

Partly cloudy tonight and Thursday; rising temperature tonight.

NUMBER 3138.

WASHINGTON, WEDNESDAY, JANUARY 14, 1903.

PRICE ONE CENT.

## BEACH TAKES OFFICE UNDER COURT ACTION

### Springs Surprise on Senate Committee Which Held Up the President's Nomination for District Attorneyship.

### New Official Assumes Office Under the Law Which Permits District Tribunal to Make Ad Interim Appointments.

### Senate May Not Confirm Nomination, in Which Case Mr. Beach May Remain in Office Indefinitely. A Precedent Cited.

Morgan H. Beach, the President's appointee as District Attorney for the District of Columbia, vice Ashley M. Gould, who was elevated to the bench, assumed office this morning—not, however, by virtue of the President's action, but through the intervention of the justices of the Supreme Court of the District.

Under the code the justices have power to make ad interim appointments, and that clause of the law of the District was taken advantage of at a meeting of the court yesterday to name Mr. Beach to fill the vacancy so long contended by the Senate in refusing to confirm the nomination sent that body December 1 last.

### Senate May Not Confirm.

It now seems probable that the Senate will not confirm the President's nomination of Mr. Beach, or rather that the resolution will slumber in committee. At a meeting of the Senate committee held Monday certain overtures were made to Mr. Beach, in which the committee informed him he must refute certain charges made against him and also make certain pledges. Mr. Beach refused to do this holding that the requirements of the committee were unusual and entirely unnecessary. He re-

turned a tart reply to the message sent him.

When the Senate committee was apprised of his attitude in the case, the minority members of the committee, assisted by two members of the majority, succeeded in placing the nomination on the table. The ground for the action was the fact that Mr. Beach ignored the committee's request for information and because he is credited as a Democrat from Virginia. The Virginia Senators objected to his nomination, as he is no longer considered a member of the Virginia Democratic organization. Maryland Republicans opposed him, as they want the office given to a Maryland man.

### Action a Surprise.

At the time Mr. Beach declined to answer the committee's requests, it was not supposed by them that the office would be tendered him by the justices of the Supreme Court. Had this been thought of, his nomination might have been reported adversely to the Senate. The justices could not have appointed any person ad interim had the Senate rejected the nomination.

Mr. Beach is said to have friends on the committee who will now prevent the nomination from being again considered. Such action will continue him in the office indefinitely. There is no doubt in the minds of the members of the committee opposed to his nomination that Mr. Beach knew of the plan, and that for that reason he declined to reply to the communication sent him.

### Has a Precedent.

A similar situation was presented in 1857, when Henry E. Davis was nominated by President Cleveland to succeed Arthur A. Birney as United States District Attorney. The Senate failed to confirm Mr. Davis' nomination and for five days the office was without a head. Special legislation was enacted by Congress empowering the justice of the Supreme Court of the District to fill the office. This the court did by naming Mr. Davis, the President's nominee for the position. Mr. Beach was nominated for the office of District Attorney by the President about December 1 last.

Mr. Beach was seen in his office this morning. He said that he did not contemplate making any changes in the office force at present. In the event that any of the subordinates, however, shall prove to be inefficient, he said it would, of course, become necessary for the proper conduct of business to make some change in the working force.

## SENATOR TILLMAN HANDLES THE FUEL QUESTION WITH VIGOR

### South Carolinian Talks on Vest Resolution.

### SOME SCATHING SARCASM

### Distressing Situation Unequaled in History of United States—Partisanship Thrown Aside.

The galleries were well filled this morning, when Senator Tillman arose to speak on the Vest resolution. His announcement yesterday that he understood that under the liberal rules of the Senate "that you cannot keep a man from talking, and if I happen to be speaking on the resolution when the morning house expires today, I could just as easily talk on whatever might be brought up, I could unobscure myself on the military bill or any other bill," had the effect of preparing the Senate for an attack on trust, the racial, or any other question he might choose on which to entertain the galleries.

So there was no surprise when he said, at 2 o'clock yesterday, that he would endeavor to put the blame for the coal for the "existing pitiable, miserable, horrible condition at the door where it properly belongs—the President of the United States and his Attorney General."

Senator Tillman declared that under normal conditions the removal of the duty on coal was of not much moment except to the cities of the New England States and those adjacent to the Canadian border.

