

# The Lewiston Teller.

VOLUME 25

LEWISTON, IDAHO, THURSDAY, MAY 30, 1901

NUMBER 35

The Only Agency in the City for

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Baseball and  
Sporting Goods

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BUTLER  
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THE COOK To make good bread must have a stove or steel range that will bake it well. To insure this get a UNIVERSAL FLETCHER HARDWARE COMPANY

## Men's High Grade Clothing

A marked individuality distinguishes our clothing (the H. S. and M. make) from grades sold elsewhere. The correct styles of the garments and the high grade of the materials have given us the prestige among careful buyers. Our new lines of medium weight clothing are finished with the care and skill of garments for which custom tailors would charge double our asking.

Silk mixed fancy worsted imported cloth... \$17.50 to 22.50  
Navy blue and blue black serge  
12 oz, \$10; 16 oz, \$15; 22 oz cloth... 20.00  
Black clay worsted silk, splendid texture... 10.00  
Fancy all wool Cassimere suits... 6.00

Blue Serge Pants \$2.50 Just the Thing...  
ALL WOOL FOR NOW

O. A. KJOS

## Boys' Clothing That Wears

That is the kind we sell. Our boys' clothing is not thrown together in an effort to produce something as cheaply as possible, but is most carefully made, so as to produce a garment as good as can be made at a given price. Almost all our boys' clothing has the pants made with the crotch seams taped and double sewed, so as to do away with all possibility of ripping. They also have double seats and double knees. The coats and vests are also made up in a most thorough and substantial manner, and for style and fit our goods have no equal. If you buy your boys' clothing of us, your purse will have that "full feeling," a most desirable quality; whereas, if you throw away your money for some of the trash other dealers have the nerve to offer you, your purse will suffer of chronic emptiness.

THE FAIR

LEWISTON'S ONE-PRICE STORE

Wool Sales.

F. E. Green, the San Francisco wool buyer, who has been negotiating sales here for the past week left for the lower country on Wednesday's boat. A few sales only were made and shipments have begun. Wednesday 122 sacks were shipped. These were from Young Bros' clip and from W. D. Jones' clip James Armstrong sold 55 sacks and these with the 300 sacks of the Steen clip will be shipped by boat Sunday.

Knights of Pythias Work.

Last evening two candidates were charged in the knight rank and one in first. Messrs M. V. Windus and Mr. Evans were made knights, while Engineer Fields became a page. The attendance was quite large. Late in the evening ice cream, cake and strawberries were served. Next Wednesday evening several candidates will be charged in the first and second.

## TARIFF CASES

Supreme Court Decisions Sustain the Administration Policy.

THE TARIFF IS LEGAL

Decision Decides That the Constitution Does not Follow the Flag.

WASHINGTON, D. C. May 27.—Justice Brown delivered the opinion of the court in the insular case of Downes vs. Collector Bidwell, of the port of New York, in which suit was brought by Downes to recover duties to the amount of \$659.35, exacted and paid under protest upon certain oranges consigned to the plaintiff at New York, and brought thither from the port of San Juan, in the Island of Porto Rico, during the month of November, 1900. This case involved the question whether merchandise brought into the port of New York from Porto Rico since the passage of the Foraker act is exempt from duty, notwithstanding the third section of that act, which requires the payment of "15 per cent of the duties, which are required to be levied, collected and paid upon the articles of merchandise imported from foreign countries." The Circuit Court of the United States, for the Southern District of New York sustained the Government in this position in imposing a duty. The Supreme Court affirmed the opinion of the Circuit Court, saying:

"We are of the opinion that the Island of Porto Rico is a territory appurtenant and belonging to the United States, but not a part of the United States within the revenue clause of the Constitution; that the Foraker act is constitutional, so far as it imposes duties upon imports from such islands, and that the plaintiff cannot recover the duties exacted in the case." The opinion of the court went into the case very fully. Justice Brown early in his opinion outlined the distinction between this case and the Delima case, which had just been decided, saying:

"In the case of Delima versus Bidwell, we held that upon the ratification of the treaty of peace with Spain, Porto Rico ceased to be a foreign country, and that duties were no longer collectable upon merchandise brought from that island. We are now asked to hold that it became a part of the United States within that provision of the Constitution which declares that all duties, imports, and exports shall be uniform throughout the United States. If Porto Rico be a part of the United States the Foraker act, imposing duties upon its products, is unconstitutional, not only by reason of a violation of the uniformity clause, but because by section nine, 'vessels bound to or from one state' cannot 'be obliged to enter, clear or pay duties in another.'

