

SENATOR FULTON SEVERELY SCORED

Story Told of Political Depravity in Oregon.

HIGH OFFICIALS BLAMED

Collier's Points Out That Frauds Permeate All Circles.

Land Scandal Recalled by Writer.

United States Senate Brought to Task for Failure to Confirm Nomination of Attorney General Bristol.

New York, Dec. 3.—In the current issue of Collier's Weekly will appear a scathing arraignment of Senator Fulton and Oregon politics.

Attention is called to the fact that there is pending in the United States Senate a recess nomination of Attorney General Bristol, which awaits confirmation.

The Senate adjourned last summer without taking any action in the matter. It is around this failure of the Senate to act that much criticism is showered upon Fulton.

The article recites the Senator's attempt to protect two political friends who are involved in the land frauds, and furnishes a highly interesting reading.

The story is as follows: "Charles W. Fulton, United States Senator from Oregon, in conformity with the custom which has grown up in Congress, named four constituents, one after the other, for an important Federal office in his State.

"On examination into the qualifications of the men proposed, every one was found to be unfit. In despair, President Roosevelt threw up his hands, and told Senator Fulton that he would nominate his own man. He did. Since then, in all appointments relating to the Department of Justice and to the Department of the Interior—the governmental machinery directly involved in prosecuting the land frauds—the senior Senator from Oregon has not been consulted.

"Nominations have been made over his head. Behind his failure to fight openly the confirmation of these nominations, as other Senators would have done were their sacred prerogatives attacked, is a grave matter relating to Fulton's standing as a Senator. To the facts in the case the people are clearly entitled.

"The story of the Land Frauds. "The story is an incident in the history of the Oregon land frauds. Three years ago, the whisper came East to Washington that wholesale frauds were being committed in connection with government lands in Oregon.

"With it came the information that these frauds permeated and tainted every circle of life and every stratum of business in the State. Business men of high standing were engineering the steals; lawyers at the head of the bar were attending to the details, and bankers were financing the deals.

"Most of the State and government officials, it was said, were either directly concerned in the frauds or else were on such intimate personal terms with the criminals that the United States government could not rely on them to prosecute. And even if there were an official in Oregon fearless enough to take up the work, he would face a public opinion so hostile as to make his efforts useless. This was the situation which has since been so graphically described by the phrase "the land conscience."

"Under these circumstances, somebody outside the State must be secured to prosecute the thieves. Attorney General Knox suggested a San Francisco lawyer who had come to his attention. Francis J. Heney had made a record under similar circumstances in Arizona, where he had been attorney general before the age of thirty-five.

"Heney took the appointment at the sacrifice of his profitable law business in San Francisco. When he arrived in Portland, the very air seemed charged with hostility to him. A local bar association adopted a resolution protesting against the appointment of a "carpet-bagger" to prosecute the land-fraud cases. At every turn Heney met open defiance or subtle hampering of his work.

"But courage could withstand the hostility of a whole community, and Heney had been selected for courage. From one man in the State, however, he must have active cooperation and assistance. That man was United States Attorney for the district. On him Heney must depend for assistance in putting in operation the legal machinery of prosecution. Obstruction on the part of this officer would undermine all the energy and astuteness that Heney could bring to bear.

"The occupant of the office at that time was John H. Hall. His term was drawing to a close. And no government official ever fought to retain his office as did Hall. The knowledge of how much there was at stake inspired his frantic efforts to hold on for another term. Hall's conscience told him that he himself was liable to prosecution. He knew that at least one United States Senator from Oregon, two Congressmen, and half the prominent politicians in the State could not be saved from indictment unless he stood between them and Heney.

"Brownell for State's Attorney. "But although Hall so keenly desired to remain in office, the United States Senators from Oregon had planned to shelve him. They proposed to use the United States Attorneyship to pay a political debt. Charles W. Fulton, whom Senator Mitchell had selected for his colleague, in getting himself elected a United States Senator, had incurred many political obligations, and of these none was so pressing as that to George C. Brownell, president of the State senate, who had parceled out the committee assignments to further Fulton's candidacy, and had aided him in every way.

"For this valuable service he was promised the United States Attorneyship, and to this promise Senator Mitchell was a party. Just how fit Brownell was to fill

CONTINUED ON FIFTH PAGE.

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BONI GETS JOB AS WRITER.

Count to Get \$100 an Article from Paris Figaro.

Paris, Dec. 3.—Count Boni de Castellane has a job. The Figaro has engaged the former husband of Anna Gould to write at the rate of \$100 an article. His first contribution, a discourse of Spanish politics, appeared to-day.

On the money he will earn from the Figaro and his salary of \$50 a year as a member of the Chamber of Deputies, Boni thinks he can exist, provided the courts compel Mme. Gould to pay all his old debts.

Several unforeseen divorce suits are threatened as a result of the newspaper accounts of the Castellane divorce proceedings.

