FRAMERS OF OUR CONSTITUTION

Francis J. Heney Attacks the Fathers of This Country Who Made Our First Charter.

DELIBERATE DEFECTS

"If This Be Treason, Make the Most of it" He Says in Reply to Those Who Would Criticize.

[United Press Leased Wire Service.]
SACRAMENTO, Cal., Dec. 23.—"I believe the constitution of the United States possesses some defects which are fatal to true democracy, and I believe further that these defects were deliberately inserted by its framers to accomplish that very purpose.

"If this be treason, then make the most of it."

In this statement, given to the United Press today, Francis J. Heney, the noted graft prosecutor, replied to Assemblyman W. B. Griffiths, who on the floor of the assembly chamber, spoke of him as "one of the higher ups of Adrianism," which, asserted Griffths, is robbing our citizens of patriotic ideas.

By "Adrianism," Griffiths deferred to declarances by Superintendent of Schools Adrian of Santa Barbara, which raised a storm of protest against his teachings that the revolution of 1776 was unwarranted and unnecessary.

"I am not one of those who reverence the constitution to that point which prevents me from investigating and questioning the wisdom or the intentions of its framers," continued Heney.

"Why, some of these 'patriotic' gentlemen would have us believe that the framers of the constitution were more than human; that they, like the king, could do no wrong."

Assemblyman Griffiths had said in the course of his rebuke of "Adrianism" and his defense to Heney's argument at the last session of the legislature when the latter was championing the recall of judiciary that Heney was "not a good citizen because he defamed the constitution and its founders."

Following is Heney's reply:

"The constitution of the United States was not intended by its framers to secure government by a majority of the people; that is, secure an actual and real democracy.

"The present movement for the initiative, referendum and the recall is the result of efforts on the part of the people and a determination on their part to bring about an actual, as contra-distinguished form of government of, for and by the people."

"No man who has ever studied the debates occuring in the constitutional convention can have any doubts of this question.

"Moreover it was stated time and time again that by permitting selection of United States senators by legislatures of states, to serve for a long period of years without the power of recall, that body would naturally and inevitably represent wealth and property. It would thus be a check, it was argued, on the turbulency and instability of the house of representatives, which was intended to be the only democratic branch of the government and which would, by short term, be responsive to the passions and prejudices of the mob, to wit: the common people.

"Not a single voice in the convention was raised in opposition to this frequency enunciated theory.

"On the contrary, every member, without exception, in so far as my researches have disclosed, agreed that wealth and property ought to control the senate, the legislative branch of government.

PEACE CONFERENCE WILL BREAK UP

Chinese Cannot Agree to Terms and Slaughter Will Continue.

[United Press Leased Wire Service.]
PEKIN, Dec. 23.—Reports received here tonight indicate that both the imperialists and revolutionist leaders expect a discontinuance of the peace conference at any time. It is believed that this will mean the immediate suspension of the armistice which had been extended to Dec. 21.

The rebel troops are said to be already prepared for an advance on Pekin, while Gen. Chang Hsun has assembled an army of 10,000 near Su Chow An, and intends to attack Nankin when the armistice expires.

Rebel sympathizers here are eager to call off the peace negotiations, believing that Tang Shao Wi, the imperialist representative, is sparring for time in order to permit the government time to concentrate its soldiers for an effective campaign. Several communications were sent to Dr. Wu Ting Fang, the rebel peace commissioner, asking him to refuse to negotiate further there with the imperialists.

LORD'S PRAYER UNCONSTITUTIONAL

Denver Attorney Uses Unique Method of Attacking the City Charter Amendments.

DISSECTING THE PRAYER

Division of Anything Will Make it Inharmonious He Said and Explains With the Prayer.

[United Press Leased Wire Service.]
DENVER, Colo., Dec. 23.—That the Lord's prayer, if adopted as an amendment to the Denver city charter, would be unconstitutional and could readily be proved so, was the unique proposition presented to District Judge Teller today, by Attorney Chas. Thomas.

Thomas used the Lord's prayer in his argument to justify his contention that the charter amendments creating the utilities commission are not unconstitutional.

