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HOTEL PERKINS Fifth and Washington Sts. PORTLAND, OREGON. EUROPEAN PLAN. Rooms—Single, \$1.00 to \$1.50 per day. Rooms—Double, \$1.50 to \$2.00 per day. Rooms—Family, \$1.50 to \$3.00 per day.

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.

Dahlias, Gladiolas All the new varieties just arrived. Come early while the assortment is full.

Garden Hose All grades at all prices. Also, a complete line of Garden Tools, Lawn Mowers, etc. Everything for the garden.

BUELL LAMBERSON'S SONS 180 FRONT STREET, CORNER YAMHILL

Our Surrey Display This Week will interest you in variety, style and quality. It has never been equaled on the coast, and the prices are lower than is asked elsewhere for inferior goods. Visitors always welcome.

STUDEBAKER 320-338 EAST MORRISON ST. CARRIAGES WAGONS, HARNESS ROBES AND WHIPS

LARGEST AND BEST IN THE WEST. THE FARNSWORTH-HERALD TAILORING CO. New Felling Building, 248 Washington Street. TAILORING DEPARTMENT.

60 styles of the famous Ban-nockburn tweeds received and placed on sale today. There is only one suit of each of the above styles. They are exclusive and worth \$40.00. As long as they last. This means with best linings and workmanship, fit guaranteed. \$25. Unclaimed suits, overcoats, trousers and fancy silk vests at less than the cost of making. \$5.00 unclaimed trousers, small sizes, for \$1.00. \$7.50 unclaimed trousers, all sizes, for 3.50. \$10.00 unclaimed trousers, all sizes, for 4.50. \$12.50 unclaimed trousers, all sizes, for 5.50.

Emil Paur and the Pianola The playing of the Pianola in my house last evening was a treat as well as a surprise, and I thank you for the entertainment afforded. Nothing of the kind I have heard before can approach it. In the hands of a competent player all the shading, crescendo, as well as modification of tempo, are remarkably accurate. EMIL PAUR, Conductor, Follinharmon Society, N. Y. M. B. WELLS, Northwest Agent for the Aeolian Company. Aeolian Hall, 353-355 Washington Street, cor. Park

IN NINTH CIRCUIT

Decisions of Hawaiian Courts Are Not Final.

RIGHT TO APPEAL GRANTED

Opinion Rendered by Chief Justice Fuller in the Wilder Steamship Case—No Tax on Export Bills of Lading.

WASHINGTON, April 15.—The United States Supreme Court, through Chief Justice Fuller, today issued an order granting leave to file a motion for a rule against the Circuit Court of Appeals for the Ninth Circuit to permit the filing of an appeal in that court from a decision of the Supreme Court of Hawaii in the Wilder Steamship Company case. The rule was made returnable May 13. Previous to this action, a rule was promulgated attaching the territory of Hawaii to the Ninth Circuit with headquarters at San Francisco.

The action of the court in assigning Hawaii to the Ninth Circuit and at the same time issuing a rule to the Circuit Court of Appeals to show cause why it should not take jurisdiction of an admiralty case originating in that territory involves an interesting general question relating to our new territorial acquisitions. The application in this case was made by Duane B. Fox, in behalf of the Wilder Steamship Company, of Hawaii, against Hild, Spreckels et al. Under the act of 1891, organizing the Circuit Court of Appeals, it was given jurisdiction in appeals from the Supreme Court of territories and the Supreme Court was given authority to assign the territories to the several circuits. The act also provided that appeals from the Supreme Court of the Territory of Hawaii were organized by the act of April 30, 1900, on a different basis from other territories, and the same distinction was made in court of appeals as to writs of error and appeals, and the Supreme Court of the United States made no order assigning the territory. The act also provided that pending at the date of the organization of the territory should be carried on to final judgment and execution in the corresponding courts of the territory. It also established a district court, having the jurisdiction of United States Circuit and District Courts. The Supreme Court of the territory rendered judgment for \$5,000 against the Wilder Steamship Company, and when the company attempted to appeal, the Circuit Court of Appeals on April 1, 1900, refused to entertain the appeal, holding that the judgment of the territorial court was final.

