

ADAMS SOLD OUT

He is Said to Have Disposed Of His Northern Pacific Holdings to the Union Pacific Syndicate.

New York, May 27.—Interest in the question as to whether or not the control of the Northern Pacific railroad changed hands at the time of the recent corner in the stock, was revived to-day by the circulation of a report that the Union Pacific syndicate bought some time ago all of the Northern Pacific holdings of Edward D. Adams.

RESIGNED SENATORS

Curious Condition of Affairs in the Palmetto State.

TILLMAN AND McLAURIN OUT

Gov. McSweeney Lacks the Nerve to Act as Political Policy Dictator.

New York Sun Special Service.

Charleston, S. C., May 27.—The joint resignation from United States Senators Tillman and McLauren, which will become effective Sept. 15, reached Governor McSweeney's office to-day. In the resignation the fighting colleagues have asked for a special election for this year when the Bryanism of Tillman and the republican doctrine of McLauren can be put to a test.

ADD TO THE DEATH LIST

MORE LAKE WRECKS SIGHTED

Crew of Seven of the Schooner Hackley Believed to Have Been Lost.

MILWAUKEE, Wis., May 27.—Seven more victims have been added to the list of those perishing in last Friday's gale.

STILL ANOTHER

Marquette, Wis., May 27.—Captain Robert Evans of the steam barge Francis Hinton, bound from Milwaukee to Marquette, arrived here to-day and reports the finding of a capsized schooner fifteen miles off Marquette Sunday afternoon. It was a three-masted schooner, with a cargo of hardwood slabs aboard. He was unable to ascertain the name of the craft on account of the high sea. It looked as though the crew had perished with her.

YAN SANT UNOPPOSED

Tim Byrnes Gives Out a Bit of Political Information.

SMOOTH FOR GOVERNOR

All Opposition to Him in the Republican Party Is Withdrawn.

RENOMINATION BY ACCLAMATION

Cadet Shannon of Duluth Makes a Fruitless Appeal to Secretary Root.

From The Journal Bureau, Room 45, Post Building, Washington, Washington, May 27.—Tim E. Byrnes, after spending a few days in Washington

gust. He had arranged to be there in June when the senate committee on Indian affairs was to make the investigation authorized at last session. Jones was notified by Senator Quarles last week that the committee will not visit the Northwestern reservations until late in the summer, as some of the members cannot get away in June. Commissioner Jones said that he had not been in touch with the Minnesota timber situation since he saw Captain Mercer and Superintendent Farr in Chicago last month. He expects to get full reports from them as soon as the resale of the White Earth cut is completed.

WASHINGTON SMALL TALK

Congressman Minor and family have returned to their home at Sturgeon Bay, Wis., where they will spend the summer. A civil service examination will be held July 1 to fill the position of landress at the Fort Totten Indian school, N. D., at a salary of \$600 a year. The controller of the currency has approved the Iowa National bank of Des Moines, as a reserve agent for the First National bank of La Porte, Iowa. The acting secretary of the interior has ordered patented to the Northern Pacific Railway company 6,496 acres of land along the line of the route in Montana.

WILL REVISE THE CREED

Presbyterian General Assembly Takes Decisive Action.

REVISION COMMITTEE

Its Report Is Finally Stamped With the Seal of Approval.

DR. MOFFATT'S AMENDMENT

Seeks to Remove the Alarm Over the Word "Summary" and Is Adopted.

Philadelphia, May 27.—The Presbyterian general assembly adopted the revision committee's report to-day. When the assembly met to-day there

PORTO RICAN TARIFF WAS ILLEGAL ONCE BUT IS LEGAL NOW

That Seems to Be the Effect of the Decisions of the Supreme Court in the Insular Cases.

Passage of the Foraker Act, Which Is Held to Be Constitutional, Makes All the Difference.

Washington, May 27.—The United States supreme court to-day handed down opinions covering all of the issues on the new insular possessions which have been in controversy. Although several of the decisions upheld the contestants on certain issues raised yet in the more important decisions of Downes and Bidwell, Justice Brown announced the sweeping decision of the court upholding the general attitude and policy of the government up to the present time.

The effect of this decision is to affirm the constitutionality of the Foraker act and to give congress power to deal with a newly acquired territory in such manner as the legislative branch may consider suitable for the new territory. The decision also has the effect of declaring that the new insular possessions do not by virtue of the treaty of cession acquire all the privileges and rights of the constitution.

Washington, May 27.—In the Downes case the United States supreme court decided, in an opinion by Justice Brown, that while Porto Rico is a territory of the United States, it is not such for tariff purposes and that the Foraker act is constitutional. The judgment of the circuit court was affirmed. A dissenting opinion was handed down by Justice White in which Justices Shiras and McKenna concurred.

