

DR. KOCH AT HOME WHEN MURDER WAS DONE; DEFENSE CONSTRUCTS STRONG FAMILY ALIBI

RECIPROCITY IDEA TO BE NOURISHED

Canada Is Expected to Meet the United States Half Way at Proper Time.

FOSS APPEALS TO CANADA'S AMBITION

Boston Man Tells Canadians Reciprocity Points Way to Great Future.



EUGENE M. FOSS, Who Urged Canadian Reciprocity in a Speech in Toronto.

By W. W. Jermaine.

Washington, Jan. 13.—The postponement of all discussion as to the reconvening of the joint high commission until after the prorogation of the Canadian parliament is not regarded here as indicating that the Canadians will not be ready to meet the United States half way when the proper time arrives. It is just as impossible for the Canadian members of the commission to leave Ottawa when parliament is in session as it is for the American members to leave Washington during the session of congress. In both countries nearly all the members of the commission are members of the national legislature.

After parliament quits, it is believed here that Sir Wilfrid Laurier will take up with this country the question of reconvening the commission. Meanwhile there is published in today's consular reports a statement from the American consul general at Halifax, giving the sentiment of Nova Scotia on questions likely to come before the commission. This statement says: "There has been some discussion in this country recently concerning a new reciprocity treaty with the United States. It is admitted that the ten years from 1854 to 1866 when Canada enjoyed reciprocity with the United States, were the most prosperous in her history, but the treaty having been terminated by the United States, it is taken for granted that American public sentiment is opposed to its renewal and that Canada must await action of the United States and permit overtures to come from the party that terminated the treaty."

APPEAL BY FOSS

American Reciprocity Advocate Speaks in Toronto.

Toronto, Ont., Jan. 13.—Eugene Foss of Boston in an address to the members of the Empire club, yesterday, made a strong plea for reciprocity between the United States and Canada. Protection, he said, was not meant as a permanent trade policy for any country but rather as a temporary expedient to build up infant industries until they were in a position to meet world-wide competition. It did not contemplate the supporting of paper industries foreign to a country's soil and natural resources, and does it contemplate the building up of industries to a point where they became monopolistic. This latter stage in the matter of reciprocity, he said, was, in his opinion, notoriously erroneous. The movement was not confined to Massachusetts nor to the democratic party. President Roosevelt and other leaders of the republican party, Mr. Foss declared, felt the need of cultivating closer trade relations with Canada. With this new spirit in the United States promising more liberal views of international relations, he hoped that Canada would not adopt an attitude of "provincial isolation."

Canada's Destiny.

Mr. Foss argued further that it was to Canada's own highest interests to adopt a policy of reciprocity. He said: "Let us alone. We are all right. We are working out our own destiny as you have worked out yours, and if we can only continue on this line we shall become a large and powerful nation, in numbers and wealth the rival of the United States." I honor this sentiment and the ambition from which it springs. I am second to no man in my appreciation of Canadian statehood and ability, but all the facts of the material world confirm my belief that the United States is destined to be the dominant factor on the American continent.

Do not misunderstand me. We respect your ambition to become a great nation, industrially, commercially and politically. We have no desire to slaughter your industries and make you a pastoral people. Such a course, while immediately profitable to a few of our manufacturers, perhaps, would be short-sighted. No commonwealth of all our forty-five has suffered in material prosperity from being a member of the great family of commonwealths, and, by the same token, the same privileges can be extended to Canada without menace to her loyalty or integrity. If you believe your ambition can best be served by hostile tariffs, of course you will enact them; but the overwhelming fact that a natural community of interest exists between the two countries cannot be denied.

HEPBURN WILL DRAFT RATE BILL

Would Increase Railroad Commission's Powers and Create Appeal Court.

Roosevelt's Leadership of Party Is an Attendant Issue in Struggle.

Washington, Jan. 13.—With the disappearance of the tariff as a business issue between congress and the president, legislation providing for better regulation of railroads has acquired increased importance. A number of bills have already introduced bearing on the railroad situation, and some of them, especially the Cooper-Quarles bill, have been widely discussed in all parts of the country. Other bills are in course of preparation, and will probably make their appearance in a short time. Perhaps the most important of these is the bill now before the house, introduced by Representative Hephburn, chairman of the house committee on interstate and foreign commerce, which has charge of all legislation of this character and which will eventually present the bill destined to come to roll call in the house.

