

SCENES IN THE SUPREME COURT

Reading of Insular Case Decision Was Awe-Inspiring.

GOVERNMENT IS SUSTAINED

Victory for the Administration on the Vital Question of Expansion—Decisions Favorably Criticized—Conflicting Accounts in New York.

NEW YORK, May 28.—Describing the scenes in the court room of the United States supreme court when it rendered its decisions in the insular cases, a special dispatch to the Tribune from Washington says:

No such crowd either as to numbers or distinguished personnel had been seen in the room as that assembled, and long lines of eager people stretched in both directions from the doors down the gloomy corridors of the great Capitol building. The colored balliffs at the doors had all they could do to hold the anxious throng on the outside in check and then protect the august tribunal from being rudely shocked. The bare rumor that the court would render its decision in the insular suits sent people to the Capitol in a frenzy of excitement.

Promptly at noon the court crier announced the appearance of "the honorable, the chief justice of the United States supreme court and the honorable associated justices," as those dignitaries in their black robes of office emerged from an ante room on the north of the chamber. Disappointment darkened every face in the chamber save the nine faces of those on the bench, as Justice McKenna in a trembling voice began to read a decision in some ordinary litigation by direction of Chief Justice Fuller. Immediately after the justices were seated, Justice McKenna, the youngest member of the court in point of service, was followed by Justice Peckham, the next youngest member, who droned out half audibly a decision in another case of no general interest.

Bar and spectators were about to despair of hearing the long looked for opinion delivered before Justice Peckham had finished his task, when the voice of Justice Brown rang out the now familiar title: "De Lima against George R. Bidwell, collector."

The crowd then knew that the court was ready to deliver its decision in the great cases, and impatience immediately turned to an eager interest that was awe-inspiring. Justice Brown had read scarcely a third of the opinion before it became evident that the decision was against the government.

In the second opinion read by Justice Brown, it was made manifest that the reversal of the court below in the De Lima case was not a defeat for the government, because the De Lima claim was based on grounds materially different from those on which the government had planted its standard. De Lima had paid tariff duties prior to the passage of the Foraker act and most of the other cases were a challenge of this law. These latter cases were all decided in favor of the government.

Justice White was particularly eloquent and forceful in expounding his views, showing a depth of conviction and breadth of learning that will give him a high standing among the great jurists of the world.

VICTORY FOR GOVERNMENT.

Solicitor-General Richards' Interpretation of the Decisions.

WASHINGTON, May 28.—Solicitor-General Richards, of the department of justice, who had charge of the insular cases before the supreme court, made the following statement containing his interpretation of the decisions of the court today:

"The important question involved in these cases was whether the cession of territory contained in the treaty of Paris made Porto Rico and the Philippines an integral part of the United States within the meaning of that provision of the constitution requiring all duties, imposts and excises to be uniform throughout the United States. The court held that the cession simply made Porto Rico and the Philippines domestic territory of the United States, subject to the full control of congress, which control could be exercised without reference to those limitations. This limitation, the court held, was intended to apply to the states of the Union and does not apply to acquired territory unless by treaty and by subsequent act of congress it is incorporated within and becomes an integral part of the United States. The decisions are substantially a victory for the government. They sustain to the fullest extent the so-called insular policy of the administration.

tion. The government now has the sanction of the supreme court for governing these islands as their needs and our interest may require. The court holds that the constitution did not of its own force at once apply to those coded territories, placing their people, their products and their ports on an immediate equality with ours and conferring upon them all the rights, privileges and immunities enjoyed by the people, products and ports of the several states.

"While their fundamental rights are preserved by these underlying principles of the constitution which apply everywhere, the status of their citizens and the nature of their customs and commercial regulations are to be determined by congress and the exercise of the power vested by the constitution in congress to make all needful rules and regulations respecting territory belonging to the United States. Obviously what I have said regarding Porto Rico applies equally well to the Philippines, so that the president is perfectly free under the Spooner act to govern the Philippine islands as their needs and their interests may require.

