PENROSE SCORES LA FOLLETTE

ACCUSES HIM OF CLAP-TRAP STATESMANSHIP.

Replying to La Follette's Criticism of the Post Office Committee, He Shows That the Wisconsin Senator Seldom Attends Meetings of His Committees.

WASHINGTON, Feb. 18.—Boies Penrose, senior Senator from Pennsylvania, is one of the silent men of the Senate. He seldom makes a speech. He made one to-day, however, which was brief and very much to the point. It had to do with Senator Robert M. La Follette of Wisconsin and was addressed directly at that statesman. It created a good deal of a sensation in the Senate, where such plain language as that used by Mr. Penrose is not heard often.

Mr. La Follette has been criticising the Senate leaders for hogging the important committee assignments. He has said plainly that they hold back the big appropriation bills until the last moment and give the Senate only a few hours to consider them. He ran counter of Mr. Penrose this afternoon because Mr. Penrose is chairman of the Committee on Post Offices and Post Roads and had charge of the post office appropriation bill, which was being debated. Mr. La Follette had intimated that Mr. Penrose had not given enough attention to the bill, and it seemed a fair inference from his remarks that he charged Mr. Penrose with neglecting his business.

Mr. Penrose listened to talk of this kind for two hours without appearing to pay much attention to it. Then he rose in his wrath and what he said to Mr. La Follette was not said half heartedly. He accused the Wisconsin Senator of making misstatements and declared that Mr. La Follette paid no attention to his committee work and was a frequent absentee from his legislative duties. In conclusion he likened Mr. La Follette to a patent medicine faker. Here is what he said:

Mr. President, I shall not sit silent in my seat while misstatements are made and claptrap statesmanship is attempted. The Committee on Post Offices and Post Roads has been criticised by the Senator from Wisconsin and the method of selecting committees has likewisw been criticised by him. I make the statement without fear of contradiction that he has been on the Committee on the Census during his service in the Senate and has failed to attend a single meeting of that committee. I make the statement without fear of contradiction that he is on the Committee on Claims and has only attended once or twice in all his service a meeting of that committee, and that attendance was only to bring up some trivial claims bill.

I make the statement without fear of contradiction that he has been until recently on the Committee on Pensions, a committee holding and considering one of the largest appropriations bills pending before Congress every year, and that according to the unanimous testimony of all his colleagues on that committee, regardless of party, he has hardly ever attended a session of that committee. I make the statement without fear of contradiction from him or any other Senator, because the statement is confirmed by the testimony of every member of the committee, regardless of party, that on the important Committee on Indian Affairs, considering every year a most important appropriation bill, important to his constituents and to the great Western country, he has seldom been present and has never rendered useful service thereon and that while he indicates this craving for future committee assignments he is already on two committees with appropriation bills and pays no attention to either of them.

Mr. Gallinger—And he has been in the Senate two years. [This was an error. Mr. La Follette has been in the Senate three years.]

Mr. Penrose has been in the Senate two years and there is no member of this body—and I cite the records of the Senate as my proof—who has a larger record for absenteeism than himself. It ill becomes him to criticise other Senators or any committee for negligence, inattention or absenteeism.

I further make the statement that when he is here it is but to delay the business of the Senate and to hold up the transaction of the public business and to embarrass those who under their oath of office and in the conscientious discharge of their duties are endeavoring to carry out the burdens of the Senatorial office. These sentiments I believe my colleagues will voice and I shall not sit here—and I desire to give notice to the Senator from Wisconsin—and listen to arguments that better become the vender of a patent medicine from the tail end of a cart in a remote village of Wisconsin than they do the deliberation and the dignity of the Senate of the United States.

There was much laughter and applause at this, the applause coming from the galleries.

Mr. La Follette came back at Mr. Penrose. At times his voice rose high and he shook his head vigorously. He said that he was in Wisconsin after the holiday recess for a week and during that time the Indian bill had been reported from the committee. He had been reasonably diligent in his attendance on the committee.

Mr. Penrose—The unanimous testimony of the members of that committee is that of non-attendance.

Mr. La Follette—I would have more confidence, I would say, in that statement if Senators who are members of that committee made the declaration themselves.

