

PUTS PRIMARY FRAUD UP TO SAM S. KOENIG

Prendergast Sends for Copy of Ogden L. Mills's Testimony in Washington.

BLAMES THE INSPECTORS Says Republican Chairman Has Reappointed the Same Men for Election.

Comptroller Prendergast has sent for a copy of the testimony in which Ogden L. Mills told the Clapp committee in Washington on Monday that gross fraud in the interest of Col. Roosevelt had been accomplished in the primary of the Eighth Assembly district on March 26. Mills implied that the man responsible was Louis Freidell, Republican district leader, who, he said, fanned to Roosevelt on primary day and later got a job under Comptroller Prendergast, who is for Roosevelt.

Mr. Prendergast investigated. Yesterday he wrote a letter to Senator Clapp saying that the ballot box stuffers, if there were any, must have been election inspectors recommended for appointment by Republican County Chairman Samuel S. Koenig. Mr. Prendergast said further that some of these same men have been reappointed inspectors for the coming election and "are today acting for the Republican County Committee under Mr. Koenig's direction, and they are all actively supporting President Taft."

This is the Prendergast letter in part: Mr. Mills was asked by the committee whether the facts concerning these alleged frauds had been placed before the District Attorney of New York county. He said: "I believe they have been."

I immediately addressed a letter to District Attorney Charles S. Whitman, asking whether such charges had ever been preferred to his department. Mr. Whitman replies as follows:

"No such charge was made at this office nor has any evidence been offered by any one or complaint made to me regarding alleged frauds in the Eighth Assembly district in connection with the primary election of March 26, 1912."

It is evident from District Attorney Whitman's letter that Mr. Mills did not know what he was talking about when he told your committee that these frauds had been reported to the District Attorney. He told your committee that he had obtained his information from Samuel S. Koenig, who is the chairman of the New York county Republican committee and an ardent supporter of Mr. Taft.

It matters not to me if these frauds were committed whether they were committed in the interest of Col. Roosevelt's candidacy or not; they are frauds just the same. A fraud is a fraud no matter who is the beneficiary, and I now respectfully ask that you will furnish me with a copy of a certified copy of Mr. Mills's testimony in order that I may present it to the District Attorney of this county with a request that he thoroughly investigate the charges and if any crime has been committed urge the punishment of the guilty parties.

Such frauds as Mr. Mills described, if they took place at all, could not take place except through the active participation of the election inspectors. These men held their positions until the primary election of March 26 by the grace of Mr. Koenig. Mr. Koenig could have appointed those men for the March primaries in good faith and he could have been deceived by them. They might have done things at the primaries which he never suspected they would do, but after he had discovered these frauds, related to your committee through Mr. Mills, if he was actuated by a desire to protect elections how could he possibly reappoint the same men to serve as inspectors at the primaries held in this city on September 19. This is what he actually did.

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OLD MARKET ENDS ITS FETE.

Washington Centennial Brought to Close With Banquet.

Festivities in celebration of the centennial of Washington Market were brought to a close last night by a banquet at the Hotel Knickerbocker under auspices of the Washington Market Merchants Association. Most of the 150 standstillers in the market were present with about 300 of their friends. One of the oldest standstillers at the banquet was Louis Knoll of 32 Stanhope street, Brooklyn, who sixty-one years ago became an errand boy in the market at a wage of 25 cents a week.

The speakers of the evening were Dr. W. R. Patterson, Dr. U. G. Houck, Sidney H. Goodacre, W. H. Hotchkiss, C. A. Koelsch, president of the Washington Market Merchants Association; Borough President George McAneny, the Rev. George Van De Water, Borough President Cyrus B. Miller and F. J. H. Kracke.

Mr. Koelsch said: "In the remarks of the brilliant speakers who have addressed the crowds attending the centennial celebration there seems to have been overlooked one of the strongest traditions connected with the Washington Market which seems to me too good to pass without reciting. Since the foundation of Washington Market has prided itself on having a great advantage in the fact that the ladies have always come to us and never more numerous, brightly and happily than in the celebration now ending. Like the good housewives that they are, and always will be, they have never been found wanting and have always got what they wanted. We thank all who came and now extend an invitation to others."

