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NO. 10

PLEADS IMMUNITY

Secretary of Sugar Trust Makes No Defense.

SURPRISE TO PROSECUTION.

Heike's Evidence Given Before the Grand Jury as to Colossal Weighing Frauds Urged as Bar to His Trial.

New York, Feb. 3.—Charles R. Heike, secretary of the American Sugar Refining company, appeared before Judge Martin in the United States circuit court and claimed immunity from prosecution on the indictment charging him and five other employees of the sugar trust with conspiracy to defraud the government.

Through his counsel, John B. Stanchfield, Heike entered a plea in bar, alleging that he had been called by United States District Attorney Wise to testify before the grand jury in an interstate commerce proceeding and that he had been compelled to answer questions which incriminated him.

Heike's plea came as a total surprise to Henry L. Stimson and Winfred T. Denison, the government's special



HENRY A. WISE.

counsel in the sugar fraud cases. They had not received information from District Attorney Wise or anybody else that Heike had received immunity or that he had given such testimony as would bar his prosecution in the gigantic underweighing frauds.

Mr. Stimson filed a replication, however, which stated that Heike's plea was virtually a confession of guilt and that the government was ready to go to trial on the issue as to whether Heike was immune.

"If a jury is permitted to pass on that point," said Mr. Stimson, "and finds that the government has proved that this defendant did not testify before the grand jury, as he has alleged in his plea in bar, then I shall move that he be sentenced on the ground that this very contention was an admission of guilt and that a legal conviction has been secured."

Judge Martin took the matter under advisement.

Mr. Stimson's contention was that while Heike may have testified before the federal grand jury in a proceeding connected with the wrecking of the Pennsylvania Sugar Refining company brought under the Sherman law he did not testify before any grand jury in the underweighing fraud cases. He declared that Heike never claimed immunity from prosecution in the underweighing frauds, but if he insisted on entering that plea the government would take the ground that the plea itself was a confession of guilt and that Heike should be sentenced forthwith if a jury determined for the government in the issue raised.

Five other sugar trust men indicted for conspiracy—Ernest W. Gerbracht, James F. Bendernagel, Harry Walker, James F. Halligan, Jr., and Jean Voelker—were in court ready to enter immunity pleas, but their cases were continued until a decision is made in Heike's case.

FRENCH EXPORTS TO U. S.

Grew \$42,916,450 in Two Years—Hope for Minimum Tariff.

Paris, Feb. 3.—A statement just issued here shows that the value of exports to the United States from the consular districts of France during the years 1908 and 1909 increased during the latter year to the extent of \$42,916,450.

Consul General Mason strongly hopes that France will receive the minimum tariff rate with the United States, without which, he says, it will be impossible to maintain the present prosperous figures.

LIGHT ON GOULD DEBTS.

Princess Anna Borrowed \$1,342,000 to Build Palace.

New York, Feb. 3.—Counsel here for the French creditors of Princess Anna Gould de Sagan say that her indebtedness of \$342,000 to the Duchesse de Noailles was for money borrowed on a mortgage on Anna Gould's home in Paris.

It appears that the duchesse loaned the money to help along the completion of the costly red marble palace in the Bois de Boulogne which Anna Gould built for Count Boni.

Four other items of Princess Anna's indebtedness are explained. They are \$310,077 owed to Le Soleil Life Insurance company, \$390,400 to Barclay, Harris, Campbell & Coleman, \$160,772 to Leon Tredante and Edward Hagnes and \$137,071 to the Levys. All are for mortgages on the Bois de Boulogne palace.

The indebtedness of \$477,103 to Asher Wertheimer was for bric-a-brac Count Boni ordered for the house in Paris. The total of the claims allowed by United States Judge Lacombe exceeds \$6,000,000, and Princess Anna's income of \$710,000 a year will be cut to \$200,000 until the debts are paid.

OPPOSES LEE STATUE.

Senator Bulkeley Makes Side Remarks About Benedict Arnold.

New Haven, Conn., Feb. 3.—Senator Morgan G. Bulkeley has written a letter to Merriam post, G. A. R., which opposed placing the statue of General Robert E. Lee in the rotunda of the capitol at Washington.