The love letters to Boni, which were read in court, as some of the papers say, Mme. B., and the rest of the alphabets, were published abroad, with the names of prominent American women or the wives of titled foreigners attached arbitrarily by correspondents.

COWEN'S WIDOW IN BANKRUPTCY COURT

Weeps as She Tells Judge She Can't Pay Debts.

LIVED LIFE IN LUXURY

Entire Estate Wiped Out by Railroad Man's Obligations.

Former President of B. & O. Road Earned Thousands in Fees and Salaries, but Left No Will, and Property Was Divided Between Several Relatives—Adopted Daughter Debutante at Exclusive Ball.

Special to The Washington Herald. Baltimore, Md., Dec. 3.—The once beautiful widow of John K. Cowen, former president of the Baltimore and Ohio Railroad, appeared in the County Court to-day, declaring tearfully she could not pay her debts. It has not been many years since the wife of the railroad man who rescued the vast Baltimore and Ohio property from bankruptcy occupied the finest house in Baltimore's most fashionable section and appeared in the streets in the smartest of equipages.

Her husband, who had been general counsel for the railroad, took charge of the bankrupt system after the Garretts laid down the reins. As the executive of the railroad, the most brilliant lawyer of the Maryland bar, and the leading political reformer of the State, he occupied a foremost position in society, and earned thousands in salaries and fees, yet he was not a wealthy man.

It was known his wife lived in luxurious style. She took a prominent part in charitable organizations, but her administration of the Commodore Hotel, a hospital for women, brought about financial straits that threw the institution into the courts for years, and destroyed its usefulness.

Soon John K. Cowen's magnificent physician gave way and he died. He left no will, which caused comment. His sisters got a share of the property, the widow receiving only what the law allows. Creditors sought her from all quarters.

To-day an effort was made to attach her property in Baltimore County. She held real estate in North Carolina and New York had gone to settle judgments or bills against her.

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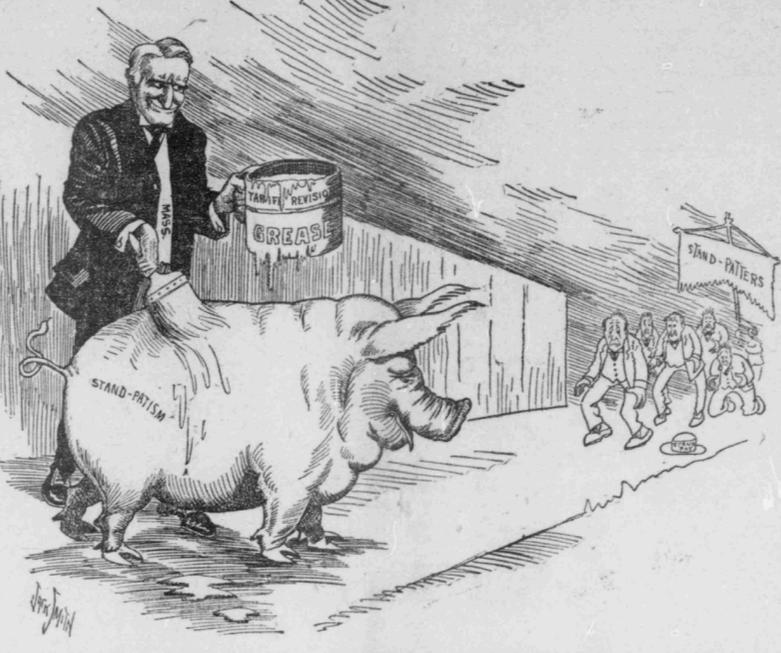
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ALL UP TO MATTOAX

Lawyers Operator Denies He Was Called by Rangoon.

SHEETS SHOW HIM TO BE RIGHT

Dispatcher Gives Fellow-telegrapher the Lie, and Says He Will Come to Washington and Tell Everything He Knows—Wreck Due to Inexperience of the Man at Key.

Lynchburg, Va., Dec. 3.—"The report that I am to blame for last week's wreck on the Southern Railway, in which President Spencer and six members of his party were killed, is an absolute lie," declared Operator Mattox, who was in charge of the wreck at Lawyers, and whom Operator Mattox said "cleared the block" for the train which crashed into President Spencer's car-to-night.

"My telegraph sheet shows absolutely just what happened," continued Jacobs, "and they show that I had no information from Mattox that he had passed both trains 33 and 37.

"As a matter of fact, Mattox condemns himself. He declares that he reported No. 37, and asked me what I had done with No. 33, and then says I did not answer his signal. As a matter of fact, everybody knows that it is an imperative rule under the block system in railroad-ing that all operators shall sign for orders indicative that they have received them. I will be in Washington on Wednesday, when the investigation is continued, and will show that I had nothing to do with the wreck at Lawyers.