FLORENCE BROMLEY WILL TESTIFY FOR MAC FARLAND

Woman Whose Letters Led to Conviction Accepts Subpoena.

According to Frank M. McDermitt, counsel for Allison M. MacFarland, whose trial for the murder of his wife begins in Newark tomorrow, Florence Bromley, the Philadelphia woman whose letters to MacFarland were the chief evidence of the prosecution when he was convicted at his former trial, crossed last night from the Quaker City into Camden so that she could be served with a subpoena to testify for MacFarland now.

It is said that Miss Bromley, who has figured in the case as "Bunny," will testify in defense of her parents. She declares, if it is said, that while she owes her father and mother a duty, there is a higher duty to perform in a case of life or death, hence her decision to come forward and testify. She was accompanied to Camden, it is said, by her father, John Bromley, Jr., after he had tried in vain to induce her to change her mind. After accepting service of the subpoena Miss Bromley, with her father, at once returned to her home in Philadelphia.

MacFarland has written a public letter giving his impressions of his previous trial. It begins: "I am glad to say that my trial, which is coming up again on Monday, I have tried to restrain my impatience and resentment at injustice and stupidity and only point out the cold logic of the case. Now, for once I am going to indulge in the luxury of 'having my say' on the subject 'a la prosecutor's office.'"

I was arrested for nothing and put through a trial that ought to have been staged in the opera house instead of the court house. It was a farce pure and simple. MacFarland ridicules each point of the prosecutor's argument in turn and then concludes: "It is said that 'twelve men are twelve times as stupid as one man,' and that a jury has no sense of reason or logic, but is swayed by the emotions of the moment. It seems a curious thing, but it looks like that there was something in it."

The way of a fish through the sea. The way of a maid with a man. And the findings of a petit jury. Are things beyond the comprehension of man.

WANT NO RUTLAND MEETING. Judge Will Not Permit Stock Involved in Suit to Be Voted.

The minority stockholders of the Rutland railroad, who are suing the New Haven Railroad to set aside the sale to the New Haven of the New York Central's majority holdings in the Rutland and which have obtained a temporary injunction from Justice Gerard restraining the New Haven from making any use of the stock, asked the court for an order to restrain the holding of the annual meeting of the Rutland until after their suit is determined in the higher courts.

Justice Gerard decided yesterday that unless the Rutland meeting is adjourned he will grant an injunction preventing the holding of the annual meeting. In the action, but he could not enjoy the voting of stock not involved in the suit.

BERI-BERI IN PHILADELPHIA. One Sailor Dying and Three Others Ill of the Disease.

PHILADELPHIA, Oct. 12.—Government health officials here at Quarantine today stopped the steamship Venezia of the Munson Line, from Cuba, and after boarding her found that one Chinese sailor was dying of beri-beri and that three others were suffering from the same disease.

After the sailors were removed and placed in the Government hospital the ship was held for fumigation. It is expected that as soon as this has been completed the vessel will be allowed to proceed to her pier here and land her passengers and cargo.

This is the second time within the past month that this infectious disease, supposed to exist only in the Far East, has made its appearance at this port.

BURIED IN TEN TONS OF SAND. One Workman Is Killed, Another Hurt as Passes.

A 30 foot sand bank caved in yesterday afternoon in Highland avenue, on the outskirts of Passaic, killing William Griffin, 24 years old, of 390 Oak street, and injuring James Patten of 43 Myrtle avenue. Ten tons of sand slid down on the men as they were loading a wagon. Griffin was covered and Patten was buried up to his neck.

Patten's cries were heard by George Holleran and John Honneman, ten-year-old boys living at 47th street, who had been riding in Patten's sand wagon fifteen minutes before. They ran to the Eureka Printing Company, 300 yards away, and worked their way to the rescue with shovels. Griffin was dead when dug out.

SPARKS FROM THE TELEGRAPH. A large nursery room is to be installed adjoining the Chicago Court of Domestic Relations, where mothers who are witnesses, their babies, defendants in trials may leave their children.

ROOSEVELT IN DOUBT AS TO PERKINS'S VALUE?

Story Has It That He Believes His Backer Is Hurting His Chances.

