

VIRGINIAN WILL PAY DUTY AND GO FREE

Mr. and Mrs. H. C. Stuart Afoul of Customs Inspectors Through Ignorance of the Law.

MANY DRESSES UNDECLARED

Nephew of General "Jeb" Thought Mrs. Stuart Exempt, Having Lived Two Consecutive Years Abroad.

Henry C. Stuart, of Elk Garden, Va., nephew of General "Jeb" Stuart, the Confederate leader, a candidate for Congress on the Democratic ticket and in training for the nomination for Governor when the time comes, will go meekly to the Custom House this morning to pay about \$2,500 in duties on effects brought over from Europe and not declared because of a misinterpretation of the law.

Mr. Stuart, his wife, daughter, governess and maid arrived yesterday on the steamship Mauretania with fifteen trunks and ten boxes. The declaration contained so little that there was an examination and before the Virginians were permitted to leave the pier Mr. Stuart had paid \$333 in duties on garments which the family needed at the hotel.

Acting Deputy Surveyor J. P. O'Connor held the party up in the midst of their baggage. Mrs. Stuart wore a costly gown that seemed of Paris. The meagre declaration had no mention of it. The great pile of trunks and boxes looked as if there might be enough other goods and goods there to stock a store. And the declaration was so meagre Mr. O'Connor asked questions one after another until the situation was partly cleared up.

Misled, Says Mr. Stuart.

Mr. Stuart said he had received the customs instructions at Paris and also from the purser of the steamship. In it was the old rule placing Americans who had lived abroad for two continuous years on the same footing as foreigners. The "blue list," which ex-Governor Rollins of New Hampshire, who paid in fine and penalty about \$4,000, said he had not received, was not handed to the Virginians. It contains the latest rulings. It will be ready for all returning passengers in a week or so. In the mean time there may be other cases because of the failure to receive them.

The Virginian said that his wife had been abroad for two years, and hence was entitled to bring her effects in as a non-resident. He had lived on his big place in Virginia right along, with the exception of an occasional trip abroad. It was pointed out that his home was the home of his wife, no matter how long she might sojourn abroad. It is not believed that Mr. Stuart will contest the finding of the acting surveyor.

Mrs. Stuart had no bills or invoices of her effects, and the baggage was taken to the Appraiser's stores, while Mr. and Mrs. Stuart went to the Custom House to make their explanation to Acting Surveyor Smith. It satisfied the latter, and Mrs. Stuart went to the stores to give the value of the many possessions in the fifteen trunks and ten boxes. In one of the trunks a bundle of receipts was found, representing purchases abroad valued at 70,000 francs.

The examination resulted in an appraisal of \$4,000 on the effects, consisting of many gowns, a sealskin sack, bolts of dress goods and a miscellaneous collection of articles of foreign manufacture. It was said last evening that Mr. Stuart would pay the duties on everything this morning, which would amount to about \$2,500.

No Seizure; No Penalty.

There will be no seizure and there will be no penalty. Mr. Smyth said after his interview with Mr. Stuart.

"I am perfectly sure that the declaration was made out in good faith and that there was no intention on the part of Mr. and Mrs. Stuart to evade the payment of duties."

Mr. Stuart told the story of his belief that as his wife had lived abroad so long she had the rights of a non-resident. He said:

"The instructions we received were at fault. It has been cleared up and I shall pay the duties assessed. The customs officials were courteous throughout, and I have no complaint to make regarding my treatment."

Mr. Stuart is a Democrat. He is the one man chosen to represent the 9th District of Virginia from Republican control. The incumbent is Campbell Bascom Kemp, who received the largest majority ever given in the district when he was elected to the 61st Congress.

Mr. Stuart is said to be well off and one of the popular Democrats in the State where he lives. He was a candidate for the nomination for Governor about two years ago, but withdrew because of the illness of his wife. She went abroad at that time. Mr. Stuart is down for the nomination for Congress, and is listed to be the candidate for Governor.

BALLOONISTS NEAR DEATH

The Pittsfield Descends 7,800 Feet in Three Minutes.