Mr. La Follette explained that he was confined to his home for two months last session by a severe illness. He declared that Senator Elkins, chairman of the Committee on Interstate Commerce, had referred to his absence as due to a political mission in Wisconsin. "It was very unjust," added Mr. La Follette. Mr. Elkins declared that he had no remembrance of making any such remark. Mr. La Follette promised to quote it from the *Congressional Record*, and proceeding with his discourse said he had not been absent a day since he had been a member of the Senate except when he was sick and when he was away a week or ten days in Wisconsin, barring such absence as was necessary to prepare for discussion on the Senate floor.

In explanation of his absence following the Christmas recess Mr. La Follette said: "At that time I was at my home superintending the publication of the magazine which I am issuing, and it seemed absolutely necessary that I should give a few days of attention to that business at that time."

In conclusion he said: "The opinion of the Senator from Pennsylvania with respect to that counts for nothing with me. Against his coarse and vulgar assault I put my record since I have been a member of this body."

Senator Clay of Georgia, a Democrat, objected to Mr. La Follette's alleged obstructive tactics on the ground that they tended to throw some of the big appropriation bills into the extra session and thus curtail the time for considering tariff revision. Mr. La Follette's voice rose loud and strong in responding to this.

The post office bill was passed, and the Senate adjourned without shedding a drop of blood.

The post office bill as passed appropriates $224,483,370. About all of the unusual provisions that were inserted by the Senate committee were eliminated on points of order raised under Senate rules. Senator La Follette had the item requiring railroad mails to be weighed every year instead of every four years as a basis for fixing the price railroads should be paid for carrying the mails stricken out on the ground that it was new legislation and had no place in an appropriation bill.

An experimental parcels post which the bill provided on a small scale was knocked out by Senator Bailey of Texas, who called it an obnoxious suggestion, whether referring to the principle of the thing or the form of the proposal he did not say. The provision was to permit the Postmaster-General to establish a parcels post on the rural routes of two counties and report to Congress next year the result of the experiment.

COURT-MARTIAL OF TWO CADETS

One Reinstated Who Had Ununiformed Shoes in His Suit Case.

WASHINGTON, Feb. 18.—The War Department to-day announced the findings in the cases of two cadets at West Point who were tried by court-martial recently. In the case of Cadet Private Carl F. McKinney of the third class the President reduced the sentence of dismissal to confinement to the restricted limits usually awarded to cadets undergoing special punishment until July 15, 1909. He was charged with being absent from his quarters without permission the night of December 26 last.

In the case of Cadet Calvin M. Smith, a member of the second class, the President disapproved the findings of the court and ordered that he be restored to duty. Cadet Smith was charged with making a false statement as to the contents of the suit case which he was carrying into the academy after returning from leave of absence. He was found guilty of conduct unbecoming an officer and a gentleman and sentenced to be dismissed from the service.

In commenting upon the action of the court-martial Major-Gen. J. Franklin Bell, Chief of Staff, said: "The conclusion of the court is that when asked if he had any unauthorized or contraband articles in his possession he replied in the negative, although at the time he did have in his possession a pair of ununiformed shoes.

"There would seem therefore to be a clean distinction between ununiformed shoes and unauthorized or contraband articles. The proof offered shows that this was the understanding of at least a very considerable proportion of the cadets and probably of the officers composing the corps of instructors as well. It follows that to convict Cadet Smith of what is in fact a deliberate falsehood could only be possible by giving a forced construction and one opposed to the general understanding of the question propounded to him, the answer to which is made the basis of the accusation.

"The answers of the young man impressed the President with the idea that he is both frank and truthful. It is very possible that he did not intend to obey the regulations which required him to put the ununiformed shoes in the trunk room, although this is by no means clear, but assuming it to be true the most that can be said of it is that it was a violation of the regulations the punishment for which should have been of a minor disciplinary character."

OVER PRESIDENT'S VETO.

House Committee Recommends Repassage of Bill for Relief of John H. Layne.

WASHINGTON, Feb. 18.—The House Committee on Military Affairs to-day decided to recommend the repassage of a bill recently vetoed by President Roosevelt. This bill was for the relief of John H. Layne, who was a private in Company G, Nineteenth Infantry. It was sought to have the records of the War Department in the case of Layne changed so they would show that he had been "discharged by reason of injuries incurred in line of duty" instead of "discharged by favor." The object was to give Layne a status that would enable him to become eligible for appointment to the civil service, from which he is now debarred by reason of the notation in the Government records that he was discharged from the army "by favor."

