

# THE BUTTE INTER MOUNTAIN.

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Cloudy Tonight, Tuesday.

BUTTE, MONTANA, TUESDAY EVENING, MAY 28, 1901.

Probably showers.

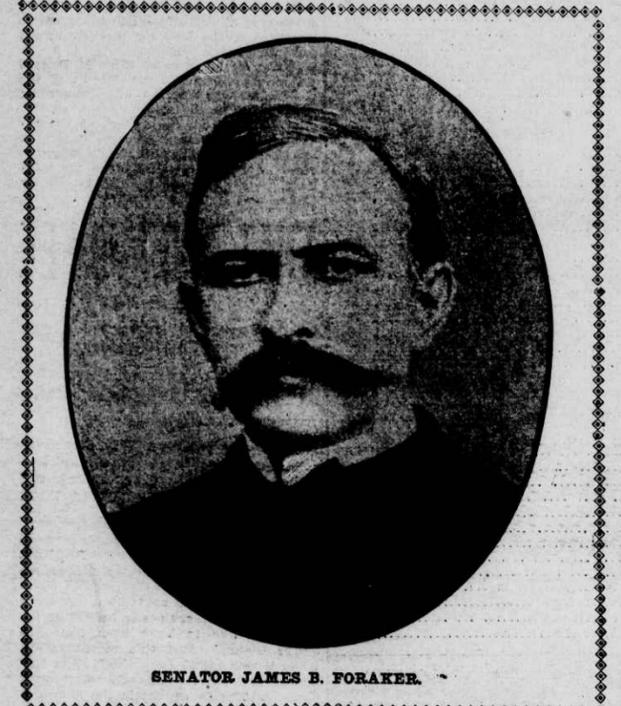
PRICE FIVE CENTS

## THE SUPREME COURT IS ADJOURNED

### DID NOT FINISH UP ALL THE INSULAR CASES—THE PHILIPPINE DIAMOND CASE AND THE "SECOND DOOLEY CASE" GO OVER UNTIL NEXT TERM—SENATOR FORAKER TALKS ON THE DECISION.

(By Associated Press.)  
Washington, May 22.—After a session of three minutes today, the United States supreme court adjourned until the second Monday in October. The brief session was devoted to the formal disposition of motions.  
The two remaining insular cases, one of them that of the 14 diamond rings dealing with importations from the Philippines, and the other known as the "second Dooley case," involving the question of exportations from the United States to Porto Rico, failed to receive attention today and they go over until the next term.  
The treasury officials discussed with much interest today the decisions of the supreme court yesterday in the insular cases, and the conclusion has been

territory within 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, however, not because congress was not without constitutional power to impose duties on importations from Porto Rico, but 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



SENATOR JAMES B. FORAKER.

reached that nothing in those decisions is conclusive upon the government to change its administration of the laws as to the Philippine islands, and therefore duties will continue to be collected on imports from those islands as heretofore, until the court shall have decided specifically that the islands are in the same situation with respect to the United States as Porto Rico.

New York, May 23.—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 two 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 occupation until the treaty of peace, when it ceased to be foreign territory and became a possession or dependency of the United States, but not a part of the United States. Being a possession of the United States it was then domestic territory.

"It is domestic territory still, but it underwent a further change in its legal connection with the United States when the law providing a civil government and the tariff duties for the support of the same. Since April 2, 1900, it is territory belonging to the United States, with respect to which United States 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 2, 1900 it was territory of the United States with respect to which congress had not exercised any power whatever.

"What the court directed was that, while we were occupying Porto Rico prior to the ratification of the treaty of peace, it was foreign territory, and our government was military, and all that was done was in the nature of a military necessity and valid on this account; that from and after the ratification of the treaty of peace it was no longer foreign territory, but domestic

power of congress to so legislate with respect to it, including the imposition of tariff duties, as it may see fit, and 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 congress has plenary power under the constitution to govern our insular acquisitions according to our several necessities.

"The court goes even further and says if there were no constitutional privileges 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 and for all that the United States is the equal in this respect of any other government."

Solicitor General Richards made the following statement containing his interpretation of the insular decision today: "The 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 the provision simply made them domestic territory of the United States subject to the full control of congress, which control could be exercised without reference to these limitations. The decision makes a distinction between states of the union and acquired territory, holding that the provision in question does not apply to the latter.

"It is a distinct victory for the government. It sustains the so-called insular policy of the administration. The government now has the sanction of the supreme court for governing these islands as their needs and interests may require."