Washington, May 27.—Justice Brown of the United States supreme court to-day announced the decision of that court in the insular cases. The announcement of the court's opinion was begun at 12:27. The main opinion was handed down in the De Lima case. Justice Brown first announced the court's decision on point of jurisdiction holding that the court had jurisdiction.

The De Lima case involved the importation of goods into the United States from Porto Rico after the ratification of the treaty of Paris and before the passage of the Porto Rican act. De Lima & Co., doing business in New York, imported from San Juan, P. R., in June and July, 1899, certain sugars, the product of Porto Rico. Upon these sugars the collector at New York demanded and collected about \$13,000 as customs duties. De Lima & Co. sued Bidwell, the collector as an individual in the supreme court of the state of New York, to recover back the duties thus paid, amounting in all to \$13,145, alleging that they were unlawfully demanded, in violation of the constitution and collected by duress, the collector exacting the payment of the duties as a condition to the delivery of the sugars. On the petition of the collector the suit was removed to the circuit court of the United States for the southern district of New York which sustained a demurrer to the complaint both on the ground that no cause for action was stated and that the court had no jurisdiction. From the judgment dismissing the complaint De Lima & Co. prosecute error from this court.

Justice Brown said that whether the sugars imported from or into Porto Rico were dutiable depends upon whether Porto Rico is a foreign country. He held that the right to acquire territory involves the right to govern and control it by congress, but he said that a country could not be both foreign and domestic.

OPPOSED TO THE GOVERNMENT The opinion was opposed to the contention to the government. He concluded that at the time the duties were collected Porto Rico was a territory and not a foreign country, but a territory of the United States.

Justice Brown concluded as follows: If an act of congress be necessary to convert a foreign country into domestic territory, the question at once suggests itself, what is the character of the legislation demanded for that purpose. Will an act appropriating money for its purchase be sufficient? Apparently not. Will an act appropriating the duties collected upon imports to and from such country for the benefit of its government be sufficient? Apparently not. Will acts making appropriations for its postal service, for the establishment of lighthouses, for the maintenance of quarantine stations, for erecting public buildings, have that effect? Will an act establishing a complete local government but with reservation of the right to collect duties upon commerce be adequate for that purpose? None of these, nor all together, will be sufficient, if the contention of the government be sound, since acts embracing all these provisions have been passed in connection with Porto Rico and it is insisted that it is still a foreign country with the meaning of the tariff laws. We are unable to acquiesce in this assumption that a territory may be at the same time both foreign and domestic.

We are therefore of opinion that at the time these duties were levied Porto Rico was not a foreign country within the meaning of the tariff laws, but a territory of the United States; that the duties were illegally exacted and that the plaintiffs are entitled to recover them back.

CONTROL OF CONGRESS In his reasoning of the manner of the acquisition of Porto Rico Justice Brown held that congress has authority to control such territory. "Indeed," he said, "it is scarcely too much to say that there has not been a session of congress since the territory of Louisiana was purchased that that body has not enacted legislation based upon the assumed authority to govern and control territory. It is an authority which arises, not necessarily from the territorial clause of the constitution, but from the necessities of the case and from the inability of the states to act upon the subject. Under this power congress may deal with territory acquired by treaty; it may administer its government as it does that of the District of Columbia; it may organize a local territorial government; it may admit it as a state upon equality with other states; it may sell its public owning to individual citizens or may donate them as homesteads to actual settlers. In short when once acquired by treaty it belongs to the United States and is subject to the disposition of congress.

TERMINATION OF CONGRESS "Territory thus acquired can remain a foreign country under the tariff laws only upon one of two theories: Either that the word 'foreign' applies to such countries as were foreign at the time the statute was enacted, notwithstanding any subsequent change in their condition or that they remain foreign under the tariff laws until congress has formally embraced them within the customs union of the states. The first theory is obviously untenable. While a statute is presumed to speak from the time of its enactment, it embraces all such persons or things as subsequently fall within its scope, and ceases to apply to such as thereafter fall without its scope.

HALF DOMESTIC, HALF FOREIGN "The theory that a country remains foreign with respect to the tariff laws until congress has acted by embracing it within the customs union, presupposes that a country may be domestic for one purpose and foreign for another. It may undoubtedly become necessary for the adequate administration of a domestic territory to pass a special act providing the proper machinery and officers, as the president would have no authority except under the war power to administer it himself; but no act is necessary to make it domestic territory if once it has been ceded to the United States. We express no opinion as to whether congress is bound to appropriate the money to pay for it.

CONCLUSIONS IN OTHER CASES "This theory also presupposes that territory may be held indefinitely by the United States; that it may be treated in every particular except for tariff purposes as domestic territory; that laws may be enacted and enforced by officers of the United States sent there for that purpose.

