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FRIEDMAN'S, 600 COMMERCIAL ST

SHERMAN'S ANSWER TO JAPAN'S PROTEST

Hawaii's Treaties With Other Nations Would Cease on Annexation.

U. S. TREATIES EXTENDED

Union of Hawaii Recognized as a Necessary Contingency—Cannot Injure Interests of Other Powers.

New York, July 3.—A special to the Tribune from Washington gives the full text of Secretary Sherman's answer to Japan's protest against the annexation of Hawaii by the United States.

After quoting the grounds on which Japan made its protest, the secretary says:

"This recital is itself proof that your government has misapprehended the statements and assurances contained in my note and in its relation to the treaty question involved, strongly suggests confusion between the formal stipulations of treaties and the vested rights which the subjects of one country may acquire in another under treaty or the law of the land. The principle of public law where by the existing treaties of a state cease upon its incorporation into another state is well defined by Halleck, who says: 'But the obligations of treaties, even where some of their stipulations are in terms perpetual, expire in case either of the contracting parties loses its existence as an independent state, or in case its internal constitution is so changed as to render the treaty inapplicable to the new condition of things.'"

Continuing, the secretary says:

"The question concerns the absolute union of two states, whereby one ceases to exist and becomes merged in the body politic of the other. The history of Europe, of America, of the whole world, is full of examples from remote periods to our own days, where independent states have ceased to exist through conquest or voluntary absorption by another, with attendant extinction of their former treaties with other states. It needs no stipulation in a formal annexation treaty to work this result, for it attends 'de facto' annexation, however accomplished. The forcible incorporation of Hanover into the Prussian kingdom instantly destroyed previous Hanoverian treaties. The admission of Texas to statehood in our union by joint resolution extinguished the treaties of the independent republic of Texas. The recent French law declaring Madagascar to be a colony of France ended the former treaties of that kingdom. It is the fact, not the manner of absorption that determines treaties. It does not even follow that the existing treaties of the absorbing state extend to the acquired territory. The treaties of the German empire are held not to apply to the ceded French provinces of Alsace and Lorraine."

"What the Hawaiian treaty of annexation proposes is the extension of the treaties of the United States to the incorporated territory to replace the necessarily extinguished Hawaiian treaties. In order that the guarantee of treaty rights to all may be unquestionable and continuous. To this end the termination of the existing treaties of Hawaii is recited as a precedent. It is the fact of Hawaii's ceasing to exist as an independent country that extinguishes those contracts."

"As to the vested rights, if any be established in favor of Japan, and of Japanese subjects in Hawaii the case is different, and I repeat that there is nothing in the proposed treaty prejudicial to the rights of Japan. The treaties are terminable in a variety of ways. That of 1866 between Japan and Hawaii, to which you protest, is supposed to relate to denunciable by either party on six months' notice, but its extension would no more extinguish its vested rights previously acquired under its stipulations, than the repeal of a municipal law affects the rights of property vested under its provisions."

"As to the point that the maintenance of the status quo of Hawaii is essential to the good understanding of the powers which have interests in the Pacific, it is sufficient to remark that, as a fact, through three-quarters of a century, in which the constitution and government of Hawaii and the commerce of the islands with the world have undergone notable changes, the one essential feature of the status quo has been the paramount and predominant influence of the United States on the fortunes of the group, and that the union of that island territory to the United States, often foreshadowed, and at times taking tangible shape, has been recognized as a necessary contingency, drawing nearer year by year with the passage of events. Four years ago when a similar project of annexation followed the Hawaiian revolution, the occasion for maintaining the status quo was not even suggested by any power having interests in the Pacific. This government cannot proclaim or admit that any such occasion has since arisen—just as it can neither intend nor admit that the projected more perfect union of Hawaii to the United States by which the progressive policies and dependent associations of some seventy years have their destined culmination can injure any legitimate interests of other powers in the Pacific. That it will tend to strengthen, develop and perpetuate such commonly

beneficial interests is on the contrary to be expected.

"In this reviewing the protest you present, it gives me pleasure to say that I welcome its frank and friendly spirit. So far as you take occasion to deny what you apply call 'the insubstantial suggestion or report' that Japan has designs against the integrity or sovereignty of Hawaii, I am glad to assure you that such denial was entirely unnecessary, inasmuch as this government has not doubted and cannot for an instant doubt the sincerity and friendliness of Japan in all that concerns her relations to the United States and to the Hawaiian Islands."

COLONY FOR CALIFORNIA.

Large Number of Russians on Their Way West.

San Francisco, July 3.—The advance guard of a Russian Jewish colony for California, consisting of thirty-five able-bodied men, under the guidance of Ephraim Deinar, the promoter of the colonization scheme, left Philadelphia last Sunday and will arrive in this city today, having stopped on the way one day, because they would not travel on the Sabbath. These thirty-five men represent a colony of 150 families, with about 1,200 souls, who are to settle on government land in California. Deinar is a Semitic scholar and writer of some prominence and has taken a deep interest in the condition of his persecuted and oppressed co-religionists in Russia.

