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THE PHILIPPINES A PART OF THE UNITED STATES

Tariff Does Not Apply to Commerce Between the Islands and the United States

Washington, Dec. 2.—The Supreme Court today rendered its long expected decision in the Philippine tariff case, holding that the Philippine Islands are a part of the United States and therefore no duties can be collected on goods passing between those islands and the United States. Mr. Justice Brown, with Chief Justice Fuller, Justices Harlan and Brewer, formed the majority, and Justices White, Shiras, McKenna and Gray dissented.

The case on which the decision was rendered was that known as "Fourteen demand cases" against the United States, and arose over the seizure of cigars of rings belonging to Emil J. Papp, a soldier in a south Dakota volunteer regiment, who brought them from the Philippines. He claimed that the Philippine Islands were part of the territory of the United States and that duties therefore could not be legally collected. When the Circuit Court decided against him he appealed to the Supreme Court, the question being argued with the Porto Rican and Hawaiian tariff cases, upon which a decision was rendered last spring.

The decision of the court was announced by Chief Justice Fuller. While it had been claimed, he said, that the question of possession, which did not occur in the Porto Rican cases, entered

into this one, yet he could find no reason for holding differently than in those cases. When the treaty was ratified the Philippine Islands ceased to be Spanish territory, and therefore, so far as the United States was concerned, ceased to be foreign territory. The inhabitants of the islands ceased to be citizens of Spain and, unlike the Porto Ricans, there was no provision in the treaty that they should not become citizens.

As to the claim that the question was affected by the resolution adopted by the Senate declaring that it was not the intention of incorporating the Philippines into the United States and that its citizens were not to be citizens of the United States, Justice Fuller said that resolution could not be considered superior to the treaty itself. If the resolution had been adopted by a two-thirds vote of the Senate and had been agreed to by the House and signed by the president, that would have been different. The House, however, did not pass upon it, the president had not signed it, and it had passed the Senate, not by the legal two-thirds vote, but by a majority of 26 to 22. It therefore did not have the effect of constraining the meaning of the treaty.

Justice Brown said he concurred in the present opinion for the reasons announced in the Porto Rican cases. Congress could provide by legislation, as in the case of Porto Rico, that duties could be collected, but as regards the Philippines it had not so provided. In that way the Philippines differed from Porto Rico.

Justice Gray, announcing the dissent

of himself and Justices White, Shiras and McKenna, said they based it on grounds they took in the Delima, Downes and Dooley cases in Porto Rico.

The Porto Rico insular case of Henry W. Dooley vs. The United States was decided by the Supreme Court of the United States today against Dooley. The court held that the duties on goods imported into Porto Rico from the United States after the passage of the Foraker tariff act was for the benefit of Porto Rico and therefore properly collected. "If the duties levied by the Foraker act," said Justice Brown, "had been covered into the United States treasury the tariff on goods going into Porto Rico from the United States could properly be termed a tax on exports. As the duties thus collected went for the benefit of the insular treasury and were collected only until the territory was fully organized, the Foraker act was legislation exclusively for Porto Rico, and did not contravene the provisions of the constitution that duties should be uniform throughout the United States."

Justice White, while agreeing with the conclusion reached, yet, in view of the importance of the subject, gave his opinion at some length on some of the minor points upon which he did not concur.

Like all the Porto Rican tariff decisions hitherto decided, only a majority of the court concurred in the opinion. Justices Harlan, Brewer and Peckham and Chief Justice Fuller dissented, the dissenting opinion being announced by the latter.

1900, are qualified electors to vote for all territorial officers and upon all territorial questions.

That prior to January 1, 1902, the president shall appoint a governor, secretary and marshal for said territory from among the qualified voters thereof, who shall hold their offices for a term of four years from said January 1, 1902, unless sooner removed for good and sufficient cause.

The bill further provides for a Senate and House of Representatives and a delegate in the national House of Representatives. The features of the measure are similar to those bearing upon the subject and offered by Representative Clark during the last congress.

THE NEW CONGRESS

Republicans Have a Clear Majority in Both Branches

Washington, Dec. 2.—With the beginning of the Fifty-seventh Congress at noon today the national legislative body entered upon an era of action which promises to be one of great importance to the country. Other Congresses of recent years have passed upon questions of war and strife. This one will deal with issues, the fruits of war, no less important and involving the every-day material interests of the citizens of the United States and the welfare of other peoples whose destinies war has placed in their hands.

