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FACTS, NOT OPINIONS

That Is What the Schley Court Is Seeking.

AN IMPORTANT RULING MADE

Sessions Resumed at Washington Yesterday—The Witnesses Were Admiral Higginson, Captain Chester, and Others.

WASHINGTON, Sept. 20.—The Schley court of inquiry reconvened today, and before adjournment examined four witnesses.

The most important incident of the day was the decision of the court withdrawing a question put by the court itself, asking a witness to give his opinion concerning a point under controversy. The witness was Rear-Admiral Higginson, who participated in the Santiago campaign as Captain of the battle-ship Massachusetts. This vessel at one time was a part of the flying squadron, commanded by Commodore Schley, and the court asked him to state whether all possible measures were taken to capture or destroy the Spanish vessel Cristobal Colon as it lay in Santiago Harbor from May 27 to June 1, 1898. Counsel for Admiral Schley objected to the question on the ground that a reply would involve an opinion and not a statement of facts. Judge-Advocate Lemly admitted that the precedents were against questions of this character, and the court withdrew this interrogatory.

It is generally admitted that this decision will have the effect of materially shortening the term of the court, as well as the court's intention to cut out irrelevant questions and all hearsay testimony. In several cases, the witnesses were admonished to relate only events coming within their own observation.

Admiral Dewey showed himself a prompt and methodical presiding officer. He called the court to order exactly at the designated hour, and adjourned it just as promptly at 4 o'clock. The witnesses were Rear-Admiral Higginson, who commanded the battle-ship Massachusetts during the Spanish War; Captain C. M. Chester, who commanded the cruiser Albatross; Major Thomas N. Wood, of the Marine Corps, who commanded the marines on the Massachusetts, and Commander G. B. Harber, who was an executive officer of the Texas, the latter being on the stand when the court adjourned. The attendance of the public was small.

Rear-Admiral Ramsay occupied the seat which on the first day of the session was filled by Rear-Admiral Howison. All three members of the court were in service uniform, and the morning air was cold enough to make their closely-buttoned coats appear comfortable. Mrs. Dewey accompanied her husband and remained a short time. The general attendance was not large.

Court Called to Order.

The court was called to order by a simple word from Admiral Dewey. The first order of business was reading by Judge-Advocate Lemly of the order of the Navy Department appointing Rear-Admiral Ramsay to a place on the court in place of Rear-Admiral Howison, and when this was accomplished Captain Lemly turned to Admiral Schley and asked him, as he did when Rear-Admiral Howison was challenged, whether he had objection to the reading of the order of the court. The Admiral arose as this question was asked and replied: "I have not."

The Judge-Advocate then swore the members of the court collectively, and then in turn was sworn as Judge-Advocate. The court then retired for the purpose of discussing the methods of procedure. Before the Admiral a letter from Admiral Schley to the Navy Department requesting to be supplied with all papers bearing upon the case and the department's reply granting the request was read.

At 11:25 the court returned from its consultation. Judge-Advocate Lemly, addressing Admiral Schley as "the applicant," asked if he had any suggestions to make as to the order of procedure, and whether he had something to offer or desired that he (Lemly) proceed. The Admiral responded with a nod of the head and a move of the hand, "Go ahead."

Mr. Lemly then presented the report of the Bureau of Navigation for 1898, a hydrographic chart of the West Indies and adjacent seas and other charts. He said explicitly that they were introduced not as testimony, but as books of reference.

"Will you preclude the introduction of original documents?" Judge Wilson asked. "Not at all," replied the Admiral. "On the contrary, we shall desire to introduce original documents when opportunity offers."

Captain Parker made objection to the hydrographic chart when it was presented. "It is grossly incorrect," he said. "As a matter of fact, the coast line of Cuba is six miles further south and four miles further west than it should be."

He withdrew his objection when assured that the chart was not to be used as evidence.

Admiral Higginson Called.
Admiral Francis J. Higginson, Commander-in-Chief of the North Atlantic Squadron, was the first witness called. He said that, as Captain, he commanded the battle-ship Massachusetts during the Spanish war, and that for a part of the time the Massachusetts had been a part of the "Flying Squadron," of which Admiral Schley had been in command. He told of joining the fleet at Newport News; of going to Key West, and thence to the Gulf of Mexico, and how, after steering westward for some time, the vessel, all in response to Commodore Schley's signals, returned and steamed to within

two or three miles of the mouth of the harbor. "What happened to cause the decision to return to Key West?"

"I don't know."
"What was the condition of the weather at that time for coaling at sea?"

"It was not impossible to coal, I think."
"Did you have any conference with the commanding officer in regard to returning to Santiago after you had gotten on the way to Key West?"