"At the same time that the court has sustained to the fullest extent the constitution of the government in these cases it has directed as a matter of statutory construction that the Dingley act could not be held to impose duties on goods brought from Porto Rico, because by cession Porto Rico became domestic territory of the United States and therefore ceased to be a 'foreign country.' The decisions of the court call for no change in the administration of the law. The court did not decide what is known as the second Dooly case, which involved the validity of the collection of duties under the Foraker act of goods taken into Porto Rico from the United States. While I have no information on the subject, it may be that the court thinks there is involved in the case another question as to whether such duties should not amount to duties on articles exported from a state. The court also failed to dispose of what is popularly known as the Fourteen Diamond Rings case, involving the entry free of duty of rings brought into the United States by a returning soldier from the Philippines. There were no decisions affecting the Philippines and I presume both of these cases referred to will go over until the fall term of the court."

EXPANSION POLICY UPHELD.

E-Attorney-General Griggs Satisfied With the Result.

NEW YORK, May 28.—Ex-Attorney General Griggs, in an interview on the supreme court Porto Rico decisions, said:

"It is a splendid victory for the administration on the vital principle of expansion. It is unnecessary for me to say that I am thoroughly satisfied with the result. It is a clear-cut victory for the government on the only really important point involved. Three distinct classes of action were involved; one protesting against the collection of tariff upon imports from Porto Rico, after the date of our armed occupancy of the island and before the date of the ratification of the treaty of peace; another protesting against tariff charges on imports between the ratification and the passage of the Foraker act; and a third attacking the Foraker law as unconstitutional.

"The decision scores a victory for the administration in the first of these classes and upon the all-important third. The anti-administration party wins in the second class. That triumph is a mere matter of dollars and cents. Importers will get back the money paid in tariff between the ratification and the passage of the Foraker act. Importers who paid without protesting will not get their money back.

"The court decides that the Foraker act is constitutional, that this country has the legal right to govern its new possessions as territories, to make special laws for them and to tax their products. This has been the contention of the administration from the very start. It was the principal issue in the last campaign for the president. Our Porto Rican legislation was selected by Mr. Bryan as the main point of attack in his Indianapolis speech. The decision puts a quietus upon that sort of thing and takes the matter out of politics for all time.

"This decision is final. There can be no appeal. The decision will not hurt Porto Rican trade in the least."

SENATOR FORAKER'S VIEWS.

Porto Rico Has Passed Through Three Distinct Periods Since Occupation.

NEW YORK, May 28.—Senator J. B. Foraker made the following statement concerning the supreme court decision:

"In order that the decision may be fully understood it is necessary to bear in mind that Porto Rico has passed through three distinct periods that have relation to these cases. In the first place, prior to the Spanish-American war, Porto Rico was a province of Spain and as such foreign territory in every sense of the word. The island remained foreign territory in a legal sense notwithstanding our conquest and military occupation until the ratification of peace, when it ceased to be foreign territory and became a possession or became a dependency of the United States but not a part of the United States. Being a dependency of this country it was domestic territory as contra-distinguished from foreign territory. It is domestic territory still, but it underwent a further change in its legal relations to this country when congress enacted the law of April 12, 1900, providing a civil government and the tariff duties for the support of the same. Since April 12, 1900, it is territory belonging to the United States with respect of which congress has enacted legislation, fixing the status of its inhabitants, providing a government for them and providing also for the necessary revenues to support the same. Between the ratification of the treaty of peace and this legislation of April 12, 1900, it was territory of the United States with respect of which congress had not exercised any power whatever by legislation or otherwise.

"What the court directed was white we were occupying Porto Rico prior to the ratification of the treaty of peace it was foreign territory and our occupation and government was military and all that was done was in the nature of a military necessity and valid on that account; that from and after the ratification of the treaty of peace it was no longer foreign territory but domestic territory in the meaning of our tariff laws, according to which tariff duties can be collected only on imports from foreign countries and that consequently the duties collected on imports from Porto Rico after the ratification of the treaty of peace and prior to April 12, 1900, when congress first legislated were illegally collected—illegally collected, however, not because congress was without constitutional power to impose such duties on imports from Porto Rico because during that period congress had not so legislated.