"The case also involves the broader question whether the revenue clauses of the constitution extend of their own force to our newly acquired territories. The constitution itself does not answer the question. Its solution must be found in the nature of the government created by the instrument, in the opinion of its contemporaries, in the practical construction put upon it by congress and in the decision of this court."

The acquisition of territory and the formation of territories was discussed and many authorities quoted. As a result of these citations the justice laid down the following general conclusions: "First—That the District of Columbia and the territories are not states, within the judicial clause of the constitution giving jurisdiction in cases between citizens of different states."

"Second—That territories are not states, within the meaning of the revised statutes, section 709, permitting writs of error from this court in cases where the

validity of the state's statute is drawn in question.

"Third—That the District of Columbia and the territories are states as that word is used in treaties with foreign powers, with respect to the ownership disposition and inheritance of property.

"Fourth—That the territories are not within the clause of the constitution providing for the creation of a supreme court and such inferior courts as congress may see fit to establish.

"Fifth—That the constitution does not apply to foreign countries or to trials therein conducted and that congress may lawfully provide for such trial before consular tribunals without the intervention of a grand or petit jury.

"Sixth—That where the constitution has been once formally extended by congress to territories, neither congress nor the territorial legislature can enact laws inconsistent therewith."

In his opinion Justice Brown referred at length to the decision of Chief Justice Taney, in the Dred Scott case, and said the difficulty with the Dred Scott case was that the court refused to make a distinction between property in general and a wholly exceptional class of property.

What She Was Crying For.

A tale of tears closed the incident of the sentencing of prisoners at the recent term of the federal court of Moscow. Warren of Fletcher had pleaded guilty hoping to escape any further imprisonment and when his sentence handed down by Judge Beatty gave him four months in the county jail in addition to his fine of \$150 he broke down and wept. This affected the judge who was disposed to be as lenient as possible in his case, and when this was followed a few minutes later by profuse tears from the woman prisoner who stood up to be sentenced, the judge was visibly worried over the situation. The woman to be sentenced had a companion in crime whom the judge had just meted out two years at McNeill's Island. He paused as he came to sentence the woman, saying that out of respect to the sex he was at a loss to know just what punishment to inflict upon her. Meanwhile the man sentenced had been passed out to the marshals and the woman was sobbing convulsively. The judge hesitated and finally decided that he would pass upon the woman's case later. The fact developed that the woman was crying not because she was being sentenced to prison, but because she feared the judge would separate her from her companion, and the tears ceased when she knew that she could be near him for at least 13 months of his term of imprisonment.

Warren's plea of tears saved him two months of his jail sentence for Judge Beatty recalled him on the following morning and cut his jail sentence to two months.

Observance of Memorial Day.

Memorial Day was observed in Lewiston by fitting ceremonies. In the business center the stores were decorated with a display of bunting and flags, and the stores generally were closed from 12 to 3 o'clock. The morning hours were given to the exercises attending the decoration of the graves. The members of the G. A. R., A. Small commander, and the ladies of the W. R. C., Mrs. H. Perault commander, led the procession, which formed at the G. A. R. hall at 9 a. m. An escort of ex-volunteers and a firing squad, besides citizens in carriages bearing flowers, made up the procession, which proceeded to the cemetery and decorated the graves of the soldier dead.

At 2 p. m. exercises were held at the court house, A. Small, post commander, presided. James E. Babb delivered the address. Music fitting for the occasion was furnished by the chorus. Mrs. Tracy, of Boston, a national worker in the W. R. C., made a few remarks.

Caucus Candidates.

The Lewiston city election will be held June 11th. Last Monday evening the regular caucus nominations were made which resulted in placing the following ticket in the field. Mayor, J. H. Skinner; treasurer, Leslie Thompson; marshal, Wm Shuldt; councilman from the 1st ward, C. A. Hastings; from the 2nd ward, Frank Cole; from the 3rd ward, Geo. A. Frost, Sr. No contesting ticket has yet been put in the field, but there are rumors of such. Thus far only one office is sure of a rival candidate. Jno. P. Roos will be put on the ticket by petition to contest Wm Shuldt for the marshalship.

In preparation for the coming fruit season, John P. Vollmer & Co. received a car load of fruit jars.

## NOT HELD

Preliminary Hearing of J. N. King Results in His Vindication.

NO EVIDENCE TO BIND HIM

State's Attorney Moves to Discharge the Defendant—Evidence Would not Justify his Being Held.

John King was not held for the murder of Charles E. Thatcher. The result of the preliminary examination held last Saturday exonerated him. Friends of the defendant thronged the court room and the demonstration in the court room which followed his discharge showed with what esteem he is held by the people of the community.