"None; we acted under general orders. All we did was to follow the signals of the flagship—the signals of the Commander-in-Chief."
Speaking of the conditions when Santiago Harbor was again reached, the Admiral said he could see well into the harbor, and that he saw the Spanish ship Colon lying in the outward harbor. He did not remember seeing other vessels, but the Colon was then 1000 yards beyond Morro Castle. The vessel had lain there until she was fired upon, which was done on May 31, and had then retired.

Described the Engagement.
Describing this engagement, Admiral Higginson said it was on the day before the arrival of reinforcements under Admiral Sampson. He said that Admiral Schley had come aboard and said that he "wanted to go and fire on the Colon."

"Some went in and fired on her," continued the witness.

FIRST WITNESS BEFORE THE SCHLEY COURT



REAR-ADMIRAL FRANCIS J. HIGGINSON, WHO COMMANDED THE BATTLE-SHIP MASSACHUSETTS AT THE BATTLE OF SANTIAGO.

lined the witness. He said the about fell short of the Colon, and that the Spanish batteries had in turn fired at the bombarding ships. In reply to questions as to what had been accomplished by the bombardment, the witness replied that it had served to draw the fire of the Spanish shore batteries, and to give an idea of what it was composed of.

"What idea did you get of its composition?"
"I did not think it amounted to anything."
"Where was Admiral Schley during the bombardment?"
"At one time he was with me in the conning tower, but most of the time he was on the outside of it. I was near him most of the time."

Describe the Admiral's manner in this engagement.
"I hardly know how to answer that question, except to say that his manner was that of a commander-in-chief."

"What impression did the Admiral's manner in that engagement make upon you?"
"Mr. Raynor, counsel for Schley, objected to this question, and after some contention the question was withdrawn. Judge-Advocate Lemly stated before withdrawing the question that he considered the topic embraced in the precept, and said that while the task was a disagreeable one, he considered it his duty to press it, and intimated that he would do so at another time."

"Why did you not go in and destroy the Colon in the engagement on May 31?"
Judge-Advocate Lemly asked the witness. "Because we were not ordered to do so," replied the witness. Later on the witness volunteered the statement: "I think the Colon could have been destroyed where she lay at anchor that day."

It was then stated by Captain Lemly that the court had some questions of its own to present. These were written. The first was concerning the elevation of the guns during the bombardment of the Colon, May 31. The reply was that at first they were 7800 feet and later 9000 feet.

The next question was as to "whether there was any place of shelter near Santiago when the flying squadron could have coaled after its arrival at Santiago?" Admiral Higginson replied that Guantánamo was only 40 miles to the east.

The third question, coming as it did from the court, created something of a sensation, which was added to by the reply. The question was:

"Was every effort made by Admiral Schley to destroy or capture the Spanish steamer Colon, as she lay at anchor in the Harbor of Santiago, between the 27th and 31st of May?"

"Object," "object," came from each of Admiral Schley's counsel. Before a halt could be had the witness replied:

"No, I do not think it was."
The question and the reply led to a legal controversy. Judge Wilson and Mr. Raynor both gave reasons for their objections. They contended that the question called for the opinion of the witness, whereas only facts were admissible. Judge Raynor asked:

"May I ask the court if, according to (Concluded on Third Page.)

INCANADA'S CAPITAL

Duke and Duchess of Cornwall and York at Ottawa.

PARLIAMENT HALL ADDRESSES

Victoria Monument Will Be Unveiled Today and Medals Presented to South African Volunteers—Stay Will Last Four Days.

OTTAWA, Ont., Sept. 20.—The Duke and Duchess of Cornwall and York reached the Canadian capital today and there was another great outpouring of people to

Rideau Hall tomorrow for investiture. The ceremony will be private.

Guarding the Route.

VANCOUVER, B. C., Sept. 20.—Preparations are now perfected for the safe conduct of the Duke and Duchess of Cornwall and York across the continent to Quebec to Vancouver will be guarded and patrolled during the royal progress. Thousands of these men have been specially engaged for this purpose by the Canadian Pacific Railway. Each guard will remain in sight of his neighbor on either side. The royal train will be preceded all along the route by one or more pilot engines, which will keep a short distance ahead. A special army of private detectives is on the watch all over Canada for suspicious characters, with orders to arrest any such and keep them in jail until the royal party has left Canada. The thousands of switches all along the line of the transcontinental railroad will be specially guarded and locked. All traffic will give way before the royal train, not a wheel being allowed to turn within a distance of 200 miles of the Duke's train.

JOHN A. CHANLER'S SANITY

The Matter Will Come Before a Virginia Court.