"The third proposition decided by the court and the one of supreme importance was that Porto Rico being a territory of the United States is not a part of the United States but only territory belonging to the United States and that it is, therefore, within the constitutional power of congress to so legislate with respect to it, including the imposition of tariff duties as it may see fit, and the congress had so legislated on the 12th day of April, 1900, the provisions of that law are valid and to be upheld and enforced; in other words the effect of the decision is that the constitution does not follow the flag and that congress has plenary power under the constitution to govern our insular acquisitions according to their several necessities.

"The supreme court goes even further and says that if there were no constitutional provisions investing congress with this power, it would nevertheless 'ex-necessitate' have this power since the states acting in their state capacity could not provide the necessary legislation, and political sovereignty can be exercised only by the political department of the government.

"The decision is a complete vindication of the position held by the Republican party with respect to the power of congress to legislate for Porto Rico and the Philippines and settles it once for all that the United States is the equal in sovereign power of any other independent government."

CURRENCY LAW VIOLATED.

Editor of German Newspaper Published Half-Tone Cut of \$10 Bill.

CHICAGO, May 28.—American currency laws have been violated by a German newspaper, and should its editor appear in Chicago he would be promptly arrested by Captain Thomas I. Porter, of the United States secret service.

The specific charge is the making of a half-tone picture of a \$10 bill. One of the pictures cut from a copy of the Berliner Tageblatt was confiscated by Captain Porter yesterday. It was turned over to him by a reporter.

The circumstances leading up to his action were unusual. They had their origin in the publication several weeks ago of an interview with Director of the Mint Hobbs.

This interview was copied by the Berliner newspaper, which in an edition illustrated the article by a half-tone picture of a \$10 bill. The reproduction was so perfect that when cut from the newspaper and held up with only the picture side showing, it would deceive many. It might be even passed as currency on recently arrived emigrants or ignorant foreigners, say the government officers. A copy of that issue of the Berliner Tageblatt was purchased from a local agency dealing in periodicals.

"I'll take charge of that," said Captain Porter, when he was shown the picture. "Every counterfeit bill is wanted at Washington. If there are more copies of that paper to be found in Chicago I will confiscate them. Any one who circulates the copies is committing a felony, though unknowingly. It would not be well to let it be generally known what good reproduction of a money certificate can be made by half-tone photography. Of course, so long as the Berliner editor stays out of the United States he is immune from punishment, but if he comes within the jurisdiction of federal courts it would be my duty to arrest him."

LOWER COURT SUSTAINED.

Supreme Court Upholds Decision Regarding Insolvency Cases.

WASHINGTON, May 28.—The United States supreme court has affirmed the decision of the lower court in the case of John T. Pile and others involving a construction of the bankruptcy law of some interest to business men.

"Of course there will be some little embarrassments caused by the holding that no duties can be collected except by congressional legislation, but it will be only a temporary embarrassment."

WITHDRAWING FROM CHINA.

Germany's Action in Accordance With Ideas of Russia and America.

NEW YORK, May 28.—A dispatch to the Herald from St. Petersburg says: Germany's tardy and reluctant withdrawal of her troops and ships from China is looked upon here as a solution entirely in accordance with the idea put forward nine months ago by Russia and America. This withdrawal is forced upon Germany by the action of the other powers.

Diplomacy, radiating from St. Petersburg, is now making every effort to effect a settlement of the financial aspect of the Chinese problem. Russia favors a guaranteed loan. There are indications that France will join her willingly and Germany will assent because she has no other way out of the difficulty.

FOR REFUNDING PURPOSES.

Bonds to Be Issued and Redeemed by the St. Louis & San Francisco Railroad.

NEW YORK, May 28.—The Journal of Commerce says:

The St. Louis & San Francisco Railroad Company has determined to re-adjust and refund its bonded indebtedness and the underlying bonds secured by liens upon its system of railroads. For that purpose it will create a 50-year gold refunding mortgage to a total authorized amount of \$55,000,000. Of this sum \$52,500,000 bonds are to be issued and reserved for refunding purposes, and the bonds not required for refunding are to be reserved for additions, extensions, improvements and for additional equipment and property. The refunding will not only reduce interest charges but will enable the company to finance more advantageously any additions and extensions of its system by the sale of bonds having an established market value, instead of division at bonds which the company has heretofore been compelled to sell on comparatively disadvantageous terms.