Tax on Bills of Lading.

An opinion was handed down in the case of Fairbank vs. the United States. The case involved the Constitutionality of the tax revenue law imposing a tax upon export bills of lading. The court decided in favor of the tax, but on the ground of the unconstitutionality of the law. The opinion was handed down by Justice Brewer and Justice McMillan, Gray, White and McKenna dissented. The case came to the Supreme Court from the District Court of Minnesota. The decision of that court sustained the tax, but on the ground of its unconstitutionality. The court imposed a tax of 10 cents on export bills of lading, Fairbank being fined \$35 for his supposed offense. He is an agent of the Northern Pacific Company, and was convicted of violating the law in March, 1900, the specific charge being that of issuing bills of lading on wheat to be exported to England without affixing the stamp to them as required by law. The tax was resisted on the ground that it violates the provision of the Constitution requiring that "no tax or duty should be laid on articles exported to any other state." The substance of the court's decision was embodied in the concluding paragraph, which is as follows: "We are of opinion that a stamp tax on a foreign bill of lading is in substance and is equivalent to a tax on the articles included in the bill of lading, and, therefore, a tax or duty on exports and in conflict with the Constitutional prohibition."

The judgment of the District Court was reversed and the case remanded with instructions to grant a new trial. In the course of his opinion, Justice Brewer took cognizance of the contention that the duty on foreign bills of lading is not sustained, it will follow that tonnage taxes and stamp duties on manifests must fall also. "The validity of such taxes is not before us for determination," he said, "and therefore we must decline to express any opinion thereon, yet it may not be improper to say that even if the suggested result should follow, it furnishes no reason for not recognizing the validity of the Constitutional limitation."

Motion in Porto Rican Case.

Charles Gardner for the New England Tobacco Growers' Association, asked leave to file a motion in the De Lima case, one of the Porto Rican cases which are now pending in the United States Supreme Court. He stated that his brief was in support of the Government contention of the right to levy a duty. In connection with the motion, Gardner stated at the same time that he had the consent of the opposing counsel to present the document. Mr. Hoyt, representing the Government, expressed fear that if the brief should be filed it would call for replies. Mr. Gardner said he could not understand why the government should object to the filing of the brief, which might save the case for it. The Chief Justice told Gardner that he could hand his brief to the clerk. The brief makes no reference to the statement as to the new matter introduced. "The New England Tobacco Growers' Association represents more than three individuals and corporations engaged in the cultivation, manufacture and sale of tobacco in the New England States. This industry is purely dependent upon the maintenance of existing laws of protection. A decision of this court adverse to the constitutionality of import duties upon our colonial products would subject the industry to disastrous competition and serious financial loss. So also it would injure numerous other domestic tobacco interests which, equally with the intervenor, would be adversely affected by free trade with Porto Rico and the Philippines."

The chief point of the brief is that the peculiar question is one to be dealt with by the political agencies of the Government and that the judicial branch has no authority over it. The principles of the brief are summarized as follows: "First—The United States is a sovereign nation. It possesses all the National powers enumerated in the constitution and all the unenumerated powers reserved to the people. These aggregate all the powers of the most potent sovereignty and the National Government can exercise them all unless expressly prohibited by the Constitution. "Second—The sovereign power of the Nation is exercised through the legislative, executive and judicial departments of the national government. Political questions belong to the legislative and executive departments. Judicial questions are not subject to the jurisdiction of this court. "Third—The constitution of Porto Rico and the Philippines, the mode and extent thereof, the delimitation of the boundaries of the United States, the disposition and government of the islands and their inhabitants—these and all similar questions in the cases at bar are political and not judicial and, therefore, not within the jurisdiction of this court. "Fourth—The Constitution does not extend to Porto Rico and the Philippines; nor becomes applicable to the government of the islands and their inhabitants by the political department of the National Government is necessary to make applicable to the government of the islands either the Constitution as a whole or any of its clauses. "Fifth—Porto Rico and the Philippines are not integral parts of the United States within the meaning of the uniform tariff act, Article II, Section 8 of the Constitution. "Sixth—Porto Rico and the Philippines, not being integral parts of the United States, the special tariff laws, including the Porto Rican act, may be enacted and are constitutional. "Seventh—For these reasons, as well as for those urged by the learned Attorney-General and the learned Solicitor-General, the judgment and orders appealed from should be affirmed. An application was made in behalf of the American Sugar Refining Company to file a petition for a writ of mandamus or a writ of certiorari as to the construction of the law concerning the classification of sugars imported by that company. The question involved is the validity of regulations of the Treasury Department regarding the testing of imported sugar by the polariscope. The regulations to which the sugar company takes exception in effect require the official making the polariscope test to make an arbitrary addition to the reading actually indicated by the instrument of .30 degree when the degree is below 100, and the temperature at which the reading is taken exceeds the temperature, usually 17.5 degrees centigrade, at which the polariscope is standardized. It is claimed that the result upon the exportations of the company has been to increase very greatly the amount of duties annually paid by it.