CHARLOTTESVILLE, Va., Sept. 20.—John Armstrong Chanler, the divorced husband of Amelia River, now Princess Troubetzkoy, and who was confined for nearly a year, many of his friends thinking he was dead, arrived in this city this morning from Lynchburg, where he had been staying at the Arlington hotel for six weeks. He was met at the train and driven to the residence of his friend and counsel, Captain Meajah Woods. After a brief consultation, Mr. Chanler and Captain Woods took the train for the Circuit Courthouse to attend the Circuit Court for appearance in a civil proceeding it is said, on behalf of Mr. Chanler with reference to certain property in Lynchburg, Virginia, which he is interested. His attorneys are said to be Senator Daniel and his law partner, Frederick Harmer, of Lynchburg. Michael Woods was committed to the Attorney for Albemarle County, Charlottesville; Armistead C. Gordon, City Attorney of Staunton, and Augustus Van Wyck, of New York, who is said to have, with Mr. Chanler's approval, given out the following statement:

"On the 13th of March, 1897, Mr. Chanler, then a citizen of Albemarle County, Va., residing in New York, was committed to Bloomingdale Asylum at White Plains, N. Y., on an order of a Judge of the Supreme Court of that state. On Thanksgiving evening, 1900, after months of less efforts to secure legal counsel, and having managed to borrow from a friend a few dollars, he escaped from the asylum and returned to his home in Virginia, under the guise of an attorney representing a client, he submitted his case to a distinguished neurologist, J. Madison Taylor, and upon Mr. Taylor's expressed willingness to assume charge of his alleged patient, he disclosed his identity."

"In order to afford Dr. Taylor ample time and opportunity for observation, Mr. Chanler, of his own motion and without compulsion, repaired to a private sanitarium in Philadelphia under the charge of Dr. Taylor and remained there for six months. During this time a number of eminent alienists, neurologists and psychologists were called into consultation by Dr. Taylor and the records of the proceedings in Philadelphia, and the unanimous opinion of all the experts as to Mr. Chanler's sanity. Later, having placed himself in touch with his counsel by correspondence, he came to Virginia, and lived at Lynchburg up to September 20, when he returned to his home county of Albemarle, where he is now, and where proceedings will be instituted under the Virginia statutes to demonstrate before a court of competent jurisdiction and in an affirmative manner his entire sanity."

THE GERMAN TARIFF.

Protests on All Sides Against the New Bill.

BERLIN, Sept. 20.—Apart from the visit of Emperor Nicholas to France, the German tariff is chiefly concerned with a discussion of the tariff question. There are protests on all sides against the first passage of the new tariff bill, which prohibits commercial treaties because of its minimal tariff on grain. The Kreuz Zeitung publishes an article of obvious tendency on "American Competition in the World." It says:

"Undoubtedly the American protective tariff has proved most advantageous to the economical deliverance of the New World from the Old. The United States created their total exports from 25,000,000 marks in 1850 to 1,304,000,000 marks in 1900, while their imports increased only from 667,000,000 marks to 840,000,000 marks. Professor Biondel calls such phenomenal progress 'alarming.' This is correct; but on the other hand, the figures show how the United States depend upon their treaty relations with countries importing their products. Germany imported in 1889 products of the United States to the value of 272,000,000 marks, and in 1898 to the value of 520,000,000 marks, or an increase of 120 per cent."

"Professor Biondel attributes the success of the United States mainly to the wonderful organizations of labor, the increased revival of the coal and steel industry by means of the latest machinery, which act with the economical conquest of the Old World, and the increased commercial and scientific boldness. The United States seek to form a most dangerous coalition against Europe. Nothing is left for European nations but to unite against their trans-Atlantic competitor."

CHARLES DELMONICO DEAD.

Proprietor of the Famous Restaurant in New York.

COLORADO SPRINGS, Colo., Sept. 20.—Charles C. Delmonico, proprietor of the famous Delmonico Restaurant, in New York, died here this morning of consumption. Mr. Delmonico came here in June for the benefit of his health. He left a widow. He was 40 years of age.

Captain Herbert L. Draper Dead.

WASHINGTON, Sept. 20.—Captain Herbert L. Draper, U. S. A., Marine Corps, died of heart disease at Kongs Kong, September 10, according to a report from Admiral Kempf, of the Navy Department. Captain Draper was appointed from Kansas, and entered the Marine Corps in July, 1889.

WINTRY WEATHER IN EAST

Frost in New York.

UTICA, N. Y., Sept. 20.—A very severe frost was experienced throughout Central and Northern New York last night. Ice formed on shallow water and great damage was done to all garden and truck farm products.

Snow on Mount Washington.

MOUNT WASHINGTON, N. H., Sept. 20.—Two inches of snow fell tonight on the mountain. The temperature is 25 degrees.

WHAT CARTER STOLE

Government Recovering the Funds He Embezzled.