TOLD HIM IN THE WEST Chairman Says His Corporation Connections Were Discounted Long Ago.

A yarn to the effect that Col. Roosevelt has become convinced that the conspicuous support of George W. Perkins is hurting his chances was passed among political circles yesterday. It was said that even now the Colonel is revolving in his mind methods of gently supplanting Mr. Perkins without hurting anybody's feelings.

The report being carried to Mr. Perkins he said that neither directly nor indirectly had any such intimation come from Col. Roosevelt. Furthermore Mr. Perkins did not believe that his activity was hurting the cause of the Progressive party or that Col. Roosevelt thought so.

The story started yesterday with a man who has long been zealous for Col. Roosevelt and who is now on the stump for him. When a friend is reported to be substantially this: "Until Col. Roosevelt set forth on his latest Western trip he believed that he had a very good chance of election. But what he has heard in Michigan, Wisconsin, Illinois, Minnesota and other middle Western States that he has visited has changed his mind. He has been told by many voters that Mr. Perkins, with his Harvester and Steel Corporation affiliations, with his frequent ventures into publicity as chairman of the executive committee of the Progressive party, is a serious obstacle to Progressive victory."

Democratic speakers everywhere have played up Mr. Perkins's militancy in the Progressive camp as a first class argument against the Progressive ticket. Col. Roosevelt, so the story goes, didn't mind that he believed in election but when his own leaders flocked to him with remonstrances and solemn prophecies and told him the West was fidgety because of Mr. Perkins the Colonel was deeply concerned.

It is not alleged that the Colonel has in any way wavered in his own faith in his chief supporter, but it is part of the yarn that he is trying to hit on some tactful way of getting Mr. Perkins into the background for the sake of the party. Mr. Perkins, after stating yesterday that he had no such word from Col. Roosevelt, added that he did not see how he could be hurting the Progressives, inasmuch as every possible criticism of him had been made for the purpose of without effect. He said that the so-called harvester trust correspondence, in which President Roosevelt asked Commissioner of Corporations Charles D. Smith not to prosecute the Harvester company until he had heard from the President, was made public on the eve of the Massachusetts primary last spring, yet Col. Roosevelt carried the matter up and told Mr. Perkins also recalled that he was attacked by President Taft in several speeches before the New Jersey primary without result.

It became known yesterday that when the Progressive National Committee meeting in Chicago in August, proposed to make Mr. Perkins chairman of the executive committee he got up and talked very frankly. He said he was fully aware of how he had been attacked because of his alleged corporation connections and he asked the committee to support him if there was any doubt about him as a campaign asset. The committee shouted "No, no," and Mr. Perkins got the job.

"I have read reports of many recent Progressive meetings," Mr. Perkins said yesterday, "in which somebody shouted from the floor, 'How about Perkins?' In every case the audience indicated that it was not in sympathy with the interruption."

STRAUS HOME TO-DAY. Finishes Week of Campaigning at Oswego.

OSWEGO, Oct. 12.—An audience of 600 persons greeted Oscar S. Straus, Progressive candidate for Governor, at a meeting held to-night in the Hippodrome Theatre. The audience was friendly and frequently interrupted the candidate with remarks of approval. Mr. Straus said Columbus was a man with a vision, just as Theodore Roosevelt is to-day a man with a vision for the uplift and advancement of humanity. Referring to an article in a local paper that certain labor leaders would attack him in a meeting here to-night, he produced a statement from these men, President Harris and Legislative Agent Fitzgerald of the State Federation of Labor, saying that the report was entirely unfounded.

Organized labor had no firmer or more loyal friend than himself, declared Mr. Straus. He said Mr. Hodges was now out of the race and in another week Sulzer would be eliminated and he, Straus, would be elected. Ex-Senator Davenport's candidate for lieutenant governor, also spoke. Mr. Straus returned to New York to-night and will spend Sunday there.

QUESTIONS THE CANDIDATES. Taft Committee Wants to Know How Bull Moose Men Will Vote.

The Taft Republican county committee of Hudson county, N. J., yesterday forwarded to each of the Republican Assembly candidates a document in which the candidates were asked if they would vote for the reelection to the United States Senate of Senator Charles D. Smith, and if they would vote for President Taft. The candidates are all Bull Moose men, who bent the regulars at the recent primary and it is not thought they will answer both questions in the affirmative. If they should, however, the committee will inquire.