In his veto message the President said the bill was "highly objectionable because it proposes to alter certain historical records in the War Department." He further declared that if approved "it would establish a demoralizing and vicious precedent." The House Committee takes it that the President objected to the form of the bill, which as reported to-day makes Layne eligible for appointment to the civil service without making any changes in the Department records bearing on his service in the army.

FISHERIES TREATY RATIFIED.

It Provides for Submission of the Dispute to the Hague Court.

WASHINGTON, Feb. 18.—The Senate to-day ratified the agreement between the United States and Great Britain providing for the submission to the Hague court of the Newfoundland fishery dispute, which has been a source of annoyance to the two Governments for many years. The agreement contemplates the interpretation by the court of the article of the treaty of 1818 under which the American fishermen claim the right to fish in the waters of Newfoundland. The agreement has seven principal questions which are to be sent to The Hague for adjudication.

In ratifying the agreement the Senate adopted a resolution declaring that the Senate umderstands that where Article 5 refers to the place from where must be measured three marine miles of any of the coasts, bays, creeks or harbors no question as to the Bay of Fundy is considered as a whole apart from its bays and creeks or as to innocent passage through the Gut of Canso.

Two Cent Postage to Newfoundland.

WASHINGTON, Feb. 18.—Postmaster-General Meyer to-day issued an order providing that beginning March 1 the postage rate applicable to letters mailed in the United States for Newfoundland shall be two cents an ounce or fraction of an ounce. Beginning March 1 the postage rate for letters mailed in Newfoundland for the United States will also be two cents an ounce or fraction thereof. When such letters are short paid or unpaid they will be despatched to their destination and the deficient postage, calculated at double the above rate, will be collected on delivery.

Army and Navy Orders.

WASHINGTON, Feb. 18.—These army orders were issued to-day:

Capt. Wesley W. K. Hamilton, Coast Artillery Corps, to the Ninety-fourth Company.

First Lieut. Edmund W. Bagley, from Vancouver Barracks, First Lieut. James C. Ballard, from Fort Sam Houston, and First Lieut. Walter H. Dade, from Fort D. A. Russell (all of Medical Reserve Corps), to the Philippines.

Capt. Chester J. Stedman, Medical Corps, honorably discharged.

Capt. Aubrey Lippincott, from Fourteenth Cavalry to Thirteenth Cavalry.

These navy orders were issued:

Lieut. R. M. Griswold, orders to command the Navajo revoked; continue on St. Louis.

Lieut. J. D. Wilson, from the St. Louis to command the Navajo.

Ensign F. A. Todd, to the New Hampshire.

Passed Assistant Paymaster L. W. L. Jennings, to Philadelphia yard.

Mrs. Sage's Gift to Yonkers Children.

YONKERS, Feb. 18.—Mrs. Russell Sage has bought for $30,000 the Abijah Curtis estate, which she has given to the children of Yonkers for garden school purposes. An old mansion occupied years ago by Gen. Thomas Ewing is the only building on the plot, and it is proposed to make a children's clubhouse of it with a well equipped gymnasium. The property purchased by Mrs. Sage adjoins the present Yonkers Garden Schools, where poor children cultivate vegetables after school hours for use by their families.

HEPBURN FOR NEW RULES

ATTACKS THE SPEAKER IN HIS VALEDICTORY TO CONGRESS.

Says Uncle Joe's a Benevolent Despot and Demands That the House Name Its Own Committees—Expects No Change at the Special Session.

WASHINGTON, Feb. 18.—Near the close of a service of more than twenty years in Congress Representative William P. Hepburn of Iowa delivered a farewell address to-day, making a spirited and at times bitter attack on the rules governing the conduct of business in the lower house. In the last election the veteran Iowan was defeated for reelection by a Democrat. For a time he entertained the hope that he would be able to retain his seat through a contest, but he was advised against taking such a step. Mr. Hepburn has been active throughout the present session as a leader of the House Republicans who advocate a change in the rules. Notice was given that he would discuss the subject to-day. Accordingly when he rose in his place every seat on the floor was occupied and the galleries were crowded.

Mr. Hepburn was in fine form. He drove home his points against the House rules with biting satire, keen wit and scathing ridicule. He had no more interested auditor than Speaker Cannon. For years these two veterans were antagonists on the floor of the House, and some of the most bitter debates in the annals of Congress contain the names of Cannon and Hepburn as principals.

