mr. Perkins said, Justice Harlan had held that the seventh amendment to the Constitution, securing the right of trial by jury, applies to judicial proceedings in the territories. The other chief points advanced in behalf of the appellant were:

The treaty of Paris is not open to the construction that it provided for the government of Porto Rico without regard to constitutional limitations and as a country foreign to the United States. If it were possible to place that construction

upon the treaty, the provision would be void, as contrary to the Constitution, but this would not in any way prevent or affect the accomplishment of the usual results of annexation. If the tariff act imposes a duty on goods brought from Porto Rico to a place elsewhere in the United States after the annexation, the imposition is void as being in conflict with an express provision of the Constitution. When the treaty of Paris took effect, Porto Rico ceased to be a "foreign country" within the meaning of those words as used in the tariff act.

Mr. Perkins' argument was in progress when, at 4:30 P. M., the court adjourned until tomorrow.

Chief Justice Fuller today advanced a number of cases involving the relations between the United States and Porto Rico so as to be heard with the De Lima case, in which this question is at issue. The De Lima case is set for January 7, and will be argued by ex-Secretary Carlisle. It was at his instance that three of the cases were today advanced. Two of the cases were taken from the name of the Dooley, Smith & Co., and both come from the Circuit Court for the Southern District of New York. In one case the action is brought to recover money and customs duties, upon merchandise taken from New York to Porto Rico, between the date of the ratification of the Paris treaty and the date of the enactment of the Porto Rican civil government act. In the other case the duties were collected after the Porto Rican law was enacted. A third case is that of Carlos Armstrong, coming from the Court of Claims, and also involving the same general question; and still another, that of Samuel B. Downs. In the last-named case Frederick Couderc, Jr., appears as counsel.

## BATTLE AT ORANGE RIVER

Long Fight, in Which the Boers Were Totally Defeated.

LONDON, Dec. 17.—The report of another severe battle, resulting in a British victory, is currently being reported to the story, the fighting began at day-break today, and lasted for several hours. The Boers, who numbered from 1500 to 2000 men, were surrounded at Orange River and were defeated with very heavy loss in killed and wounded. A number of Boers, it is added, were captured.

General Kitchener, in a dispatch received by the War Office, confirms the Associated Press dispatch from Allwal North of last night announcing the capture by the Boers of a detachment of Graham's horse, December 11 near Zastron, Orange River Colony, and says 197 men were made prisoners on that occasion.

The Colonial Office, in announcing that Sir Alfred Milner succeeds Lord Roberts as administrator of the conquered territory in South Africa, says his taking up his residence at Johannesburg, on an expedition of his horse, December 11 near Zastron, Orange River Colony, and says 197 men were made prisoners on that occasion.

The New Zealand Contingent. WELLINGTON, Dec. 17.—Lord Kitchener has requested that the New Zealand contingent may remain in South Africa until the war is over, and the New Zealand Government has consented.

Boers Cross Into Cape Colony. CAPE TOWN, Dec. 17.—Seven hundred Boers have crossed from Orange River Colony into Cape Colony near Allwal North, and have reached Kaapstad.

McKinley's Western Trip. WASHINGTON, Dec. 17.—President Scott of the Union Iron Works, San Francisco, builders of the new battleship Ohio, saw the President today and received his assurance that, if nothing occurred to prevent, he would go to San Francisco and inspect the vessel to witness the launching of the big vessel. The exact date has not yet been decided upon.

## SUMMARY OF IMPORTANT NEWS.

**Federal Government.**  
The Porto Rico case is before the United States Supreme Court. Page 1.  
The Military Commission may be applied to France. Page 2.  
The military commission begins its investigation in the Boer hearing. Page 3.

**Congress.**  
Congressman Brewster was placed on the retired list of the Navy. Page 2.  
The Senate will vote on the canal treaty Thursday. Page 3.  
There is also prospect of passing the subsidy bill this session. Page 1.

**China.**  
Fresh instructions sent to Conger will clear the way of all obstacles. Page 3.  
Loot sent to France will be embargoed. Page 4.

**Foreign.**  
In the sinking of the Gneisenau, 128 persons were killed. Page 1.  
The Boers were defeated in a battle at Orange River. Page 1.

