

CLAIMS PRESIDENT ERRED

Senator Foraker Takes Issue on Case of Negro Troops.

ACTION WAS NOT WARRANTED

Claims President Had No Power Under the Constitution to Take Course He Did.

Senator Foraker of Ohio took issue with President Roosevelt on the dismissal without honor of the three negro companies composing the First Battalion of the Twenty-fifth infantry, as a result of the riot at Brownsville, Tex., in August. At the outset of his speech Mr. Foraker declared "the President misconceived his constitutional power and misconceived the testimony upon which his action was based."

For two hours the Ohio senator held the close attention of the senate, arguing, first, that the evidence did not warrant the action of the President, and, second, that the President had no power under the Constitution to take the course he did in dismissing the whole battalion. An interested auditor was Representative Longworth, the President's son-in-law. Reading from the articles of war to show that all offences are to be disposed of by court-martial, Mr. Foraker contended that the Brownsville affair should have been handled in this manner, those suspected of having had a part in it being tried by court-martial, and the same course adopted as to those who were believed to be in the conspiracy of silence.

Senator Knox inquired if the testimony taken by Maj. Blockman was understood to be all of the testimony in the hands of the President. Mr. Foraker replied that the President had said he had sent all the testimony to the senate and that the testimony taken by Maj. Blockman was all that had been sent.

Senator Lodge briefly replied to Senator Foraker, while Senator Scott sustained the demand of the Ohio senator for a full investigation of the matter by the senate military committee. A resolution directing such an investigation is before the senate for action at its next meeting.

When Senator Foraker concluded his remarks he received unanimous consent to modify his resolution so that it now directs the senate committee on military affairs to investigate the circumstances leading up to the discharge of the negro troops.

A USEFUL DEVICE

Invention Makes It Possible to Telephone from Moving Train.

While running at speeds varying from 15 to 25 miles an hour telephone conversations were held with Louisville, Cincinnati, Madison, Ind., and other points by means of an appliance invented by Dr. Alva P. Jones, of Louisville, Ky., for which he is said to have refused a \$100,000 offer by Chicago men.

Those on the train testing the apparatus declare that it is the greatest railroad safeguard since the invention of the airbrake, as it enables train dispatchers to communicate directly with crews on moving trains, and gives such crews the same facility of communicating with each other.

PATRICK'S LIFE SAVED

Governor Higgins Commutes Sentence to Life Imprisonment.

Albert T. Patrick was saved by Governor Higgins of New York from the death chair, in the shadow of which he has stood for nearly five years. He was convicted in March, 1902, of the murder of William Marsh Rice, an aged New York millionaire.

In a brief memorandum laying stress upon the dissenting opinions of the judges of the court of appeals, which affirmed Patrick's conviction by a vote of four to three, the governor announced that he had commuted the death sentence to imprisonment for life.

Later in the day the governor strongly intimated a doubt of Patrick's entire sanity.

Rob Bank of \$300.

The Citizens bank at Pelicoy, O., was blown open early in the morning and \$300 in cash taken from the outer portion of the big safe. The burglars were frightened away before they had blown open the inner part of the safe, which contained cash and securities amounting to \$10,000.

Southern Woollen Mills Combine.
A merger of the leading woollen mills of the South, involving a capitalization of \$1,250,000, has been effected. The combine will be known as the American Textile Woollens Company. The headquarters of the concern will be in Chattanooga, and it is understood that W. W. Nixon of Atlanta will be President.

Steals Mourning Emblem.

Stealing crapes from the doorknob of a house of mourning was the crime of which William Cleary, a longshoreman of Thompson street, New York, was convicted in special sessions court. He was sent to the toms for 60 days. The crape was valued at \$1.50.

King Alfonso Beats Man.

King Alfonso XIII of Spain has given his people an example of kindness to animals. He was motoring with Queen Victoria down a country lane when he came upon a man who was beating his horse unmercifully. One of them was so weak that it had fallen down and could not get up. King Alfonso soon saw how matters stood and came to the rescue. He helped the poor beast to his feet, after which he gave the man a good beating for his cruelty.