[By Telegram to The Tribune.] Springfield, Mass., May 27.—J. Walter Flegg and W. J. Kelly, who ascended from Pittsfield in the balloon Pittsfield this afternoon, made a sensational descent of 7,800 feet in three minutes, landing with terrific impact on the golf course of the Springfield Country Club. So great was the force that the balloon rebounded fifteen feet or more in the air.

The occupants of the balloon, who were badly frightened, but seemingly uninjured, saved themselves from being dashed to death by climbing into the rigging of the balloon. The balloon travelled about fifty-five miles in two hours and a quarter, most of the time being above the clouds. Messrs. Flegg and Kelly returned to Worcester tonight.

THOUSANDS SEE THE COMET

Clear Night Affords Splendid View at 25,000,000 Miles.

New Yorkers, with heads up, had a fine view of the comet's tail last night. It was the first clear night since it appeared in the western sky, and an excellent observation of it could be had. It seemed to be directly over 72d street, with its nucleus a little distance out from the Hudson shore. Its tail stretched in a fanlike shape half way over to Jupiter, or directly east. The tail seemed to be a few yards long to the onlooker. The nucleus looked like a hazy star and the tail like a pale whitish cloud.

Crowds gathered all over the city to watch the comet. The roofs of hundreds of houses gave evidence that it was a night of sky gazing. Hundreds lined Riverside Drive.

Dr. Jacoby, the Columbia astronomer, watched the comet from 76th street and Riverside Drive. He believed, he said, that the comet was 25,000,000 miles from the earth.

In Brooklyn there was much gazing skyward. Between four hundred and five hundred members of the Brooklyn Institute of Arts and Sciences viewed the comet through telescopes.

JAP SUICIDE IN SUBWAY

Police Say He Resembles Elsie Sigel's Slayer.

Every bone in the body of an unidentified Japanese was broken early this morning, when he jumped in front of a north-bound subway train at the 103d street station. There were very few persons on the platform at the time, and, according to the motorman of the train, the man waited until the first car was within six feet of him before jumping under the wheels. There were no marks by which the body could be identified, and it was taken to the West 109th street station.

As soon as the body reached the station house, the police were struck by what they said was a marked resemblance between the man and Leon Ling, the slayer of Elsie Sigel. A description sent out in June by Commissioner Bingham was brought out and the police were more than ever convinced that their suspicions were correct. The fact that the suicide had evidently taken care to conceal every mark of identification added weight to their views. Later they discovered the mark of Davis & Welsh, tailors, of this city, in the man's coat. Ling was reported a few days ago as having committed suicide in Buffalo, and at the same time several persons said they saw him in a Kansas town.

The train, which was crowded, was in charge of Grover C. Bunker, the motorman, of No. 1877 Vyse avenue, The Bronx. He said that it was impossible for him to stop his train in time to avoid running over the Japanese. As it was the force with which he threw on the air brakes brought the sitting passengers to their feet and piled those standing in heaps. Nobody was hurt, but all made a rush for the platform as soon as the doors were opened. Bunker was not arrested.

DROWNED IN LAUNCH UPSET

Two Men and Capsized Boat Picked Up at Cape May.

Cape May, N. J., May 27.—William H. Hoover, sixty years old, and Walter Webber, twenty-two years old, all residents of Camden, N. J., were drowned early today when a 20-foot launch which they were taking from Camden to Wildwood capsized at the entrance of Cape May harbor. No one saw the accident, but early this morning the boat was found floating bottom up at the entrance to the harbor.

The bodies of Walter Webber and Wallace Hoover were discovered later among the government jetty rigging. William H. Hoover's body has not yet been recovered.

The elder Hoover built the launch in Camden, and was taking it to his summer home at Wildwood.

THREE MYSTERIOUS FIRES

Destruction on Elevated Roads May Be Work of Employee.

There is much mystery attached to the origin of three fires on the structures of the Second and Third avenue elevated roads, all within the last three weeks. Shortly before 10 o'clock last night a fire was discovered in a heap of rubbish on the steps leading to the tracks on the loop at 129th street. After \$500 damage had been done the fire was put out.