Foes to Revision.

It is noteworthy that a majority of the members of the two houses who have been opposing tariff revision, are now understood to favor early railroad legislation. This change of attitude is a conspicuous member of this class. He, with his colleagues, has taken what he believes to be the shorter horn of the dilemma. It is asserted that the railroad and manufacturing interests of the country are generally opposed to tariff legislation, but that the larger proportion of the former and nearly all of the latter think the rate question should take effective legislative form at an early day. According to this view, the so-called "stranger" states and agricultural sections of the country are almost entirely in their demand for revision, but are on common ground with the great manufacturers and railroad managers as to the rate question. Some of the men in Hephburn's class are now supporting railroad legislation as a means of escape from tariff revision.

President as Leader.

This struggle involves indirectly the question of whether or not the president is to be the actual leader of his party. His willingness to put the tariff question in the hands of congress previously announced, does not imperil his position. If he should secure action by congress, as to the railroads, along the lines of his last message, his position as leader and director of his party's affairs will be unquestioned. The Hephburn bill will probably be a careful presentation of the views of the president as leader and director of his party. His willingness to put the tariff question in the hands of congress previously announced, does not imperil his position. If he should secure action by congress, as to the railroads, along the lines of his last message, his position as leader and director of his party's affairs will be unquestioned.

Provisions of Bill.

It is understood that the bill being prepared by Hephburn, and which it is understood the president would be glad to sign, will contain the following provisions:

First—A provision to confer upon the present interstate commerce commission the power to fix a rate whenever the previous rate is shown to be unjust, unreasonable or discriminatory.

Second—A provision for a new court to try railroad rate cases only, reviewing rate cases appealed from the commission, or this appellate court may be formed by adding new circuit judges and selecting a court from all of the circuits.

An alternative bill which it is understood will be acceptable to the administration, and which Hephburn may present instead of the one just outlined, will provide for stripping the interstate commerce commission of all its administrative functions, such as receipt of schedules of rates and reports of operation of roads and enforcement of safety appliances and other laws, and will create a new division in the department of commerce and labor, with a sufficient force of officers to compel compliance of roads with the various laws and orders of the commission relative to rates.

By this measure, the commission would be free to devote its entire attention to rate questions and litigation.

Operative Immediately.

Under the first proposition the decisions of the interstate commerce commission on freight rates would be operative immediately and remain in force until altered by the new court. The provision creating a court to consider rates only brings up the plan for the appointment of an additional judge of the interstate commerce commission, the chief justice of the supreme court, at the beginning of each year or annual term of court, to designate from all the judges a certain number of circuit judges who are to compose a rate court to try these cases and nothing else.

Two Railroad Courts.

Under the alternative proposition to take administrative functions from the interstate commerce commission, this commission would remain simply a trial court, with a sufficient number of circuit judges to hear appeals from the creation of a new bureau in the department of commerce would vest that department with police power to see that the laws of congress are obeyed, but interstate commerce commission were enforced in connection with the department of justice.

A bill so outlined would, in the opinion of those who have followed the question closely, meet the approval of members of the house and senate committees of interstate commerce, particularly those who object to the Cooper-Quarles bill as being either unconstitutional or ineffective. They say that the bill would be constitutional as it would confer upon each branch of the government named, its proper function as provided in the constitution.

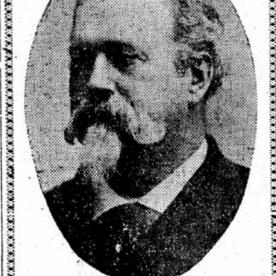
According to a prominent member of the house committee, practically every member of that committee believes the government should have the strongest possible control and regulation over railroads, including power to fix rates whenever it is challenged and found to be unreasonable or discriminatory.

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HAWLEY RETIRES FROM THE SENATE

Former Governor Bulkeley Is Elected Senator by Connecticut Legislature.

Announce They Have "Frightened" the Railroads Into Promising Change.



JOSEPH R. HAWLEY, United States Senator from Connecticut Who Is to Retire.