"I can discuss this question with less timidity than some others," declared Mr. Hepburn, "because I will not be here in the new Congress." He asserted that if the people knew of the exact state of affairs in the House, all power arrogated by the Speaker and the Committee on Rules, there would be agitation that would force the leaders to yield consent to radical changes in procedure.

"There is already agitation on this question," he asserted. "It will continue. There will come a day when this agitation will challenge the attention of the people, and when the attention of the people is once centred on this question there will be no difficulty in taking from the Speaker the immense political power that he now exercises."

The Reed rules, so-called, Mr. Hepburn said, were devised for the mob. They were invoked to meet conditions that were intolerable. Under the Reed rules the House had escaped the irresponsibility of mob rule, but it had not escaped from the Speaker. He was the all controlling factor now.

"None of the animadversion upon the Speaker can be imputed personally to the gentleman who now occupies the chair," said Mr. Hepburn. "If we are to have a benevolent despot the present Speaker would be my choice of a despot."

Mr. Hepburn insisted, however, that the power exercised by the Speaker came from his arbitrary interpretation of the rules, the right given him to appoint committees and to select the chairmen of committees and his dictatorial attitude of refusing to recognize members to call up bills except by prearrangement. He urged as a remedy that the power of appointing committees should be taken from the Speaker, that in addition committees should left be free to name their own chairmen, and furthermore that one day a week should be set aside for the consideration of bills on the House calendars.

Reference was made by Mr. Hepburn to the plank in the last national platform of the Democratic party denouncing the rules of the House as at present enforced.

"I am not one of those who would condemn the Ten Commandments if by some accident the Democratic party should adopt them," said Mr. Hepburn. "For fifty years it has been my duty to criticise the Democratic party, but this particular plank is consoling to my soul."

The Constitution did not make the office of Speaker one of great magnitude, Mr. Hepburn contended. It was mentioned only once in the Constitution, namely, in that section authorizing the House to appoint a Speaker and other officers. The presiding officer of the House has become powerful through rights vested in him by the membership and by rights vested in himself by interpretation.

Mr. Hepburn said he expected to see no changes made in the rules at this session, nor at the session that would begin in March, but if it had been ordained that Congress was not to meet until next December he expressed the belief that public opinion would have forced the leaders to consent to much needed reforms in the present method of transacting legislative business.

REAL RATE WAR MAY FOLLOW.

The Boston and Maine Makes Another Cut in Rates on Import Business.

WASHINGTON, Feb. 18.—The action of the Boston and Maine Railroad in again making a cut in the freight rates on import business from New England points to Chicago and other middle Western points is considered the real opening of a freight rate war among Eastern trunk lines. The latest tariffs filed by the Boston and Maine Railroad will become effective on March 16, one day after the taking effect of the rates of the Baltimore and Ohio Railroad and seven other trunk lines, which were made to meet the first cut of the New England road. The first cut of the Boston and Maine and the Boston and Albany rates is to become effective March 4.

The rates average one cent per hundred on commodities less than the Baltimore and other south Atlantic port rates. It is expected that the Trunk Line Association will take official cognizance of the situation and attempts to adjust it to avoid cuts which will seriously impair revenues of the carriers and the commercial prestige of Baltimore, Philadelphia, Norfolk and other ports.

Movements of Naval Vessels.

WASHINGTON, Feb. 18.—The cruiser Des Moines has arrived at Curaçoa; the collier Hannibal at Newport News; the tender Yankton at Hampton Roads; the torpedo boat De Long at Mobile, and the torpedo boats Tingey and Wilkes at New Orleans.

The tug Potomac has sailed from Charleston for Norfolk; the tugs Powhatan and Pawnee from New York yard for Horton's Point, and the tug Standish from Annapolis for Norfolk.

Concession to the House Republican Insurgents.

WASHINGTON, Feb. 18.—Speaker Cannon has agreed to make a concession to the House Republican insurgents by setting apart one day each week for the consideration of bills on the calendar. This was one of the things contended for by the insurgents. It is said that concessions will be granted the young radical Republicans of the Senate in the matter of committee assignments on which they are insisting.

Copyright Bill Reported Favorably.