COULDSIONS IN OTHER CASES In the cases of Goetze vs. the United States and Crossman vs. the United States, brought here from the circuit court for the southern district of New York to test in the Goetze case the validity of the levy of duty on an importation of tobacco from Porto Rico into the United States after the ratification of the treaty and before the passage of the Porto Rican act and in the Crossman case duty on liquors imported into Hawaii after annexation but before the taking effect of the act providing a government for Hawaii, the court reversed the judgments below for the reasons cited in the DeLima case holding the levy of duties unconstitutional. Justice Brown also announced the opinion of the court in the case of Dooley vs. the United States, involving the validity of a duty levied on goods imported into Porto Rico from the United States between the date of military occupation and the taking effect of the Porto Rican tariff act. The court held that there could be no doubt of the validity of the duties levied by virtue of General Miles' order prior to the ratification of the treaty of peace. It placed this right on the ground of military necessity; that insurrections may be suppressed, war carried on, revenues collected, taxes imposed; in short, that everything may be done which a government can do within its own boundaries, and yet that the territory may still retain a foreign character; that this state of things may continue for years, or a century even, but that until congress enacts otherwise, it still remains a foreign country. To hold that this can be done is a matter of law we deem to be pure judicial legislation.



A POLITICAL DUEL TO THE DEATH.

on business, left for home on Saturday afternoon. He reported here that any opposition which may have existed to Governor Van Sant within the republican party last winter has entirely disappeared and that the governor will be renominated next year by acclamation. This was interesting information for the Minnesota colony, whose latest advice had been to the effect that the governor was not making much headway, and might have a hard time of it next year.

SAYS NO TO CADET SHANNON. James A. Shannon, of Duluth, who was suspended from West Point for one year on Wednesday for insubordination, reached Washington Saturday. He went immediately to see the secretary of war and was accorded an audience. Secretary Root listened attentively to the cadet's statement of his participation in the demonstration against Superintendent Mills and at his conclusion politely but firmly told him that the matter had been disposed of so far as he was concerned and he would not reconsider the order already made in his and other cases.

PARDON FOR FRED BARROWS. It is whispered that it will be made next winter or spring to secure the pardon and release from prison of Captain Fred Barrows and the other officers in Manila who were involved in the commissary scandals. If the program now pressure will be brought to bear upon the president through the United States senators from the states where the convict officers live. It will be pointed out that the men belong to good families, that they were good soldiers, and stood well in the army until these things came out, and that the ends of justice have been fully served in the conviction and imprisonment for a few months. Should this pressure be withheld until about a year from this time, it probably would have a stronger effect. In view of the good records of the convicted officers, it is believed that the president will not be unwilling to listen to a request for their pardon, after they shall have served for, say a year.

NORTHWESTERN REPRESENTATIVES. A resolution was adopted at the recent national congress of the Sons of the American Revolution committing the society to the erection of a monument in this city in memory of the revolutionary heroes, and a committee of two from each state was appointed to have charge of the work. From the northwest this committee is thus represented: Minnesota, Judge Eli Torrance, H. P. Hall; Wisconsin, C. P. Stickney, G. H. Noyes; Iowa, Judge J. C. Mitchell, O. Wainwright; South Dakota, E. W. Morton, Dr. W. W. Torrence; Montana, J. C. Auld, D. C. Russell; Michigan, A. Russell, J. Gruesel.

NORTHWEST AFFAIRS. Indian Commissioner Jones returned to Washington to-day from New York, where he has been opening bids for Indian supplies. He said that he would postpone his intended trip to Minnesota and other northwestern states to some time in August.

country. The most of them are coming from Germany, and the orders are increasing weekly, according to recent consular advices. There are sixty-seven members of the graduating class at Annapolis this year. Two Minnesotans are in the list, Thomas R. Kurtz and Guy Whitlock, one South Dakotan, Jesse B. Gay, and two Iowans, John V. Babcock and O. J. Wilson as carrier. A rural free delivery route has been ordered established at Genoa, Vernon county, Wis., July, with Mack Shumway as carrier. The job will pay \$1,200 per year. An additional route will also be established at Iowa City, Johnson county, Iowa, on the same date, with J. H. Wilson as carrier.

THE CONTROLLER OF THE CURRENCY authorized the First National bank of Redwood Falls, Minn., formerly the Redwood Falls bank, to begin business with a capital of \$5,000. The controller has approved the Northwestern National bank, Minneapolis, as reserve agent for the First National bank, Menominee, Wis. On July 3 an examination will be held in any city in the country where postal free delivery has been established, for the position of superintendent of farm and transportation. The job will be eligible who are thoroughly familiar with the soil and the approved processes of agriculture in the bottom lands of the Missouri river.

