



CLAIMS NO LAW TO BAR ALIENS

Judge Wolverton Renders a Decision and Brings Race Problem to Portland.

JAPS DON'T NEED PASSPORTS

Discharges Captain of Vessel from Which Two Japs Deserted to United States—Next Sensational Feature of Oriental Immigration Arrives.

PORTLAND, Sept. 27.—"But there is no regulation debaring the entry of any alien not having the passport from his home government. If such a regulation exists, I am not aware of it."

This statement was made by Judge C. E. Wolverton, of the United States District Court, in deciding the case of Captain Maurice A. Hamet, of the French bark St. Louis, who was fined recently by the United States Commissioner on a charge of violating the immigration law prohibiting masters of vessels from landing aliens forbidden admission to this country.

The case grew out of the escape of two Japanese sailors from the St. Louis who had signed at Kobe for the round trip. Memet's defense was that the Japanese had no intention of coming to this country when they signed for the trip.

Captain Hamet also claimed that the order issued by President Roosevelt last May excluding Japanese, Chinese and Koreans from this country was in excess of his authority.

Judge Wolverton upholds President Roosevelt's order which is in substance that the President has become satisfied that passports issued by the government of Japan to citizens of that country or Korea, who are laborers, skilled or unskilled, to get to Mexico, Canada, or Hawaii, are being used for the purpose of enabling the holders thereof to come to the continental territory of the United States, to the detriment of labor conditions therein and therefore orders that such citizens of Japan or Korea holding such passports be refused admission to the continental territory of the United States.

The court, however, takes exception to section "C" of rule 21, issued by the Commissioner General of Immigration, which says if a Japanese or Korean laborer applies for admission to the continental territory of the United States, and presents no passport, it shall be presumed first that he did not have one when he left Japan or Korea entitling him to entry into the United States, and second that he did have one limited to Mexico, Hawaii or Canada. In part, Judge Wolverton said:

"It seems to me that the President has correctly interpreted the proviso, which means that the order shall extend to and comprise such citizens of any foreign government as shall have passports there from or to any country other than the United States and are using such passports for the purpose of enabling the holders to come to the United States to the detriment of labor conditions. It does not, as I read it, extend to all citizens of the government issuing such passports, but only to citizens of such government to whom the passports defined have been issued and the president may, as he has done, refuse them permission to enter."

Judge Wolverton says there is no discrimination here between citizens of different nations and that the "favored nations" clause has no place in the controversy. Turning to section "C" of rule 21, Judge Wolverton quotes the provision of immigration act creating the office of commissioner general of immigration and clothing him with his authority which is to carry out the "provisions of this act." Continguing the court said: "Thus his rules and regulations are to be designed to carry the act into practical effect; but he can make no rule contrary to the spirit of the law and much less can he add to the law any provisions excluding aliens not already approved and adopted by congress."

Judge Wolverton stated that to declare because a Japanese or Korean held no passport, or he should be deemed to hold one limited to Mexico, Canada or Hawaii, is illegal and unnatural. It might as well be declared the court

stated that because the alien held no passport that he is an idiot or a pauper or as belonging to any of the classes whose entry to this country is prohibited.

Judge Wolverton ruled that the Japanese sailors would not enter improperly, and discharged the defendant.

SURVIVORS REACH NEW YORK.

Six Seamen of American Bark Prussia and One Passenger.

NEW YORK, Sept. 27.—Survivors of a shipwreck that stranded them on a barren rock close to Cape Horn, the southernmost point of South America, six of the crew of the American bark Prussia arrived today on the Lamport & Holt lines Tennyson. They boarded the liner at Montevideo, where the British steamer Oravia had brought them from Punta Arenas at Sandy point on a small whaler, after having spent one month and four days on Staaten Island some miles east of Cape Horn.