The attorneys for the other side contended that the amendments are invalid because they can be divided into separate sections which would not harmonize one with the other.

Thomas asserted that anything can be divided into separate inharmonious sections and he gave the Lord's prayer as an example. He dissected it, declaring that if it were a legal proposition it would not stand the test. His dissection follows:

"Section 1—Our father, who are in heaven.

"Section 2—Hallowed be thy name.

"Section 3—Thy kingdom come. Thy will be done on earth, as it is in heaven.

"Now our father may be in heaven but it doesn't necessarily follow that his name is hallowed. If his will is done on earth as it is in heaven, there is no use in having the kingdom come. It is here already. That section is mere surplusage.

"Section 4—Give us this day our daily bread.

"That is a practical proposition, if the court please, with which the kingdom of heaven might be directly concerned, but it is certainly foreign to that section which precedes it.

"Section 5—Forgive us our trespasses, as we forgive those who trespass against us.

"There is a proviso inserted in the body of this measure, which may control not only the clause concerning trespasses but all the rest of the prayer.

"Section 6—Lead us not into temptation, but deliver us from evil.

"Why, the idea of an All-wise father leading his poor suffering children into temptation. The idea is absurb. 'It is an incongruity.' It leads to a confusion of terms and therefore ought to be voted upon separately.

"Section 7—For thine is the kindgdom, the power and the glory, forever. Amen.

"This is not a prayer. It is a declaration. Suppose this were statute—and it would be a good deal better than many we already have. It could have been attacked as an amendment on the same grounds as the amendment to the charter now before the court is attacked —by dividing it up and declaring that each division was separate an did not harmonize with the other divisions."

MEXICANS EXCITED OVER TAFT'S ACTION

Newspapers Criticize President for Sending Troops to the Border.

[United Press Leased Wire Service.]
MEXICO CITY, Dec. 23.—Severe criticism of President Taft's legislation for sending American troops to the Mexican border and the alleged persecution of Mexican citizens in the United States has led to a call being published by the Gil Blas, an anti-American newspaper, for a "peaceful demonstration" before the American embassy tomorow. Although considerable anti-American feeling has been arounsed, American resident express no fear of rioting.

El Pais, always anti-American, says editorially that the terms of the mobilization were the first step towards violating Mexican sovereignty by invading the country without a declaration of war. Criticising President Taft's message to congress on foreign relations, the paper asserts that if the mobilization were intended as a guarantee to the lives of American citizens, "it was gigantic fiasco, for neither England, France, Germany nor Spain, committed such an act of hostile arrogance."

The Tipping Nuisance.

[United Press Leased Wire Service.]
CHICAGO, Dec. 23.—Judge Petit's informal opinion that tipping is illegal because it is begging and begging is a violation of the city statutes, was tonight seized upon by anti-tipping associations as the wedge with which to force discontinuance of the tipping evil.

SHOPPING WAS HIS UNDOING

Wife Deserter Recognized on the Street By Abandoned Wife and is Arrested.

STOLE HER $6,000 FARM

Mrs. Gharst Sries "Vengeance is Mine, the Lord is on My Side" After the Arrest.

[United Press Leased Wire Service.]
DES MOINES, Iowa, Dec. 23.—Coming to Des Moines to buy his children something for Christmas, John S. Gharst, a traveling land salesman, was arrested tonight on an information filed in September of last year.

In a shabby, fireless hut that hasn't in it any of the Christmas spirit, Della Gharst, whom the land agent married twenty years ago, cried over and over after the arrest: "Vengeance is mine. The Lord is on my side and it was Him that took me down town today and led me to find the man who wronged me and my children."

Mrs. Gharst accuses her husband of wife-desertion. The information filed in police court charges him with improper relations with a housekeeper whom Gharst employed when he conducted a rooming house in West Fifth street over a year ago. The information was filed after Mrs. Gharst had employed detectives and had come from Knoxville to investigate her husband's conduct.

That her husband defrauded her of $6,000 obtained from the sale of a farm two years ago is but one of a score of accusations which Mrs. Gharst makes against her husband. She says he spent the money on other women.

SHUSTER GETS NO HOME BOX

His Mother is Holding His Presents, Expecting His to Return.