**Domestic.**  
A cure for strikes was discussed by the arbitration conference at Chicago. Page 2.  
A resolution was introduced in the United States Senate for an investigation of the conduct of Judge Noyes in Alaska. Page 4.

**Pacific Coast.**  
Preparations are being made for development of natural gas near Rossmore, Wash. Page 5.  
A Washington County farmer was murdered by a shot fired through his window. Page 4.

**The Oregon Supreme Court.**  
The Oregon Supreme Court decided that the Portland vehicle license ordinance was invalid. Page 4.

**Commercial and Marine.**  
American wheat visible shows a decrease. Page 2.  
Enormous liquidation in New York stock market. Page 11.  
November wheat exports from all ports. Page 5.

**Sailing ships will race to Europe. Page 5.**  
Steamer City of Topeka wrecked. Page 5.  
Umattila reef lightship again adrift. Page 5.

**The steamer Alpha was wrecked on the Vancouver Island coast. Page 1.**  
Portland and Vicinity.  
Forger Dixon sentenced to 19 years in State's prison. Page 5.  
Rev. A. W. Ackerman reads a paper on "Thought on the Bible." Page 5.

**Economies of the fuel question in Portland. Page 1.**  
Messenger boys kidnaped a 15-year-old son of a lawyer Ditchburn and demanded \$75 ransom. Page 7.

## WRECKED ON A REEF

Last of the Famous Steamer Alpha.

### NINE PERSONS LOST WITH HER

The Vessel Struck a Rock at the Entrance to Union Bay, on the East Coast of Vancouver Island—A Sailor's Heroism.

VANCOUVER, B. C., Dec. 17.—News of the worst marine disaster of the season in British Columbia was brought here tonight by the steamer Czar, from Union Bay, on the east side of Vancouver Island. The steamer Alpha was wrecked on a reef near the entrance to Union Bay, and not a vestige of the 300-ton steamer remains. Her managing owner, captain, purser, three engineers, two able-bodied seamen and a stowaway were drowned.

## GENERAL CLEMENTS

Whose Force Was Defeated by the Boers at Magalies Berg.

and the rest of the crew of 34 were saved by the pluck of an unknown member of the ship's crew, who swam in a raging sea from the wreck to a lighthouse with a line around his waist. The names of the victims follow:  
Samuel Barber, of Vancouver, managing owner.  
Captain F. N. Yorke, of Victoria.  
Chief Engineer Watterson.  
Engineer Dunn, Victoria.  
Second Assistant Engineer Murray, Vancouver.  
H. L. White, purser, Vancouver.  
Crosby and Sullivan, able-bodied seamen.  
Stowaway, name unknown.  
The Alpha was valued at \$45,000. Her cargo comprised 750 tons of salt salmon and 25 tons of coal, consigned to Yokohama, and valued at \$30,000. The total insurance on the ship and cargo was \$50,000.

It is two weeks since the Alpha first started from Vancouver for Japan. After she had been four days out she returned to Victoria partly disabled, and accusations of tampering with her engines were made. Some of the crew and several of the officers left the steamer declaring that she had been improperly loaded, and one of the officers was tried and sentenced to six weeks' imprisonment for sedition.  
Last Saturday the Alpha left Victoria for Union to replenish her coal supply. A terrific gale was raging, and late Saturday night the steamer ran on a rock at Baynes Sound, at the entrance to Union Bay. She was quickly dashed to pieces, and all would have perished had not one of the crew made the desperate and successful effort to swim with a line to the lighthouse on Yellow Island. In the raging sea only part of those on the ill-fated ship managed to reach safety, the officers and owner remaining on board last and falling to reach the rock. The 23 survivors remained on Yellow Island, which is a rock 200 yards wide, until Sunday night, when the moderate somewhat and a sloop was able to call and take them to Union. But the storm which had wrecked the ship had also protrated the wires, and so no tidings of the shipwreck reached the outside world until the little steamer Czar brought the story to Vancouver tonight.