Four of the crew of ten were lost by drowning and starvation, including the Captain, J. C. Draks, an American, whose father is connected with the Southern Railway, it is said, and who was a passenger on the Prussia, stayed at Punta Arenas. The six survivors who arrived on the Tennyson were John Hunter, first mate; Henry Stock, carpenter; E. E. Rainey, George Righter, Herman Hayne and Yakashima Tananaha. Captain Johnson, Edward Hammond, an American seaman, a French seaman whose name could not be learned and the Japanese cook met death after the ship went to pieces on the rock off States Island.

THAT BAD COAL.

QUEENSTOWN, Sept. 27.—The passage of the steamer Lusitania from New York, September 21, occupied the first five days, four hours, and 19 minutes, or three hours 25 minutes more than the outward run. American coal was said by the engineers not to have been as satisfactory as that used on the western trip.

TO CATCH THE MEN

Seattle Police Chief Believes he Has Missing Men.

HE WILL KNOW IN 24 HOURS

Officers Await Arrival of Boat at Katala, Alaska, on Which Covington and Burlison Shipped to Work For New Railroad.

SEATTLE, Sept. 27.—Chief of Police Wappenstein said today he believed that within 24 hours that Frank Covington and Charles Burlison, for whom a search is being conducted, as a result of the death of Mrs. Covington, will be under arrest.

The chief contends his information that the two men will arrive at Katala tonight or tomorrow is correct and that they will be immediately taken into custody. All other clues have been dropped by the police.

Interest in the crime remains great. Should the Alaska story prove untrue, Wappenstein says his men will be compelled to make a still hunt and trust to luck to obtain their arrest.

BREAKS HIS NECK ON WAR SHIP.

Seaman Gehring Was Practising Gymnastics on New Jersey.

BOSTON, Sept. 27.—The battleship New Jersey came in from target practice off Provincetown this afternoon, bearing the body of George F. Gehring, ordinary seaman of No. 683 East 152nd Street, New York, who died yesterday from injuries received earlier in the week. While engaged in gymnastics Wednesday afternoon Gehring fell breaking his neck. For thirty-six hours he was kept alive by a detail of his comrades through artificial respiration.

The call for an ambulance at the approach of the New Jersey gave rise to a rumor that an explosion had occurred on one of the warships while at target practice.

WANTS TRAFFIC REVOLUTIONIZED

Rivers and Harbors Improvement Booster Makes a Rousing Speech.

COME TO HANDLE FREIGHT

John Fox on Mission of Worldwide Importance—Asks Assistance to Interest Congress in Developing Waterways to Handle Trade.

"You will never get anything that you don't go after," asserted John A. Fox, director of the Rivers and Harbor Congress, at the conclusion of his address in the Chamber of Commerce building last night. "The improvement of this great harbor and immense waterway to an inland empire can be secured by bringing the attention of Congress to the need for appropriations. The people of Astoria can help this section by becoming interested in the Rivers and Harbors Congress work. We need their backing and that of all the cities in the United States for this great work, and I cannot impress this fact too firmly upon you here tonight."

Mr. Fox began his speech by a brief reference to the origin of the congress, its object and the work which it had already accomplished in bringing home to the people of the United States that the development of her waterways was the only solution of the traffic problems facing the country today. His speech aroused enthusiasm in the crowded hall. He had all the facts and figures by memory and he delivered them at the right moment. Most of his assertions have been published from time to time in connection with the work of the Congress, but this fact did not cause his speech to lose interest for a moment.

He did not refer at any length to Astoria, but pleaded for the accomplishment of the work of the congress by public spiritedness on the part of all cities on the continent.

"The country has grown so rapidly that the railroads cannot possibly turn out the requisite rolling stock to handle the traffic," he said. "They are away behind at present in spite of the fact that every manufacturing plant for rolling stock in the country is being rushed to its capacity."

"The railroads are realizing their deficiencies in this respect and would be glad of the co-operation of waterway traffic. It has been proven that the railroads which do business in sections where water traffic is at its best, have bigger dividends than any other railroads. The reason for this is that waterways develop any country as nothing else does, because the securing of raw material for manufacturing purposes in-

creases the amount of freight of the manufacturer.