Hartford, Conn., Jan. 13.—By a vote larger even than had been claimed by his supporters, former Governor Morgan G. Bulkeley has been chosen nominee of the republicans of the Connecticut general assembly for United States senator to succeed Joseph R. Hawley, who will retire from public life on account of ill health. Mr. Bulkeley on the first ballot received 154 of the 244 votes cast. His nearest competitor, Samuel Fessenden of Stamford, had 73. Congressman E. J. Hill 9, and former Governor George P. McLean 8. The nomination was made unanimous on motion of Mr. Fessenden. The caucus continued two hours and was of an animated character.

TOGA FIGHT IN SCANDAL STAGE

Bribery Rumors Afloat at Olympia —Lavish Entertainment by Candidates.

Special to The Journal.

Tacoma, Wash., Jan. 13.—The senatorial fight at Olympia is reaching a very acute stage, and rumors of scandal and bribery are afloat in circulation.

United States Marshal Hopkins has been and still is the open manager for Charles B. Sweeney, the millionaire smelter man of Spokane, and last night B. D. Crocker, United States revenue collector, went to Olympia in Sweeney's interest.

Sweeney is dispensing money freely in entertaining legislators and at present the fight is between him and the incumbent, Senator Foster. The other candidates with a fair following are former Senator John L. Wilson and Samuel B. Piles.

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WHY DID STOESEL QUIT?

Japs Surprised in Light of Supplies in Port Arthur.

New York Sun Special Service. Tokyo, Jan. 13.—Surprise that General Stoessel should have surrendered Port Arthur when he did, is followed by further investigations. The original Russian strength is now estimated to have been almost 50,000 men. It is announced that the army headquarters that, in addition to the prisoners already reported, about 13,000 wounded combatants will eventually be brought to Japan.

CZAR GIVES \$121,000,000

Euler of Russia Contributes Enormous Sum for New Fleets.

Special to The Journal. St. Petersburg, Jan. 13.—The czar has contributed from his private fortune 100,000,000 rubles toward the equipment of the third squadron and 50,000,000 rubles toward the fourth squadron.

The total is equivalent to about \$121,000,000.

CHICAGO FIGHTS FOR SUPREMACY

Business Men Say Minneapolis Must Stop Taking Her Grain Trade.

Announce They Have "Frightened" the Railroads Into Promising Change.

Special to The Journal.

Chicago, Jan. 13.—Chicago's leading financiers, at conferences held today, following the two meetings yesterday, agreed that they had just awakened to a condition of affairs that might cause serious damage to this city as a grain market. They think the new features of the rate situation mean the advancement of the importance of Minneapolis as a grain center, and with some heat declare: "Chicago is the old and natural grain market of America and must remain so for all time to come."

Minneapolis' success in obtaining a few concessions from the railroads has led to some violent statements, and one dealer said today: "Minneapolis must stop taking the grain and milling trade from Chicago."

Men prominent in the agitation say today that the railroads have become "frightened" at the demonstration Chicago has made and already have promised reforms to take place within a fortnight. But they are not content with this, and a committee has been appointed to take to Washington resolutions regarding the proper control of rebates and railway tariffs. H. C. Barlow, president of the Shippers' association, was made chairman and the other members are: Illinois; Manufacturers' association; B. A. Eckhardt, John Wilder; Chicago Shippers' association; James Simpson; Board of Trade; B. Stickle, J. M. Boyd. "The conditions," says the Tribune, "have compelled Chicago grain dealers and shippers to exert every influence to obtain export and domestic rates from west of the Mississippi river to the Atlantic seaboard which will enable them to compete with the gulf route and that by way of Minneapolis and the Canadian lines. Something must be done to obtain once more a fair share of the grain trade."

What Is Promised.

According to one announcement, the change promised by the railroads will "simplify the traffic and place the responsibility of diverting shipments through Chicago for export or into the local elevators, the rate will be the same. The Tribune says: "It is expected that the western lines will decide on 11 cents for 100 pounds. In the past the Mississippi river has been the basing point for three traffic in grain, and the result has been much juggling, which a railroad official said yesterday the big shippers got the benefit of, while the small shippers and the public generally paid the full carrying charges announced in the published tariffs. The difference has been around 11 cent for 100 pounds, and this went into the pockets of the large concerns as an added profit on its traffic."

PASTOR STRICKEN AS HE BEGS A VACATION

New York Sun Special Service.

