

SCHENK JURY DISAGREES

Eleven for Acquittal on Every Ballot.

MAY NOT BE RETRIED

Woman Accused of Poisoning Husband Out on Bail.

CALL FOR GIRL'S TESTIMONY

Jury Asks for Copy of Statement by Colored Servant at Schenk Home, Who Said She Saw Two Strange Women at the House During Absence of Defendant on Day Mr. Schenk Suffered Acute Attack of Arsenical Poisoning—Bail May Be Reduced.

Wheeling, W. Va., Jan. 26.—Unable to agree on a verdict, the jury in the case of Mrs. Laura F. Schenk, tried on a charge of poisoning her husband, was discharged by Judge Jordan at 5 o'clock this afternoon. The case will now be re-docketed and retried at the next term of court, unless a continuance is asked.

Five minutes before the jury was called into the court room the attorneys for both the State and defense petitioned the court for the discharge of the jury. Reluctant at first, Judge Jordan finally called in the jurors, but refused to say what he intended to do.

FAIL TO REACH AGREEMENT. Questioned by the court, the jurors, one by one, announced that it would be absolutely impossible for them to reach an agreement.

"I'm sorry, gentlemen," said the court, "but if that's the situation, I will discharge you from further consideration of this case."

As soon as the jury was discharged it was announced that they had stood eleven for acquittal and one for conviction on almost every ballot taken. It was not possible to learn the number of ballots. It was thought that a verdict would be reached this morning, when the jurors came into the court room and asked for a copy of the testimony of Florence Coleman, a colored girl who had been employed at the Schenk home as a domestic. It was the Coleman girl who said she saw two strange women at the Schenk home during Mrs. Schenk's absence on the day that Mr. Schenk suffered an acute attack of arsenical poisoning.

Woman Much Relieved. When the jury was discharged, Mrs. Schenk appeared much relieved, and when she was informed that the jurors had stood 11 for acquittal she was delighted.

Mrs. Schenk was admitted to bail in the sum of \$10,000, several weeks ago, but now that the jury has disagreed her attorneys will ask the court to follow out the usual custom of reducing the amount of bail by half. If the reduction is granted, bail will be furnished, and she will be released from jail soon.

AS YOU LIKE IT.

No, Gladys: the editor of this column has never met the Mark-haired man who is trying to distribute a few hundred thousand iron men with leading (thank you) writers of the country. Besides, we don't think any editor ever had so much money in one bunch. With the Schenk trial coming to a close and the cabinet reported missing, Wheeling is there when it comes to keeping in the news columns of the day. YOU LOSE, CLAUDE. Dear L. J. R.: Bet you don't dare print this: The Commissioners are singing, "Wood You Care If We Should Leave You?" Which goes to show we'll do most anything on a bet. "Millions of gallons of water are lost every day through a leak in the aqueduct at Cabin John Bridge," says an evening paper. Well, what of it? Add "Chatterbox" chants: And Mand never trained in "The Not Egg," as reported. SAYS THE SAGE OF FOGGY BOT. TOM: "A man has to be an expert-accountant to be elected Senator nowadays." Regarding the opium trade in New York, a contributor says the traffic was carried on by a "joint" conspiracy between the traffickers and police. Needn't to say, the police are "hopping" mad over the change. L. J. R. \$1.25 to Baltimore and Returns Saturdays and Sundays, via Penna. R. R. Tickets good to return until Sunday night. All regular trains except the "Congressional Limited."

FEARED A BRIBED JURY.

Special to The Washington Herald. Wheeling, W. Va., Jan. 26.—Because the attorneys for the defendant told Judge Jordan that money had been placed in the way of the members of the jury, and that the two deputy sheriffs had already been approached, the jury in the case of Mrs. Schenk was dismissed this afternoon. Judge Jordan explained after the courtroom had been cleared and Mrs. Schenk had been taken back to her cell, the cause of the discharge of the jury.

DUTIES ON FOODS MAY BE REMOVED

Agreement with Canada Is Sent to Congress.

