

Oregonian

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PORTLAND, OREGON, FRIDAY, JANUARY 11, 1901.

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Billiard Supplies ..and Repairs..
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TILED BATHROOMS ARE CLEAN
We carry a full stock of tile for bath-rooms, kitchen sinks, tile floors, ventilators, etc. A full line of mottos, grates, andirons, spark guards, fire sets. Use our Ideal Metal Polish for keeping things bright.
Estimates given on electric wiring, interior telephones and call bells.
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THE PORTLAND
PORTLAND, OREGON
AMERICAN PLAN \$3.00 PER DAY and upward.
COST ONE MILLION DOLLARS
HEADQUARTERS FOR TOURISTS AND COMMERCIAL TRAVELERS
Special rates made to families and single gentlemen. The management will be pleased at all times to show rooms and give prices. A modern Turkish bath establishment in the hotel. B. C. BOWERS, Manager.

"HE THAT WORKS EASILY WORKS SUCCESSFULLY"
'TIS VERY EASY TO CLEAN HOUSE WITH
SAPOLIO
Don't You Think?
Nonprofessionals are enthusiastic concerning the Sapolio. The Sapolio has also passed the critical censorship of the musicians. Don't you think you would like it?
M. B. WELLS, Northwest Agent for the Aeolian Company
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We are Sole Agents for the Pianola; also for the Steinway, the Chase and the Emerson.

CUSHMAN WAS MAD

Indignant Because Oregon Gets More Than His State.

UNIQUE SPEECH IN THE HOUSE

Washington's Congressman Appeals for an Appropriation for the Seattle Ship Canal—Hebburn Opposed to Extravagance.

WASHINGTON, Jan. 10.—The general debate on the river and harbor bill continued in the House until 4 o'clock when the death of Representative Clarke, (Rep. N. H.) was announced and the House adjourned out of respect to his memory. The features of the debate today were the speeches of Cushman, (Rep. Wash.) and Heburn, (Rep. Ia.). The latter has been a persistent opponent of river and harbor bills for years, and he attacked the bill along the line in his usually vigorous fashion. Cushman's speech was unique in many particulars. He was in favor of river and harbor appropriations, and his complaint was due to the fact that the members of the committee, according to his ideas, had located the bulk of the appropriations in their own states, and had given scant attention to the needs of other states—especially to the Seattle ship canal in his own state. Cushman illustrated his remarks with a series of carefully prepared charts. He criticized several of the individual members of the committee in breezy style, and became engaged in half a dozen very spirited encounters before he concluded. Members crowded about the areas in front of the speaker's desk, where he stood explaining the figures upon the charts, and everyone seemed to enjoy the picturesque performance immensely. When he wound up with a glowing appeal for justice to the Seattle project he got a stirring round of applause.

The following days were set aside for paying tribute:

Saturday, February 2, at 3 o'clock to the late Senator Davis, of Minnesota.

Saturday, February 3, at 4 o'clock, to the late Representative Wise, of Virginia.

January 26, at 4 o'clock, to the late Senator Gear, of Iowa.

February 16, at 4 o'clock, to the late Representative Hoffecker, of Delaware.

The House then went into committee of the whole and resumed consideration of the river and harbor bill.

Shackelford, (Dem. Mo.), protested against the action of the committee in abolishing the Missouri River Commission.

Grosvener, (Rep. O.), replied briefly to the remarks of some of the Western members in favor of appropriations in the river and harbor bill for reclamation.

He appreciated the glamour of the prospect of watering the arid regions of the West, but he denied the power of Congress to enter upon a vast scheme of irrigation, and he questioned its propriety.

Jones, (Rep. Wash.), made an earnest plea for an appropriation for improving the inner harbor of Seattle. York, (Rep. Neb.), then took the floor for an hour's speech, in which he vigorously assailed various features of the bill.

He was in favor of promoting interstate commerce by every sort of legitimate improvement. What he complained of were the enormous sums appropriated for purely local and state improvements.

"I understand," said Heburn, "some gentlemen here are getting their backs up because a gentleman is proposing to exploit the manner in which the states of members of the committee are taken care of by his bill. What are you complaining of it?" he asked, addressing the members of the committee, "the notoriety of the act or the act itself?"