Brooklyn, Jan. 13.—Pleading to the members of his flock to grant him leave of absence for six months, so he might have a chance to recover his health, Rev. Frederick T. Koerner, pastor of the German Evangelical Lutheran church, suddenly threw up his hands at the meeting of the church society tonight, fell to the floor and died in a few minutes.

WYNNE FOR EVANS' POST IN LONDON

Postmaster General to Have Diplomatic Position—London Regrets Change.

Announce They Have "Frightened" the Railroads Into Promising Change.



H. CLAY EVANS, Slated for Retirement from Consular Post at London.

New York Sun Special Service.

Washington, Jan. 13.—It has been definitely decided that Postmaster General Wynne will be appointed consul general at London as the successor of Henry Clay Evans, who will retire at the beginning of the new administration. George B. Cortelyou will become postmaster general March 4.

London, Jan. 13.—Commenting on the reported retirement of Consul General Evans, the Standard today says: "The reported return to America of the Hon. H. Clay Evans, American consul general in London, has been received with general regret."

"General Evans, as he is affectionately termed by his many English and American friends, assumed the duties of consul general in June, 1902, and since that date has achieved more for the country he represents than has been accomplished by many an ambassador. No more typical American ever came to London in an official capacity. Yet Mr. Evans has constantly proved himself in genuine sympathy with British ideals and British aspirations. A southerner to the tips of his fingers, he and his charming family have been welcomed as additions to the social and public life of the British metropolis, and it is to be hoped that the report of his resignation being accepted by President Roosevelt will prove premature."

RUSSIA BUYS ISLAND

Czar Gets a Base in the Indian Ocean.

Special to The Journal. Paris, Jan. 13.—The St. Petersburg correspondent of the Echo-de-Paris says it is reported there that Russia has purchased from a third power an island in the Indian ocean. It will serve as a base at which Admiral Rojestvensky can await the arrival of the third squadron from the Baltic.

GENERAL KILLED CHILDREN

With His Sword Slashed Group Watching Military Review.

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CZAR THREATENS WAR ON CHINA

Warns Powers He Will Act in His Own Interests as to Neutrality.

Makes Charge that China Is Unable to Maintain Neutral Position.

New York Sun Special Service.

St. Petersburg, Jan. 13.—Russia has sent a circular to the foreign governments enumerating alleged Chinese violations of neutrality, the efforts of the powers having failed to prevent them. The circular predicts that the violations will continue, as China is unable to fulfill her obligations. In these circumstances Russia reserves the right to act in her own interests respecting China's neutrality. The circular currently calls the attention of the powers to the anti-European agitation in China, which it says has created a serious situation.

Paris, Jan. 13.—The Associated Press learns authoritatively that Russia gives what she says is absolute proof of Chinese breaches of neutrality. The three main complaints are: First—That the island of Maotia and the straits of Pechili opposite Port Arthur have been constantly used by the Japanese without Chinese interference, as a strategic base for a harbor for Japanese torpedo boats. Second—That the Chinese army on the border has accepted the command of Japanese officers. Third—That Chinese firms have been constantly working in behalf of the Japanese, supplying them with provisions, military accoutrements and general war stores.

BOLD DASH BY COSSACKS

The Attempt to Cut Japanese Railroad Line Fails.

Tokio, Jan. 13.—The bodies of Russian cavalry raiders actively operating southwest of Liao-yang are evidence of the desirous of harassing Japanese railroad communication and interrupting the transportation of Nogi's army to reinforce Oyama at Liao-yang. The Japanese army headquarters reported Thursday says: "Wednesday at 10 in the morning, a Japanese cavalry detachment encountered four companies of Russian cavalry west of Tang-ma-nan southeast of Liao-yang and fiercely engaged them. At 2:30 in the afternoon the Russians were repulsed with heavy losses. Subsequently they were reinforced by several companies of Russian and eight guns. The Japanese drew the Russians to Liao-yang and engaged and pursued them. On Wednesday night a squadron of Russian cavalry reached the railroad line and tore up the tracks between An-shan-tien and Hai-cheng and Ta-teh-kiao and Yin-kow. They were immediately repaired and the line was returned to traffic. On Wednesday afternoon 2,000 Russian cavalry with guns attacked Niu-chuang. The Japanese were forced to retire temporarily from Niu-chuang, but the Russians and are still pursuing them. The Russians also attacked Niu-chiang, but were repulsed."