Last Thursday night there was a similar fire on the tracks, when a car was destroyed, and a week ago last Thursday a fire of the same nature burned up two cars at the same spot.

The police and the railroad officials profess to believe that the fires were accidental, but from other sources it is learned that it is regarded as the work of an employee who was recently discharged. Each time the fires were the cause of half-hour blockades on both lines.

KILLED BY SODA IN LUNGS

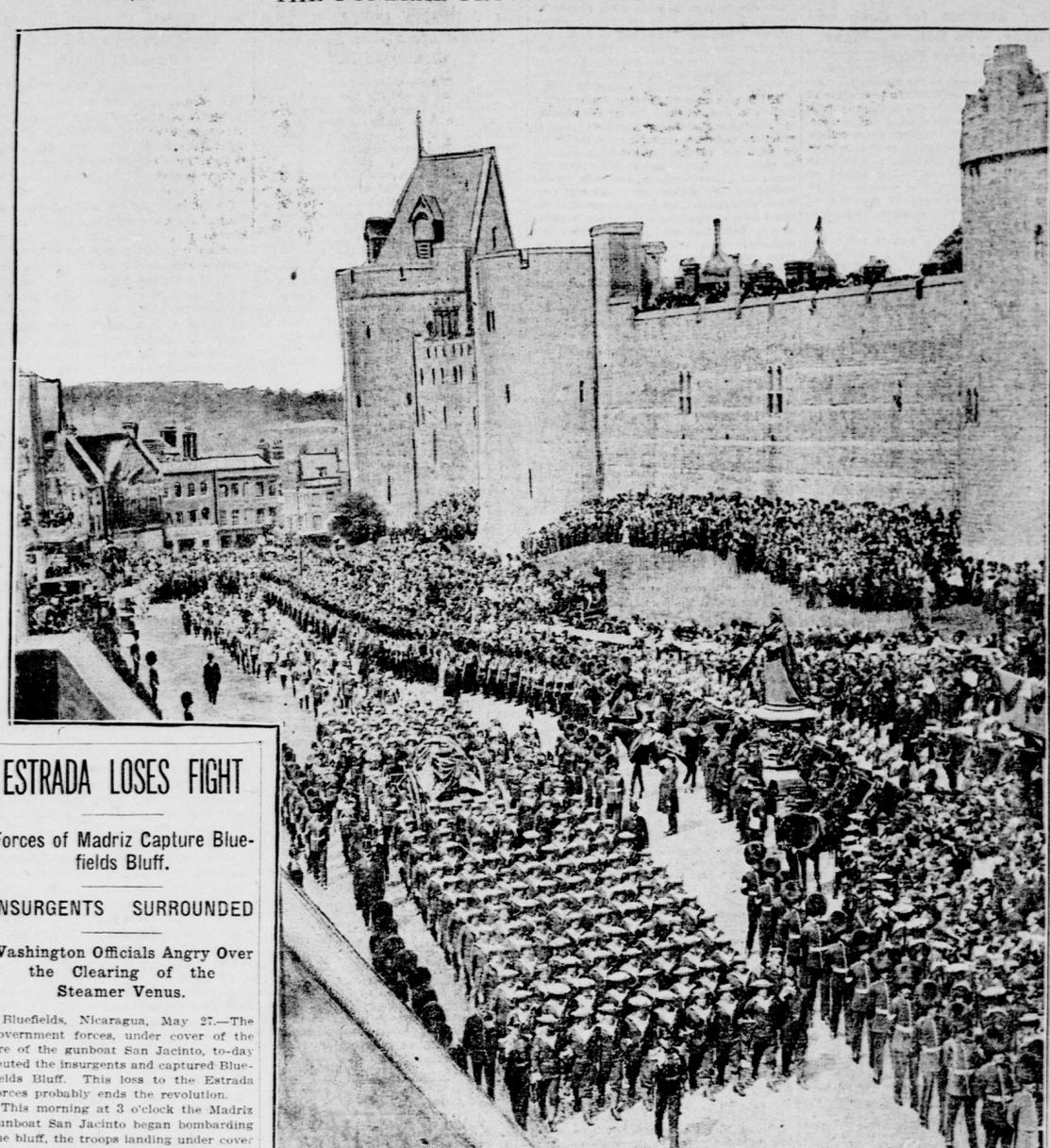
Gas in Drink Fatal to Man Who Had Ulcer in Stomach.