WHOLESALE TRADE ACTIVE

Big Holiday Business Has Not Interfered With Brisk Demand for Staple Articles.

R. G. Dun & Co.'s "Weekly Review of Trade" says:

"Weather conditions accelerated distribution of seasonal merchandise at retail but increased traffic difficulties, freight blockades and the shortage of motive power not only retards business, but threatens serious results at some Western points. Holiday trade has equalled expectations yet this large volume has not interfered with the brisk demand for staple articles, which depleted stocks to such an extent that wholesale trade experiences usual activity for the season."

"The only noteworthy decrease in comparison with activities a year ago appears in building permits. Most industrial work is maintained at the maximum, mills and factories having so many contracts for next year's deliveries that inventories receive little attention."

"Scarcely any change is recorded in prices of iron, the market having developed a little of the quiet that is reasonable, although furnaces constantly receive new orders and in some Eastern markets the week has brought out contracts for delivery in the closing months of 1907."

"Staple farm products have fluctuated within narrow limits, no developments of importance being reported. Wheat had the support of unfavorable crop news from Russia, but light grinding by domestic mills prevented any material improvement and there was no speculative activity."

"Footwear producers report exceptionally good business for the season although salesmen have left the road until after the holidays. Supplemental orders for spring goods have appeared in fair volume and additional business is noted in fall samples at the West. Most Eastern factories have orders covering full activity for several months and prices are firm, maintained by the strength of the raw material market."

WEALTHY MEN CONVICTED

Fenced in Government Lands and Tried To Get Title.

The trial in the federal district court at Omaha, Neb., of Bartlett Richards, president; Will G. Comstock, vice president; and C. C. Jameson, secretary and treasurer and general manager of the Nebraska Land and Feeding Company, controlling the 400,000 acre "Spade" ranch, and Aquilla Triplett, their agent, ended in the conviction of the four defendants on 36 counts of an indictment which charged conspiracy to defraud the Government of public lands and subornation of perjury. The jury took but two hours to consider the evidence.

This trial began on November 19 and the jury was completed two days later. The entire time of the court since then was devoted to hearing testimony for the Government and the arguments of the attorneys, no witnesses being introduced for the defense.

The accusation against the four men was that they attempted to procure title to vast tracts of land within the "Spade" ranch inclosure in Cherry, Sheridan and Box Butte counties, Nebraska, by means of fraudulent homestead entries.

A year ago, Richards and Comstock, who are counted in the millionaire class, were convicted in the federal court of illegally fencing Government land, and fined \$300 each, and sentenced to six hours' imprisonment each.

The latter part of the sentence was served at the Omaha club in the nominal custody of their attorney, who had been deputized for that duty by United States Marshal T. L. Mathews. As a sequel to this episode President Roosevelt removed both the marshal and United States District Attorney Irving L. Baxter.

A number of other wealthy cattlemen and their agents are under indictment for similar offenses. The maximum penalty is two years' imprisonment and \$1,000 fine on each count.

DEATH OF BISHOP McCABE

Was Stricken with Apoplexy While Returning Home.

Bishop Charles C. McCabe of the Methodist Episcopal Church died in the New York Hospital, December 19th.

Death was due to apoplexy, with which the Bishop was stricken several days ago while passing through the city on his way to his home in Philadelphia.

Bishop McCabe was born at Athens, O., October 11, 1826. He entered the Ohio conference of the Methodist Church in 1850, and two years later became chaplain of the One Hundred and Twenty-second Ohio Infantry. He was captured in the battle of Winchester and spent four months in Libby prison. His experience as a prisoner of war were later recounted on the lecture platform. For more than 30 years he was popularly known as "Chaplain McCabe," and the title clung to him even after the general conference of the Methodist Church in 1896, when he became a bishop. Following the war he became a pastor of a church at Portsmouth, O., and later was associated as assistant secretary with the board of church extension.

Miss Schenley Weds a Peer.

The newest American peeress is Hermione, daughter of the late Mrs. Mary E. Schenley, who was married in London, December 19th, to Lord Ellenborough, a retired commodore of the royal navy.

Will Have \$12,000,000 Capital.

The Pacific fruit express, a corporation with a capitalization of \$12,000,000 is to be formed by the Harman lines to handle their refrigerator car business.