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MATTER OF A FEW MINUTES

Father, Sisters and Brother of Defendant at New Ulm Give Testimony.

STATE SUCCEEDS IN CASTING SOME DOUBT Family Remembers All About Tuesday Night, but Forgets About Other Nights.

Special to The Journal.

New Ulm, Minn., Jan. 13.—Members of the Koch family took up most of the morning session today in giving the testimony which, if uncontroverted, will go a long way toward saving Dr. Koch from the gallows. Without contradiction, they told their stories and stood by them, even when fiercely assailed by the cross-examination of the state.

DR. KOCH'S ALIBI.

Dr. Koch came home at exactly 9:38 on the night of Nov. 1.—E. G. Koch, brother of the defendant, testified that Dr. Koch came home about fifteen minutes after 9:23 on the night of Nov. 1.—Ida Koch, sister of the defendant, testified that Dr. Koch came home five or six minutes after 9:32 on the night of Nov. 1.—Emma Koch, sister of the defendant, testified that Dr. Koch was in his room at a minute before 10 on the night of Nov. 1.—Paul Hippau, roommate of the defendant, testified that Dr. Koch's door was broken open at 9:50. At that time the officers said that there was a live man in the room.—Frank Behnke, merchant, testified that the murder occurred between 9:40 and 9:45 p.m.—Asa P. Brooks, from a Staff Correspondent.

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The Alibi, about which so much has been said, was told in the courtroom just as it was told in The Journal earlier. Dr. Koch's alibi, it was strongly in favor of the defendant. He told of coming home the night of the murder and going to bed while the defendant was reading in another room. He was asleep when George went to bed and was dressing in the morning when George awoke. He told him of the murder and the young man's surprise at hearing of the crime, if genuine, argues strongly for his innocence.

The State's Tactics.

The only way in which the state so far has been able to injure the alibi testimony is by questions as to whether or not the defendant had any other events occurring on other nights. Every member of the Koch family, when cross-examined by General Childs, was asked what time George came home on Saturday. He said: "Monday, Wednesday, Friday, Saturday, Sunday, Wednesday nights. None of them had clear memories on these points. It is likely that the state will argue that if they could not remember the time he came home those nights, it is very strange they should remember so distinctly the time of his arrival on Tuesday night. In other words, the state will call it a "family alibi" and argue that it is manufactured to save the defendant.

How He Knew Clock Was Fast.

E. G. Koch, father of the defendant, was recalled at the opening of court to explain about his clock being seven minutes fast. He said: "Monday, Sunday, church clocks struck 4, his clock was seven minutes past 4. After that he timed his clock for 102 hours and it gained just three minutes. "At what time was it—actual time—when George came home?" asked Senator Somerville. "It was twenty-two minutes to 10, actual time. My clock was 10 to 10, but was seven minutes fast."

Miss Koch Supports Alibi.

Miss Ida Koch, a sister of the defendant and a ten-year-old girl in school, was called to the stand. She is 27 and has been teaching school for six years. She was examined by Senator Somerville. "Were you at home the night of Nov. 1?" "I was." "Did you eat supper with George?" "Yes." "What time did he leave?" "At 6:50." "What did you do that evening?" "I helped my sister wash the dishes and then I wrote letters until 9:30." "Was that clock time or actual time?" "Clock time." "Did you know that the clock was fast?" "I knew it was fast, but I did not know how much fast it was." "Do you take your lunches at home while teaching?" "Usually." "Did you know from a comparison of the clock time and the town time that the clock was fast?" "Yes, I thought it was about five minutes fast." "How did you happen to look at the clock?" "Heard George Come In."

Heard George Come In.

"I had been writing letters and had written four. I was tired and I wondered if I had time to read. I looked at the clock and it was 9:30." "Did you see George come in?" "I heard him come in. I first heard him on the porch and then he came into the kitchen." "How long was that after you had looked at the clock?" "About fifteen minutes." "Is that your best estimate?" "Yes." "What were you doing when he came in?" "I was reading." "What did George do first?"

Continued on 2d Page, 2d Column.



PICKING OUT A FELLOW HE CAN LICK Lack of neutrality is as good an excuse as any, for Russia, if he decides to play even by grabbing more Chinese territory.