## DIDN'T KNOW IT WAS LOADED

### Boer General Making Friends With a British Lyddite Shell—A Terrible Explosion Resulted.

(By Associated Press.)  
Pretoria, May 23.—The Boer general, Shoman and his daughter have been killed and his wife and two others have been badly injured by the explosion of a shell.

which they kept in the house as a curiosity, when the shell exploded, killing the general on the spot and mortally wounded his daughter, as well as severely injuring his wife and two other persons.

General Schoman was a great Krugersdorp. He led the commando of Colesberg and surrendered on the occupation of Pretoria. He was afterwards captured by the Boers and released when the British occupied Pietersburg. Since that time General Schoman has resided in Pretoria.

British Cruiser Stranded.  
London, May 23.—The British third

class cruiser Pegasus is stranded off Grainespit outside Sheerness. Tugs have failed to tow her off. She is being lightened and, it is hoped, she will float at the next high tide.

## MINERS AND LABOR UNION READY FOR WORK.

By Associated Press.)  
Denver, May 23.—The convention of the Western Federation of Miners will not do much business before to-morrow. All to-day will be consumed in straightening out the credentials and seating delegates, reading the reports of officials and appointment of committees.  
Sixty-one delegates have been seated at the convention of the Western Labor Union, now in session here. The convention has endorsed the strike of the Lead, South Dakota, retail clerks, who are contending for 6 o'clock closing.

## HEADED FOR HOME

### PRESIDENTIAL PARTY SPEEDING THROUGH IOWA TODAY.

### MRS. M'KINLEY RECOVERING

#### The Long Journey Proves Beneficial to the Invalid—President Thanks the Trainmen for the Care Which They Gave Their Passengers—Flowers from the Children of Omaha.

(By Associated Press.)  
Council Bluffs, Ia., May 23.—The presidential train reached Omaha at 7:30 this morning. A cheer went up from the crowd assembled at the station as the president appeared on the rear platform of his car.  
A large bouquet of American Beauty roses, the gift of the school children of Omaha to Mrs. McKinley, was presented to the president. The president shook hands with several hundred people as they filed by the platform of his car.  
Mrs. McKinley had a comfortable night and shows a distinct gain in strength. The president is much encouraged by the improvement in her condition.  
Before leaving Omaha the president sent for the engineer and train crew who had brought the train from Ogden and personally thanked them for the pleasant run over the Union Pacific.  
A short stop was made at Council Bluffs where the train passed to the tracks of the Chicago & Northwestern.

## GERMANS LEAVE

### FORCED OUT OF PEKIN BY THE OTHER POWERS.

### LEAD BY RUSSIA AND AMERICA

#### Financial Settlement Ardently Desired by the Czar—France Will Support Him, and America Is Already Pledged to Peace—The Kaiser Must Follow Their Suit.

New York, May 23.—A Herald dispatch from St. Petersburg says: Germany's tardy and reluctant withdrawal of her troops and ships from China is looked upon here as a solution of the issue 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 sees no other way out of the difficulty.

A dispatch to the Cologne Gazette, under date of May 23, says the withdrawal of marines to Sing Tau has been begun, and the German quarter of Pekin has been handed over to the Chinese as an experiment for a fortnight.

### CROKER TAKES A VACATION

#### Mysterious Movements of the Tammany Chieftain—May Have Sailed for America.

(By Associated Press.)  
New York, May 23.—A dispatch to the Tribune from London says: A great mystery is made at Meast house of Mr. Croker's absence. He is reported to have left home on Saturday for a fortnight's enjoyment of the races, but the protestations were so emphatic that the villagers suspect that he had sailed for America on the St. Louis. He had several horses entered for the Hurst Park races, where two of them were placed Monday.

Boers Miss Their Horses.  
(By Associated Press.)  
Cape Town, May 27.—The dash of Kritzinger's invaders of Cape Colony to the south was checked at Vandersburg by the swift movement of Gorringer's other columns. The invaders, finding their way barred, swerved to the north-east toward Cloeth. The continued capture of horses by the British is appreciably impairing the Boers' mobility.