Mattox is still at his home, unmolested either by the county authorities or the railroad officials. There is much sympathy with him here, where the sentiment is that the Southern Railway owes many men of limited experience at small salaries. It is openly asserted that he had not had any great experience as a tower telegrapher. Then, again, railroad men were adopted for waging a strong campaign against the re-election of Senator Bailey. It is stated that a canvass of the members of the legislature leads to the conviction that a majority of them will vote against him if a suitable candidate can be placed in the field for the office.

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WEATHER FORECAST.

For the District of Columbia, Maryland, and Virginia—Fair and colder to-day; to-morrow fair, warmer; fresh northwesterly winds.

HERALD NEWS SUMMARY.

TELEGRAPHIC. 1—Mrs. J. K. Cowan in Bankruptcy Court. 2—Flight Over Oelrichs Will. 3—Gillette to Know His Fate To-Day. 4—Four Die in Hudson Tunnel Blast. 5—Damaging Testimony Against Shea.

CONGRESS. 1—Congress Again Begins Its Work. 2—Labor Unions Favor Ship Subsidy. 3—Penrose and Foraker Defend Negro Troops.

POLITICAL. 1—Opponents War on Bailey. 2—Justice Harlan May Retire. 3—Japanese Muddle Shows New Phase. 4—Senator Gambles Faces Defeat. 5—Senator Dubois Attacks President.

LOCAL. 1—President Enjoins Over Navy. 2—Night Hawk Is Opened. 3—Life of Lanley Is Extolled. 4—Pure Food Show Begins. 5—Georgetown Working Hard for Park. 6—Shaw Cuts Local Budget.

DECLARE WAR ON BAILEY

Texas Factions of "Antis" May Succeed in Defeating Senator.

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HARLAN MAY RETIRE

Supreme Justice to Run for Governor in Kentucky.

IS BEING URGED BY FRIENDS

Republicans Say He is Only Man Who Could Defeat Hager—Retirement Would Mean Loss of Salary and Another Appointment.

Associate Justice John M. Harlan, of the United States Supreme Court, may retire at the end of the present term of court, and thus give the President the opportunity of selecting another Supreme Court justice before the expiration of his term.

Judge Harlan is seriously considering the acceptance of the Kentucky Republican gubernatorial nomination next year. For several weeks he has been in receipt of hundreds of letters from Kentucky Republicans asking him to enter the campaign and make the race against S. U. Hager, the Democratic nominee.

Many Kentucky Republicans declare that Justice Harlan is the one man who can defeat the Democratic candidate. Whether he will do so is problematical, but it is known here among Justice Harlan's friends that he is thinking over the matter, and it is not beyond the range of possibilities that he will resign from the court and make the race.

Declines to Discuss It. Justice Harlan was asked yesterday whether he had such intentions. He declined to discuss the matter, and stated that he would neither deny nor affirm the report. He added that he would probably have something to say on the subject at a later date.

The failure of the justice to give prompt denial to the report is taken by Kentucky Republicans to mean that he may accept—at any rate that he has not declined.

State Wants Him to Run. A prominent Kentucky Republican who arrived here yesterday said there is a general demand all over the State for Justice Harlan to make the race.

"Owing to the bitterness engendered in the recent Democratic primary," said he, "there is every prospect of Republican success next November. But, in order to accomplish this, there must be at the head of the ticket a clear man who has not been allied with the officeholders or those on the outside who want office. In Kentucky just at present we have a number of candidates for governor. The most prominent already holds an office, and the others are largely out of office.

Is Now Factional Fight. "Either the one or the other faction, if victorious in the convention, will be knifed at the polls. Justice Harlan can win this fight for the Kentucky Republicans, and my opinion is that he is the only man who can."

Kentucky Democratic Congressman who would discuss the possibilities of Justice Harlan's candidacy last night were not of the opinion that he would have a walk-over if nominated by the Republicans. They point out that his dissenting opinion in favor of W. S. Taylor and against the late Gov. Goebel would prove such a strong card in the hands of the Democracy that it would be hard to overcome.

Would Have to Resign. In addition, it is declared that Justice Harlan, in case he entered the race, would have to resign outright from the Supreme Court, and not retire on the salary to which he is entitled, having served on the court for nearly thirty years.

Justice Harlan will be seventy-four his next birthday. He is robust and in the best of health, but it is known that his friends are very much opposed to his entering a campaign, the wear and tear of which, they say, would more than offset the honors of the gubernatorial office, even in the event of his election.

Has Made Race Before. Justice Harlan has twice run for governor of Kentucky, 1871 and 1875, in the latter year being defeated by the present President, James B. McCreary. He was offered the Attorney-Generalship under President Hayes, but declined it, and was afterward appointed to the Supreme Court.

Should Justice Harlan decline the Kentucky gubernatorial nomination, however, it is considered likely that he will retire before the expiration of President Roosevelt's term.