The post has appealed to all of the Connecticut senators and congressmen to protest against the Lee statue. Senator Bulkeley's letter contained the following:

"I should question very much the propriety of Connecticut selecting as one of its prominent citizens one like Benedict Arnold for a position in this Hall of Fame, and I feel certain that the old state would never for a moment think of doing such a thing, but we are not responsible for what other states might feel like doing.

"I know there is a very high sentiment in congress in accord with the sentiments of Merriam post."

BALLINGER TO HAVE COUNSEL

Members of Joint Committee Do Not Wish to Act as Cross Examiners.

Washington, Feb. 3.—Secretary of the Interior Ballinger has decided to engage an attorney to represent his interests before the joint committee which is investigating the allegations of Louis R. Glavis against Mr. Ballinger's conduct of the interior department.

This decision was reached by Mr. Ballinger after Senator Nelson, chairman of the joint committee, acting in behalf of his committee colleagues, made known to President Taft and Secretary Ballinger that it would relieve the committee of embarrassment if Mr. Ballinger's cause was looked after by an attorney of his own selection.

Alfred Battle, former law partner of Secretary Ballinger, will be associate counsel for the interior department at the future hearings.

FOR AN INTERSTATE BRIDGE.

From Upper West Side of New York City to New Jersey Shore.

Albany, N. Y., Feb. 3.—Recommendation for the building of a bridge over the Hudson river at One Hundred and Seventy-ninth street to a point opposite on the New Jersey shore is made by the interstate bridge commission in its report submitted to the legislature.

The commission points out that the span across the river will not be more than 1,400 feet, so that river traffic at this point will not be interfered with.

"The bridge will carry a great and growing interstate traffic," says the commission, "and the great highway and park system planned to extend from Fort Lee, N. J., to Newburg, N. Y., can best be made available to the immediate population of the metropolitan district by a crossing of the river at One Hundred and Seventy-ninth street."

PARIS RECOVERING SLOWLY.

Floods Continue to Subside, but Traffic is Disorganized.

Paris, Feb. 3.—The floods continue to subside. Communications are being restored on all sides within the city, although much still remains to be done. It is impossible to say when the d'Orsay and Invalides stations will reopen. They will need complete renovation.

Traffic on the Lyons-Orleans railway may be resumed in a week. Section after section of the underground railway is reopening, but it will perhaps be six weeks before the whole line can be used. The other railways are still much disorganized. The telegraph lines are yet in poor shape, and messages are greatly delayed.

AULD'S DEFENSE.

Accused Paymaster Justifies Attack on Dr. Cowles.

HAS APPROVAL OF NAVAL SET

Says Accuser Was "Undesirable" Because of Having Taken Miss Dorothy Hesler's Picture and After Events.

Boston, Feb. 3.—Paymaster George P. Auld, U. S. N., was the chief witness at the navy court martial, before which he is being tried on complaints made by Dr. Edward S. Cowles.

Mr. Auld told the whole story as he saw it at the naval dance when he championed Miss Dorothy Hesler and ordered Dr. Cowles to leave. Auld denied positively that he struck Cowles. He declared that in asking Cowles to leave the hop he believed he had the approval of the "naval set." His own friends, he declared, had agreed that Cowles was "undesirable" because of the incident when Cowles took Miss Hesler's picture and the circumstances that followed. The encounter, he swore, was provoked by Cowles, who called him a cur.

He told of being present in Admiral Swift's house on the occasion when Dr. Cowles' reputation was discussed by Miss Swift, Miss Ames, Dr. Robnett and others. The accused said that there was much discussion about the desirability of inviting Dr. Cowles and concerning the doctor's conduct with Miss Dorothy Hesler.

"I had heard of one of the incidents before, one at a dance in this army on Nov. 27," said the witness. Paymaster Auld said that at another dance he spoke to Miss Ames regarding Dr. Cowles and Miss Hesler and suggested that she ought to stop the stories about so young a girl. On this occasion Miss Ames told him that she was a good friend of Mrs. Cowles, but that she did not like Cowles.