CREDIT MONEY FAVORED

House Committee Endorses Plan of Bankers in Part.

WOULD INCREASE CURRENCY

Privilege Given Only to National Banks That Have Been in Business One Year.

The House committee on banking and currency decided to make a favorable report on a credit currency bill which is but slightly different from the measure advocated by the American Bankers' association.

In the bill advocated by the bankers it was provided that a tax of 2 1/2 per cent should be paid by National banks on credit currency equal to 25 per cent of their capital. The committee increased the tax on such bank notes to 6 per cent.

No change was made in the provision that National banks may also take out a further amount of National bank guarantee credit notes equal to 2 1/2 per cent of its capital with interest at the rate of 5 per cent.

Another change of per cent made by the committee is one providing that National banking associations desiring to make out credit notes and having notes outstanding in excess of 62 1/2 per cent of their paid-up capital, may redeem such excess without reference to the limitation of \$3,000,000 each month prescribed by the act of July 12, 1882.

The bill as reported extends the privilege of issuing credit currency only to National banking institutions which have been in business for one year and have a surplus equal to 20 per cent of their capital.

The National bank guaranteed credit notes authorized by the bill may be taken out for issue without a deposit of United States bonds now required by law.

If the measure be passed as reported by the House committee, every National bank meeting the requirements of the bill will be permitted to issue credit currency in the sum of \$37,500 for every \$100,000 of its capital. Bankers estimate the additional currency the measure would afford at \$200,000,000.

TO GUARD STATES' RIGHTS

Resolutions Bearing on the Question Are Presented in the Senate.

Senators Whyte and Rayner, of Maryland, presented resolutions in the Senate touching the states' rights question involved in the Japanese controversy. The resolution of Mr. Whyte resolves that there shall be no increase in federal power by a strained construction of the Constitution at the expense of the rights of the states.

The Rayner resolution provides that the functions of the executive shall be limited to the performance of the duties as assigned to him by the Constitution, and the legislation enacted thereunder, and that there shall be no interference by the executive in the legislative or judicial branches of the government or with the rights of the states.

It also resolves that the states have no authority to surrender any of their reserved rights under the Constitution. Both resolutions were laid on the table for future action.

TWO YEARS FOR BURNHAM

Former Insurance Man Convicted of Larceny is Sentenced to Prison.

George Burnham, Jr., general counsel for the Mutual Reserve Life Insurance Company, convicted of larceny, was sentenced to serve two years in state prison. Sentence was passed by Justice Greenbaum in the supreme court of New York. The court granted a motion for a stay of execution to give Burnham time to make an appeal.

The specific charge upon which Burnham was convicted was the larceny of \$7,500 of the company's funds by paying that amount to counsel representing James I. Wells in settlement of a loan of \$5,575 alleged to have been made by Wells to President Frederick A. Burnham of the Mutual. The latter is now awaiting trial.

Bulgaria Ready for War.

Trouble is feared between Bulgaria and Turkey and a rupture will occur unless the great powers step in quickly. An Austrian firm has just completed a large order for field guns for Bulgaria and Prince Ferdinand is also building up a considerable reserve of small arms and small arms ammunition. On the other hand the Turkish armaments at Constantinople are turning out more ammunition than has been the case for 20 years.

Buys Diamond Steel Plant.

The extensive works of the Diamond State Steel Company in Wilmington, Del., were sold at receiver's sale in accordance with a decree of the United States Circuit Court. The plant was purchased by John B. Newkirk & Co., of Philadelphia, and the price was \$775,000. The purchasers represent a syndicate.

Receiver for Wire Company.

On the allegation that it is in debt more than \$2,000,000, the National Wire Corporation was placed in the hands of receivers.

Collision Costs Twelve Lives.

During a heavy fog on the British channel the British steamship Arlington was in collision with and sank the Belgian steamship Cap Jubé, from Antwerp, off Dungeness. Twelve men of the Cap Jubé were drowned, but the captain and five members of the crew were saved.

Congressman Cochran Dead.

Charles Fremont Cochran, who represented the Fourth district of Missouri in congress from 1896 to 1902, died at St. Joseph, Mo.