In answer to Senator Aldrich's suggestion that the resolution go over and the Senate receive a drawback bill, which it is expected that the House will pass, Senator Tillman said that no one could have objection to that program, but that if any credit was to accrue to anyone on account of such humanitarian legislation it should go to the venerable Senator from Missouri who put the spurs to Congress and forced it to take some stand for the relief of a freezing people.

"The resolution has called forth strenuous action and eloquence from the Senator from Rhode Island (Mr. Aldrich) than I believed him capable of," said Mr. Tillman. "I shall discuss the situation not from the standpoint of a free trader or a Democrat. I will endeavor to put aside partisanship. If the suffering caused by the failure of the people to get one of the necessities of life would pass over the homes and hovels of the Democrats—if the blizzard, with its icy teeth, would bite only the Democrats—I could understand the cold-bloodedness of many in holding that the Dingley tariff should not be touched.

"The situation is one unparalleled in the history of the country. While the mortality is very small, the consequences in planting the seeds of consumption and pneumonia should force us to begin reform for the relief of the people. The tariff on coal cuts very little figure. The 67 cents a ton paid by foreign coal coming into our country is of little consequence except to those portions of our country near Canada. We are exporters of coal, and in normal conditions there could absolutely be no benefit from this resolution. The American bituminous and anthracite coal miners can ordinarily supply the world.

### Democratic Votes.

"I understand from the Senator from Rhode Island that relief will be obtained elsewhere than in this chamber. If the House shall send us a bill for the suspension of the duty for a year, so far as I know there is no Senator on this side who will not vote for it.

"The wonder is that other communities have not followed the lead of that little town of Arcola, in Illinois, whose citizens seized the coal and distributed it without regard to party. In the last resort men will not freeze nor starve, but will rather throttle the law and take it in their own hands. Warnings were given of this situation long ago. We have known that the impending calamity would come at any moment, when the monopoly had completed its grasp on the anthracite coal supply. Everything has been done, except to call the attention of the people to the fact that this body charged with the protection of the people, was derelict, and in collusion with those who have robbed the people of the necessities of life."

The men did not work all night, so that there was no material for the molders to use in their work this morning. They will go back tomorrow. The difficulty of the under workmen has been adjusted and they also will return to work tonight.

## SURVEYOR GEN. DUSTIN MUST ANSWER CHARGES OF "PECULIAR" DOINGS

### Alaskan Official Said to Be Incompetent.

### INVESTIGATION PRAYED FOR

### Miner Affiant Asserts That Illegal Fees Are Exact in Conduct of Land Surveys.

Charges have been filed with Secretary Hitchcock, of the Department of the Interior, against W. L. Dustin, surveyor general of the district of Alaska. He is charged with "incompetency" and "peculiar practices," and the petitioner requests that a special agent of the Interior Department be sent at once to inquire into the statements made concerning the accused official.

The papers in the case were filed yesterday by Volney T. Hoggart, an attorney-at-law, qualified to practice before the Interior Department, in behalf of the affiant, George M. Esterly, a citizen of Valdez, Alaska, a former resident of Washington and who has been visiting relatives here for the past two months while looking after certain legislation for his district.

### Alleged Illegal Practices.

The charges filed emanate from certain alleged "peculiar practices" of the surveyor general in directing applicants for land surveys to a law firm in which his son is a partner, and the exacting of various sums of money as fees to "expedite" matters. The bill "prays that an investigation be made into the conduct of the affairs of the office of the surveyor general within and for the district of Alaska; and that a special agent of the Interior Department be sent to the office in question to examine into the charges filed herewith, and that if the said charges are sustained that the said William L. Dustin be removed from office."

Under oath Mr. Esterly says that he is a miner and has lived in Alaska for the past five years, and that he and his associates have had much business before the surveyor general. He charges that the practice of the surveyor general for the past two years relative to the surveys of the public lands of Alaska have been questionable. As an instance, he says that the surveyor general "advised" persons having surveys to be approved to first take them to the law firm of Guernsey & Dustin, the last named member being a son of the surveyor general, and that the surveyor general says that by so doing the approval of the surveys in question will be "expedited." Mr. Esterly says that no law of Congress provides for the consultation named, but that the firm demands a fee of \$150 or more for securing the "facilities" in question.