ARE TRACING THE SECURITIES

Two Hundred Thousand Dollars Taken Possession of at Huntington, W. Va.—More is Held by His Relatives.

CHICAGO, Sept. 20.—Through the recovery of \$200,000 in cash and securities in Huntington, W. Va., the Government authorities now have possession of about \$200,000 of the funds embezzled by Oberlin M. Carter, ex-Captain of the United States Engineer Corps at Savannah, Ga. The announcement was made today by Marion Erwin, Special Assistant Attorney-General of the United States, who is now in Chicago. Mr. Erwin has been working for the Attorney-General for some time in the litigation instituted by the Government to recover the funds alleged to have been fraudulently converted from the river and harbor improvements in the Savannah district. He will remain in Chicago for some time to push the proceedings on the bill recently filed in the United States Circuit Court against ex-Captain Carter, his uncle, Lorenzo D. Carter, and his brother, L. Stanton Carter. Large amounts of securities have been traced to the latter two defendants, and as yet they have failed to account for them.

A PHILADELPHIA SENSATION

Pattison and His Followers Withdraw From City Organization.

PHILADELPHIA, Sept. 20.—A sensation was sprung in local political circles today when ex-governor Robert E. Pattison announced his resignation as chairman of the Democratic City Committee, as a result of the action of the county convention in nominating a straight-out Democratic ticket. Complied with this statement was a suggestion from Mr. Pattison that a new Democratic organization be formed in Philadelphia. The party organization for the city, controlled by ex-City Chairman Charles F. Donnelly and City Commissioner Thomas J. Ryan, and there has of late been much opposition to their leadership. Efforts have been made by Mr. Pattison and his supporters to have the organization fuse with the Union party in this city, which has nominated P. F. Estabrook (the incoming straight-out ticket in the field). District Attorney, ex-Postmaster W. Williams Carr; Controller, James G. Magee; Recorder of the Court of Quarter Sessions, Herman V. Hetzel; Member of the Board of Revision of Taxes, Charles Benton. After the convention had adjourned, Mr. Pattison issued his resignation as chairman of the committee, to take effect at once. Mr. Pattison, in the course of his letter of resignation, says:

"Believing as I do that the overwhelming sentiment of the Democrats of Philadelphia is that this is an occasion when we should unite with the Independent Republicans for the overthrow of the administration which is disgracing the administration of public affairs in our city, I am prepared to give my time and service count against a coalition of affairs as will secure complete fusion and will accomplish this result."

It was announced by those close to Mr. Pattison that a new organization would be created at once, with a full city committee. Negotiations will, in all likelihood, be opened with the Union party, looking toward fusion with that organization.

Accident on the Rio Grande.

DENVER, Sept. 20.—One man was killed and two seriously injured today in a collision between the Denver & Rio Grande Railroad at Burnito, Colo. The men were laborers.

SUMMARY OF IMPORTANT NEWS.

Schley Court of Inquiry.

The Schley court resumed its sessions yesterday. Page 1.
It was decided not to permit witnesses to give opinions. Page 1.
The witnesses yesterday were Admiral Higginson, Captain Chester, Major Wood and Commander Harber. Page 1.

Arrivals.

The Duke of York arrived at Ottawa for a four days' stay. Page 1.
The czar disarranged the French programme for his entertainment. Page 2.
Columbian officials at Washington say the war is nearly over. Page 2.

Domestic.

The Government is recovering the funds embezzled by Captain Carter. Page 1.
Mrs. McKinley visited Canton cemetery yesterday. Page 2.
Roosevelt had his first Cabinet meeting at the White House. Page 2.

Sport.

Lord Derby defeated Dornina in straight heats at Headville. Page 2.
National and American League scores. Page 3.
No games were played in the Northwest. Page 3.

Pacific Coast.

Sugar-beet harvest is on and the La Granda factory will go into operation at once. Page 4.
The Oregon State Fair, which opens Monday, is sure to be the best ever held. Page 4.
Committee of vigilantes is being formed to put down the lawlessness in connection with the strike at San Francisco. Page 4.

Commerce and Marine.

The testimony to all in the noted Ferrer murder case at Chelsea. Page 5.
Heavy internal demand for money for moving crops. Page 11.
Steel trade is in a prosperous condition again. Page 11.

Weekly Trade Reviews.

Original freight facilities from Portland again curtailed. Page 10.
Steamship Glenhurst arrives to load wheat. Page 10.
Transport Palatinia completes a big cargo of torpedoes. Page 10.

Portland and Vicinity.

Successful opening of the 1901 Carnival and Exposition. Page 8.
Northern Pacific Terminal Company asks to be heard before the Mayor signs franchise-issuing ordinance. Page 7.
Southern Pacific Company will take up industrial matters for Western Oregon. Page 10.