It is in part a new Congress. A goodly proportion of fresh blood was infused into it by the recent elections. Representatives coming direct from the people will be present to voice the wishes of their constituents. At the same time there remain in both Senate and House practically the same number of old leaders, men of wide experience in legislation, of thorough familiarity with the needs of the country and the policies of the dominant party. It would seem to be a commingling of conservatism and enterprise.

The House has a membership of 357, of whom 197 are Republicans, 151 are Democrats and 9 are fusionists, silverites or Populists. With this division the Republicans would have a clear majority over all of thirty-seven in case the Populists voted with the Democrats on party questions.

The Senate has 87 members, there being no vacancies. The Republicans will have a majority in the Senate varying from 20 to 24, according to the way certain former Populists and fusionists vote and taking into consideration the possibility of at least one Democrat voting with the administration on national policies.

The new members of the House number 92, of whom 50 are Republicans, 38 are Democrats and 4 are fusionists, but who will probably vote with the Democrats. There are only 16 there a preponderance in numbers of old members of the House in the present body, but it happens that most of the influential and experienced men in both parties were re-elected.

PLAYED WITH A PISTOL

A Boy Dead and His Companion Overwhelmed With Grief

Shelby Dec. 2.—Special.—Lee Pope accidentally shot and killed Frank Kendall Sunday evening in the Shelby telephone exchange.

They are white boys about eighteen years of age and boon companions. They were handling a pistol, showing how Jesse James got the drop on the sheriff and making other maneuvers with the pistol, when it was discharged in the hands of Pope. The bullet entered Kendall's right lung, from the effect of which he died in about twenty minutes.

Guy Eskridge, a lad, was in the office at the time of the accident, in the presence of the boys and had removed the only cartridge in the pistol; but when the boys laid the pistol aside he replaced the cartridge unknown to Pope, who again began to handle the pistol with the result stated.

At the preliminary hearing held today the magistrate discharged Pope, who is much grieved over the sad death of his friend.

TUAN'S SON BARRED OUT

Pekin, Dec. 2.—The son of Prince Tuan will never succeed to the throne of China. This has been settled by an edict from the court which has been received at the capital. The decision to deprive him of the chance of succession was reached after long deliberation. It believes the throne of charges freely made to the effect that it extenuated the crimes of Prince Tuan, who was the head and front of the Boxer movement during the recent anti-foreign revolution. It is announced in the edict that the honors have been conferred upon the son of the prince and that he was removed as his presumptive heir because of his father's transgressions.

It is notorious, however, that the boy is a degenerate and unfit to become the ruler of the celestials. It has long been recognized in Pekin that this fact, in addition to strong political reasons, made his succession to the throne impossible. The action of the court is generally discussed here today. The edict has given widespread satisfaction. It not only satisfies the foreign ministers, but is looked upon by the friends of China as a wise and beneficent ruling.

Washington, Dec. 2.—The coinage of the United States mints during the month of November amounted to \$7,484,000, of which \$6,270,000 was in gold, \$917,000 in silver, and \$297,000 in nickel and bronze coins.

CONGRESS IS WITH US AGAIN

The House Reorganized with Former Officers Elected—Rules Adopted for This Session

Washington, Dec. 2.—The House of Representatives was called to order at the regular hour by Clerk McDowell. When the gavel fell there were many more than a quorum of members in attendance and the chamber was buzzing with their lively greetings. Quiet was soon restored after the clerk rapped for order, and silence reigned while the blind chaplain offered prayer. The call of the roll by the clerk followed the chaplain's prayer.

A quorum being present, Mr. Lacy of Iowa offered a resolution that the House proceed by viva voce vote to choose a speaker. The resolution was agreed to and nominations were made in the following order:

Mr. Cannon, chairman of the Republican caucus said: "I nominate as a candidate for speaker David B. Henderson, a representative from the State of Iowa." Mr. Hay of Virginia chairman of the Democratic caucus, "I nominate as a candidate for speaker James D. Richardson, a member from the State of Nebraska." Mr. Neville (Populist), of Nebraska, "I nominate W. L. Stark of Nebraska as a candidate for speaker."

Nominations were closed and the clerk began to read the names of members alphabetically. Mr. Acheson of Pennsylvania came first, and cast the initial ballot for Speaker Henderson. Mr. Adams of Pennsylvania, followed, voting for the same candidate. Mr. Adams of Georgia was the third name called, and he was the first to vote for Mr. Richardson.