PRESIDENT DEFENDS ACTION

Justifies His Course in the Dismissal of Negro Troops.

President Roosevelt complied with the request of the senate, and in response to the resolutions introduced by Senators Penrose and Foraker, he sent to that body the facts in possession of the war department relating to the dismissal without honor from the service of three companies of the Twenty-fifth infantry, colored. The negro troops are branded as traitors, as are their comrades who have entered into the conspiracy of silence and have refused to divulge the information that would have enabled the officials to ferret out and punish the guilty ones.

"These comrades of the murderers, by their own action, have rendered it necessary either to leave all the men, including the murderers, in the army, or to turn them all out." In this single sentence the President sums up his argument for the dismissal of the battalion. He makes no apologies for his course.

President Roosevelt denies the dismissal of the battalion was a punishment visited upon the guilty ones. "The punishment meted for mutineers and murderers such as those guilty of the Brownsville assault, is death," says he, and, therefore, the mere dismissal could not under any circumstances be considered a punishment. It was the only means he found of ridding the army of the soldiers who had been guilty of murder and mutiny.

The report of Secretary Taft accompanied that of the President, it entered into an exhaustive discussion of the law and evidence in the case, quoting authority for the President's action, and with regard to the new evidence presented said he had examined it with care and he does not find anything contained in it which should lead to a different conclusion of fact from that already stated in his annual report.

LIBRARY A BOMB ARSENAL

Moscow Police Make a Discovery in Language Institute.

In the course of a search made in the Basmanoff quarter of Moscow, when seven bombs were discovered, a number of books from the library of the Dasareff Institute of Oriental Languages also were found. Following up this clue the police searched the library itself and discovered more bombs and a quantity of apparatus and material for the manufacture of explosives. Up to the present 50 members of the Revolutionary Fighting Organization have been arrested in connection with the affair.

The two men who on December 15 attacked Admiral Dubassoff, ex-Governor General of Moscow, were executed.

FOUR KILLED IN FIRE

Became Confused and Were Overcome by Flames.

Four persons were killed and one was fatally burned in a small fire in the Zenobia apartment house on Prospect avenue, at the corner of West Huron street, Buffalo, N. Y.

The dead are: F. M. Lambrecht, Mrs. Lambrecht, his wife; Ruth Crumlish, 3 years old, and Mrs. J. J. Fischer.

The blaze was a small one and was quickly brought under control of the fire department. The building was flat-iron shaped and had narrow, winding hallways in which the victims, confused by the flames and smoke, lost their way and were overcome.

ANNA GOULD WINS AGAIN

Former Wife Not Responsible for Count's Debts.

Mme. Gould, the former countess de Castellane, has been victorious in the suits brought by creditors and money lenders against her with the object of making her jointly responsible with the couple. Thirteen of the fifteen cases were dismissed by the court at Paris, with costs against the plaintiffs.

Only in the cases of two art dealers did the court express the opinion that Mme. Gould should be held responsible, as the objects purchased in these instances for the most part were still in her possession.

POLAND SUBDUED

People Change Revolutionary Into a Parliamentary Campaign.

Reports from points throughout Russian Poland show that the Government's policy of firmness has been successful in subduing the leaders and moderating the sparks of revolution. This result was accomplished at a terrible cost to the Polish people, the number of victims being estimated at thousands. Business has become stagnant, and the trades and industries are bankrupt.

Despite the depressing effect of martial rule the Poles are organizing their forces for the next Parliamentary elections.

Harvard Scientists Leave.

The expedition of scientists, headed by Dr. W. C. Farabee, of Harvard, bound for South America for the purpose of making an exhaustive study of the Andean Indian tribes in the region of the Amazon and Panama rivers, sailed from New York, December 17 for Colon on the steamer Panama.

Whole Family Held in Peonage.

An unusual peonage charge was filed in the Federal Court, at Jackson, Miss., by a negro named Dan January against James Patrick, a prominent farmer. The affidavit alleges that January was held in involuntary servitude, together with his wife and six children, by L. D. Carter for about two years; that Carter then sold him to Patrick for the sum of \$1,000.