SPEDING HOME

Mrs. McKinley Standing the Journey Admirably. Laramie, Wyo., May 27.—The presidential special made schedule time through Utah and Wyoming last night. Mrs. McKinley rested well and Dr. Ely reported this morning that she passed a comfortable night. The president and first member of the official party to rise. At Rawlins, a little mining town where the train stopped for water before 7 o'clock, he shook hands with a number of people. The train reached Laramie at 10:10 a. m. It is due at Omaha at 5 o'clock to-morrow morning.

UNPOPULAR PLAY

Stage Production in Russia Gives Birth to a Riot. St. Petersburg, May 27.—Rioting has spread to South Russia as a result of the production of the anti-Semitic play, "The Smugglers." At Kutais thousands of people congregated around the theater and stoned the police. A detachment of Cossacks charged and dispersed the crowd. Thirteen policemen, five Cossacks and two officers of Cossacks were severely injured.

NO END OF SUGAR

Outcome of the Continued War Between Importers and Refiners. New York, May 27.—There is no prospect of an immediate settlement of the war between the importers of refined sugar and the local refiners. Importers say that as a result of the controversy the amount of refined sugar that will be consumed by this country this year will be larger than ever before.

MORE FURNACES

Capacity of the Tennessee Coal & Iron Co. to Be Enlarged. New York, May 27.—It is reported that the Tennessee Coal and Iron company will erect a dozen furnaces in the Birmingham district, enlarging its capacity to the extent of 1,500 tons a day.

Because of the personal enmity between the senators the public has refused to look on the action Saturday in the way that Tillman and McLauren would like. For the avowed purpose of dragging McLauren into a joint debate Tillman dogged his footsteps to Gaffney, and there, in the midst of excitement and in the heat of passion, taunted his colleague to resign. McLauren has only two years to serve, while Tillman has six. Remembering this, McLauren snarled at Tillman that he could afford to make such demands, being bomb proof with his long term. The hot words that followed led to the signing of the resignation.

Anything has developed from the meeting it is sympathy for McLauren. He is almost sure to lose with a physical collapse and his friends fear that he could never survive a laborious campaign this year. McLauren admits as much but makes the manly statement that he owes it to his people and he will stand before them on his record against that of his rival. The custom in South Carolina is to elect United States senators in the primary, the legislature having only to confirm the result. Last year Tillman ran without opposition. He made the request, however, that those who were opposed to his doctrines should so state their opposition on the ticket, and out of less than one hundred thousand votes cast his name was scratched from fully thirty thousand. This was accepted as an evidence of his unpopularity against his former opponent. Tillman's victories at the polls and the fact seems to be admitted that he will lose by his bullying threats against McLauren yesterday. His practical admission that he controls the state as he did eight years ago is resented bitterly and the opposition has seized upon it for all it is worth.

SWINDLER REAPS A HARVEST IN OMAHA

Special to The Journal. Omaha, Neb., May 27.—Two score women of the local four hundred have been fleeced by a clever young man who introduced himself as "Mr. Gallagher." From Mrs. Herman Kountze and Mrs. Fred Davis, wives of prominent bankers, from Mrs. Clark, wife of the deceased Episcopal bishop of that name, and from many others the young man gathered a harvest, his total earnings amounting to over \$1,000. The police records contain no description corresponding to that of the swindler and he is believed to be a dextrous amateur. It was early in May that the two women of the exclusive circles received by mail samples of some unusually fine Hens, silk hosiery and cambrics with a note to the effect that "our agent will call upon you Thursday of next week to take your order." The prices quoted were extremely low considering the quality of the goods.

Promptly on the day appointed "our agent" appeared. He made an ideal "trades person"—modest and a trifle embarrassed in the palatial surroundings. The women were pleased with him. They ordered large quantities of goods from the irreproachable samples in evidence. As Mr. Gallagher was about to go he was suddenly struck by an idea. He proposed to show a few bolts of rare dress goods which he had in his buggy—exquisite weaves which had gotten into the wrong bundle and had thus escaped the scrutiny of the customs inspector. He sold one woman a dress pattern for \$22, another purchased a remnant of the same piece of goods for \$50, and so on along the line of brown stone fronts. Gallagher promised that his house would open an Omaha branch at once and was able for the most part to collect in advance.

Iron Ore Options Right at Home

Special to The Journal. Anoka, Minn., May 27.—It is reported on good authority that Patrick Manley of Coon Creek has given an option on his farm of 180 acres for \$75,000, and that George McNally of the same place has given an option on his farm for \$32,000. The options are given to a mining company of the Mesaba range district and run for a term of one year, and in the meantime the land will be thoroughly prospected. Ore was found there recently that assayed 60 per cent pure iron, and assaysists who have been on the ground say that the land adjoining, and in fact all the land in that vicinity, show traces of iron and other minerals even on the surface.