OSCAR STRAUS'S ITINERARY. Candidate Will Travel From End to End of State This Week.

This is Oscar Straus's itinerary for this week as arranged at Progressive headquarters yesterday: Monday—Mt. Kisco, Brewster, Hillsdale, Philmont, Chatham, Hudson, Albany, Schoenectady and Amsterdam. Tuesday—Utica, Clinton, Hamilton, Rensselaerville, Earlville and Syracuse. Wednesday—Geneva, Dresden, Penn Yan, Dundee, Watkins, Corning and Bath. Thursday—Addison, Hornell, Wellsville, Belmont, Friendship, Fulton, Mt. Morris, Genesee, Van and Batavia. Friday—Le Roy, Warsaw, Perry, Silver Lake, Macedon, Junius, Franklinton, Olean, Salamanca and Jamestown. Saturday—Massena, Westfield, Dunkirk and Buffalo.

Wegner, Alleged Forger, Arrested. Frederick A. Wegner, who disappeared from Ridenfeld Park, N. Y., on August 1 after a warrant charging him with forgery had been issued, was arrested last night at Tannersville, Catskill Mountains.

OUTLOOK BRIGHT, SAYS CLARK.

Former Senator, Home From Europe, Sees Prosperity in Big Crops.

Ex-Senator William A. Clark returned yesterday on the White Star liner Majestic from a ten weeks' trip abroad. He spent most of the time in France. The crops in that country, he said, were fair, but in England they were failures. In this country, he said, they seem to be so large that prosperity is assured regardless of politics.

"Big crops mean money for the railroads, employment for the thousands of people and money for the farmers," said Mr. Clark. "I am in favor of a moderate reduction in the tariff on foodstuffs. Beef ought to come in free. The Argentine has such a vast area of virgin pampas that she can send an almost inexhaustible supply of beef to us. The prairie which I remember as grazing lands back in Montana years ago are now cut up into homesteads."

Senator Clark intends to go to California and then home to Butte in time to vote. J. P. Morgan was on the pier to meet his old friend Morton S. Paton. Mr. Morgan's yacht, the Corsair, lay off the end of the pier, and when Mr. Paton was through with the customs examination Mr. Morgan and he went away on the yacht.

Sydney Olcott of the Kalem Film Company, with Miss Gene Gauntier and a company of twelve, who have been acting the "part of Christ in the Holy Land," arrived on the Majestic. They brought 5,000 feet of films taken while abroad. Another passenger was George Lemon, who got much good in Alaska. His kindness to a band of the firemen and crew of the liner who serenaded him on the way over was so marked that the captain sent his respects to Mr. Lemon and requested that he send no more wine down back to stoker room lest the ship should never reach port.

The Majestic brought in a gold shipment of \$1,250,000.

BOSTON JIMMIE GIVES COURT ROOM A SURPRISE.

Man Suspected of Robbery and Murder Perplexes All by Gentleness.

Post Office Inspectors James and Jacobs brought before United States Commissioner Shields in the Federal District Court yesterday a slender, dark eyed man of demeanor so quiet as to approach diffidence. Those in the court room stared at the trim stranger in perplexity, for they were awaiting the arraignment of James F. Kelley, alias James Jimmie, alias John Williams, alias Boston Jimmie, a notorious yegman wanted for the robbery of the post office at North Andover, Mass., and suspected of the murder of Sheriff E. J. Veile of Richmondville, Schoharie county, N. Y.

The hearing did not last long. Commissioner Shields, having recovered from his evident surprise, put a few perfunctory questions to the prisoner, who answered in a voice that might have passed muster in a drawing room. He was marched off to the Tombs, as there was no one present willing to furnish the necessary bail bond of \$5,000.

Kelley together with two of his pals, Thomas O'Gorman and Walter Bailey, alias Boston Johnny, were arrested by acting Capt. Charles H. McKinney of the detective bureau and several post office inspectors on Tuesday evening last near Eighth avenue. Friday morning the post office authorities are positive that Kelley is the leader of a gang of post office thieves that have been operating successfully for the last ten years.