EXPLOSION KILLED MANY

Mississippi River Packet Blows Up Below Vicksburg.

CAUSE OF ACCIDENT NOT KNOWN

Steamboat Brings Dead and Injured Back to Vicksburg—Boat a Total Wreck.

One of the most disastrous accidents in the history of the Mississippi river occurred at 11:10 o'clock on the morning of December 19th, when the steamer W. T. Scovel, plying in the Vicksburg and Davis Bend trade, was destroyed by an explosion.

owing to the large number of negroes on board, it is impossible to ascertain the exact number of the dead and injured, but officers of the boat state that no less than 10 nor more than 16 were killed. The probabilities are that a like number were injured.

The white dead: Captain John Quackenbush, Clerk Wade Quackenbush, Lavell Yerger, salesman, Clerk Joseph Smith.

The negro dead were cared for at the place where the accident occurred, as were some of the injured. About five of the injured negroes were brought to Vicksburg, on the steamer Senator Cordell, with the white dead and injured.

The accident occurred at Gold Dust Landing, about 17 miles south of Vicksburg. The Scovel was at the landing taking on freight when suddenly a terrific explosion occurred and the boat was blown practically to atoms.

Many of the timbers of the boat were thrown hundreds of yards and some of those aboard were blown almost as far. The pilot house and front part of the cabin were blown to splinters and some parts of the boat were so badly damaged that she began to sink immediately.

After the Scovel left late in the afternoon, she was listing heavily and her cargo of 1,000 sacks of cottonseed and 50 bales of cotton will be lost.

Of the white dead only the body of Lavell Yerger has been recovered. Wade Quackenbush was heard to call for help soon after the explosion, but according to the reports of those who were on the boat, escaping stem soon snuffed his cries. Captain Quackenbush was not seen after the accident. Pilot Dougherty was blown several hundred feet out into the river, but despite a dislocated shoulder managed to swim to the bank.

PIG IRON FROM RUSSIA

Shortage Compels American Manufacturers to Go Abroad.

Because of the heavy shortage existing for pig iron contracts are now being placed for several thousand tons to be shipped to this country from Russia. So far arrangements have been made for the importation of 12,000 tons of Russian iron which will be shipped principally by the Nicopol and Mariopol Iron and Steel company. The material will be brought chiefly by the six steamers recently chartered for the purpose of conveying American agricultural machinery to the Black sea.

One of the best informed men on the foreign pig iron situation in New York said that while about 300,000 tons of English and Scotch pig have been recently bought on American account, the major portion was secured on warrants and several thousand tons have since been sold on the British market, as the prices there have risen until they are now practically on a parity with the market here.

INDICTED FOR REBATING

If Maximum Fines Be Assessed Amount Would Be \$3,100,000.

The largest list of indictments ever made in the Federal Court, at Toledo, O., was returned, when the United States grand jury made its report to Judge Tayler. The indictments around which most of the interest centered were those against the Ann Arbor railway and the Toledo Ice & Coal Company for giving and accepting rebates on the ice shipments.

The coal company was indicted on 155 counts for receiving and the railway was indicted on a like number for granting rebates. The maximum penalty is \$20,000 fine on each count. If convicted on all counts the fines would amount to \$3,100,000 in both cases.

Six indictments were returned against the Great Lakes Dock & Dredging Company for violations of the Federal eight-hour law.

Boiled to Death in Bath Tub.

Stricken with heart trouble and unable to check the flow of scalding water he had just turned on, Robert Cherry, a street car conductor, was boiled to death in a bath tub in Chicago. He had long been subject to attacks of heart trouble, during which he was helpless and almost unconscious for many minutes. He was dead when found.

Representative Hardwick of Georgia introduced a bill requiring all railroads to install the block system and providing that all railway telegraphers shall be licensed.

Monument for Irving in London.

At a meeting of theatrical people under the Presidency of John Hare, called to consider the subject of a memorial to Sir Henry Irving it was resolved to erect a statue to the deceased actor in a central part of London. The subscriptions will be confined to members of the theatrical profession.

The House passed the Indian appropriation bill practically as it came from the Committee on Indian Affairs.