The Alpha gained notoriety last Spring when, as a Canadian ship, she landed freight and passengers at Nome in defiance of the instructions of the Treasury Department, and it is said, against the advice of the British Embassy at Washington as well. She was chased on her return trip from Nome by a United States revenue cutter, but managed to show her pursuer a clean pair of heels. Since that exciting experience the Alpha had been engaged in the British Columbia coasting trade until she started on her present disastrous trip.

## FIGHT WITH A BURGLAR.

Terrible Struggle of a Young Woman in Chicago.

CHICAGO, Dec. 17.—Miss Lillian Beatty, formerly of San Francisco, lies at the residence of Dr. E. Lyman Dennison, 5860 State street, hovering between life and death as a result of a terrible fight with a burglar tonight. For half an hour she fought him unaided, struggling back and forth through three rooms, resisting until the loss of blood from her wounds stopped her. So hard was the fight that her clothes were torn and a half dozen chairs and a heavy operating table were overturned. During the scuf-

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At Least 130 Persons Went Down With the German Frigate.

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from Malaga received here this morning accounts for 24 survivors out of the 430 persons who were on board the German training frigate Gneisenau, which foundered at the entrance to the port of Malaga yesterday, while she was taking refuge from the terrible storm prevailing at that time. It is rumored that the commander of the Gneisenau committed suicide when he saw that all was lost. A nephew of the Imperial Chancellor, Count von Bulow, named Berndt, was among the saved, though he was injured about the head. A sailor who survived the wreck went mad. The first engineer, the assistant engineer and a number of petty officers were drowned. It is hoped that the guns, the treasure chest and perhaps part of the hull will be salvaged. Of the 24 survivors, 29 who were injured, were transported to the local hospital, 125 were sheltered in the barracks

## NEED OF CHEAP FUEL

Portland's Heavy Consumption of Wood.

### PRICE IS RAPIDLY ADVANCING

Portland consumes annually fully 500,000 cords of wood. This does not include the fuel consumed by steamboats and railroad trains running out of the city. The O. R. & N. Co. uses in and from Portland about 25,000 tons of coal a year. The Southern Pacific uses fire wood, which is abundant along its railway. The Northern Pacific burns coal from its own mines. The steamboats use wood, which they get on the river bank. The new Oriental steamship line will materially increase the fuel demands on the Columbia River.

There has been a comparatively cheap fuel, but it is rapidly rising in price. As the country is cleared up and the demand on timber for manufacturing purposes increases, the price of wood naturally rises, and then the increased cost of hauling longer distances to river or railroad adds another factor to cost of the fuel in the market. Fire wood has advanced about 25 per cent in price over the Portland market in the past four years. At this rate, it is only a question of a few years when it will be a luxury that few can afford. Hence the wisdom of developing a cheaper fuel supply, which, beside the economy in the matter of direct cost, leaves the wood for other uses and thus conserves natural forces. Instead of burning the wood for fuel we may get coal cheaper and turn the wood into lumber, ax handles and potato mashers.

Not only is wood becoming dearer, but no practical steps are being taken to supply its place for the coal now in the market can hardly take the place of wood. The price is too high. As between fire wood at \$4 20 a cord and coal at \$5 a ton, there would be small choice and both would lead to the bankruptcy code. Both may be had in large lots at smaller prices yet; in fact, wood has not yet got to that point. The chief fuel of the town. But fire wood at \$3 is not a cheap fuel.

## EXPERIMENT WITH FUEL.

Some time ago the Southern Pacific Company conducted a quite elaborate experiment to determine whether wood or coal was the cheaper fuel for its locomotives. It bought 400 tons of Puget Sound coal for this test, thereby getting the benefit of the lowest price. The wood it obtained along the road in the ordinary way. The result of the experiment was that the wood was found to be 23 per cent cheaper fuel than the coal; that is, a given amount of service was obtained by the use of wood at 77 per cent of the cost incurred when coal was used for the same service under the same conditions. This led the company to continue to use wood for fuel.

The price paid for the coal for this experiment is not given out, but it is said that coal for such use would cost in Portland between \$2 and \$4 per ton when bought in large quantities. There was varying cost for the coal used for the experiment, and varying conditions of delivery, that would need be considered in an accurate statement of the case, but under the average conditions the Southern Pacific found that it was materially cheaper for it to use wood. If coal were in the Portland market at prices that prevail in many other localities, the advantage would be still more in favor of the usual result of such test would, of course, be altogether different.