William C. Baldwin, a dealer in fish, of No. 19 Eldert street, Williamsburg, died yesterday morning in the Bushwick Hospital from a gastric ulcer, but he might have lived some years longer if he hadn't had a glass of ice cream soda late Thursday night. After drinking the soda Baldwin was stricken with severe pains in the stomach and when he got home he sent for Dr. F. A. Lewis, of the Bushwick Hospital, where he was taken later.

The hospital physicians were baffled by the cause, which they set down as one of ptomaine poisoning. An examination of the body after death showed that gas in the soda had distended the stomach, causing a rupture of an ulcer that Baldwin had for about a year, and the soda flowed through the puncture of the stomach and diaphragm into the lung cavity.

Hudson River Day Line Season Open. All thru rail tickets bet. N. Y. & Albany accepted. Adv.

THE FUNERAL PROCESSION OF KING EDWARD.



NAVAL BRIGADE DRAWING THE GUN CARRIAGE BEARING THE ROYAL COFFIN PAST THE VICTORIA STATUE AT WINDSOR.

ESTRADA LOSES FIGHT

Forces of Madriz Capture Bluefields Bluff.

INSURGENTS SURROUNDED

Washington Officials Angry Over the Clearing of the Steamer Venus.

Bluefields, Nicaragua, May 27.—The government forces, under cover of the fire of the gunboat San Jacinto, today routed the insurgents and captured Bluefields Bluff. This loss to the Estrada forces probably ends the revolution.

This morning at 3 o'clock the Madriz gunboat San Jacinto began bombarding the bluff, the troops landing under cover of her guns. There was only slight fighting, however, until 6 o'clock, when the Madriz forces succeeded in taking the positions of the enemy and the bluff.

The Estrada troops were under command of General Zeledon. The force of Madriz in the engagement is estimated at five hundred and that of Estrada at two hundred.

Communication with the bluff at this time is impossible, and further details of the fight are unobtainable.

The Estrada gunboats Blanca and Ometepes escaped up the Escondido River.

The government generals, Lara and Chavarria, have not yet attacked Rama, which is in the hands of the revolutionists.

General Estrada takes his defeat at Bluefields calmly. He says he intends to make further resistance.

No damage has yet been done to American property here.

Washington, May 27.—The Madriz forces have completed the capture of Bluefields, the last stronghold of the Estrada faction in Nicaragua, according to a dispatch received at the Navy Department today from Captain Gilmer, of the gunboat Paduch.

State Department officials are incensed at the statements contained in two dispatches which are reported to have been given to President Madriz at Managua by Louis Corea, his representative in the United States, regarding the conditions under which the steamer Venus, now the Nicaraguan gunboat, obtained her clearance papers at New Orleans.

These telegrams, if authentic, seem to show conclusively that the Venus was intended as a war vessel to operate against the revolutionary forces on the east coast of Nicaragua, and that when she sailed from New Orleans she carried provisions and implements of war. This is contrary to the evidence said to have been given by the representatives of the Madriz government before the United States Court.

The officials of the State Department have received copies of these telegrams as they appeared in "La Tarde," the semi-official government organ at Managua, on May 6. There is reason to believe that the matter will be turned over to the Department of Justice, with the request that an investigation be ordered, with a view of determining whether criminal action can be instituted against the persons concerned for false swearing in the United States Court at New Orleans as to the cargo and mission of the Venus.

ANOTHER COREAN GOVERNOR

General Terauchi to Succeed Viscount Sone in Peninsula.