"There are 45,000 miles of waterways in the United States which may be made navigable for boats drawing from six feet to thirty feet of water. In ten years the appropriation of fifty or sixty million dollars a year by Congress would perfect the grandest systems of waterways in the world. The settlement of the freight rate questions which disturb progress, would be amicably effected. They would be settled naturally and for all time.

"The perfecting of a great waterway like the Columbia River and its tributaries would benefit every town and city along the banks. Cheap freight rates on the river would cause the country to develop more than anything else possible, and the city at the mouth of the river would benefit from the increase of traffic over this great waterway, which surpasses anything on the west coast."

Mr. Fox illustrated by numerous statistics that water traffic cuts rates down enormously. He was simply full of figures, which amazed the audience. From his observations, if the country had accomplished what the congress is after at present, the United States would be thoroughly developed in all sections. It was a truly glowing picture which he painted by the water route, and caused considerable thinking after the speech ended.

He will leave for Portland this morning and will probably go to the Puget Sound district to agitate the movement for bringing the attention of Congress to the country's possibilities for waterway development. He asked that Astoria be sure and send a delegate to the convention of the organization in Washington, December 4, 5 and 6, stating that at least 3000 people would assemble in the capital to give the movement an impetus which would put in on the high road to success.

In company with other members of the congress, Mr. Fox has covered over 20,000 miles of the waterways of the country. He is a well known engineer and is probably better versed in the actual situation than any man in the United States.

BIG TIMBER SHIPPED.

SOUTH BEND, Sept. 27.—Another carload of big timber came in yesterday. The load consisted of three pieces 30x30 inches by 74 feet; two pieces 24x24 inches by 74 feet; three masts 70 feet long and five pieces 12x12 inches by 60 feet long. They will be shipped to Oakland on the steam schooner Morhoffen, which has been due to arrive here several days, and will be used in the construction of dredges and barges.

COAL FOUND AT ABERDEEN.

ABERDEEN, Sept. 27.—While digging a well on the grounds of J. D. Morehead on North F. street, the workmen came across a stratum of soft lignite coal at a depth of sixty feet. It has always been claimed by pioneers of Aberdeen that coal and mineral exist in the hills around the city.

ONE HUNDRED ARE DROWNED

Andalusia Wine Crop in Spain is Ruined by Heavy Rain Floods.

A CATASTROPHE IN MALAGA

Associated Press Values Wine Crop More Than Lives Lost—Continual Rains Threaten to Cause Further Devastation in Picturesque Valleys.

MADRID, Sept. 27.—The government today announced that the wine crop in the valley of Andalusia has been ruined by floods. The official figures place the number of flood victims at 72 drowned and 68 injured.

MALAGA, Spain, Sept. 27.—A renewal of the rain today caused inundations and a suspension of the rescue work. The picturesque valleys are covered with water. The city is without gas or electricity. The bodies of about 100 drowned persons have been recovered in this vicinity.

NEGROES OPPOSE TAFT.

Form Political Clubs to Fight Secretary's Ambition.

WASHINGTON, Sept. 27.—An anti-Taft-Roosevelt movement for the negroes of the country is causing the Taft boomers much uneasiness.

The head of the movement is W. Calvin Chase, a negro politician, lawyer and editor of this city. Clubs are to be secretly formed in all of the big cities and the negroes are said to be out after the political scalp of the big Secretary of War.

MORE SECRET MONEYS.

Treasury Officials Confer for Relieving Present Stringency.

WASHINGTON, Sept. 27.—Plans are on foot give further secret moneys to National banks and to put the plan into operation Assistant Secretary Edwards of the Treasury Department is today in New York city conferring with Secretary Cortelyou. It is generally understood that at least \$9,000,000 has been put out under the new method of relieving money stringency.

TWO MEN DROP 10 STORIES.

Iron Workers Fall From Girder and One of Them May Live.

NEW YORK, Sept. 27.—Dan Parise and Harry Tooley, two iron workers on the 10-story building the Thompson-Starrett Construction Co. is putting up at Dutch and John streets, were riding on an iron girder which was being hoisted to the roof yesterday afternoon when the girder tilted and they fell 10 stories to the street.