On the first roll call not all the members voted and the clerk requested order while the names of those who failed to respond were again called. When the name of Mr. Richardson of Tennessee was reached he called out "Amos J. Cummings." General Henderson was not in the hall and Mr. Neville alone voted for Mr. Stark, the latter casting his ballot for the Democratic candidate.

The result was: Henderson 190, Richardson 149, Stark 1, Cummings 4. "David B. Henderson having received a majority of all the votes cast," the clerk announced, "I declare him duly elected speaker of the House of Representatives."

Clerk McDowell created a laugh by appointing all three of the defeated candidates to a committee to escort General Henderson to the speaker's desk. Mr. Henderson was in waiting in the speaker's room. Leaning on the arm of Representative Richardson the speaker entered through the main doorway, and walked up the center aisle, followed by Representatives Cummings and Stark. Ascending the platform, he was greeted with applause, first on the Republican side and then on the other side of the chamber.

"Gentlemen, the speaker of the House of Representatives," said Clerk McDowell, and the members arose out of respect to their presiding officer.

General Henderson, on assuming the chair, expressed his appreciation of the honor a second time conferred upon him and for the generous expressions which came from both sides of the chamber. He said it would be his aim to discharge the duties of the office impartially.

The members then gathered at the speaker's desk and took the oath prescribed by law administered by the speaker.

This having been disposed of, the speaker laid before the House the resignation of Nicholas Muller, as representative from the seventh district of New York, which was laid on the table.

The resolution of the Republican caucus to re-elect the present corps of officers was agreed to upon motion by Mr. Cannon and they were sworn in as follows: Clerk, Alexander McDowell of Pennsylvania; Sergeant at arms, Henry Casson, of Wisconsin; Door-keeper, W. J. Glenn of New York; Postmaster, J. C. McElroy of Ohio; Chaplain, Henry M. Couden of Michigan.

Chief Clerk Rose was announced to communicate the fact that the Senate was organized and ready for business and that Messrs. Hale and Morgan had been appointed to act with a committee to be appointed by the House to notify the President of the readiness of Congress to receive any message he may have to communicate. Thereupon the usual resolutions were offered and adopted directing the clerk to notify the Senate and the President of the election of Speaker Henderson and providing for the appointment of three representatives to act with the senators to call upon the President for that purpose. The chair appointed Representatives Bizzham, Payne and Richardson.

Mr. Dalzell's resolution to adopt the rules of the fifty-sixth congress for the present session brought Mr. Richardson of Tennessee to his feet in an instant. The minority leader asked the Pennsylvania member whether time would be allowed for debate, and received a negative reply interspersed with a few diplomatic remarks which took away much of the sharpness of the answer. Mr. Richardson finally secured five minutes in which to present his reasons for debating the rules before the moving of

the previous question on their adoption by Mr. Dalzell.

The Tennessee called upon Mr. Hepburn and the latter's forty followers to act with the Democrats at least for a time until these rules, which he declared were obnoxious, were eliminated.

The Senate Organized

Washington, Dec. 2.—The Senate chamber this morning, with a profusion of flowers on senators' desks and the beautiful colors of dresses worn by a multitude of ladies, presented a kaleidoscopic appearance when at noon Senator Frye rapped with the gavel on the president's desk. "The Senate will be in order," he exclaimed in clear and audible tones. Senators hurried to their seats and the buzz of conversation ceased. The chaplain offered a brief prayer, in which he referred to the death of the late President McKinley.

"We come together at this opening of Congress," the chaplain said, "with kindly feelings, and yet with a sense of sorrow at the unspeakable loss of our father, our friend and brother—our President—by the hand of an assassin. Oh, Lord, let thy pity and grace come to all the people of the land by reason of this calamity. Let the widow, as she sits alone, have comfort and consolation. Grant that the senior senator from New Jersey (Mr. Sewell) may have thy blessing in his present affliction, and let him return to his duties here."

The roll was called and seventy-one senators responded to their names. After the roll-call Senator Allison presented the credentials of C. H. Dietrich and J. H. Millard of Nebraska as senators-elect from that State.

Senator Gamble then presented the credentials of Mr. Kittredge as a senator from South Dakota.

Senator Clark of Montana presented the credentials of Paris Gibson as a senator from that State.

Senator Clark then advanced to the desk of the clerk, arm in arm with Mr. Gibson, and the oath was administered. Senator Hanna acted as sponsor for Mr. Millard, while Senator Spooner accompanied by Dietrich, Senator Gamble accompanied Mr. Kittredge. The trio of senators were sworn in together and then went to their seats.