"I considered the question of bringing the whole matter before the hop committee," said the witness. "I had heard that Cowles would not come. We thought that because of the picture incident Cowles would not come. On the night of the dance I saw him. I went up to Cowles and told him that we did not want him at the navy yard dances. He wanted to know the reason, and I told him that I did not care to give any."

"Mrs. Cowles came up to me about that time, and I told her that I regretted exceedingly that she had been brought into the affair. She said she considered that what concerned Dr. Cowles concerned her also. I then started to leave them, saying that I had a dance engagement. As I was going out Dr. Cowles called me a 'contemptible cur.' I turned and said to him, 'What in—do you mean by that?' I grabbed him by the shoulder, and we wrestled. I did not strike him."

"Did you hit him?" "No. I threw him and was on top. "After that," continued the witness, "I got up and brushed my trousers and left." "Did you strike Dr. Cowles in the head?" "No. His head was on the floor, though, when I got through with him." "Did Miss Hesler ever request you to take her part?" "No, sir," was the answer. "Did any one else ever ask you to take Miss Hesler's part in any way?" "I think so."

"Who?" "It was at the meeting at the admiral's house. I do not recall who it was." "Did Miss Hesler ever complain to you of Dr. Cowles?" "She seemed distressed." "Why did you not consult the other members of the hop committee before acting?" "My whole idea was to avoid publicity," was the witness' answer. "Did you think that you had the approbation of others?" "I knew that I had the approbation of my set," was the answer. There was a smile as the court's next question was put. "Please name your set."

"I do not know that I belong to any particular set unless it be the navy set."

Samuel B. Seabury, a Harvard law student, testified that he was present at Admiral Swift's house at the navy yard when Miss Ames, Miss Swift and others were there and when the desirability of inviting Cowles was discussed. He said that the conversation was unfavorable to the reputation of Cowles.

Lieutenant F. B. Bassett, commanding the submarine Tarpin, now at the navy yard, testified to being present at the commandant's house when the

discussion of the desirability of inviting Cowles took place. He said he did not take part in the discussion, but gathered from what was said that Dr. Cowles was not even a desirable man to know.

MEAT PACKING CO. FAILS.

Receiver Appointed For Mexican National, With Capital of \$35,000,000. Jersey City, N. J., Feb. 3.—As the outcome of the collapse of the United States Banking company of Mexico Harry De Kay has been appointed receiver for the Mexican National Packing company, a \$35,000,000 New Jersey corporation doing business across the border.

Samuel Untermyer, counsel for the English stock and bond holders, and former Governor John W. Griggs of New Jersey, who appeared before Judge Lanning in the United States circuit court as counsel for the complainant, the British and Mexican trust, limited, of London, both stated that the failure had nothing to do with the present beef agitation in this country. Mr. Griggs was asked:

"Is it true that the American beef trust took advantage of the weakness of the National Packing company and forced it to suspend?"

"We have no proof of any such thing," he replied. "It is true that the Mexican company has been weak ever since the failure of the United Banking company of Mexico, which handled its paper. It was a competitor of the American packers in the London market, but had its chief business in Mexico."

"The Mexican National Packing company was backed by British capital and competed with the American packers in the London market."

JUDGE COXE DECLINES.

Will Not Accept Appointment as Presiding Judge of Customs Court.

Utica, N. Y., Feb. 3.—Judge Alfred C. Coxe of this city, who was recently nominated by President Taft for presiding judge of the new federal customs court, will not accept the position. He has written President Taft to this effect and will at once resume his position on the bench in the United States circuit court of appeals.

The war in congress over the matter of the salary the judges of the proposed court shall draw impressed Judge Coxe unfavorably and influenced him to request the president to withdraw his nomination as presiding judge.

At the time the new customs court was decided upon the salary was fixed at \$10,000 a year for each member of the court. This has been cut down by congress to \$7,000, and pending the settlement of the salary question the confirmation by the senate of the nominations of those selected to compose the court has been held in abeyance. There is no possibility of Judge Coxe reconsidering the declination he has sent to President Taft.