PRICES WILL NOT FALL

Cost of Living Not to Be Directly Affected.

Dominion's Small Surplus for Export Only Large Enough to Prevent Speculation in Supplies in United States—New England and Northwestern Republicans May Make Strong Fight Against Bill.

The administration's reciprocity agreement with Canada was submitted to Congress yesterday with a special message from the President, urging its prompt enactment into law.

The agreement was presented concurrently to the Dominion Parliament in Ottawa, and within a few days bills will be introduced in the legislative body of each government designed to make the terms of the agreement effective. The concurrent legislation will obviate the necessity of any treaty on the subject between the two countries.

MANY PRODUCTS FREE.

Generally speaking, the agreement opens the markets of the United States to Canada's leading agricultural products, notably wheat and other grains, and also to her dairy products, fish, eggs, and poultry, sheep, cattle, and other live animals. Her rough lumber also is admitted free to the United States, as are her print paper and wood pulp and several other raw materials.

The agreement in regard to print paper and wood pulp, however, is subject to favorable action by the provincial governments of Quebec and Ontario in removing restrictions placed by them upon the exportation of pulp wood.

In return for these concessions, Canada takes down the bars altogether on cottonseed oil and American fruits, and some other products, and grants reduced duties on agricultural implements and other manufactured articles.

Canada Has Small Advantage.

On the basis of results expressed in dollars and cents, Canada at present seems to have a little the better of the argument in the agreement, although President Taft points out in his message.

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MRS. EDDY BURIED BENEATH CONCRETE

Permanent Grave on Shores of Halcyon Lake.

Boston, Jan. 26.—After lying in the receiving tomb of Mount Auburn Cemetery in Cambridge since December 8, the day of the funeral, and watched at night by armed Christian Scientists, the body of Mrs. Mary Baker G. Eddy, the builder-up of the Christian Science denomination, was this afternoon buried beneath tons of concrete, steel, and crushed stone in a large grave on the shores of Halcyon Lake, not far from the street passing the cemetery.

The grave is within the three lots purchased and given as a final resting place for Mrs. Eddy by Mrs. John M. Longyear, wife of the Brookline capitalist. After Mrs. Eddy's death, George W. Glover, her son, and Ebenzer J. Foster-Eddy, her adopted son, expressed the opinion that it would be agreeable to them if the body of their mother was buried among her forebears at Bow, N. H., or at Pleasant View, Concord, N. H.

The directors of the Mother Church were desirous of a burial in Mount Auburn, where it was proposed to build a mausoleum to mark her final resting spot, and they had their way, announcement being made at the cemetery to-day that the heirs had consented to the plans of the church. Great secrecy marked the planning for the final disposition of Mrs. Eddy's remains, no previous notice of the burial having been made, and a great many of those who were present to-day did not know of the directors' intent until notified by telegraph or telephone this noon, Gen. Henry M. Baker, of Bow, N. H., was the only relative present.

WEATHER FORECAST.

For the District of Columbia—Unsettled and warmer to-day; rain to-night or to-morrow; colder to-morrow; light to moderate variable winds.

COMMISSIONERS ATTACKED IN HOUSE FOR ALLEGED TAX DISCRIMINATIONS

CHARGES BY MR. BENNET.

The two civilian Commissioners are in favor of a low rate of assessment on the property of wealthy people who come here. It may be good policy, but the law is not that way, and until the law is changed so as the Commissioners have the right to discriminate, they ought not to discriminate. \* \* \* The law ought to be enforced on the rich and poor alike, until Congress, in its wisdom and discretion, sees fit to confer discretion on the Commissioners to discriminate between different classes of people. So long as these particular Commissioners continue that course, it seems to me, Congress ought not to reward them for an open and flagrant disregard of a duty by increasing their salaries.

Representative Stafford—The gentleman presents a very serious case for consideration, if not by Congress, by the executive branch, for the bringing to book of these Commissioners who are flagrantly violating the law.