Also said that he was in command of the group of yegmen that visited Richmondville, Schoharie county, on the night of September 7 last, for the purpose of looting the bank there. For some reason their plans miscarried and they turned their attention to the local post office. After blowing the safe they headed for the railway station and on the road met Sheriff Veile and another man. It is thought that the yegmen must have caught the sheriff by surprise, for they opened fire without warning. Veile dropped with a bullet through his stomach and died next day.

Marion Barlow in the Jefferson Market court, to which the prisoners were first taken from Headquarters yesterday morning, held John Dailey yesterday for a week as a fugitive from justice and for the purpose of locating the post office inspectors. The Magistrate was forced through lack of evidence to release Gorman.

VAINLY SEEK LICENSE TO WED.

Virginia Couple, Unaware of Columbus Day, Meet Disappointment. Howard L. Anderson, a young lawyer of Richmond, Va., and Miss Alice Boatwright of New Canton, Va., a cousin of President Boatwright, had been together, hunted all over the city and waters surrounding it yesterday for City Clerk Scully, who has charge of issuing marriage licenses to impertunate couples.

They had come all the way from Richmond to be married in the Little Church Around the Corner because Miss Boatwright's brother, Lieutenant Boatwright of the Coast Artillery, had been just there a few weeks ago and she wanted to be married in the same place. They forgot about Columbus Day and after waiting all night for Scully to appear at the Hotel Seville to wait with relatives for Monday to roll slowly here. Columbus Day is not a legal holiday in Virginia.

THREE LAKE BOATS AGROUND.

Steamers Head, Perkins and Rensseler Reported to Be in Trouble. CHICAGO, Oct. 12.—Shipping circles had information to-day that three lake boats were aground in last night's storm. The W. P. Bend, with a cargo of soft coal, bound from Buffalo for Chicago, with a crew of seventeen, went ashore ten miles north of Milwaukee. The Bend was reported to be in a better position this afternoon, with a change of the wind. A tug from Milwaukee has gone to her assistance.

Wednesday—Geneva, Dresden, Penn Yan, Dundee, Watkins, Corning and Bath. Thursday—Addison, Hornell, Wellsville, Belmont, Friendship, Fulton, Mt. Morris, Genesee, Van and Batavia. Friday—Le Roy, Warsaw, Perry, Silver Lake, Macedon, Junius, Franklinton, Olean, Salamanca and Jamestown. Saturday—Massena, Westfield, Dunkirk and Buffalo.

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Advertisement for OILDAG lubricant. Features an illustration of a man carrying a large barrel labeled 'OILDAG' and a speech bubble saying 'YOU CAN'T STEAL ANY MORE FUEL & POWER WHILE I AM AROUND.' Text includes 'STOP THIS WASTE!' and 'You are now losing from 40 to 80% of your fuel value in overcoming friction...'

HARRIMAN SUITS KILLED AFTER FUND WAS RAISED

Joseph H. Call, Special Attorney for Government, Gives Out Letters.

DISMISSED IN JULY, 1905. Orders From Attorney-General's Office in Washington.

LOS ANGELES, Cal., Oct. 12.—Attorney Joseph H. Call, special counsel for the United States in the Harriman merger suits, has given out correspondence to support his statement that the dismissals were made after Harriman had raised a fund of \$250,000 for the Republicans in the 1904 campaign, and not prior to that campaign, as Judge Robert Lovett testified before the Senate Committee. Some of the correspondence, which is self explanatory, follows:

DEPARTMENT OF JUSTICE. WASHINGTON, June 29, 1905. Joseph H. Call, Special Assistant United States Attorney, Los Angeles, Cal. SIR: I duly received your letters of March 23 last and the 2d and 7th insts., and have given careful consideration to the question of the advisability of taking further action in the old cases of United States v. Central Pacific Railroad Company et al., No. 11121, and United States v. Southern Pacific Railroad Company et al., No. 11181, pending in the Circuit Court at San Francisco.

In view of some of the recent decisions and for other reasons it seems to me at least quite doubtful whether the suits can be maintained, and perhaps equally questionable whether a successful outcome would subserve any very useful purpose. Accordingly I have to-day directed the United States Attorney at San Francisco to cease the actions to be dismissed. Respectfully, W. A. DAY, Acting Attorney-General.