CUBAN SENSATION.

Possibility of Trouble Between Spain and the United States.

Chicago, July 3.—A special to the Times-Herald from Washington says: "There was quite a flurry of interest in the Cuban question in town last night when it became known that Secretary Alger had intimated to Captain Hise, who will shortly go to Madrid as attaché to the American legation there, that it would be inadvisable to take Mrs. Hise and children with him, because of the possibility of trouble. Lieut. George A. Dyer, the naval attaché, also proposes to go to Madrid, unaccompanied by any member of his family."

THE PORTLAND RACES.

Portland, Or., July 3.—The Oregon division of the L. A. W. held its first meet today at the Portland field. No remarkable time was made. The honors of the day were carried off by Amateur J. E. Wolf. Carl Abendroth won the professional event.

Following is the summary: One mile novice—Bottle won, Champion second, Cook third, time, 1:20. Two-mile professional—Abendroth won, Wyatt second, Mackay third, time, 4:58. One mile L. A. W. championship—Wolf won, West second, Champion third, time, 1:35. Five-mile championship—Wolf won, West second, time, 13:05.

FIVE SUICIDES IN ILLINOIS.

Chicago, July 3.—Five dependent Chicagoans ended their lives in manners more or less dramatic, and the oppressive heat of the last few days played its part in the taking off of the unfortunates. Three ended their troubles by the use of revolvers. Each of these shot himself through the head, death resulting instantly. A fourth took poison and the body of another man, presumably a suicide, was taken from the lake at the foot of Diversy avenue. It has not been identified.

TROUBLE IN SPAIN.

New York, July 3.—A special to the Herald from Madrid says: "The government, fearing opposition to the new war taxes, has strengthened the police and concentrated the civil guards of Alicante. Foreign telegrams must now be paid for in gold."

Mr. Hannis Taylor will follow the courts to San Sebastian on Monday, awaiting General Woodford's arrival.

BASEBALL SCORES.

Chicago, July 3.—Chicago 2, Pittsburg 8, Louisville 7, July 3.—Cincinnati 12, Louisville 0. Cleveland, July 3.—Cleveland 8, St. Louis 1. New York, July 3.—New York 2, Boston 1. Philadelphia, July 3.—Brooklyn 5, Philadelphia 2. Second game—Brooklyn 5, Philadelphia 7.

REV. JOHN KIMBALL DEAD.

San Francisco, July 3.—Rev. John Kimball, formerly the editor of the L. A. W. the organ of the Congressionalists in this state, and for many years conspicuous in religious work, died at his home on McAllister street last night.

HEAVY STORM IN NEW YORK.

New York, July 3.—A heavy thunder storm passed over New York and vicinity yesterday. Lightning struck in several places and in the upper part of the city and over in New Jersey hailstones of considerable size fell.

SNOW IN COLORADO.

Leadville, Col., July 3.—The Fourth of July season was appropriately inaugurated here this morning. A snow fall occurred during the night and at daylight the ground was covered to a depth of one inch.

COMPLICATIONS IN THE SENATE

New Amendment to Sugar Schedule Creates a Storm.

FINAL VOTE IS POSTPONED

Allison Gives Notice that the Bill Will be Passed Monday or Tuesday—Now Completed Except the New Provisions.

Washington, July 3.—The tariff bill has gone over until Monday, and all efforts to fix a time for a final vote in the senate proved futile. When the senate met today there was some hope that a final vote would be reached tonight, but this was speedily dispelled by the storm occasioned when Allison reported a new amendment from the finance committee giving a bounty of one and a fourth cents per pound on beet sugar from beets grown in the United States.

Jones, of Arkansas, speaking for the minority, soon took in the near future, in view of this bounty amendment. He estimated, also, that the debate would be very protracted from this time forward.

Teller supplemented this view, saying that the appearance of such an amendment at the last moment looked as though the republicans were trying to delay the passage of their own bill, as it had become apparent that the bounty provision might cause serious delays. Thurston, one of the prime movers, arose, and in



EXPLORER PEARY'S PROPOSED TRIP TO THE POLE. Lieutenant Peary will again attempt to reach the North Pole by the route shown in the map. He starts in July and will spend five years in his dangerous quest.

Impassioned tones withdrew the amendment, saying that his action was inspired by patriotic motives and for the purpose of removing all obstacles to the passage of the bill. His colleague, Allen, immediately renewed the bounty provision, so that the complication was the same as before.

Late in the day Allison sought to have a time fixed for the vote, but the bounty amendment stood in the way and all appeals to Jones were in vain.

Allison finally gave notice that he would expect to pass the bill Monday or Tuesday. During the day the bill was brought to a practical state of completion, the only remaining items being the committee and individual senators. Besides the bounty amendment, Allison proposed late in the day an amendment for stamping bonds, etc., which went over until Monday.

Among the features disposed of today were the anti-trust sections, the provisions of the Wilson act on that subject being re-enacted.