Heburn and W. A. Smith (Rep. Mich.) took a sharp exchange in which personalities were bandied back and forth. Many of Heburn's criticisms were aimed at the undue amounts which the state of Michigan received and the fact that the companies interested in amalgamate are the Canadian Steel Company, the Lake Superior Power Company, the American Steel Company, the Otis Steel Company, and the Wellman-Seaver Company, of Cleveland.

Combined with these, if the deal is completed, will be several English firms, who will take part in the enterprise financially and the acting with English operators, to secure markets here and elsewhere.

In the course of an editorial upon Andrew Carnegie's prediction that the United States, in the course of a quarter of a century, will surpass all the other countries of the world combined in steel production, the Daily Telegraph says:

"The United States will produce more steel and iron than all the rest of the world combined, and Germany is also preparing to dump her surplus productions abroad, we are upon the eve of the greatest triangular duel yet seen in international trade."

Manufacturers must wake up and brace the methods of their rivals. Above all, obstructive rules and methods like those of the trades-unionists must be swept away.

Warehouse Law Invalid.

CHICAGO, Jan. 10.—Judge Tuiley, sitting in the Circuit Court, today returned an opinion declaring the unconstitutional-ity of the United States statute permitting public grain warehouses to handle their own grain in their own warehouses.

The case was brought as a test of the law passed by the House of Representatives against the Central Grain Elevator Company and Carrington, Hannah & Co. The court holds that the law is a class legislation, and that under its provisions the warehousemen have the general public and grain producers at their mercy. The case will be appealed, but the Supreme Court has already given evidence in a previous case that it coincides with the view of Judge Tuiley, and it is confidently believed that the higher court will sustain Judge Tuiley. Judge Tuiley declared that the elevator houses were now of such importance to the grain trade that they should come under Federal supervision.

Capital Punishment in Kansas.

TOPEKA, Kan., Jan. 10.—A bill has been introduced in the Legislature restoring capital punishment in Kansas. The sentiment of the Legislature seems to favor it. If the bill is passed, a number of prisoners in the state penitentiary under sentence of death will be hanged.

victimised by the bill. He said the committee had "overlooked" his state, as if it had been a "white ship in a faro game." He repeated a story that he had tonnage of 4,000,000, and it got the "measly" sum of \$30,000.

"If you think my vote can be bought at that price," he said, addressing the members of the committee, "you are off your base."

Cushman's criticism aroused the members of the committee, and they kept up a continual line of questions while he was speaking. As a result, there were some exceedingly spicy exchanges.

"Imperial Caesar," Cushman said, "had divided all Gaul into three parts. Caesar was an ancestor and the second had lived to the dawn of the 20th century, he would have divided 'gall' into enough fragments to give one to each member of the river and harbor committee of the House."

Cushman had brought into the hall another chart showing the proportion of appropriations to the recommendations of the Chief of States. The states represented by the river and harbor committee got 80 per cent of the appropriations recommended, while the other states got less than 10 per cent.

"I invite the members of the committee," said he, "to go up against the frozen facts of that chart." (Laughter.)

One by one Cushman paid his respects to the members of the committee, producing individual maps showing the appropriations each member had secured. The district of Bishop, (Rep. Mich.), he said, had six counties with a frontier on Lake Michigan, and each one had an appropriation in the bill.

"And each one has a harbor," interposed Bishop.

"Have you ever examined the map of the State of Washington?" retorted Cushman, amid laughter.

At another time, Cushman declared that the Florida member of the committee had secured an appropriation in the bill for a harbor that could not be found on the latest map.

He was especially severe in his criticism of the appropriations secured by Tongue, (Rep. Or.) for his state, calling attention to the fact that although \$5,000,000 had been spent upon the Columbia between Portland and Lewis and Clark, the water today was less than seven feet than it was before a dollar was expended. In this connection Cushman disclosed the reason for his attack. It was because the committee had not provided for the Seattle ship canal.

He made an eloquent plea for justice for his state.

Alexander, (Rep. N. Y.), a member of the committee, missed a general denial of the committee, pointing out how fallacious it was to charge to a state money expended for the improvement of the general commerce facilities of the country. He also pointed out how natural it was to the committee should be made up of members whose sections were interested in river and harbor interests.