According to the annual reports of the general conditions of the coal used for fuel for the various railways was as follows per ton last year:  
Southern Pacific ..... \$4.00  
Northern Pacific ..... 1.63  
Union Pacific ..... 1.42  
New York, N. Y. ..... 2.11  
Texas Pacific ..... 1.73  
Chicago, Rock Island & Pacific ..... 1.73  
Atchafalpa, Topeka & Santa Fe ..... 1.53  
Rio Grande & Western ..... 1.23  
Denver & Rio Grande ..... 1.23  
Chicago & Northwestern ..... 1.45  
Lehigh Valley ..... 1.25  
Central of Georgia ..... 1.25  
Lake Shore & Michigan Southern ..... 1.29  
Pennsylvania Railway ..... 1.07  
Gen'l. & Western ..... 1.29  
Pennsylvania & Reading ..... 1.29  
Norfolk & Western ..... 59

## THIRTY REBELS CAPTURED

Soldiers and Police Made a Raid on a Suburb of Manila.

MANILA, Dec. 17.—Thirty rebels were captured this morning near San Pedro Macati, four miles from Manila, by 25 men of the Twentieth United States Infantry and 20 members of the native Manila police. The force landed from small boats and surrounded the suburb. Seventy persons were captured, but only 30 were identified as insurgents.

Advice just received from Ilo Ilo says that the insurgents Saturday night burned a part of the village of Cabatuan, Amboise, Surgenon, Frederick A. Washburn, Jr., of the Twenty-sixth Volunteer Infantry, with 18 men, held the principal buildings. A strong wind was blowing at the time. The Americans sustained no casualties.

Later advices from Ilo Ilo announce that detachments of the Twenty-sixth Infantry this morning surprised the headquarters of Quintin Salas, capturing considerable quantities of stores and some papers. Several natives were killed. The Americans, who had no losses, were still in pursuit of the fleeing insurgents when the dispatch left Ilo Ilo.

**Auditor for the Philippines.**  
WASHINGTON, Dec. 17.—C. A. Lavash, Deputy Auditor for the Postoffice Department, has been appointed Auditor for the Philippines.

**Woman Suffrage in Porto Rico.**  
SAN JUAN, Porto Rico, Dec. 17.—In the House of Delegates today, Desautels introduced a bill granting unrestricted suffrage to women on the same terms as men.

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Terrible Struggle of a Young Woman in Chicago.

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## FIGHT WITH A BURGLAR.

Terrible Struggle of a Young Woman in Chicago.

CHICAGO, Dec. 17.—Miss Lillian Beatty, formerly of San Francisco, lies at the residence of Dr. E. Lyman Dennison, 5860 State street, hovering between life and death as a result of a terrible fight with a burglar tonight. For half an hour she fought him unaided, struggling back and forth through three rooms, resisting until the loss of blood from her wounds stopped her. So hard was the fight that her clothes were torn and a half dozen chairs and a heavy operating table were overturned. During the scuf-

## LOSS OF THE GNEISENAU.

At Least 130 Persons Went Down With the German Frigate.

BERLIN, Dec. 17.—An official dispatch from Malaga received here this morning accounts for 24 survivors out of the 430 persons who were on board the German training frigate Gneisenau, which foundered at the entrance to the port of Malaga yesterday, while she was taking refuge from the terrible storm prevailing at that time. It is rumored that the commander of the Gneisenau committed suicide when he saw that all was lost. A nephew of the Imperial Chancellor, Count von Bulow, named Berndt, was among the saved, though he was injured about the head. A sailor who survived the wreck went mad. The first engineer, the assistant engineer and a number of petty officers were drowned. It is hoped that the guns, the treasure chest and perhaps part of the hull will be salvaged. Of the 24 survivors, 29 who were injured, were transported to the local hospital, 125 were sheltered in the barracks

## NEED OF CHEAP FUEL

Portland's Heavy Consumption of Wood.