Mills brought forward a new amendment for a tax of 20 cents per pack on playing cards, which was agreed to by unanimous vote, amid much amusement and surprise, as Mills had not expected this result. All of the administrative sections of the bill, and that repealing the Wilson act, were disposed of during the Wilson act, were disposed of posing a tax on beer was withdrawn by the committee.

The senate adjourned until Monday, no effort being made to observe the national holiday.

THE INDIAN TROUBLE.

Washington, July 3.—Adjutant General Breck received a telegram this morning from General Coppinger, commanding the department of the Platte, dated July 2, in regard to the alleged Indian troubles at Camas Prairie, saying that the reports of the Indian trouble at Camas Prairie have proved without foundation; that no more than forty Indians (Lem-his and Shoshone), including women and children, are in that vicinity, and have committed no depredations.

MURDERER CONFESSES.

Portland, July 3.—The body of Sandy Soper's baby boy was found buried in

Montgomery Gulch, Albina, where Soper confessed he had buried it. Soper was recently arrested at Ashland for a murder committed in Missouri and taken there for trial. After murdering his wife and two children in Missouri, Soper came to Portland and married again. His second wife bore him a son, Soper disappeared from Portland, taking this son with him, and it now transpires that he murdered this son also. After he was taken to Missouri he confessed to the murder of the child, and told where its body could be found.

CORN IN DANGER.

St. Joseph, Mo., July 3.—The hot wave in this section continues, the mercury recording 96 degrees again today. Numerous prostrations have occurred, but none of a serious nature. Reports received from the corn region of Kansas are to the effect that hot winds are doing much damage. The blades have begun to wither in some sections, and a few more days of hot winds will ruin the crop. Thunder storms and cooler weather are predicted for tonight and tomorrow.

POOL DISCHARGED.

Roseburg, July 3.—The grand jury today returned not a true bill in the case of Albert Pool, accused of holding up the Southern Pacific train two years ago in Cow creek canyon, and he was discharged.

BURNED TO DEATH.

Lead, South Dakota, July 3.—Averil Dimmick, of the Winona mine, was burned to death, and two others probably will die as the result of a strange accident.

COMBINED AGAINST ALL THE WORLD

Britain and the Colonies to be More Closely Allied than Ever.

PENNY POSTAGE A FEATURE

Discrimination Against Other Nations—Naval Arrangements May be a Violation of Treaty With the United States.

New York, July 3.—A dispatch to the World from London says:

"The only possibility of a war interesting Canada is a war with the United States, and that I refuse to consider," declared Premier Laurier, when the proposition was made to him here that Canada help the British navy. The World correspondent is able to give, on the highest authority, exclusive particulars of the conference between Colonial Secretary Chamberlain and the colonial premiers. These things have grown out of the presence of the colonial premiers in England for the jubilee which interest the United States. One is the proposition for penny postage to all parts of the empire; another, the establishment of a naval reserve in the colonies, and the third, military co-operation with England on the part of all the colonies.

Thursday's conference brought out the suggestion that penny postage to the colonies be made an achievement of the jubilee year. This is tantamount to its acceptance, and it means that a letter from New York to London would cost five cents, while a letter from London to Montreal would cost two cents. A striking illustration of the discrepancy would be furnished by Detroit, Mich., and Windsor, Ont. They are only separated by the Detroit river, but there would be three cents difference in cost of sending letters from London.

In the naval matter Premier Laurier's attention was called to the fact that Australia is to furnish a squadron and the Cape offers to furnish a first-class battleship if New Zealand would furnish the men. It is not quite certain that this will be a violation of the treaty with the United States.

In regard to the military, no recruiting for the English army being done at present in the colonies, the proposition is to have recruiting offices established in the provinces, including Canada. The premier of South Africa was especially in favor of this order in order to give an opportunity to enroll imperial troops at the Cape. It would give an opportunity to enroll imperial troops against President Kruger, of the Transvaal, on his own ground.

At the next meeting of the premiers the rights of Great Britain with respect to the Solomon Islands, New Hebrides and the Pacific Islands generally will come up. Immediate annexation will meet Mr. Chamberlain's views and undoubtedly those of the eleven premiers. This is interesting in view of the premier's comment on Hawaii.

No London paper has mentioned one word of this. Mr. Chamberlain is anxious that it be kept very quiet.

More important than any of these matters to England is the proposition which was seriously entertained at the instance of Richard Seddon, the premier of New Zealand, for parliamentary representation of all the colonies at Westminster. At present Ireland, with a population of four millions, has 120 members of the house of commons, and is not satisfied, while Canada, with five millions population, has none, yet shouts "God Save the Queen."

The Mail suggests Sir Wilfrid Laurier himself for the house of commons.

GOVERNOR EVANS DEAD.

Denver, July 3.—Ex-Governor Evans died this afternoon, aged 83. He was appointed governor of the territory of Colorado by President Lincoln.

MISS MILLER DEAD.

Southampton, July 3.—Miss Ellen Miller, the only daughter of Rear Admiral Miller, U. S. N., died in London this morning.

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