WASHINGTON, Feb. 18.—The Currier copyright bill containing a provision relating to what is known as "canned music," was reported favorably to-day by the House Committee on Patents. The so-called "canned music" clause recognizes the exclusive right in the composer, but provides that if the composer or any one under his authority uses a composition on a mechanical device such composition may be used by others in a similar manner upon the payment of a royalty.

SURPRISE IN ROEBUCK WILL.

Most of His $1,000,000 Bequeathed to Unknown Grandchildren in England.

The will of Samuel Roebuck, the aged and eccentric wire screen manufacturer, who died recently in Brooklyn, has been offered for probate by Ella M. Roebuck, who a few weeks before his death had a commission appointed to inquire as to his sanity. The will was executed on February 20, 1906, and the widow admits that there is another will, which was made later, when, as she claims, her husband was incompetent. It is said that Mr. Roebuck owned property worth more than $1,000,000.

The first will bequeaths to the widow the Seventieth street house and another house at 160 Prospect avenue and all the furniture in the famous summer home of the deceased at Coney Island known as "Roebuck's Palace" in lieu of dower. The will bequeaths the Roebuck plot in Greenwood Cemetery to his son, Samuel Roebuck. The testator explains that he made no provisions for his sons, Samuel and George E. Roebuck, and his daughters, Helen North and Ada G. McCormick, because he had provided for them during his lifetime. The will then continues:

"All the rest, residue and remainder of my estate I give and bequeath to the children of my daughter Elizabeth Bird, now residing in Northampton, England, with her husband, Richard Bird, said Mrs. Bird being the daughter of Ann Cheshire of Leicester, England. Said property is to be divided among those children of Elizabeth Bird, share and share alike."

Samuel H. Roebuck, the testator's son, said that he never had any knowledge of the existence of Elizabeth Bird or of her children or of her alleged relationship to his father or had even heard of them until he saw the will.

The second will, executed on July 17, 1908, was also filed for probate yesterday by the Title Guarantee and Trust Company, which is its custodian. It revokes all earlier wills and expressly stipulates that his wife is not to receive any of his personal property and cuts her off with her dower rights. The will says that he has purchased an annuity of $10 per week for her.

The sum of $5,000 is to be paid to Mrs. Ellen Lyons, who is not identified in the will, and $1,000 to Gussie Lyons, the daughter of Ellen Lyons. All the rest of the estate is to go in equal shares to the children of Elizabeth Bird, who is mentioned in the will of 1906. In this will Elizabeth Bird is described as "my eldest daughter."

It is understood that the wills will be contested.

DR ANGELL'S SUCCESSOR.

John H. Finley and Ambassador Hill Among Those Mentioned.

ANN ARBOR, Mich., Feb. 18.—While the regents of the University of Michigan are awaiting the reply of Dr. James B. Angell, who has tendered his resignation as president as to whether he will accept the proffered chancellorship there are many rumors as to his successor.

It is reported that Prof. J. W. Jenks of Cornell has unofficially given the regents to understand that if the position is offered him he will accept. Other names heard are those of John H. Finley, president of the College City of New York; David J. Hill, United States Ambassador to Germany; Prof. Andrew McLaughlin and Dr. Angell's son-in-law, Prof. Gay of Harvard.

Secretary Smith of the university insists that no man has been communicated with in regard to the presidency and that a decision will not be made hastily. A committee of four regents has been appointed to consider the matter.

To Stop Licensed Gambling in Nevada.

CARSON, Nev., Feb. 18.—The Nevada Assembly to-day ordered that the bill to prohibit licensed gambling within the State be made a special order for February 24. It is believed that the bill will pass.

OBITUARY.

Mrs. Marcella MacTavish, widow of Charles Carroll MacTavish, a Maryland woman of distinction, died yesterday in Rome, Italy. Mrs. MacTavish was the daughter of Gen. Winfield Scott. She had practically lived abroad for many years, but came to Baltimore occasionally with her daughter, Miss Virginia MacTavish to visit former Gov. John Lee Carroll at Daughoregan Manor. Mrs. MacTavish and her daughter took a prominent part in the social life of Rome. In addition to her daughter Miss Virginia MacTavish Mrs. MacTavish is survived by two other daughters who are nuns in Catholic institutions—one in Belgium and the other in St. Louis. It is not known whether or not the body will be brought to this country for interment. Baltimore friends received letters recently to the effect that Mrs. MacTavish had been seriously ill with rheumatism but was better. The late Carroll MacTavish was a grandson of Charles Carroll of Carrollton and a cousin of former Gov. Carroll.