Under date of July 10, 1905, Robert T. Devlin, United States Attorney at San Francisco, wrote Call advising him of the directions received from Day and repeating, in substance, what Day had written to Call. Devlin's letter contained the following: "I accordingly moved the court to dismiss the cases this morning (July 10, 1905), which was granted."

Two days later Call sent the following protest to Washington: "I am in receipt of your letter of July 10, 1905, stating that you had on that date directed a dismissal of the cases against the Central Pacific Railroad and the Southern Pacific Railroad, Nos. 11121 and 11181, pending at San Francisco. I am also in receipt of a letter from Mr. Robert T. Devlin, United States Attorney at San Francisco, stating that the suits had been moved for a dismissal of those cases, which was granted."

Your letter directing a dismissal of those cases did not expressly state that the dismissal was to be "without prejudice," and I infer from the letter of the United States Attorney that the order of dismissal was made without stating that the dismissal was to be "without prejudice" to any new suits. I think it would be a great misfortune to have these suits dismissed absolutely, so as to create a bar of all of the matters and things alleged in the bills of complaint. The effect of such a dismissal can hardly be estimated at this time, and I have the honor to suggest that the United States Attorney at San Francisco be directed to secure a modification of the order and to have that order of dismissal made "without prejudice" if the dismissals were not so entered. Very respectfully, JOS. H. CALL, DEPARTMENT OF JUSTICE, WASHINGTON, July 19, 1905. Mr. Joseph H. Call, Special Assistant United States Attorney, Los Angeles, Cal. SIR: I have received your letter of the 12th instant concerning the cases against the Central Pacific Railroad Company and the Southern Pacific Railroad Company (Nos. 11121 and 11181). It was, of course, intended that the case should be dismissed "without prejudice" to any further action. I have to-day advised the United States Attorney at San Francisco that if this was not done proper steps should now be taken to remedy the matter. Respectfully, "H. M. HOYT, Acting Attorney-General."

NEGROES FORCED TO MOVE ON Georgia County Driving Them Out to Protect Its White Women.

CUMMING, Ga., Oct. 12.—Because of recent outrages committed on white women by negroes in Forsyth county, a movement has been inaugurated to drive out the negroes, good, bad and indifferent. Written notices have been put in rural mail boxes, posted on trees, and thrown on doorsteps warning negroes to leave. Hundreds of negroes are departing and others will go, among them many peaceable, hard working blacks, some of whom own land. Not only have the negroes been warned, but leading white farmers have been given notice that their houses and barns would be burned if their negro tenants and laborers, or dynamited if they did not get rid of their negro tenants and laborers. The threats made against farmers have caused indignation among many who are not in sympathy with the negroes, but do not approve of the idea of applying the torch to the homes of white men. One negro has been lynched, and two tried and sentenced to death for outrages on white women.

GATES'S NEPHEW WEDS NURSE.

Henry R. Baker Married at Colorado Springs. COLORADO SPRINGS, Col., Oct. 12.—Henry R. Baker of St. Charles, Ill., a nephew of the late John W. Gates, and a beneficiary under his will, was married this afternoon to Miss Nina Carlton, a trained nurse, who accompanied him to Colorado from the Illinois town. The ceremony was performed by the Rev. W. W. Raney, pastor of the First Congregational Church, in the costly home that Mr. Baker prepared at 1415 Woolf avenue. Mr. and Mrs. E. J. Baker, parents of the bridegroom, who were summoned by telegraph, were present at the wedding. In a scurrilous on the football field at Aurora, Ill., several months ago Mr. Baker suffered an injury that induced pneumonia. Fearing tuberculosis, he came to Colorado. On the recommendation of the family physician, Miss Carlton accompanied him as nurse.

SAYS J. H. CALL IS WRONG.

Judge Lovett Sure as to Date of Dismissing Merger Suits. "I am sure that Mr. Call is mistaken and that my memory served me faithfully," Judge Robert S. Lovett said last night when he was asked if he had any reply to make to the statement of Joseph H. Call of Los Angeles that Judge Lovett's testimony before the Senate investigation committee in regard to the Harriman