On completion of the refunding, the refunding bonds will be secured by absolute first lien upon 1902 miles of railroad and the equipment, and when the A. B. & C. bonds which mature in 1906 have been exchanged the refunding bonds will have the security of the lien on the main stem from Pacific 34 miles west from St. Louis. The earnings of the St. Louis & San Francisco for the three months ending March 31, show after interest and dividends and all charges, a surplus of \$1,451,817 against \$763,292 in the same period of the previous year. It is estimated for the year ending June 30, 1901, that the total net income available for payment of fixed charges and dividends will be no less than \$4,000,000 against estimated fixed charges of \$2,275,000.

The railroad company has agreed to sell \$30,000,000 of the new refunding bonds to a syndicate of which J. & W. Seligman & Company are managers. The latter have already completed arrangements for the acquisition of about \$20,000,000 underlying bonds which are to be exchanged for new refunding bonds. To avail themselves of the privilege of exchange, holders of underlying bonds must deposit them on or before July 6th next.

The syndicate managers are also prepared to purchase for cash at certain stated prices, all or any of the underlying bonds, which may be surrendered to them on or before July 6th next. The right is reserved at any time without notice to alter the basis of exchange or the purchase price of the bonds affected or to withdraw wholly or partly the offer of exchange or purchase.

LARGE COFFEE SHIPMENTS.

Fleet of Five Steamers Arrives at New Orleans.

NEW YORK, May 28.—The Herald says:

Receipts of coffee yesterday were a record breaker at this port as well as in New Orleans. A fleet of five steamers brought in 165,000 bags, which many brokers stated were the largest receipts for any one day in the history of the trade.

These large shipments are explained by the fact that two big interests are opposing each other in the effort on one side to bear the market and the other to build it. Higher prices, the bulls state, will soon come about as planters will curtail production owing to the small and unremunerative prices now realized. The bears, on the other hand, maintain that there will be no decrease in production as it will more than keep pace with the demand.

AWARDED TO CHINAMAN.

Captures the Oratorical Medal in Vanderbilt University.

CHICAGO, May 28.—A special to the Tribune from Nashville, Tenn., says:

At Vanderbilt University, a culmination of Founder's day celebration, a custom instituted in honor of the benefactor, Cornelius Vanderbilt, the medal in oratory, the highest honor in the university was awarded to Charles Yun Marshall, of Soochow, China, amid a great demonstration of approval by the audience.

His subject was, "Miracle of the Twentieth Century," and he gave an eloquent appeal for his country, destined, he argued, yet to be allowed her place among the greatest nations who so long had misunderstood her. Marshall has been here three years, but goes home this summer, via Europe.

SENSATIONAL MURDER.

LONDON, May 28.—A sensational murder and a case of mutilation has occurred in a low lodging house in Dorset street, Whitechapel, close to the scene of the "Jack the Ripper" murders of 1888. The victim, a woman named Annie Austin, 28 years old, was found lying in a bedroom on Sunday morning and was removed to a hospital where she died.

PLAGUE IN PUNJAB.

LAHORE, Punjab, May 28.—In spite of the fact that the plague is spreading in Punjab, where it has already invaded several hundred villages, the repressive measures have so dangerously irritated the natives that the government has been obliged to order a wholesale relaxation of the plague regulations.

ERRAZURIZ DYING.

SANTIAGO DE CHILE, May 28.—It is now said that President Errazuriz, who has been suffering from paralysis and who was recently reported as improved, is very much worse and that little hope of his ultimate recovery is entertained.

GERMAN MARINES WITHDRAW.

BERLIN, May 28.—A dispatch to the Cologne Gazette, under date of May 28, says the withdrawal of the German marines to Sing Tau has begun and that the German quarter of Peking has been handed over to the Chinese authorities experimentally for a fortnight.

ATTEMPTED SUICIDE.

New York Man Tried to Jump From Brooklyn Bridge, but Was Arrested.