[United Press Leased Wire Service.]
WASHINGTON, Dec. 23.—Failure of the state department to receive official advices from Minister Russell at Teheran confirming the ouster of the American treasurer of Persia, W. Morgan Shuster, is regarded by Shuster's friends and relatives here tonight as casting doubt on its truth.

Mrs. Shuster, mother of the Persian treasurer, is hoping that her Christmas present will be private news from her son of his retirement and home coming. She said she has not sent any Christmas box to him, having kept the presents here in hope he will return. An annual salary of $20,000 and not the reported sum of $10,000 is named in Shuster's contract as treasurer of Persia according to Clement L. Bouve, Shuster's former law partner.

The contract also is said to provide only for reimbursement of Shuster if the contract was terminated by Persia. Whether Russia's action in forcing out Shuster will enable him to recoup financially is doubtful. Bouve said tonight twelve or fifteen Americans with their wives and children, were employed under Shuster at Teheran.

TO STIR UP THEIR PARLIAMENT

Young Turks Threaten to March to the Capital and Use Force.

[United Press Leased Wire Service.]
SALONIKA, Dec. 23.—A committee representing the young Turk army officers notified the grand vizer at Janina today that unless the members of parliament put an end to their personal quarrels and took up some of the pressing state affairs, they were ready to lead an army into Constantinople and re-establish order.

The situation is so critical that a military dictatorship is considered likely. There is much dissatisfaction with the conduct of the campaign in Tripoli and a popular uprising is feared by the young Turks.

JURORS NOT TO BE AT HOME

Real Work in Packer's Trial Comes Monday When Witnesses Appear.

[United Press Leased Wire Service.]
CHICAGO, Dec. 23.—The twelve jurors who will determine whether or not the ten millionaire packers are guilty of criminal conspiracy in restraint of trade, settled themselves down tonight for a Christmas without the comforts of home but with a promise of as much of the yuletide cheer as Attorney Wilkerson can afford. Tuesday real work begins.

The first witnesses to be called will be independent meat dealers who claim to have been squeezed from the market by the trust—the big six of packers.

SOMEBODY IS LIAR AGAIN

This Time It is the New York Evening Post Which Col. Roosevelt Accuses of Falsehood.

IN THE ANANIAS CLUB

Trouble All Started Over the Publication of Harriman Campaign Contribution of 1904.

[United Press Leased Wire Service.]
NEW YORK, Dec. 23.—Membership in the famous Ananias club grew by leaps and bounds today. This afternoon the Evening Post published an interview with Col. Theodore Roosevelt, anent the recent publication of the Roosevelt-Sheldon correspondence over the Harriman campaign contributions in 1904.

The Post article made it appear that Col. Roosevelt had shoved into the club George R. Sheldon, treasurer of the republican national committee, saying that Roosevelt denied that he had initiated the recent publication of his renial of any part in the Harriman gift to the committee.

Tonight Col. Roosevelt declared that the Evening Post article was "a peculiarly infamous falsehood." Col. Roosevelt said: "The Evening Post has quoted me correctly except that it characteristically omitted the beginning of my statement, which was that in the essentials that Mr. Sheldon has stated the facts correctly. I said not one word about Mr. Sheldon or what he had said, excepting 'in the essentials Mr. Sheldon has stated the facts correctly. He asked me why the truth had not been stated, and very kindly volunteered to make the statement. I told him that I much appreciated his courtesies and would be glad to have him do so,' and it is simply infamous to twist this into an attack on Mr. Sheldon."

After reading the Evening Post, Sheldon communicated with Roosevelt and it was at his request that Roosevelt issued his statement tonight. Sheldon also gave out a statement as follows:

"After seeing the article in the Evening Post I called Mr. Roosevelt on the 'phone. We agreed entirely. His statement is absolutely correct and does not differ in any way to what I told the reporters. I am offered the correspondence but he preferred that I should give it to the press. The reporters asked me whether Mr. Roosevelt wished me to publish (not write) the correspondence and I said he did. Quite a different statement of the case than that which the Evening Post made."