The state introduced testimony following that taken at the coroner's inquest, tending to show that no one was seen leaving the building after the shots were fired. The witnesses were persons who were in the vicinity of the store when the shots were fired and who went immediately to the scene of the murder. It was materially the same testimony taken at the coroner's inquest and did not now, as it did not then, implicate Mr. King. Nothing new or sensational was introduced. A rumor to the effect that the defendant and the murdered man had had a bitter quarrel on the day of the murder and that the animus would be disclosed in the new evidence did not materialize in the preliminary hearing, and at the completion of the examination County Attorney Johnson made a motion that the charge be dismissed, as there had been no evidence to substantiate the charge of guilt, and John King walked forth a free man.

Life in the Philippines.

Louis Roos, private secretary to Governor Hunt, while in a reminiscent mood Saturday, gave some interesting information regarding the Philippine islands, where he spent some time with the Idaho volunteers. He says that that is a good country, if one is able to live up to the climate. The proper way, he says, is to have no work for the afternoons.

All the people of the islands live in two story houses, the upper portion being for the people, while the lower is usually the stable and chicken house. The lower floor is cemented, with running water passing over all time, thus giving cleanliness. The reason for living in the upper story is that a fever miasma rises every night to about five feet from the ground, and persons out in that, especially sleeping and breathing it in, will have the disease. This was the cause of so much sickness among the soldiers, they having to lie upon the ground.—Boise Statesman.

No Reunion This Year.

The pioneer reunion is declared off for this year. Arrangements were in progress to hold a joint reunion of the pioneers of Nez Perce and Idaho counties at Stites on June 13, but the committee in charge

were not able to secure the \$500 guaranteed to the railroad company and the plan for reunion has been abandoned. Tuesday was the last day for securing tickets and on checking up the orders only about two hundred tickets were guaranteed and the committee did not feel like making the attempt to secure the remainder. Counter attractions for the week seem to have defeated the plans. Normal commencement, a meeting of the Epworth League and a circus, all are booked for the week and many were deterred from making plans for these reasons.

Base Ball Today.

The Lewiston Normal team and the Kendrick nine will play a match game of base ball at the association grounds this afternoon. The game will be called at 3:30 o'clock.

The Kendrick team arrived in the city yesterday afternoon and have spent part of the morning practicing at the ball park. If the exhibition given this morning is an indication, the game will be an exhibition of snappy first class playing. Kendrick has won all games contested for this year, having defeated Juliaetta in two games. The Normals are in good trim and will play Thomas and Coon in the points. The line-up of the Kendrick team is as follows: L. Chenoworth, pitcher; D. Chenoworth, catcher; D. F. McGlynn, 1st base; F. Andrews (captain) 2nd base; H. Helms, 3rd base; C. M. Stiner, short stop; O. Hill, left field; C. F. Vincent, center field; Subs, G. Lukins and Charles Snyder.

Strawberry Shipments.

The strawberry season is on in earnest in the Lewiston valley and besides supplying the heavy demand for local markets large shipments are being made. White Bros., commission merchants, are sending daily to Spokane and Montana points from 250 to 300 crates of berries. The greater bulk of these come from Vineland, where the crop is unusually prolific. The price in the local market has dropped from 25 cents per box to 3 for 25 cents, which will probably be the lowest retail price for the season. In crate lots for canning purposes the price is \$1.60.

Sentenced For Life.

The judgment of the court in the case of Andy Gilbert, recently convicted in Idaho county for the murder of Joseph Smith, is that he shall serve a life term in the state penitentiary. Daniel McGann, who shot and killed Morrison near Stuart, Idaho, March 12, was also convicted and sentenced to serve a ten year term. The present term in Idaho county has been notable for its murder trials and the tendency seems to be to continue the record. The preliminary trial of Duncan, for the murder of Ed Otto, is set for June 3rd.

Filed For Record.

Albert G. Kester to George H. Kester, lot 5, block C, Le Francois tract, Lewiston; consideration \$7000.

William Phillips et ux to Clement L. Herbert, 2 1/2 acres near Lewiston; consideration \$600.

E. V. Nichols et ux to Maud L. Donaldson, lot 9, block 23, town of Nespeque; consideration \$600.

Robert Grostein and wife and Mrs. Rachel Binnard to Matthew Scully, strip of land between lots 6 and 8, block 21, City of Lewiston; consideration \$300.

Entertainment Saturday Night.

Saturday night at the opera house Miss Jean Bernadine Sargeant and Miss Pauline Dunstan will entertain the people of Lewiston with a musical and literary program. Both young ladies are from Spokane and both are artists in their lines. Miss Sargeant is a delightful singer and Miss Dunstan is an elocutionist of remarkable ability.



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