After some further remarks by Mann, (Rep. Ill.) and Otis, (Rep. Va.), the committee rose.

Hill, (Rep. Conn.), announced the death of Charles F. Clarke, of New York, and presented the customary resolutions of respect. These were unanimously adopted and a committee was appointed to attend the funeral. Then, at 4:45, as a further mark of respect, the House adjourned.

The Speech of the Nation.

WASHINGTON, Jan. 10.—Representative Cushman today made the most brilliant and the only convincing speech yet delivered on the river and harbor bill.

His fearless attack upon the selfish policy of the members of the river and harbor committee and their discrimination against worthy projects, his arraignment of the guilty members called forth thunderous applause from throngs of admiring citizens.

During his speech Cushman was interrupted, though frequently, by hostile, though frequently interrupted, he carried himself faultlessly, met and floored each and every assailant, and succeeded in proving his every contention.

As he closed his speech, Cushman said he was applauded to the echo, and could a vote have been taken then, Washington would have had such recognition on the floor of the House.

He closed his speech with a plea for the speech, not only on the bill, but of the session.

NEW STEEL COMBINATION.

Canadian and American Companies Are in the Deal.

LONDON, Jan. 10.—The negotiations toward the formation of a new steel combination, which have been carried on recently in London, reached a point this evening where their culmination became practically assured.

The companies intending to amalgamate are the Canadian Steel Company, the Lake Superior Power Company, the American Steel Company, the Otis Steel Company, and the Wellman-Seaver Company, of Cleveland.

Combined with these, if the deal is completed, will be several English firms, who will take part in the enterprise financially and the acting with English operators, to secure markets here and elsewhere.

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UNIFORMITY CLAUSE

Its Relation to Insular Taxation.

ATTORNEY-GENERAL'S SPEECH

Mr. Griggs Declared in the Porto Rico Case Congress Has the Power to Tax the Islands Either by Direct or Indirect Methods.

WASHINGTON, Jan. 10.—Solicitor-General Richards resumed his argument in the Porto Rican cases when the Supreme

Court convened today. Before taking up the line of his argument he made a reply to a question by Justice White as to the meaning of the words "the territories," as used by Chief Justice Marshall in the Loughborough case. He said in that connection that the power of Congress does not cease when the territory is brought under the United States, but that it did not recognize that there is a distinction in the control under the different circumstances.

Discussing the constitutional provisions of uniformity in the matter of taxation, Mr. Richards said that the provision was inserted to remedy the diverse and conflicting claims of the various states concerning the power to tax.

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exercise the legislative function, he said: "When, as Commander-in-Chief, he exercised government over conquered territory, he has, by the undoubted law of nations, the right not only to govern, but to make laws for the territory so occupied. The legislative functions thus exercised are merely incidents under the public law of belligerent right, vested by the Constitution in the President as Commander-in-Chief of the Army and Navy."

Chief Justice, he said.

"There must be in the nature of things a time between the deed of acquisition and the assumption by the United States of the full government of acquired territory, when the relation between the Federal Government and the acquired territory will be inchoate. There might be cases of acquisition of territory which possess no organized form of government whatsoever, not even of a local or municipal kind. Whether such territory should have any local government would depend entirely upon the will of Congress; the contention of the appellants would create the absurd necessity of having acts of Congress as to revenue and other matters extended in theory through tracts of country in which they were utterly incapable of enforcement, all the agencies of government being absent. It could never have been contended that

the rights of Congress to levy taxes, Justice Brewer interrupted to ask if, in the opinion of the Attorney-General, it was in the spirit and letter of the Constitution to have one tariff rate in the states and another in the territories. Mr. Griggs was emphatic in his belief that it was.

Justice White stated a case, the setting aside of a free port on the Atlantic seaboard, through which goods might be distributed to the states, and asked if that might be done. The Attorney-General said that at such a point in a territory it might, but that it would be an abuse of power.

Justice Harlan returned to a point he had brought into the Solicitor-General's address, the right to prohibit trade between the islands and the States. The Attorney-General held this was in the absolute power of Congress. By creating Indian reservations and by reserving islands in the North Pacific, the Government, he said, had shown that it could prohibit traffic and the movement of persons wherever it saw fit.