### "To Facilitate Matters."

The affiant also charges that applicants are made to believe by the surveyor general that the advice of the law firm carries great weight with the surveyor general, and that this practice has been carried on ever since 1900. He cites that a partner, Fred F. Keyes, applied for a survey of thirty-four acres in 1901, and that the surveyor general told Keyes that "in order to facilitate matters it would be wise to see Mr. Guernsey, as he was so familiar with the land laws." Keyes did so. Mr. Guernsey charged him \$150 for his services. Keyes paid the money reluctantly, as he considered the fee exorbitant.

Another instance alleged of "peculiar practices" is the application of Phillip A. Blumaur, who asked for a survey of eighty acres and was likewise referred to Mr. Guernsey and compelled to pay a fee of \$300. Mr. Esterly swears he is in communication with numerous other residents of Alaska who have been likewise imposed upon by the surveyor general in directing them to see Mr. Guernsey.

### Advice Unimportant.

In his statements he uses the word "facilitate," which he charges the surveyor general uses invariably in directing the applicants to Mr. Guernsey. It has been his experience, he says, that the so-called advice from the firm in question is unimportant and that there is an understanding between the surveyor general and the firm.

The surveyor general is under the direction of the Commissioner of the General Land Office, a position now held by Binger Hermann, of Oregon, who was recently requested to resign by the Secretary of the Interior for alleged incompetency. Heretofore verbal complaints have been made against the surveyor general and they formed part of the information upon which the Secretary of the Interior is alleged to have compelled Commissioner Hermann to resign.

### REVENUE CUTTER CHASE.

An estimate for an appropriation of \$70,000 for the construction of a vessel to take the place of the present revenue cutter Chase has been transmitted by the Secretary of the Treasury to the House of Representatives. The Chase, Secretary Shaw says in his letter accompanying the estimate, is a wooden vessel, built in 1878, and has seen almost constant service in the course of her twenty-four years' existence. As a result she is badly decayed and unseaworthy.

The secretary asks that the appropriation be included in the sundry civil bill.

## GOVERNMENT MAY CONTROL ALL THE COAL AND MINES

### ENGINE LEAVES TRACK GOING FAST DOWN GRADE

### Engineer Killed—No Passengers Seriously Hurt.

ST. LOUIS, Mo., Jan. 14.—The St. Paul passenger train on the Chicago, Burlington, and Quincy Road, due in St. Louis at 5:55 p. m., and running fifty miles an hour to make up lost time, was wrecked last evening by spreading rails five miles northeast of Alton, Ill., killing the engineer, and injuring six persons.

The engine was overturned, the baggage, mail, express, and one coach, four in all, were thrown on their sides, and the Pullman sleeper and remaining coach left the rails, but remained upright. No passengers were dangerously injured.

The dead engineer is Frank Horn, of Beardstown, Ill. The injured are John Francis, Chicago, E. C. Thornton, Alton; G. L. Mitchell, Rock Island; E. W. Ebery, Winchester, Ill.; Charles Pollard, Rock Island; A. H. Pollard, Rock Island.

The train was thundering along down grade. Suddenly the engine left the track and the whole train followed, running 250 yards off the rails. Then the engines toppled over and down the small embankment.

Conductor Pollard, who was in the coach, was badly bruised. Despite his injuries he ran two miles to Wood's Station, and telegraphed for a relief train. This was speedily sent from Alton, and the passengers were brought on to St. Louis.

## WATER SUPPLIED THROUGH INTERNATIONAL COURTESY

### Niagara Falls, N. Y., Comes to the Rescue of Niagara Falls, Canada.

BUFFALO, N. Y., Jan. 14.—By the successful carrying out of a unique plan a threatening water famine was averted in Niagara Falls, Ontario, yesterday.

Owing to ice formations in Niagara River at the place where the town derives its water supply, the mains leading to the town became blocked. Niagara Falls, N. Y., was appealed to for aid.

### YOUNG CLARK OFFERED BIG BRIBE TO HARNEY

### Witness Says Judge Refused \$250,000.

BUTTE, Mont., Jan. 14.—Sensational testimony was given yesterday in the disbarment proceedings brought by Judge E. W. Harney of the district bench against Arthur J. Shores, chief counsel of the Amalgamated Copper Company in Montana. A motion for a change of venue from Judge McClellan's court was denied.