Julius Lehrenkrauss, Sr., died at his home, 371 Pearl street, Brooklyn, last night. He was born in Stuttgart in 1845 and received his education at the university at Stuttgart. In 1867 he came to this country and was connected with the banking houses of Wolfer & Kalischer and Schulz & Ruchgaber. Later he was with the Germania Savings Bank and in 1878 he started a private banking house in Brooklyn. He retired from business fifteen years ago. At the time of his death he was treasurer and trustee of the Germania Savings Bank. He was one of the founders of the Brooklyn Turn Verein and the German Hospital Society, and was a member of the Arion Singing Society and the Brooklyn Saengerbund. He was a prominent Mason. He leaves a widow, two sons and a daughter.

Mary J. Timpson, wife of George T. Timpson, died yesterday after a few days illness of pneumonia. She was a former resident of Brooklyn and for many years was a member of the Janes Methodist Episcopal Church. For the last fifteen years she had resided at Old Chatham, N. Y., but was in Brooklyn for the winter months. Mrs. Timpson was the mother of Frederick H. Timpson of 548 Putnam avenue, who has for years been connected with *Brooklyn Life*.

Samuel Goodstein of Brooklyn died on Wednesday in the Jewish Hospital after an operation, in his sixtieth year. He had been in the pawnbroking business in Bridge street for thirty-five years, and was president of the Pawnbrokers Association. He was long president of the Temple Israel and was one of the founders of the Hebrew Orphan Asylum and the Hebrew Benevolent Society. He was for eleven years a member of the Board of Education of the city of Brooklyn. He is survived by his wife, a son and five daughters.

Robert N. Clark, a native of New York city and a former Mayor and Treasurer of Amsterdam, N. Y., died in that city on Tuesday of angina pectoris at the age of 67 years. He was a Democrat in politics and prominent with his party. He was a member of the Masonic, Royal Arcanum and Eastern Star orders, Post Young, G. A. R., and an honorary member of the Seventh Regiment, New York National Guard. He is survived by his wife, five sons and three daughters. He was a brother of John H. Clark of New York.

Mrs. J. W. Harrison, who with her husband was well known as an evangelist, having travelled more than 6,000 miles in this country in a prairie schooner preaching the Gospel, died at her home in Plainfield, N. J., yesterday, aged 70 years. She was born in London, England, and was the daughter of William Tickle. Her husband, four daughters and one son survive her.

Capt. Joseph R. Shillaber, who had followed the sea for over forty years and had commanded several clipper ships, died on Wednesday at his home, 214 Lefferts place, Brooklyn, in his seventy-sixth year. He was born in Portsmouth, N. H., and began his seafaring life when a boy. He retired nineteen years ago. He is survived by his wife and a son.

Ervin Saunders, one of the oldest and best known foundrymen of Yonkers, died there yesterday at the home of his brother, Leslie M. Saunders. He had been in delicate health for several years. For the last eleven years he had lived at the Hotel Majestic, New York. He was not married.

Miss Mary Moore Taylor, daughter of the late Dr. and Mrs. Augustus F. Taylor of New Brunswick, N. J., died in that city on Wednesday. She was the second vice-regent of the Jersey Blue Chapter, D. A. R., and one of its most active members.

Mrs. Maria Haley died on Tuesday at her home, 538 Jackson avenue, Jersey City, in her ninety-sixth year. She had lived in that city fifty-nine years. She was one of thirteen children.

MAKING MR. KNOX ELIGIBLE

THE HOUSE TRIES TO UNRAVEL THE LATEST TANGLE.

Resolution Adopted Authorizing the Conferees on the Legislative Bill to Correct the Item Relating to the Salary to Be Paid the Secretary of State.

WASHINGTON, Feb. 18.—Immediately after the House met this morning at 11 o'clock machinery was set in motion to make Senator Knox eligible beyond dispute for the portfolio of Secretary of State.

Representative Dalzell of Pennsylvania reported from the Committee on Rules a resolution authorizing the conferees on the legislative bill to dig out the item relating to the salary of the Secretary of State and consider it for correction, and also "to report on any provision in relation to the law affecting said salary."