CARDINAL GIBBONS' HAPPIEST DAY

Passed Out 160 Baskets to the Poor Families of Baltimore

[United Press Leased Wire Service.]
BALTIMORE, Dec. 23.—One hundred and sixty poor families will enjoy a bountiful Christmas dinner, thanks to the annual donation party which Cardinal Gibbons always superintends.

The street in front of the Charles street residence of his eminence, was lined with people today an hour befor distrbution of food was made. In the cardinal's library a score of women, members of the Catholic church, were busily engaged in filling baskets with chicken, sausage, potatoes, cabbage, sugar, bominy, coffee and bread.

When everything was in readiness the waiting crowd was admitted. Each head of a family was given one of the baskets which contained food worth more than $2. Cardinal Gibbons stood by the door and greeted the poor people as they entered now and then shaking hands with the children, or patting them on the head in his fatherly way. When the baskets had been distributed Cardinal Gibbons declared that this had been the happiest day he had spent in many months.

DELAYED OPERATION LONG AS POSSIBLE

Dr. Mayo's Brother Telegraphed to Postpone Second Attack by Knife.

[United Press Leased Wire Service.]
NEW YORK, Dec. 23.—When Dr. William Mayo was notified of his brother's condition he telegraphed that if possible to delay the operation until his arrival. Then he began his race east to his brother's bedside.

Accompanied by a nurse, he thought might be necessary, Dr. Mayo boarded an engine at Rochester at 4:30 this morning. At Chicago they boarded an 18 hours train which should reach New York tomorrow morning.

The operation was delayed in compliance with Dr. Wm. Mayo's request as long as possible.

—Read The Daily Gate City.

CANDY THIEF CREATED PANIC

Great Excitement in Five and Ten cent Store When One Man Gets His Neck Broken.

SEVERAL CLERKS FAINT

Customers Fled Pell Mell Through the Doors to Escape From the Jam of People.

[United Press Leased Wire Service.]
OMAHA, Neb., Dec. 23.—One man is dead, two are dying, and a woman is in a serious condition, as a result of pre-Christmas tragedies here Saturday.

David Stepson, 24, assistant manager of the McCrorey Five and Ten Cent stores, had his neck broken and died instantly in a scuffle Saturday afternoon with Ed. McGrath, an electrician, whom he was attempting to eject from the store for taking several pieces of candy.

The struggle, which occurred when the store was jammed with Christmas shoppers, created a panic, and for a time congested traffic in the downtown section. Clerks fainted and customers fled pell mell through the doors. McGrath was arrested.

Joe Cheloud, a South Omaha laborer, is dying at a hospital with a compound fracture of the skull, sustained when he was struck by a Missouri, Pacific freight train.

Josh Hopkins, a Council Bluffs laborer, is dying from knife wounds inflicted by a negro in a brawl, and Mrs. Christina Fillingham is in a serious condition at her home as a result of being struck by a street car on a down town corner.

Minor cutting scrapes and street car accidents furnished other victims whose injuries are not serious.

WAS HORSETHIEF IN HIS BOYHOOD

William T. Hammond Gets Pardon After Twenty-eight Years of Worry.

[United Press Leased Wire Service.]
ST. JOSEPH, Mo., Dec. 23.—For the first time in twenty-eight years, Wm. T. Hammond, bonded stock dealer and prominent citizen of St. Joseph, Mo., will spend a Christmas free from the toil of impending prison bars. The cause of Hammond's rejoicing is a pardon wired him from Austin, Texas, twenty-eight years after he escaped from the Gunnsville, Texas, prison.

"Hammond's" father, Wm. L. Hurst, personally told his son's amazing story in making an appeal to Governor Colquitt for a pardon. His son, he told the governor, when only seventeen years old, was arrested and convicted at Fort Worth on a charge of horse stealing. He was sentenced to hard labor for 12 years. Three months later he escaped and after three months of tramping found himself in St. Joe where he obtained employment in a packing house. He worked faithfully, saved money and became prominent in business circles, married and had six children, all this time being known as Wm. T. Hammond, the name of Hurst having been left behind with his prison garb. But when toiling in the packing house; when he had risen to a clerk's desk; during his courtship; on the night of his marriage and all during his subsequent life, there hovered over him the gaunt spectre of the lock step and prison fare. In every stranger he saw a detective.