NEW YORK, May 28.—Manuel Mar-

uski, of Brooklyn, tried to commit suicide last night by jumping from the Brooklyn bridge. Just before a train was due to leave the Manhattan end of the bridge, he jumped from the platform and ran along the ties. In jumping over a rail he tripped and fell. To save himself he caught the third rail with both hands. He struggled hard to get away. Inspectors Koster and Lyons saw him fall and while one ran to him, the other ran to the switch house and turned off the electric power.

Maruski's hands were severely burned and he suffered shock enough to kill an ordinary man. He was arrested for attempting suicide. He said he was tired of living and was trying to get a place to jump from when he fell and caught the electric rail. The police say he is demented.

TO ERECT BARRACKS.

Government Will Secure 220 Acres at Admiralty Head.

SEATTLE, May 28.—Acting for the war department of the United States, District Attorney Gay has started condemnation proceedings to obtain possession for the government of 220 acres of land adjoining the fortifications of Fort Casey, at Admiralty Head. A suit is shortly to be instituted by the district attorney to condemn about 160 acres of land lying between Fort Ward (Point Wilson) and Port Townsend for similar purposes.

The secretary of war has made an allotment for the purchase by condemnation of these lands on which it is proposed to erect barracks and officers' quarters for the establishment at each place of a two-company garrison of artillery. Work on the buildings will probably be started during the summer or fall. It is said that the government will spend not less than \$100,000 and probably twice this amount in securing the lands for the post at both places and in erecting the necessary buildings thereon.

PORTO RICANS IN WANT.

Objection Made to Their Landing at Hawaii on Account of Their Condition.

HONOLULU, May 16, via San Francisco, May 28.—Inspection of the Porto Rican immigrants brought here by the steamer Colon shows that they are in such state from the need of food on their voyage that they must be held at the quarantine station and fed until they regain strength sufficient to enable them to bear the journey to other islands and to the plantations on which they will work.

A joint committee of the legislature yesterday paid a visit to Quarantine Island and landing to inspect the immigrants. The trip of the legislators resulted in disagreement as to the condition of the immigrants and their value as citizens of Hawaii. The three senators who were on the committee have adopted an unanimous report to the effect that the Porto Ricans are all right, but it is understood that John Emmeulth of the house committee will present a report severely denouncing the planters for bringing the Porto Ricans here and on account of alleged ill treatment of them when they arrived.

Over half the immigrants on the Colon were women and children and a considerable number of the men were infirm, while all were more or less emaciated. This is attributed to lack of food in their old homes. Some of those

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who came never will be able to work and it is said the planters will secure a representative to act for them in Porto Rico and see that no more such immigrants are sent here at their expense.

CONFLICTING ACCOUNTS.

New York Papers Take Opposite Views on Court's Decision.

NEW YORK, May 28.—A dispatch to the Tribune from London says:

More or less contradictory accounts have been received here of the decision of the United States supreme court. The Standard considers that America can now govern her conquests as whole separate territory while the Daily Graphic takes the view that the supreme court has given its sanction to "the imperialist policy of the McKinley administration."

The Post's dispatch from Washington on the other hand holds that the court has decided that "imperialism" is contrary to the constitution.

MORGAN'S NEW SCHEME.

LONDON, May 28.—"It is reported here," says the Copenhagen correspondent of the Daily Express, "that J. P. Morgan is negotiating for control of the Union Steamship Company of Denmark."

HAZEN TO RESIGN.

NEW YORK, May 28.—William P. Hazen, chief agent of the United States secret service bureau, with headquarters in this city, has tendered his resignation to take effect June 15 next.

DOER CASUALTY LIST.

PRETORIA, May 28.—Advices received from Lord Kitchener announce that since May 20 the British columns report 62 Boers killed, 36 wounded, 261 taken prisoners and 83 surrendered.

WHEAT MARKET.

PORTLAND, May 28.—Wheat, Walla Walla, 59¢60.

SAN FRANCISCO, May 28.—Wheat, December, 103½¢; cash, 97½¢.

CHICAGO, May 28.—Wheat, July, opening, 73½¢@73½¢; closing, 73½¢@74¢.

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THE LOUVRE

The headlines of the program at the Louvre this week, are the clever and amusing Irish comedians, McSorley and Whitney, who come to Astoria well recommended, after successful engagements in the larger cities on the coast.

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