WELLS, FARGO CONTROL SOLD.

American Express Buys Stock From Southern Pacific and Harriman.

New York, Feb. 3.—The Southern Pacific company has sold its holdings in Wells, Fargo & Co. to the American Express company or men interested in that company.

The stock in the express company owned by the Harriman estate has been disposed of to the same purchasers, who are expected soon to assume control of the company and elect new directors to succeed the Harriman-Southern Pacific representatives on the board.

The Southern Pacific company owned 4,600 shares of Wells, Fargo stock, worth \$8,000,000, out of a total amount authorized and outstanding of \$24,000,000.

The Union Pacific, which controls the Southern Pacific, recently severed its connection with Wells, Fargo & Co. and gave the contracts hitherto held by that express company to the American Express company.

\$450,000 FOR COLLEGES.

Gifts to Seven Institutions From the Rockefeller Fund.

New York, Feb. 3.—Gifts amounting to \$450,000 to seven institutions are announced by the general education board. All these gifts are from the Rockefeller fund. These are the appropriations:

Wesleyan university, Middletown, Conn., \$100,000; Williams college, Williamstown, Mass., \$100,000; Cornell college, Mount Vernon, Ia., \$50,000; St. Lawrence university, Canton, N. Y., \$50,000; Georgetown college, Georgetown, Ky., \$25,000; the Women's college of Brown university, Providence, R. I., \$50,000; the Salem College For Women, Winston-Salem, N. C., \$75,000.

Fight For Australian Championship. Sydney, N. S. W., Feb. 3.—Tommy Burns and Bill Lang have been matched to fight for the heavyweight championship of Australia on March 28.

Weather Probabilities. Rain or snow; colder; moderate variable winds.

SOUTH POLE QUEST

Peary Makes Offer to Geographic Society.

WILL LEND SHIP ROOSEVELT.

Arctic Club Will Also Pay Half Expense After \$50,000 Has Been Contributed For American Expedition.

Washington, Feb. 3.—Commander Robert E. Peary, discoverer of the north pole, has made a proposition to the National Geographic society, which if accepted will mean that an American expedition will be on its way to discover the unconquered south pole next fall.

On behalf of the Peary Arctic club of New York Commander Peary suggests that the club and the Geographic society fit up a joint expedition to reach the south pole.

The club, he says, will contribute the steamship Roosevelt, which could not be duplicated for \$150,000, provided the society will assume the responsibility for the first \$50,000 toward the cost of the expedition.

According to the plan suggested, all expenses above that sum are to be divided equally between the two organizations.

Commander Peary estimates that the total cost would be from \$75,000 to \$100,000. The expedition would start next fall and would reach Coates Land about March, 1911.

The proposed American base is directly opposite the base of the British south polar expedition. The two camps would be about 2,000 miles apart and approximately the same distance from the pole. It is estimated that the explorers would reach the south pole about Dec. 31, 1911.

"The plan can be presented very briefly," said Commander Peary. "Send an expedition south next fall to Punta Arenas. Coal there and replenish supplies; then proceed as conditions may indicate to Coates Land or down the east side of antarctic or down the center of the Weddell sea. Obtain winter quarters as far south as possible and from there sledge to the pole, using the equipment and methods of the last polar expedition."

"The Roosevelt is suited for this work as she now stands. Coates Land is about the same distance from Cape Horn as Cape York is from St. John's. This expedition out of the way, then build a ship on the same general lines as the Roosevelt, but somewhat larger; arrange and fit her with accommodations and laboratories for a second Challenger expedition up to date; give her a complement of specialists and send her south for two, three or if necessary four years of modern scientific work around the antarctic circle and the delimitation of the entire circuit to the antarctic continent, coming up at the end of each season's work to Cape Horn, Cape of Good Hope, Australia or New Zealand to communicate with home, ship back specimens, replenish supplies and personnel.

"Such an expedition should have a specially built ship, its route and detailed program should be determined by a commission of the highest naval and scientific experts in the country, and it might be under the auspices of the government or the government and the scientific organizations jointly or under the scientific organizations only.