Tokyo, May 27.—It is authoritatively stated that the resignation of Viscount Sone, Resident General in Korea, has been accepted, and that Lieutenant General Viscount Terauchi will succeed him, at the same time retaining his portfolio as Imperial Minister of War. Isaburo Yamagata, the adopted son and heir of Field Marshal Yamagata, will be appointed Deputy Resident General in Korea. The official announcement of these changes will be made shortly.

It was stated in January last that Viscount Sone had left Seoul for Tokyo for the purpose of explaining his Korean policy to the imperial government, and that if the government failed to approve of it he probably would resign. It was said later, however, that the Minister General had no intention of relinquishing his post unless his health, which was extremely poor, compelled him to do so.

Viscount Sone has been an outspoken opponent of Japanese annexation of Korea, and early in this year he insisted that a petition from the Korean Society asking for annexation be returned to the sender.

TO SUSPEND 75 STUDENTS

"Cut" Gymnastic Classes at University of Pennsylvania.

Philadelphia, May 27.—For failure to attend gymnastic classes the number of times required by the University of Pennsylvania rules seventy-five students are to be suspended for the rest of the term. Among them are two seniors, who, under the ruling agreed upon at a meeting of university officials, will not be allowed to graduate with their class.

The announcement has created a stir in the student body. It was more or less expected, but the conditions surrounding the gymnasium requirements have caused dissatisfaction all through the year and the students are insistent in asking for a modification of the rules on gymnasium "cuts."

All the men affected, whose names have been withheld, may return to the university next year if they so desire.

A NEW THIEF DEVICE

Electric Fitting in Trousers Expels Two Brown Students.

Providence, May 27.—An electrical device, on one end of which was a pocketbook in a student's trousers hanging in the locker room and on the other a bulb in the office of one of the professors, was responsible for the capture and consequent expulsion of two students at Brown University today, charged with theft. Both men admitted the charge.

For a month or more money has been missing from clothing left in the locker room, and finally this electrical device was perfected. The wire in the pocket was fitted with two brass ends, between which lay the pocketbook. When the purse was removed the pieces of brass came together, completing the circuit and lighting the signal lamp.

FOREST FIRES IN NORTHWEST

Losses Exceed \$1,000,000—Canadian Northern Trains Blocked.

Winnipeg, Man., May 27.—Forest fires are raging with unabated fury in Northwestern Manitoba and Northwestern Saskatchewan to-night. The station at Mistisic, a train of Canadian Northern freight cars, and the buildings of the Cowan Construction Company were destroyed.

No Canadian Northern trains have been able for a day to get through the burned region, which is now thirty miles wide. It is estimated that the timber loss is already \$1,000,000. The fires are moving north.

BABY MAY DIE FROM BURNS

Cigarette Thrown Into Perambulator Sets Fire to Clothing.

A lighted cigarette thrown into a perambulator last night set fire to the clothes of Dora Kolosky, of No. 351 Riverdale avenue, Brooklyn. The baby was so badly burned that she will probably die in St. Mary's Hospital, where she was taken soon after her mother dragged her out of the carriage and extinguished the flames. The mother was burned about the hands and required the services of a physician.

WESTINGHOUSE IS ANGRY

Denounces Forcing of Receivership of Chicago Railways.

UNNECESSARY, HE ASSERTS

Alleges Robert Mather, Chairman of Board of Directors, Acts Without Sanction.

It became evident yesterday that the rumors, circulated frequently of late, that George Westinghouse and Robert Mather, respectively president and chairman of the board of directors of the Westinghouse Electric and Manufacturing Company, were at swords' points over matters of policy affecting the company had a solid foundation when Mr. Westinghouse issued a statement. In this statement Mr. Westinghouse denounced the recent action of the electric company in throwing the Chicago Railways Company into the hands of receivers, which he charged had been done personally by Mr. Mather without first securing the sanction of either the executive committee or the board of directors.

He added that the receivership was an unnecessary proceeding, in his opinion, so far as the financial interest of the Westinghouse company was concerned, and that he believed, in view of the great consideration shown it by its own creditors two years ago, this precipitate action must produce unfavorable impressions, especially as the Westinghouse company would have run no risk in being neutral in a controversy between two interests.