Senator Cullom offered a resolution appointing a committee to inform the House that the Senate was sitting and ready for business. This was adopted. Senator Hale offered a resolution, which was also adopted, providing that a committee be appointed to inform the President that the Senate was in session and awaiting communications. Messrs. Spooner and Morgan were named as the committee.

The first legislation attempted was a resolution offered by Senator McLaurin of South Carolina, who had a plan for the admission, free of duty, of all exhibits for the Charleston exposition.

Mr. Hear objected to this matter being considered at this time.

On motion of Mr. Foraker the Senate at 12:25 took a recess for half an hour. At the close of the recess, no message having been received from the House, announcing its organization, a further recess was taken till 2 p. m.

At 2:05 o'clock, when the Senate reconvened, Senator Gamble presented a resolution announcing the death of his colleague, Senator Kyle, and the Senate, as a mark of respect, adjourned until noon tomorrow.

After a brief debate the Dalzell resolution was adopted by a party vote. The House then proceeded to the drawing for seats. Former Speaker Grover of Pennsylvania, Representative Bingham of Pennsylvania, the father of the House, Mr. Cramer of New York, who was a member of the Forty-third Congress, and Mr. Richardson being given unanimous consent to select their seats without drawing. After the drawing had been completed the speaker appointed the committee on mileage.

On motion of Mr. Elliott of South Carolina a joint resolution was adopted admitting exhibits for the Charleston exposition free of duty.

At 4:30 the House adjourned until tomorrow.

FOUR MILLIONS MORE

The Government Requires Increased Appropriations

Washington, Dec. 2.—The estimates of the Treasury Department for all government appropriations for the fiscal year ending June 30, 1902, aggregate \$610,827,688.47, as compared with \$606,596,877.55 appropriated for 1902. The estimates for the various departments are as follows:

Legislative—\$10,188,069, against \$12,529,745.30 for 1902.
Executive—\$294,160, against \$223,475.82.
State—\$2,446,328.78, against \$2,048,488.58.
Treasury—\$156,484,025.73, against \$173,028,888.02.
War—\$161,920,101.26, against \$146,396,780.00.
Navy—\$100,701,122.63, against \$84,717,498.02.
Interior—\$161,750,535.90, against \$178,189,066.30.
Post Office—\$4,456,066, against \$1,870,418.97.
Agriculture—\$5,569,540, against \$4,582,758.16.
Labor—\$100,580, against \$177,980.
Justice—\$6,917,530, against \$7,481,831.68.

Carrie's Expansive Ideas

Paris, Dec. 2.—At a meeting today of the National Anti-alcohol League a letter was read from Carrie Nation, offering to come to France and lead in a crusade against cafes, drugs and tobacco. The letter was received with much laughter. The president announced that he would write and thank Mrs. Nation for her offer, but would decline it, doubting that her methods would succeed in France.

A Mother and Child Burned to a Crisp

Beaufort, N. C. Dec. 2.—Special.—At Cedar Island, forty miles east of Beaufort, Saturday night, Mr. James Daniels, who was sleeping up stairs, was roused by stifling fumes of smoke. He rushed down stairs and aroused his wife carrying her and one child from the burning dwelling. He returned for another child and his wife, realizing that there were two children still in the

house, in her frenzy rushed back into the burning house. When neighbors arrived on the scene they found Mrs. Daniels and one child burned to a crisp, another child expected to die momentarily, and Mr. Daniels injured and in a mental condition such as it is impossible to get particulars from him. His condition is considered very serious. The cause of the fire is unknown.

New Steamship Line Wilmington to New York

Wilmington, N. C. Dec. 2.—Special.—The Carolina Steamship Company, a new company under a New Jersey charter, has been organized for operating a line of steamers between Wilmington and New York. The company was organized at the instance of Wilmington merchants and New York capitalists became interested in it. Half the stock is subscribed in Wilmington and the other half in New York. Fifty-two business concerns have been subscribed, and this means a big division in the shipping business, most of which has been going to the Old Line.

The Carolina Steamship Company guarantees Wilmington merchants who have subscribed to the stock same rates as offered Norfolk. This means great savings in freight charges. The company has already purchased a large freight steamer of about three thousand

tons, and from the present outlook it seems very probable that the vessel will make her initial trip to this port about January 1.