Representative Gardner, of Michigan—The gentleman from New York (Mr. Bennet) has made the most serious charge that has been made against the District Commissioners during my membership in the House. If he is right, he ought to move their impeachment before we adjourn to-day. If there is anything in this world that honorable men appreciate more than another it is integrity, and the integrity of two of the Commissioners has been impeached by the gentleman from New York for violating, openly, knowingly, and purposely, the statutes of the Congress of the United States. Either by instruction or collusion, according to the gentleman, with the District assessors, they are making unwarranted and inexcusable discrimination between men of wealth and men of moderate means. I would like to know, and it is due to the House to know, the source of the gentleman's authority.

ANSWER OF THE COMMISSIONERS.

The District Commissioners last night in referring to the charges made by Congressman Bennet, of New York, made the following statement:

There is absolutely no ground for the statement made on the floor of the House by Representative Bennet, of New York, to the effect that there is a division of opinion among the Commissioners regarding the assessment of property in the District of Columbia, nor is there the slightest justification for the assertion that the Commissioners have made or caused to be made unequal or unjust assessments on the property owners of the District.

The Commissioners do not make assessments or cause them to be made. They are made by the board of assessors, whose members are appointed for life.

As to the suggestion that assessments have been lowered as a consequence of the action of the Commissioners, it may be stated that the present Commissioners, at the beginning of their terms, directed the attention of the assessors to the fact that the assessment laws allowed taxation of property above two-thirds of its value; that that need not necessarily be confined to a two-thirds figure, as has been the custom in the past.

This necessarily would have a tendency to increase rather than decrease taxation and as the estimated revenues of the District this year are nearly a million dollars more than last year, the figures in themselves, we believe, furnish ample refutation of the charges made.

The Commissioners regret that Mr. Bennet's apparent disappointment over his failure to land one of these places for a candidate has slightly warped his judgment.

BENNET, OF NEW YORK, CHARGES FLAGRANT VIOLATION OF LAW

Representative Scathingly Arraigns District Heads, Naming Rudolph and Johnston, in Sensational Speech.

BURKE DEFENDS BOARD IN DEBATE

Accuser Asserts Property of Rich Is Not Assessed At Full Value, and Poorer Class Is Made to Suffer—Commissioners Deny Charges.

The charge that District Commissioners Rudolph and Johnston are openly and flagrantly violating the law by permitting discrimination in the levying of assessments on property in the District of Columbia was deliberately made in debate in the House yesterday by Representative William S. Bennet, of New York.

Alleging, in effect, that the Commissioners favored the rich and bore down heavily on the poor; that they encouraged men of wealth to come to Washington and build magnificent homes by undervaluing expensive properties for taxation purposes, the Congressman boldly made his assertions. Above him in the gallery sat Commissioners Johnston and Judson. They listened to the charge that the rich property holders in the District were awarded reduced assessments which the law did not authorize, while against the small house owner was levied the full limit of the statute.

Sending for friends on the floor of the House, they had Mr. Bennet's statements refuted. Later in the day a joint statement was issued by the Commissioners to the effect that there was not the slightest justification for the assertion that they had made or caused to be made any discrimination in favor of anybody. They called attention to the fact that the valuation of properties was made by the board of assessors, over whom they had no control or influence after their appointment. It was intimated in the statement that the judgment of Mr. Bennet had been warped by his failure to land one of the assessorships for a candidate.

CHARGE MADE DURING DEBATE.

The strictures of Representative Bennet were made during the discussion of an item in the District appropriation bill to raise the salaries of the Commissioners. Mr. Bennet bitterly opposed the increase and proceeded to assert that the Commissioners were guilty of lawbreaking in their management of assessments. Commissioner Judson was relieved from odium, Mr. Bennet stating that he did not believe him to be a party to the action of the civil Commissioners with respect to assessments.

"These Commissioners have adopted a policy based upon the discretion that the ordinary person's property, the property of the ordinary man and government clerk, is based at 5 per cent of his property's market value," said Mr. Bennet. "In the case of a man who has made a great deal of money in my city, or the city from which he comes, and who comes to this city and erects a costly home, the idea is that the assessment of that property shall be at a less proportionate rate than of the home of the average citizen."