There were only 81 members on the floor of the House when Mr Dalzell called up the rule, and the vote on ordering the previous question resulted 50 to 31. Representative John Sharp Williams raised the point of no quorum, and a rollcall on the previous question was ordered. The vote resulted 157 to 107.

Mr. Dalzell then explained the purpose of the rule. It was designed, he said, simply to enable Congress to extricate itself from a legislative tangle. The rule would permit disagreement to the Senate amendments to the legislative bill and authorize the conferees to consider the whole matter with reference to the salary of the Secretary of State and make the necessary adjustments.

Mr. Williams of Mississippi, opposing the rule, suggested that "beating the devil around the stump" was always an embarrassing performance. He said that he was proud to be a member of this House of Representatives, which was the first that had ever been called into consultation in the forming of a Cabinet.

Representative Fitzgerald rose from a nest of law books by which he was surrounded and proceeded to roast the Committee on Rules "for doing something which is prohibited by the Revised Statutes of the United States." He quoted from section 9 of the Revised Statutes to uphold his theory that the form in which the resolution was reported was illegal. He admitted, however, that he had no hope of converting Speaker Cannon and the members of the Rules Committee to his view of the subject.

Representative Bourke Cockran of New York suggested that the House pass another legislative, executive and judicial appropriation bill, identical in all respects save the item for the salary of the Secretary of State with the one which already has passed both houses, and send it over to the Senate.

"But," said Mr. Cockran, "this course being consistent with common sense has nothing to commend it to the Committee on Rules."

After the laughter of the whole House and the applause of the Democratic side had subsided, Champ Clark took occasion to criticise in general terms the "almost idiotic" manner in which the business of Congress is conducted.

The resolution of the Committee on Rules was adopted, 182 to 126.

Representative Fitzgerald of New York succeeded in giving items in the legislative bill for an Under Secretary of State at $10,000 and a Fourth Assistant at the regular rate a black eye. The House, by a vote of 151 to 144, instructed the conferees to disagree to the inclusion of these items in the bill.

The President to-day signed the joint resolution of Congress intended to remove the constitutional barrier to the acceptance of the Secretaryship of State by Senator Knox in the Cabinet of President Taft.

TO EXTRADITE "WORLD" MEN.

District Attorney Baker Sees No Difficulty in Taking Them to Washington.

WASHINGTON, Feb. 18.—District Attorney Baker in a statement made to-day said that no difficulty would be experienced in securing the attendance in this city of Joseph Pulitzer and other editors of the New York *World* and Messrs. Smith and Williams of the Indianapolis *News*, who were indicted here yesterday for an alleged criminal libel of President Roosevelt, President-elect Taft, Senator-elect Root, J. P. Morgan, William Nelson Cromwell, Charles P. Taft and Douglas Robinson. Conditions, he said, had changed since the precedent set in the Dana case.

"This is no new proceeding," said Mr. Baker. "A great many people have been brought here under section 1014 of the Revised Statutes and have been tried."

Continuing, Mr. Baker said: "A great deal has been said about the Dana case and about common law offences not being removable. The Dana case, however, is no longer an authority for the removal of persons charged with common law offences, both because it has been overruled and because the offence of libel is now punishable by statute in the District of Columbia and the offence is a statutory offence against the United States. This case has been overruled by the later case of Wimsatt against the United States, in which case the District court for the Southern District of New York decided that "it is immaterial whether the offence be a common law offence or a statutory offence, as in the District of Columbia, common law offences are against the United States as the local sovereign and are therefore offences against the United States within the meaning of section 1014."

Henry E. Davis of this city, who has been retained to represent the *World* men, left here to-day for New York to hold a conference with the *World's* attorneys.

John W. Yerkes, former Commissioner of Internal Revenue, retained by the Indianapolis *News*, will leave here for Indianapolis in a day or two.

The bench warrants for the apprehension of the accused men have not been mailed or sent to New York or Indianapolis.

Banker Twining Goes to Prison.

TRENTON, Feb. 18.—Albert C. Twining, former president of the Monmouth Trust Company of Asbury Park, was brought to the State prison to-day to serve a sentence of six years for making false returns to the Banking and Insurance Department regarding the condition of the company. He was accompanied by Sheriff Hetrick of Monmouth county.