THE NEW CARDINALS

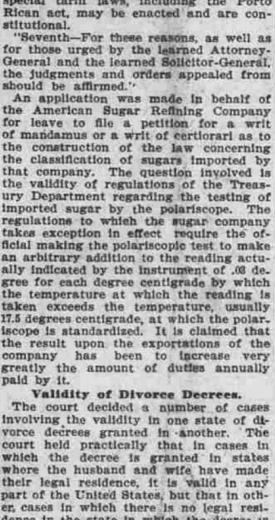
Martinelli and Eleven Others Were Appointed

AT A SECRET CONSISTORY

The Pope Decried the Antagonism Toward the Church Manifested in Many Parts of Europe.

ROME, April 15.—At the consistory held today, Archbishop Martinelli, the papal delegate in the United States, was proclaimed a cardinal. Eleven other cardinals were created. The names of the

THE NEW AMERICAN CARDINAL.



SEBASTIAN MARTINELLI, PAPAL DELEGATE.

other new cardinals are as follows: Mgr. Prineri, Mgr. Cabaglio, Mgr. San Miniato, Mgr. Condore, Mgr. Dellavio, the Archbishop of Benevento, the Archbishop of Ferrara, the Archbishop of Prague, the Archbishop of Cracow, the Bishop of Verona and the Bishop of Pavia.

The consistory today was secret. A papal consistory will be held April 15. The Pope, in his allocution, said and dangerous events have come to pass and were becoming more serious and spreading from one part of Europe to another. Several states, widely separated but united by an identical desire, had entered into open war against religion. The campaign was directed against the religious congregations in order to destroy them gradually. Neither common law nor equity nor the protests of the congregations have prevailed to prevent their destruction. The desire was also manifested to prevent the youth from being educated by the congregations, of whom many pupils had become illustrious. The pontiff then spoke of the position of the pope, which he said was most shameful and disagreeable. Alluding to the divorce bill drawn up by a socialist deputy of the Italian Chamber, the Pope said: "To the ancient insults leveled at the church it is desired to add another, profaning the sanctity of Christian marriage and destroying the basis of domestic society. The pope deplored the seriousness of the present times and foresaw a still graver outlook in the future. He urged society to have recourse to the light of God, and concluded by announcing the appointment of the new cardinals, as already cabled, of whom Mgr. Dellavio and Mgr. San Miniato are reserved in petto.

Cause of the Pope's Sadness.

PARIS, April 15.—A dispatch from Rome says: "The pope at today's consistory expressed great sorrow at the simultaneous revival in several parts of Europe of hostilities against the church. He also spoke of the sadness of the pope against religious associations in France, which had not observed such a calamity. The pontiff also dwelt on the inconsistency of a consistory which proclaimed liberty for all, while refusing even the existence of associations the members of which made a profession of practicing the precepts of the gospel. He spoke of the recent tumultuous demonstrations in Spain and Portugal which had aroused apprehension that even worse events were in store for Italy. The pope then alluded to the painful position in which the papacy was kept, and referred particularly to the divorce bill, which will probably be submitted to Parliament.

Archbishop of Canada.

MONTREAL, April 15.—At a meeting of the medical faculty today, Bishop Bond, of Montreal, was elected archbishop and metropolitan of Canada.