FRIENDLY POLICY WITH CREDITORS

The former policy of the Westinghouse company in such matters, he said, was well illustrated by the fact that when Hugh J. Grant was appointed receiver of the Third Avenue Railway Company, of this city, his company promptly offered to aid the receiver in every possible way and to continue to furnish apparatus and supplies.

Referring to the receivership of the Chicago Railways Company, Mr. Westinghouse said that, when the matter was finally brought to the attention of the electric company's board, he protested against any official of the company undertaking to exercise such an arbitrary power without the sanction of the board or executive committee.

Mr. Mather, when he saw Mr. Westinghouse's statement, said: "I decline to enter into any public controversy with Mr. Westinghouse. I regret that he, having chosen to make a statement, failed to add that the action of the chairman when reported to the board was approved by a unanimous vote, except for his own."

Further than this Mr. Mather refused to comment on the subject. Asked if it was true, as reported, that on his recent trip to Europe he had sought the backing of the foreign stockholders in an effort to oust Mr. Westinghouse from the presidency, he said that it was not true.

In the last few months there have been

DEATH OF ROBERT KOCH

Heart Disease Kills the Noted Bacteriologist.

Baden-Baden, May 27.—Professor Robert Koch, the famous bacteriologist, died here this afternoon from a disease of the heart. He was born at Klausthal, Hanover, on December 11, 1833.

(For sketch of Dr. Koch see Page 7.)

IRISH ROOSEVELT'S HOSTS

Nationalist Luncheon Arranged for Him at London.

London, May 27.—Several members of the Nationalist party are coming here from Ireland to attend a luncheon for Theodore Roosevelt on June 1, at which John Redmond, John Dillon, Joseph Devlin, T. P. O'Connor and other Nationalists will be the hosts. The luncheon was to have been tendered by the entire Irish representation in Parliament, but owing to the difficulties arising from the death of King Edward and the adjournment of Parliament, this was found to be impracticable. In a recent conversation with Mr. O'Connor, Mr. Roosevelt expressed a strong desire to meet the Irish Parliamentarians.

BRING GIFTS FOR ROOSEVELT

Rough Riders Will Give Him Cow Pony and Elaborate Saddle.

[By Telegram to The Tribune.] Calveston, May 27.—Rough Riders will present Theodore Roosevelt with a horse and saddle upon his return from Africa, in June. A large delegation of Southwestern members of the regiment will go to New York to take part in the welcoming, taking the gifts with them.

The horse is a Texas cow pony, with a pedigree, and the saddle is of Texas leather mounted with gold. It is engraved with figures representing cowboys, Rough Riders, growing cotton, Indians, the national flag and several state banners. The material used in the saddle is from Texas, Oklahoma, Arizona, New Mexico and Kansas.

BOY RIDERS IN WASHINGTON

"Jack" Abernathy's Small Sons Are on Way to Meet Mr. Roosevelt.

Washington, May 27.—After riding on horseback most of the way across the continent to meet ex-President Roosevelt on his arrival at New York, Louis and Temple Abernathy, aged nine and six years, respectively, sons of "Jack" Abernathy, of Oklahoma, the wolf catcher and friend of the former President, arrived in the national capital to-night. They rode in from Frederick, Md., to-day, a distance of fifty-seven miles. Temple dropped off to sleep the minute his head touched the pillow. While the little fellow was curled up restfully under the white covers Louis talked of their trip.

"Temple and I," he said, "want to see some of the animals Mr. Roosevelt sent from Africa, and to-morrow we will go over to the Smithsonian Institution to see if we can have a look at some of them."

When asked what he intended to say to Mr. Roosevelt when he met him in New York, Louis replied that "it would depend on what Mr. Roosevelt said to them," and that he "could not cross that fence until he came to it." President Taft will receive the two little travellers.

HUGHES CALLS EXTRA SESSION

Legislature Undoubtedly Will Consider Direct Primaries Again on June 20.

ROOSEVELT NOW A FACTOR

Each Faction Hopes Former President Will Support It—The Work of the Regular Session.