Finally he made a clean breast of his past to his wife, who advised that he appeal to Gov. Colquitt for a pardon. This he did, through his father, and the document showing executive clemency arrived today.

"Hammond" says that he will publicly declare his past and resume his right name, now that he has nothing to fear from the shadow of his boyhood crime.

POSTAL INSPECTOR ON THE STAND

Ben Marks Case Takes a Rest Until Tuesday and Jurors Go Home.

[United Press Leased Wire Service.]
COUNCIL BLUFFS, Iowa, Dec. 23.—J. S. Swanson, the postoffice inspector who assisted Col. C. B. Anderson, one of the chief inspectors of the postoffice department, now at Austin, Texas, in breaking up the Mabray gang, and took part in the raid on Mabray's rooms at Little Rock which resulted in the capture of a trunk full of documents which produced the vital evidence which convicted Mabray and broke up the swindlers' organization, was the only witness on the stand in Judge Arthur's court here this afternoon, in the sensational trial of Ben Marks, millionaire political boss charged with conspiracy to give the gang police protection while they separated the "mikes" from their money.

HELP MRS. TROUT OUT OF NET

Woman Over Whom Husband Was Killed Says She Will Assist the Self Made Widow.

GRAND JURY INDICTMENT

Mrs. Saliard Did Not Know That Her Companion Was a Married Man.

[United Press Leased Wire Service.]
FORT WORTH, Texas, Dec. 23.—Mrs. Homer Trout was indicted here today for the murder of her husband whom she shot last Monday night in a grill room while he was making merry with a party of friends. Hysterical and ill, Mrs. Trout was not able to appear before the grand jury. Her father-in-law, Thomas Trout announces that he will testify in her behalf, saying: "She is a good woman and never had murder in her heart. I regard her as my own daughter and am sure she did not intend to kill Homer."

Mrs. Jewell Saliard who was with Trout when he was shot expressed sympathy for Mrs. Trout tonight and declared she would assist her at her trial.

"I did not know that Homer Trout had a wife, or I never would have been with him," said Mrs. Saliard. "I am heartbroken to think that I have been the innocent cause of Mrs. Trout's unhappiness. I will do all that I can to help her gain her freedom."

Mrs. Trout is 18 years old and pretty. She insists that she only intended to frighten her husband. She walked into the cafe where Trout was sitting at the head of a table, smoking a cigarette. Witnesses declared that his wife said: "Now I've caught you," and pulling a pistol from her muff, fired a bullet into his head.

MURDERER LOST HIS RED NECKTIE

Only Clew to Mysterious Stabbing of Pretty Bridget Pritchard.

[United Press Leased Wire Service.]
BOSTON, Mass. Dec. 23.—Stabbed to death six months after she came to America to seek her fortune, the body of pretty Bridget Pritchard lies tonight at the morgue while police are making strenuous efforts to clear up the seemingly impenetrable mystery surrounding the case.

There are only two clues for the officers to work upon. Under the New York, New Haven and Hartford R. R. bridge in Hyde Park, where the assault and murder took place, was found a cheap red necktie. When the girl, with a stiletto wound in her breast, had dragged herself 100 yards to the doorstep of her aunt's cottage, she had only strength enough to gasp: "An Italian stabbed me" A moment later and she was breathing her last in the arms of her aunt, Mrs. Thomas Pritchard.

The girl had no acquaintances. She spent her evenings conversing with members of her familiy. She had remained at work longer than usual Friday night and when she started home it was very dark. As she left her employer's house she was asked if she was not afraid to go alone, but she replied that no one would harm her. Ten minutes later she fell the prey of an unknown murderer. The quarter in which the killing occurred is occupied by Italians and a number of foreigners were seen lounging about the bridge a short time before the girl was slain. One theory is that Miss Pritchard was mistaken by a young Italian for a girl who had jilted him and that she was stabbed to death by mistake.

LOEB IS TO BE CHAIRMAN

High Authority That He is to Guide Republican National Committee.