Then Jesse B. Root, former attorney for Senator W. A. Clark, testified that he would make a statement that he had decided in the famous Minnie Brady case and resign his place on the bench. He said the offer was made by Charles Clark, son of the Senator, in the presence of Attorney Shores in Mr. Shores' private room at the Washington Hotel on the nights of August 2 and 3, 1902.

Root testified that he was approached by young Clark because he was attorney for Judge Harney, and that he informed that Mr. Shores had advised in his position against Harney that he would rule the latter for life and that Clark wanted Root to make the proposition to Harney to pay \$250,000 for a confession and his resignation.

Clark accused Harney of being a drunkard, but Harney repeatedly denied this when he was threatened with resignation, and threatened to kill somebody if he was injured and declared he would resign if his wrong as a legacy to his children would see that he was expelled from the bar.

According to Root, the proposition was all overtures and threats, and that the letter was sent for and that the money was also miscarried.

According to Root, the money was to be used in getting the Senator out of the way as the Amalgamated Copper Company was because of their high copper prices and their desire to nip the Senator's influence in the bud.

### SUBMIT ANTI-TRUST BILL

The anti-trust bill prepared by the Littlefield subcommittee of the committee on the Judiciary was presented to the President today by the speaker by Messrs. Littlefield, Brewster, and Powers, who have been the subcommittee members. The bill is to be submitted to the full committee on Thursday.

### MASON QUITS AND LEAVES CLEAR FIELD TO HOPKINS

### Latter Will Be Elected Senator by Unanimous Vote.

SPRINGFIELD, Ill., Jan. 14.—All opposition to Representative A. J. Hopkins for United States Senator was formally abandoned last night. Senator W. E. Mason retired from the field and went home.

Members who have advocated opposition to Mr. Hopkins have agreed to vote for him, with the exception of five. These will vote for a Cook county man on the ballot in caucus tonight and will then join in a motion to make Hopkins' nomination unanimous.

All will vote for him in the formal election in the house and senate next Tuesday.

### ALSACE-LORRAINE STATUE DRAPED IN CREPE

PARIS, Jan. 14.—In the night a party of Nationalists draped the Alsace-Lorraine statue in the Place de la Concorde with crepe as a protest against the election of M. Jaures as vice president of the chambers.

A fire hose 1,300 feet long was run over the bridge connecting the two towns. It was attached to hydrants at either end and then the water was turned on, on the American side.

Sufficient water was obtained in this way to supply all demands and leave enough pressure for fire purposes in case of emergency.

### COMMITTEE TAKES UP CUBAN RECIPROCITY

### Final Action Not Taken by Senators.

The Cuban reciprocity treaty was considered by the Senate Foreign Relations Committee this morning, and an amendment designed to prevent a greater reduction than 20 per cent on Cuban merchandise coming into the United States was adopted.

This amendment was demanded by the beet sugar interests, who were fearful that as the treaty provides for a 20 per cent reduction on the rate granted any other country, a reciprocity treaty with Cuba would come in at a rate 20 per cent lower than that granted.

The convention gives a reduction of 20 per cent below the present tariff rates, the preferential being eliminated. Another radical proposal was the insertion of a provision that during the lifetime of the treaty—five years—the United States should give no other country a reduction in tariff rates on sugar.

### MINERS OBEY MITCHELL AND ARE KEEPING AT WORK

### WILKESBARRE, Pa., Jan. 14.—The coal operators say the result of President Mitchell's order to the miners to work steadily is at once apparent.

The district officers of the union are telling the men that they must obey the order. Most of the companies say that fewer men are remaining away from work now on account of pay day than for a long time past. The men themselves, after meetings held last night in their locals, determined to work every hour they can.

Mine inspectors say that the output can readily be increased 20 per cent within a week and the increase can be maintained if the men remain at the collieries.

### MONSIGNOR SETON MAY BECOME BISHOP OF BUFFALO

ROME, Jan. 14.—Monsignor Robert Seton, formerly of St. Joseph's, Newark, N. J., and now living in Rome, is believed to have a fair chance for appointment as Bishop of Buffalo, to succeed Bishop Quigley, recently appointed Archbishop of Chicago.