Tooley's skull was fractured. Parise may live.

PEACE DELEGATES DECORATED.

United States Members Receive Favours From Wilhelmina.

THE HAGUE, Sept. 27.—Queen Wilhelmina has conferred the Grand Cross of the Lion of the Netherlands upon M. Nelidoff, Russian ambassador to France and president of the peace conference. Numerous secretaries of delegations have been decorated, including Blanchard of the United States delegation and Stowell of Panama.

SLAYER ARRESTED.

Negro Informs on Another to Save Himself.

CHICAGO, Sept. 27.—Richard Walton, the colored man arrested at Springfield for the murder of Mrs. William Grant, informed the police today that another colored man, Richard Lemoine, was the actual slayer of Mrs. Grant. Lemoine was arrested late in the afternoon.

INTO CANADA FOR 3 YEARS.

Says the Treaty Made With Great Britain Cannot Be Broken.

OTTAWA, Ont., Sept. 26.—"That treaty cannot be broken," said Consul-General Nosse, of Japan today, when asked for an expression of opinion regarding the resolution which the Dominion Trades and Labor Congress forwarded to Sir Wilfred Laurier.

He referred to the Japanese treaty and explained that it was signed twelve months ago, was for four years, and hence, in his opinion, cannot be broken for at least three years yet.

At the Trades Congress, which five Ottawa delegates are attending, a resolution was passed touching upon the Asiatic problem, protesting against Japanese coming to Canada, and calling upon the Premier to at once take steps to have the British government give the necessary six-months' notice to have the British-Japanese treaty abrogated.

Mr. Ishii, the Japanese envoy, who has been here to discuss the situation with the Premier, left this morning for Chicago.

While Consul-General Nosse's assertion that the Japanese treaty with Great Britain cannot be broken or abrogated for three years is said to be a fact, it is pointed out that the Canadian treaty contained a special clause stipulating that it may be abrogated after six months' notice. This may not be legal.

However an amicable settlement of the whole immigration question is looked for by both sides and it is unlikely that this question will become an issue.

PANIC AT FIRE.

CASHOCTON, Ohio, Sept. 27.—An explosion in the dry cleaning department of the Eureka laundry and a domestic rug factory today caused a panic among 50 girls employed there and many were slightly burned. One was fatally and another seriously hurt. The building was destroyed by fire with a loss of \$50,000.

A BOXER UPRISING

Italians Priest and Number of Converts Are Killed.

OCCLUDES IN KIANGSI PROVINCE

Lazarist Fathers Mission at Manchow is Burned to Ground and Escaping Missionaries Send a Rush Telegram To Send Them Help.

SHANGHAI, Sept. 27.—An outbreak of Boxerism has occurred at Nankang-sien in the southern part of the province of Kiangsi. An Italian priest and a number of converts have been murdered at the village of Tavouties, and the Lazarist Fathers' Mission at Manchow Fu has been burned. The missionaries escaped to Kia Fu, whence they telegraphed for assistance.

TOOTH-PULLING EASY.

WASHINGTON, Sept. 27.—William Bardell, American consul at Bamberg, Germany, has reported to the Bureau of manufactures the discovery by Dr. Radard, a Genevian dentist, that blue rays of light can be used as an anesthetic in the extraction of teeth. Dr. Radard claims that a complete narcosis can be obtained if the rays of a blue electric light are brought to bear on the human eye while all other rays of light, particularly of daylight, are kept off of it.

The narcosis thus obtained is so complete that buring the same little dental operations, such as pulling of filling teeth, can be executed without causing the patient the least pain.

While the effect of the blue rays is very strong, that of violet-blue and green rays is less intensive and yellow or red rays show no effect at all. The inventor is unable to explain the cause of this remarkable discovery.



The Hornets—Those Moroccan policemen will have a pretty warm time holding down their beats. France and Spain will police Morocco.—News Item.