Favor the Rich Residents.

Earlier in his contest against the salary raising amendment, Mr. Bennet questioned that the point of order be raised against the two Commissioners other than the Engineer Commissioner, and said: "Personally I believe that an official put in an executive position ought to enforce a statute whether he believes in it or not. Any one who has looked into the question knows there is a division in the Commissioners as concerned in this city the two civilian Commissioners are in favor of putting a very low rate of assessment on the property of wealthy people who come here, while the Engineer Commissioner is in favor of carrying out the law and assess as the law directs."

Representative Burke Inquired.

Representative Burke inquired the source of Mr. Bennet's information, upon which he based the assertion that the two civilian Commissioners were in favor of assessing at a low rate the property of the wealthy people of the District. "If the gentleman will step to the telephone and call either Commissioner Rudolph or Commissioner Johnston, he will tell you that is their theory," replied Mr. Bennet. "They will say they are in favor of assessing at a lower rate the wealthy people who come here to make their home here after having made their money elsewhere, and I think that is a good policy. It may be good policy, but the law is not that way, and until the law is changed so as the Commissioners have the right to discriminate, they ought not to discriminate. I think the Engineer Commissioner is absolutely correct in his contention with his colleagues that the law ought to be enforced on the rich and the poor alike until Congress in its wisdom and discretion sees fit to confer discretion on the Commissioners to discriminate be-

The Letter to the President.

The New York member at this point underwent a running fire of query from his colleagues around about him. Representative Douglas pressed for more information, about the letter Mr. Bennet said he sent to the President. The reply

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AERO RISES FROM WATER, GLIDES BACK TO SURFACE

Glenn Curtiss Solves Another Problem in the Conquest of the Air.

San Diego, Cal., Jan. 26.—The aeroplane added another conquest to its long list of achievements on San Diego Bay this afternoon when a plane driven by Glenn Curtiss arose from the surface of the bay, flew two miles, returned to the starting place, and alighted on the water as lightly as a gull. Accompanied by Lieut. Ellison and Lieut. Walker, of the army, and assisted by a dozen mechanics the Curtiss biplane was brought out of its hangar about noon and launched in the shallow water of Spanish Light, in San Diego Harbor. The machine was equipped with special appliances to float it and allow it to attain a high rate of speed on the surface of the water. Changes had been made in the hydroplanes from day to day as the experiments showed progress with each change. When the plane was launched to-day Curtiss felt confident of success.

The weather was perfect, the breeze at five miles an hour, the water as smooth as a mill pond. His powerful eight-cylinder motor, capable of developing 60 horsepower was started and the plane soared away over the light at a forty-mile clip. Curtiss elevated the planes of the front control and the machine lifted easily and gracefully out of the water. It soared fifty feet above the surface for half a mile and then came down easily and swung around toward the starting point. As the motor was given full power and the aeroplane sped away from the water as fast as a racing motor boat until it had attained a speed of about forty miles an hour. Then it lifted sharply from the water and to a height of about 100 feet, sailing at a fifty-mile clip out toward the revenue-cutter Bear and the torpedo repair ship Iris, two miles away.

Curtiss turned about in the air when he had flown about a mile straightaway and came back to a point just opposite the quays on the beach of North Island, where he dropped gently on the surface of the water and came to a stop within fifty feet. The machine was hauled out upon the sands, while the aviator was congratulated on his success.

ENDS LIFE AT NINETY.

Connecticut Man Hangs Himself While Despondent.

New Britain, Conn., Jan. 26.—Chauncey Mills Fox, for many years superintendent of the town home, hanged himself, while despondent, to-night. He passed his nineteenth birthday last September 21. He leaves two daughters, five grandchildren, and eight great-grandchildren.

CHILDREN IN PANIC IN PUBLIC SCHOOL

One Teacher Is Injured in Stampede in Newark.