## SHERIFF SUMMERS' SLAYER IS NOW ON TRIAL FOR MURDER



JOHN WOLFF



JAMES SUMMERS



(Special to Inter Mountain.)  
Dillon, May 23.—Trial of young Wolff, murderer of Sheriff James Summers, was resumed this morning, and will go to the jury some time this evening. About 19 witnesses have already been examined. Those who have observed the proceedings thus far are confident that the jury will convict the accused.  
There were no eye witnesses to the circumstances leading up to the crime for which Wolff is being tried. Wolff, who had come from Wisconsin two years ago, squatted on a piece of ground in the upper Madison, lived the life of a cowboy and broncho buster. He succeeded in getting hold of a small bunch of horses, which he ranged near his place. The locality where he had settled is occupied mostly by sheepmen, who began to miss various articles from their cabins. Finally J. E. Johnson, one of the sheep-

men, swore out a warrant for Wolff's arrest, and Sheriff Summers was sent to make the arrest.  
He reached the cabin on January 25, and, not finding Wolff at home, went in and found part of the property that was alleged to be stolen. Johnson, who had been with Summers, left him, while the sheriff started down the valley to inquire of a sheep herder as to the whereabouts of Wolff. Johnson had gone but a little ways when he heard a rifle shot, and turned around just in time to see Summers reel and fall. Not stopping to investigate, he rode with all speed to Dillon, where the alarm was spread.  
Posses were organized within a few hours and the country scoured for tracks of the murderer. It was not until the next day that word came of the fugitive. He had stopped for the night at the Ennis ranch, nearly 40 miles from the scene

of the killing, and was coatless and hatless, but still had his rifle. Learning that he was wanted for the murder, the ranch men told where he might be found, and he was surrounded by four of the trailers who found him where he had passed the night in a hay stack. He made no resistance.  
There was every reason to believe that Wolff would be lynched if the crowd got a fair chance at him on his way to jail at Madison county, and it was only by clever work on the part of the officers that he was smuggled to safety. He took a change of venue from Madison to Beaverhead county, and the trial is now on at Dillon.  
Wolff was only a boy of 18. He was born in Germany and came to Montana with George Palmer, who is now in the penitentiary on a 15-year sentence for a despicable crime.

## STARVED AT SEA

### PORTO RICAN EMIGRANTS TO THE HAWAIIAN ISLANDS.

### MANY INVALIDS ON ARRIVAL

#### Some of Them Were Already Broken Down by Lack of Food in Their Old Home—Have to Be Fed and Fattened Up Before They Can Be Moved to Plantations and Go to Work.

Honolulu, May 16, via Sann Francisco, May 23.—Inspection of the Porto Rican emigrants brought here by the steamer Colon shows that they are in such state of 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, 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 made an unanimous report to the effect that the Porto Rican immigrants are all right, but the

rest of the committee will likely present a report severely denouncing the planters for bringing the Porto Ricans here, and on account of ill-treatment of them previous to their arrival.  
A number of them were infirm while all were more or less emaciated. This is attributed to lack of food in their old homes. Some of those who came will never 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 invalids are sent here at such expensive prices.  
The question of educating the children at the expense of the territory is a serious one, while the health of the majority is far from satisfactory.

## A NEW DAY'S RECORD FOR COFFEE RECEIPTS.

(By Associated Press.)  
New York, May 23.—Receipts of coffee yesterday were a record breaker at this port as well as in New Orleans, 16,500 bags, the largest receipts in any one day, being the record.  
Two large interests are opposing each other and forcing the receipts, the object on one side being to bear the market.

Higher prices, the bulls state, will soon come about, as planters will curtail production owing to the small and unremunerative prices now realized.

## DOWIE HEALERS

### ANALYSIS BEFORE GRAND JURY FOR MALPRACTICE.

### THEIR PATIENTS WOULD DIE

#### Faith Not a Sure Cure—The Courts Will Pass on Whether It is a Healing Art, and Entitled to Legal Protection—Two More Deaths Are Laid at Zion's Door.

Chicago, May 23.—This afternoon the grand jury will take up the case of John Alexander Dowie, Deacon Judd and the other members of Zion, held by the coroners jury for the death of Mrs. Judd, and will hear testimony continuously every afternoon during the week, if necessary, until a decision is reached.  
All the witnesses who testified before the coroner's jury will be subpoenaed, and Dr. Ludwig Heakler will appear and give his evidence.  
Another death of a Zionite occurred last evening at the residence of Deaconess Bratsch, one of the women held with the Judd case. The victim's name was William Steele. He came here suffering from consumption and applied for admission to Zion home last week. The police is investigating the death, and inquiring into the circumstances under which a certificate was issued by a doctor.