Referring to the President's right to

such a condition of theoretical law and practical anarchy should arise."

Justice Harlan, in reply to the argument of the Solicitor-General as to the rights of states, asked if, in the opinion of the Solicitor-General, Congress might prohibit trade between Porto Rico and the United States and might prevent the people of the island from coming to this country.

Mr. Richards said emphatically that, in his opinion, it had the right. Later Justices Harlan and Brewer asked questions which brought out the statement that the Constitutional limitation of equality of taxing power lies only as between the states, and not between territories. The Solicitor-General said Congress could legislate duties for New Mexico and Arizona, provided the rights of the citizens were not impaired, which caused Justice White to ask if there could be such rights without their having been citizenship. The Solicitor-General further said he believed Congress could sell the Philippines whenever it saw fit.

In the course of his address, Attorney-General Griggs said:

"Barring the stipulation of the treaty and the construction of personal rights, there is no difference between the status of Porto Rico and Oklahoma, New Mexico and Arizona. Congress has the right to govern, tax and alienate any of its territory, and should this country be over- come by war, it might be the wisest course and no one could criticize the right of the United States to withdraw its sovereignty from any of its territory. It must not be taken that any act may be repealed by any act; that any treaty may be repealed by another treaty. An act which grants vested rights cannot be repealed by the simple passage of another act. No one will contend that Congress may pass an act admitting a state, and then may repeal that law and cast out that state. How Congress may deal with the territories is a political question under the Constitution. Under such widely varying conditions as exist in this vast country, Congress must have discretion to create which will meet the varying conditions."

"There is a vital question here. If we cannot govern the peoples of new territories according to their customs, then this country will not take any territory which it is not capable of governing, except under the laws of the Union as it now exists. The right to govern territories is an inherent right, not an implied one. It is in the Constitution. So is the power of Congress to tax, with the three limitations, which are provided. Congress may even choose the articles which may be taxed. Porto Rico's tariff is of the local kind, not of the revenue derived from imports are allowed to be taxed by the people for the support of the government. Never before was there such liberty on the part of a government."

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LAST OF CHANDLER

Caucus Ends New Hampshire Senator's Career.

JUDGE BURNHAM THE CHOICE

Manchester Man Won the Nomination on the First Ballot—End of the Pivotal Political Fight in the State's History.

CONCORD, N. H., Jan. 10.—Judge Henry E. Burnham, of Manchester, won the nomination of the Republican members of the Legislature for United States Senator over William E. Chandler and other candidates. Burnham won upon the first ballot. Chandler received 47 votes, Burnham 158, Congressman Sullivan 23, Henry M. Parker 2, Henry B. Quincy 23, H. W. Blair 1.

The choice of Judge Burnham, which was finally made unanimously, ended the fiercest political fight in the history of New Hampshire. Senator Chandler was opposed by men in his party who objected to his pro-sliver views, his criticism at times of the Administration, his ideas on different measures, and, in addition, he was opposed by those who thought he had been Senator long enough. Another great factor in the contest, and which has figured in other political fights, was his determined and continual attacks upon the railroad interests in the state.

Jerry Simpson Dropped.

TOPEKA, Kan., Jan. 10.—The Populist members of the Legislature have dropped Jerry Simpson as a Senatorial candidate, and have decided that the name of David Overmyer will be presented as the fusion candidate for Senator. A caucus of the Populists will be held Monday night.

THE PRESIDENT IMPROVES

No Complications and His Temperament Is Normal.

WASHINGTON, Jan. 10.—The President's improvement continued tonight. There are no complications, and his temperature is normal.

Secretary Hay was so much improved today that there was some promise of his being able to return to the State Department tomorrow.

Daily Treasury Statement.

WASHINGTON, Jan. 10.—Today's statement of the Treasury balances in the general fund, exclusive of the \$100,000,000 gold reserve in the division of redemption, shows:

Available cash balance.....\$12,555,433
Gold 9,085,314

Missouri Railroad Commissioner.

JEFFERSON CITY, Mo., Jan. 10.—Joseph P. Rice, of Chicago, a locomotive engineer in the employ of the Wabash Railroad, was today appointed Railroad and Warehouse Commissioner by Governor Stephens, to fill the vacancy caused by the death of J. P. Herrington.