New York, Jan. 26.—A scare, caused by leaking gas, precipitated a panic among the 1,500 children in the Seventh avenue public school, in Newark, this morning. The teachers were unable to control them, and the class stampeded. Several of the pupils were slightly hurt in the rush from the building. A crowd of nearly 5,000 persons gathered. Order was not restored until the police and firemen took a hand.

Several children were injured in a panic at the same school a few years ago. At that time there were rumors that the blackhanders were going to dynamite the building.

CEIBA IS CAPTURED.

Honduran Rebels Reported to Have Taken Seaport.

The capture of Ceiba by the revolutionists was reported to the State Department yesterday.

\$1,000 FOR CLEW TO MISSING GIRL

Family of Miss Arnold Continue the Search.

New York, Jan. 26.—Francis R. Arnold, the perfumery importer, will pay \$1,000 to anybody who can furnish any useful information as to the movements of his daughter, Dorothy, after she walked out of Brentano's on the afternoon of December 12 last with a copy of Emily Calvin Blake's "An Engaged Girl's Sketches," under her arm. That is the last news her family and friends have of her, although private detectives have searched every large city in the East, European steamship ports, and carried on for forty-five days an extraordinary painstaking and detailed investigation. Absolutely, as they say, unable to explain why a girl who lived happily at home had all the money she wanted, took pleasure in the society of Bryn Mawr schoolmates, enjoyed the theaters and her books, and appeared to be normal in every way, should deliberately turn her back on home and friends, the Arnolds insist that she either has been kidnapped or injured or has lost her senses. The investigation has spent itself on suggestion after suggestion of a mere commonplace nature, without a single reassuring fact turning up.

UNCLE JOE'S SEAT MAY BE CONTESTED

Democratic Opponent Investigating Use of Money.

Danville, Ill., Jan. 26.—J. H. Cundiff, who was Speaker Cannon's Democratic opponent for Congress last fall, said to-day that he is making a careful investigation of the charges that Cannon's friends spent thousands of dollars in this county for the purpose of buying votes. If he finds they are true, he will institute a contest the moment the next Congress convenes. Cundiff incidentally remarked that it might prove successful, as the new Congress will be Democratic.

It is likely that there will be a grand jury investigation of vote-selling throughout Cannon's district. A politician said this evening that if State's Attorney Lewis would delve into the Cannon election, something rich would be developed, but unless he did the grand jury might as well adjourn, and probably will do so Saturday.

TOM L. JOHNSON DYING.

Cleveland, Jan. 26.—Tom L. Johnson, former mayor of Cleveland, is in a serious condition. At the time of his defeat for the mayoralty more than a year ago, he was very ill, and took part in the campaign against his doctor's advice. Ever since then he has been failing. He is gradually growing weaker, and his friends despair of his recovery.

DEMOCRATS PROBE BRIBERY CHARGES

West Virginia Legislature to Take Action.

Charleston, W. Va., Jan. 26.—When the Moore resolution, which originated either in the attorney general's or the governor's office, and which, after going into detail thoroughly in connection with the charges of bribery made on the floor of the house Tuesday, came up on the calendar this morning, it lost the right of way, the house adopting a resolution offered by Delegate Seibert, of Berkeley, under the terms of which a committee of five, two from the senate and three from the house, is raised and invested with plenary powers to summon and compel the attendance of witnesses in an investigation of the charges and rumors which have been so rife.

BALK AT AGREEMENT.

Republican Senators Refuse to Accept Proposed Arbitration. Special to The Washington Herald. Charleston, W. Va., Jan. 26.—Negotiations between the senate and the fifteen Republican holdouts of that body came to an abrupt termination at 9 o'clock to-night, when a communication was addressed to the Republican senators informing them that it was useless to go any further, that the efforts to have the matters in dispute settled by Judge B. A. Keller, an arbitrator, having been refused by the Republicans, and that, therefore, the existing truce would expire at 9 o'clock Friday evening, when warrants will be again issued and one or more of the absent senators brought into the chamber, if that can be done.

Parasitism on the Passenger Coast. To-day 423; Columbus Steamer; 26 to 5.