"The society and the club could take up the first part of the proposition at once. They are in a position to do so with the maximum degree of certainty and effectiveness and the greatest economy of time, money and effort."

Commander Peary's proposal was received with enthusiasm by the board of managers of the Geographic society. The matter was referred to the finance and research committee, with instructions to report at a special meeting. It is believed that the society will accept the proposal.

Commander Peary said that he could not conduct the expedition in person, as the sledge work required so much physical exertion that it needed a younger man than he to undertake it.

AUTHORESS DROPS DEAD.

New York, Feb. 3.—Mrs. Jessie Van Zile Belden, the authoress, wife of James M. Belden of Syracuse, N. Y., dropped dead of apoplexy here at the home of Frederic Courtland Penfield, where she was visiting.

As a writer she became known through books and short stories for the magazines. Among her books were "Fate at the Door," "The King's Ward" and "Antonia." She was fifty-three years old.

INDICTED FOR PERJURY.

President and Secretary of People's Mutual of Syracuse.

Syracuse, N. Y., Feb. 3.—The grand jury reported to Justice W. S. Andrews in the supreme court two indictments in the People's Mutual Life Insurance association and league. The jurors found true bills against Iram C. Reed, president, and Willard H. Peck, secretary of the association, for perjury.

There was no indictment against Lieutenant Governor Horace White, who handled the \$150,000 fund used in the attempt to transfer the association to John Tevis of Lexington, Ky., and others.

The indictments charge the two men with perjuring themselves in testimony they gave regarding the liability of the insurance company on the contracts they made with the association. On Jan. 6 they swore that these contracts were binding on the association, and it is charged that they knew the contracts were not binding and were not a legal claim.

The foreman of the jury presented a statement expressing indignation over the condition of affairs disclosed and stating that no indictment for larceny could be found because it did not appear that the money alleged to have been distributed was the property of the People's Mutual.

COST OF LIVING INQUIRY.

Senator Lodge Wants Senate Committee of Five Appointed.

Washington, Feb. 3.—The senate is going to appoint a committee to delve into the subject of the increased cost of living. A number of resolutions providing for an investigation on this subject have been introduced in the senate, but one presented by Senator Lodge of Massachusetts empowering

a committee of five senators to conduct such an investigation will, it is expected, meet the approval of the senate, though it is likely to undergo some changes. Senator Lodge's resolution was referred to the committee on finance, which will report it favorably.



SENATOR HENRY C. LODGE.

Senator Elkins protested against what appeared to him as an attempt to steal his thunder. The introduction of Senator Lodge's resolution and the apparent disposition to pass it chagrined Mr. Elkins, who offered the first measure looking to the investigation of the high cost of living.

PROMOTION FOR PEARY.

Bill Introduced in Congress to Make Him Rear Admiral.

Washington, Feb. 3.—Robert E. Peary, the discoverer of the north pole, will be elevated to the rank of a rear admiral of the navy and placed on the retired list if a bill introduced in the house today by Representative Allen of Maine is enacted into law.

The measure has the endorsement of the Maine delegation, and every effort will be made to pass it. It is urged by Representative Allen that congress should recognize Peary's work in discovering the pole by making him a rear admiral and placing him on the retired list with pay.

CRAZED BROKER A SUICIDE.

Former Christian Science Leader Leaps Into East River at Hell Gate.

New York, Feb. 3.—Henry Pennington Toler, once a leader in the First Church of Christ (Scientist), jumped into the East river from Ward's island and was drowned in Hell Gate.

Toler had become convinced that he was the Messiah and that he was to be crucified. He was to return to earth and save the world, he thought, and he said that, fearing his power, Mrs. Eddy and Mrs. Stetson were persecuting him with malicious and animal magnetism.

Toler gave \$50,000 toward the erection of the First Church of Christ (Scientist) and sacrificed a good part of his fortune in the cause. He sold his seat on the Stock Exchange for \$53,000 and used the money in a scheme to found a new Jerusalem for Mrs. Eddy's church.