THREE SPECIAL MESSAGES

President Deals With Panama, the Navy and Land Frauds.

President Roosevelt sent three special messages to Congress on the 17th. One contains a full account of his trip to the Isthmus of Panama and contains many illustrations showing the progress of work on the canal.

In this message the following suggestions are made:

First, that there should be but one commissioner instead of seven as at present. This single commissioner should be in charge of all the heads of departments and have general direction of the work.

Second, the best engineers in the country should be employed as consulting engineers, in order that the grave problems presented there may be solved in the most feasible manner.

Third, that Dr. Gorgas, the sanitary officer in charge of the health on the isthmus, should be made a member of the canal board if the board is to be continued, instead of giving place to a single commissioner.

Fourth, several thousand Chinese laborers should be employed on the canal as an experiment to test the feasibility of using them in digging the waterway.

The navy personnel message asks that provision be made for making officers Captains when they reach the age of 48 and Admirals when they reach the age of 55, instead of depending upon seniority for making such promotions. The President believes officers are too old before they reach these grades.

In the public land message he asks for amendments to the land laws to prevent further wholesale frauds. He believes the laws as now on the books invite frauds.

ELOPERS FLEE 5,000 MILES

Travel All the Way From Austria to New York to Escape Parent.

An international elopement, in which the young pair fled 5,000 miles to escape parental wrath, was that of Samuel Fleisher and Rosie Small. They were married in New York, December 19 in the office of Joe Levy, the "Duke of Essex street."

Samuel and Rosie knew each other from childhood in Lowy, Austria. The bridegroom is 22 years old, and the bride 20. Herr Papa Small could never be convinced that his daughter had grown up.

WASHINGTON NEWS NOTES.

The Senate passed the urgent deficiency appropriation bill enacted by the House Saturday.

Senator Dewey has introduced a bill authorizing any national bank to be designated as a depository of public moneys. Under existing law no bank with less than \$50,000 capital can be so designated.

A government loan of \$1,000,000 to the Jamestown Exposition Company is authorized by a bill passed by the Senate. The loan is to be a first lien on the gross receipts of the Exposition.

The Senate passed a bill authorizing the Secretary of Commerce and Labor to investigate on the industrial, social, moral, educational and physical condition of women and child workers in the United States.

The forthcoming river and harbor bill will contain a provision for rebuilding lock No. 5 on the Monongahela, and the other locks will have to wait. The amount to be allowed for No. 5 is \$657,000.

Senator Gallinger has opened the fight in the Senate for an increase in the salaries of members of Congress, which was defeated recently in the House. He introduced an amendment to the legislative, executive and judicial appropriation bill providing for an increase to \$7,500 annually the salaries of the Senators, Representatives and Delegates in Congress.

TELEGRAPHIC BRIEFS.

The board of curators of Missouri university voted to establish a chair of journalism in the university. The chair will be filled next September.

Notices were posted at all the cotton mills in Lowell, Mass., of a 5 per cent increase in wages to go into effect Monday, December 17. About 17,000 operatives are affected.

United States inspectors who investigated the recent sinking of the steamer Dix have exonerated Captain P. H. Mason, master of the steamer Jeanie, which sank the Dix, and have revoked the license of Captain Perry A. Larnond, master of the Dix.

The United States Steel Corporation announced that the wages of its 3,000 employees in the Joliet mills will be increased January 1. Common laborers will receive 10 cents a day additional and the other grades will be benefited proportionately.

It was announced at Easton, Pa., that the Lehigh Valley Railroad Company had increased the wages of its employees in the transportation department. The advance ranges from 10 to 20 per cent and dates from December 1.

Employees of the Pennsylvania Railroad Company will have to pay full price for their coal after January 1 next, notice having been issued by the management that the company will not sell coal to its employees at the rate which regular shippers pay.

TRUST INVESTIGATION ASKED

Senate Calls for Inquiry of International Harvester Co.

The senate agreed to a resolution presented by Senator Hansborough, directing the Department of Commerce and Labor to make an investigation of the "combination or trust organization known as the International Harvester Co." engaged in the production and sale of farm machinery. The investigation is to ascertain if a combination in restraint of trade exists.