[United Press Leased Wire Service.]
NEW YORK, Dec. 23.—A Washington special to The World tonight says the correspondent of that newspaper has learned from high authority that Wm. Loeb, Jr., collector of customs at the port of New York, will be the next chairman of the republican national committee.

The report says that Chas. B. Hilles, secretary to the president, has been mentioned as chairman in the event of Taft's renomination, but that he will not accept and has indorsed Loeb for the place.

No Medicine on Board.

[United Press Leased Wire Service.]
ROME, Dec. 23.—The Kaiserich, supposed to be a Turkish hospital ship, was seized by an Italian cruiser in the Red sea today and suspicion that the vessel was being used as a transport was verified when no surgical supplies were found aboard her.

—Read The Daily Gate City.

STUCK HIS NOSE INSIDE JAIL

Governor Hadley Got Tired of One Hour of Sniffing in the Bums' Sleeping Quarters.

VENTILATION IS POOR

Only One Window in the Basement of Old Four Courts Building Where City's Guests Board.

[United Press Leased Wire Service.]
ST. LOUIS, Dec. 23.—Governor Hooper, of Tennessee, who "sentenced himself" to the state pen for a day to study prison conditions, has nothing on Gov. Hadley of Missouri.

The show-me executive is recovering from a somewhat similiar attempt to play the counterpart of Haroun-Al-Raschid. Last night Hadley got into his oldest clothes and descended among the "bums" who nightly sleep in the basement of the old Four Courts building as "guests" of the city. One large window furnishes all the ventilation there is for these occupants.

After one hour of smelling things, Hadley decided he'd completed his prison studies. Tonight he declared he would ask the legislature to remodel the building to give proper ventilation.

BRAND WHITLOCK'S LATEST NOVEL

It is a Short One and Entitled "Why I Will Retire From Politics."

[United Press Leased Wire Service.]
TOLEDO, Ohio. Dec. 23.—Brand Whitlock, novelist and humanitarian and chosen mayor of Toledo in four blistering campaigns, has run his last political race. He announced today that insofar as man can plan the future, he will never again run for office.

Whitlock's statement was prompted by talk that he would seek congressional honors. Tonight he said:

"I have been in the mayor's office a long time, and at the end of my fourth coming term I shall have been here eight years. My ambition has been in letters, not politics, and I cannot do much writing while I am in this position. Its duties are exacting, wearing, and literature demands and deserves more than the fag ends of one's strength and abilities. There is work I want to do before I'm too old and too tired.

"I had no particular or special reason for making this announcement today, though I have had the intention for a long time. The annual rumor that I was going to run for congress or some other office got itself started again, and so this seemed a good time to say what I had in mind.

"The mayoralty, of course, has its difficulties. Perhaps it has more difficulties than some other public posts because of the peculiar artificial status of the American city. The city officials are said to rule as the representatives of the people in the city, but they do not do it. The state legislature is the power This makes it hard to accomplish much, and it is often discouraging. With this anomalous condition, the wonder is that city government isn't worse than it is, though it is on the average, quite as good as state government or federal government. Ever since James Bryce wrote The American Commonwealth, years ago, it has been the fashion to denounce municipal government. If people had taken pains to read the book through, they would have learned that Mr. Bryce pointed out irresponsible control of state legislatures over the cities as the cause of conditions he deplored. But it is getting better all the while, and as soon as the cities are free they will point the way to higher things both in state and nation. For the story of the city, you know, is the story of civilization. That's what civilization means, isn't it?"

In his statement given out early today, Whntlock said:

"I expect to be in the struggle against privilege, of course, and I trust I shall always be able to do my duty as a citizen, but after the close of the term as mayor on which I am about to enter, whatever I may be able to do in that regard must be done outside of public office."

EIGHT MILLIONS HAS BEEN SPENT

[United Press Leased Wire Service.]
CHICAGO, Dec. 23.—When stores closed here tonight, Chicagoans had spent $8,000,000 for a merry Christmas.

The first estimate is that of the board of trade; the second, of the charity organizations, made here tonight. Estimated that the hungry children who will have no Christmas on Monday would form a line four miles long, if placed shoulder to shoulder. President Fitzpatrick of the local trades union council, estimated tonight that there are 150,000 workmen in Chicago out of work.