A PROMOTER SURRENDERED

Backer of a Defunct Bank Submitted to Arrest.

NEW YORK, April 15.—The Herald will say tomorrow: "Dr. Grant Lyman, the backer of the defunct banking concern of Joshua Brown & Co., which was fiscal agent for the International Zinc Company and the Yukon Company, Ltd., has submitted himself to arrest in the civil action pending against him, and having given bail, is now safely sheltered in his home. His attorney says that he is ready to defy his accusers. It was learned yesterday (Monday) that Lyman, who left New York suddenly last month, had taken a trip to Europe. He was summoned by a cable message to return, and he got back here last Thursday. Mr. Lyman and his attorney went to the Sheriff's office and

HEAVY LOSSES OF STOCK.

Many Cattle and Sheep Perished in the Blizzard on the Plains.

CHEYENNE, Wyo., April 15.—It is reported that the Swan Land & Cattle Company, which ranges large herds of cattle in Eastern Wyoming and Western Nebraska, has lost upward of 2500 head of cattle during the severe storm of the past 10 days. Some of the animals were driven by the steers over high bluffs and others were smothered in snow drifts. Jack Edwards, a large owner of sheep in Wyoming and Oregon, lost 3000 head of sheep near Kimball, Neb., out of a band of 14,000. The animals were on the lambing beds when the storm came up. The storm is still in progress, and many cattlemen will be ruined.

MOUNT PLEASANT, Utah, April 15.—Word is brought here from the shearing corral on the west desert that Peter

MANILA, April 15.—The trial of Com-missary Sergeant John Meston, charged with complicity in the commissary frauds, is finished. No verdict is announced and Meston's conviction is uncertain. Other trials of those implicated will follow.

Captain J. C. Read, formerly depot commissary at Manila, has been arrested. It is alleged that entries upon the books of Evans & Company, government contractors, indicate that the commissary officers received the following sums: Major George B. Davis, upwards of \$100; Captain J. C. Read, \$100; Captain Frank H. Lawton, \$50; B. L. Tremaine, Colonel Woodruff's chief clerk, \$200. It also appears that Evans & Company furnished the handsome residence of Colonel Woodruff.

Harold M. Pitt, manager of Evans & Company, who is now under arrest, is notoriously lavish in entertaining commissary officers, while the depot commissary, a frequenter of the tenebrous district, occasionally spent days at Pitt's house in questionable society. Pitt's house is a bacchanalian rendezvous and prominent officers frequently visited it, drinking champagne and playing poker. Women of doubtful reputation are known to have been present on many occasions. It is alleged that Pitt had the inside track in securing government contracts and it is also asserted that he was the prime mover in the scheme to re-establish a casino in Manila, Mrs. Lara being subsidized in securing a cockpit.

Inspection of Philippine Craft.

WASHINGTON, April 15.—The inferior condition of many of the craft sailing in Philippine waters caused the arrangements for an examination in any city of the United States having postal free delivery of candidates for appointment as inspectors of vessels. The examination will be held May 21 by the Civil Service Commission, at the request of the Philippine Commission. The examination will be held at Manila, where the Philippine Commission is now in session. The examination will be held at Manila, where the Philippine Commission is now in session. The examination will be held at Manila, where the Philippine Commission is now in session.

Transport for Manila.

SAN FRANCISCO, April 15.—Two transports sailed for Manila today—the Logan and the Thyr. The Logan took a battalion of the Ninth Cavalry, a battalion of the Tenth Cavalry, Companies I and M, First Infantry, and the First Battalion of the Eleventh Infantry.

Memorial to Lawton.

INDIANAPOLIS, April 15.—Daniel C. French, a sculptor, will receive a commission from the Lawton Monument Association to construct a memorial to General Lawton, who died in the Philippines.

SUMMARY OF IMPORTANT NEWS.

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SCANDAL AT MANILA

Captain Read, Formerly Depot Commissary, Arrested.

OTHER OFFICERS ARE INVOLVED

Manager of a Firm of Government Contractors is in Jail—How Uncle Sam's Money Was Squandered.

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