Twining's offence was committed six years ago, and for about five years he has successfully evaded the prison through various appeals to the courts. He will be assigned to clerical work.

Leslie M. Shaw to Make Philadelphia His Home.

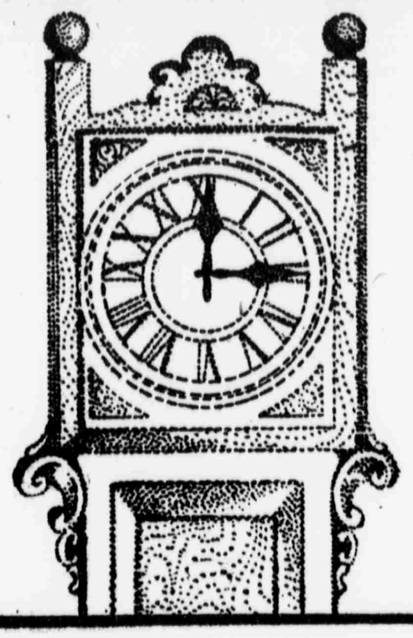
DENISON, Ia., Feb. 18.—Leslie M. Shaw has decided not to go to Kansas City, but will move his family to Philadelphia, where he will reside permanently. In Philadelphia Mr. Shaw will be connected with a trust company.

Brooklyn Club Doubles Its Dues.

The board of governors of the Brooklyn Club has directed an increase in the annual dues of members from $60 to $120. The doubling up of the dues is required to meet a deficiency in the receipts since the hard times set in nearly two years ago.

WHEN YOU PUT ON STOCKINGS

Of the heavier sort, do your shoes pinch, and your feet swell and perspire? If you sprinkle Allen's Foot-Ease, an antiseptic powder for the feet, into your shoes, it will give you rest and comfort, and instant relief. When rubbers become necessary and your shoes feel tight, Allen's Foot-Ease is just the thing to use. Try it for Dancing Parties, Breaking in New Shoes and for patent leather shoes. Sold Everywhere, 25c. Sample FREE. Address Allen S. Olmsted, Le Roy, N. Y. Don't accept any substitute.



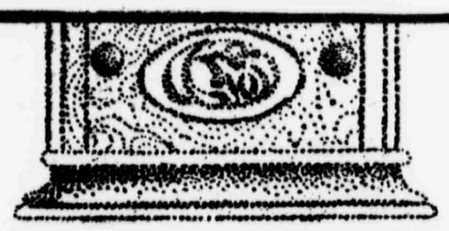
Dear John:

I am up against it, and bad. I was due at 79th Street last night and have still to get there. And all on account of a pesky story. Have you ever read anything of that man Tracy's? Well don't, if you want to avoid trouble. In a weak moment yesterday I got his new one, THE MESSAGE, and after dressing thought I would look it over—at 12:15 I came to myself, sought the telephone, but of course it was no use. As a friend can you suggest what I can do?

Yours,

G—. H—. D—.

P. S.—I have it, am sending a note and the book.



CLUB DOES NOT "OCCUPY"

When It Assembles in a Tenement Without Enough Cubic Feet of Air.

The Cooke Athletic Club asked Supreme Court Justice Gerard for an injunction to restrain the police from interfering with the club. The defence entered by Commissioner Bingham's subordinates was that on entering the club's premises they had discovered 150 men in a room 50 by 20 feet, which they said constituted a clear violation of the tenement house laws, which require that every room intended for human habitation shall contain at least 400 cubic feet of space for every adult person occupying the room, and 200 cubic feet for every child under 12.

Justice Gerard says that to apply this tenement house provision to the premises of an athletic club is an absurdity. To 'occupy' a room, he says, contemplates that the room is to be used as a place of abode, and to permit such an interpretation as the police seek to apply would make every assemblage of persons in a room beyond the tenement house air limit subject to a raid by the police.

But under the rules laid down by the Court of Appeals and the Appellate Division, Justice Gerard says, he is constrained to deny the injunction asked for and remit the applicants to their remedy in either the civil or criminal courts or both.

TO-DAY AND TO-MORROW

winds up the sale of our last spring and summer materials, also those of A. C. Yates & Co., Philadelphia, and J. Nordine & Co., 180 Broadway, at uniform price of Suit or Overcoat to measure, $20—worth $40. Sale on second floor.

ARNHEIM,

Broadway & Ninth St.