[By Telegram to The Tribune.]

Albany, May 27.—Governor Hughes to-night served notice on the bosses of both political parties that, though they might think they were through with the direct nominations fight, they really had only begun it. Within two hours of the final adjournment of the legislative session the Governor announced an extraordinary session, to begin June 20. At that session the Legislature can consider direct nomination bills. There will be no local legislation regarding which legislators can be threatened, no appropriations pail to feed to them, nothing regarding which the bosses of Tammany and the Republican machine can bargain to form a bipartisan combination like the late Crady-Meade affair.

As a result of this direct primary men feel confident that a direct primary law will be on the statute books of this State in a couple of months. Governor Hughes shares that confidence. He believes the people of this State in that large majority stand with him on that issue, and that when the legislators return here to take up the question again, free from all complications and distractions, the result will be sure and speedy.

Governor Hughes would say nothing to-night about what action he would recommend to the Legislature at this extraordinary session. There are several things of importance on which the Legislature did not act at the session just ended. It is a foregone conclusion, though, that the main subject which the Governor will urge will be direct nominations.

Won't Press Hinman-Green Bill.

And the indications are that he will take the Legislature at its word and, instead of pressing the Hinman-Green bill, will be content to have the Cobb bill, somewhat less wide in scope, considered on its merits in both houses.

About the outcome of such a course there are widely varying opinions. The situation here to-night is little short of chaotic. Machine legislators are furious at this extra session. They call it the height of executive oppression and executive folly. Even some of the Governor's good friends are none too pleased at the prospect of returning to servitude here. It must be remembered, however, that the Governor has established a record for success in the policies pressed by him in extraordinary sessions. Witness the enactment of his anti-gambling laws against the desperate opposition of a political-financial alliance of startling and sinister power. Witness also the adoption of a scheme of reapportionment of Senate districts along lines outlined by him, despite the desperate opposition of a powerful clique of Republican bosses, among whom were the Wadsworth-Woodruff combination.

Still another thing is to be remembered—that about June 20 Theodore Roosevelt will be in New York State. At present that fact serves only to add confusion to the situation, as each element in this controversy claims him for its own. The Barnes-Wadsworth-Woodruff element for a considerable time has been shouting that when Mr. Roosevelt returned things would go back to their normal groove and the days of unchallenged boss-ship and undisputed exploitation of the party by its overlords would be resumed.

Progressives Have Different Views.

A very different opinion is that of the progressive Republicans here. They maintain that the principles of Taft and Hughes are the principles of Roosevelt, and that the Republican bosses who rejected the leadership and suggestion of Root and Hughes will be glad to back their policies under the advice of Roosevelt. All of which may have an important bearing on the result of the impending extraordinary session.

From the Governor's point of view the situation is extremely simple, and one which he and his friends believe will appeal to every citizen. The Legislature in both houses defeated his Hinman-Green bill on a square vote—leaving out any discussion of the methods which brought about the casting of some votes against it. Meantime, the members of the Governor's own party in the Senate, recognizing the widespread demand for direct nominations to reform primary conditions, sought an expression of his views through a duly appointed committee of the men most interested in this subject. As a result of these negotiations, a bill was drafted which appeared to the Governor sound and desirable in all its details, though he never said and does not believe it as desirable as the Hinman-Green bill nor as likely to produce as complete a measure of the desired change in primary conditions.

Made a Republican Measure.

However, that bill, the "Cobb compromise" so called, represented the views of those legislators deputed to confer with him, and later it was made in party caucus a Republican measure, duly stamped with the seal of approval of the Senate by a large vote.

Meanwhile the Legislature had passed another bill affecting primary conditions, the Meade-Phillips bill, urged by the element of machine bosses whom the Senate caucus proved to be the minority in the Republican party. That bill's provisions appeared to the Governor to be unsound, unfair and unjust.

This did not come to him in time so he could veto it before adjournment of the Legislature. But its provisions were perfectly well known, and his mind was clear as to what should be done with it. So, lest the Legislature should adjourn