A meeting composed of five-sixths of the stock subscribed was held this afternoon. The action of the committee that arranged for the new company was endorsed, and the Wilmington end of the company was formally organized by the election of the following directors: C. W. Worth, J. A. Taylor, S. P. McNair, J. A. Arringdale, D. L. Gore, of Wilmington and New York directors will meet in the latter city within the next ten days to elect officers and complete the organization.

The formation of the Carolina Steamship Company in opposition to the Clyde Line will almost be sure to result in a freight war, and it seems likely that Wilmington is soon to enjoy the lowest freight rate ever had here.

Our Delegation Complete at Opening of Congress

North Carolina Items in the Book of Estimates for the Next Fiscal Year

By JOHN BOYLE

Washington, Dec. 2.—Special.—North Carolina was represented at the opening of the Fifty-seventh congress by a full delegation—Senators Simmons and Pritchard in the Senate, and Congressmen Poy, Small, Klutz, Claude Kitchen, Thomas, W. W. Atchison, Bellamy, Moody and Blackburn in the House.

Senator Pritchard arrived on the morning train. Both North Carolina senators were conspicuous on the floor and circulated about greeting friends on all hands.

In the House the delegation, which had been separated all summer, formed a cluster about Congressman Klutz's seat and chatted away for an hour before the House was called to order at noon. Senator Simmons came over and joined the party about 11:30, but left at noon to attend the session of the Senate. Sitting with the North Carolina members was Mr. Harry Skinner, who dropped in to look on the scene of his former efforts. Messrs. Poy, Moody and Blackburn met many of the new members, and all three cast their maiden votes today for speaker—Mr. Poy for Mr. Richardson, and Messrs. Moody and Blackburn for Mr. Henderson. In the distribution of seats the North Carolinians fared only tolerably well.

In the annual book of estimates for the fiscal year ending June 30, 1902,

to erect a public building at Durham at a cost of \$100,000; also to increase the limit of cost of the public building at Greensboro to \$75,000. Mr. Kitchin also introduced a bill to reduce the tax on manufactured snuff and tobacco to two cents a pound.

Before nine o'clock this morning all the copies of the Raleigh Morning Post of Sunday containing the charges against District Attorney Holton, were exhausted and orders were sent by several persons to the home office for copies of the paper.

Pensions granted—Daniel M. Rose, Charlotte, \$12; Fletcher Vann, Winton, \$8.

Anti-Anarchist Bill

Washington, Dec. 2.—Representative Graham of Pennsylvania, will tomorrow introduce in the House an anti-anarchist bill, the first section of which defines as an anarchist any person employed by any society or organization which provides for the unlawful destruction of buildings or other property where the loss of human life would be the result of such destruction. The bill also provides that the penalty for conviction of anarchy shall be death.

Would Send War Ships

Haverhill, Mass., Dec. 2.—Percy A. Stone, brother of Miss Stone, the missionary, who has been held captive by brigands in Bulgaria or Turkey, continues to doubt the reports of his sister's death. He said today: "I shall ask the government to send war ships instead of money to secure the speedy release of my sister. Let a fleet of United States warships go to some Turkish port and express its demand, and Miss Stone will be immediately freed."

TREASURY BALANCE SHEET

A Surplus of Five and a Half Millions in November

Washington, Dec. 2.—The comparative statements of government receipts and expenditures for November show total receipts of \$45,716,779 and expenditures of \$40,198,916—a surplus of \$5,517,863. The receipts from the different sources were as follows:

Customs—\$19,526,377.
Internal revenue—\$23,049,725.
Miscellaneous—\$3,140,677.

The receipts for November, 1900, were \$48,344,514 and the expenditures \$41,278,660.

For the five months of the fiscal year the receipts have been \$237,097,618 and the expenditures \$204,818,686—a surplus of \$32,278,932. Treasury officials estimate on a surplus of \$100,000,000 for the year, but the surplus will have to go considerably above that of November for the remaining seven months to reach that figure.

TERRITORY OF COLUMBIA

Champ Clark's Bill to Change the District Government

Washington, Dec. 2.—The Territory of Columbia is what Representative Champ Clark of Missouri would have the district called if he could get the House and the Senate to pass his bill giving a territorial form of government to the citizens of the district.

He today introduced a bill for that purpose. Below are given some of the features of the measure:

That all male citizens of said territory over twenty-one years of age who have not been convicted of a felony and who have resided within said district one whole year prior to the first Tuesday after the first Monday of November,