### Representative Jenkins' Radical Resolution Introduced in the House—Referred to Judiciary Committee.

### Committee on Rules to Discuss Advisability of Reporting Measure—All Convenient Speed Asked.

### Lines of Transportation, Agencies and Vehicles of Commerce Necessary for Moving Output of Mines.

Radical action for dealing with the coal situation was suggested today in a resolution introduced in the House by Representative Jenkins, the chairman of the Judiciary Committee. He introduced a resolution which suggests the advisability of an inquiry into the question of Government control of coal mines and all lines of coal transportation.

If, in the opinion of that committee, the power exists to take this step, the resolution authorizes the committee to prepare a bill declaring the necessity and to exhaust the power of Congress in this respect.

The resolution follows: "Resolved, That the Committee on Judiciary be and is hereby directed to investigate and report to this House with all convenient speed the opinion of that committee as to the power of Congress to declare that a necessity has arisen for taking possession of all coal, coal beds, and coal mines in the United States, and all lines of transportation agencies, instruments, and vehicles of commerce necessary for the transportation of coal, and that if in the opinion of that committee the power exists, and a necessity for the exercise of such power has arisen, that the committee forthwith report to this House a bill, declaring the necessity, providing fully and in detail the occasions, modes, conditions, and agencies for said appropriation that will fully and completely exhaust the power of Congress in that regard."

The resolution will go to the Committee on Rules, where the advisability of reporting it to the House will be considered.

### BOERS PLAN LONG TREK TO LAND OF THE FREE

### Are Negotiating for Lands in Texas.

DALLAS, Tex., Jan. 14.—Jefferson S. Thompson, who went to South Africa from Ohio thirty years ago, and who was an officer in the Boer army in the late war with Great Britain, is negotiating for large tracts of land on the Colorado River, in Central Texas, on which to locate Boer colonies.

Thompson says the Boers will nearly all emigrate from the Transvaal and Orange Colonies within the next two years.

### PROF. H. L. WILGUS SAYS ROCKEFELLER LIES

### Pedagogue, as Railway Officer, Knows Oil Magnate Received Benefits He Denied.

ANN ARBOR, Mich., Jan. 14.—Prof. H. L. Wilgus, of the University of Michigan, law department, in speaking before the Young Men's Christian Association on "Trusts," flatly contradicted an assertion which, he said, had been made by John D. Rockefeller yesterday.

Prof. Wilgus cited the Standard Oil Company as an example of the so-called trusts alleged to be built up on railroad discrimination in rates and rebates. He said: "Rockefeller says that he has not had the benefits of rate or rebate since 1890. I personally know that one railroad with which I was connected gave him benefits, rebates and rates for at least five years after 1890.

"I have seen the contract that existed between the railroad and Mr. Rockefeller, and in my position, I am sorry to say, I had to verify the bills that permitted him to get these benefits."

### STEAMSHIP AGROUND IN GOOSE HILL CHANNEL

NEWPORT NEWS, Va., Jan. 14.—The Norwegian steamship Yden, from Cuba for Richmond, is aground in Goose Hill Channel, near Jamestown Island. Tugs have been sent from Norfolk to float her.

### DR. FOSTER BETTER.

Former Secretary of State John W. Foster, who was taken ill while delivering a lecture at Columbian University last Monday, is reported improved this afternoon. He is suffering with an attack of influenza, and has been confined to the house since first stricken on Monday.

## MR. HOAR WOULD KNOW HOW GUAM IS GOVERNED

### Resolution Calling on President for Information.

In the Senate today Mr. Hoar (Rep., Mass.) presented a resolution requesting the President to inform the Senate the kind of government at Guam, the population, and whether any persons are detained there against their will; and if so, whether they have been notified of the charges against them; and whether one Mabini is detained there, and whether he is now deprived of liberty and the right to meet his accusers face to face; also whether any oath of allegiance is required of the inhabitants of the islands.

"The resolution," said Mr. Hoar, "is in substance an inquiry as to what government is administered and under what department it is administered; also whether one Mabini is detained there against his will. I ask that the resolution go over until tomorrow."

Mr. Hoar's request was agreed to.

### JOHANNESBURG MINE MANAGERS WANT CHINESE LABOR ADMITTED

JOHANNESBURG, Jan. 14.—The mine managers, who have been holding conferences, have decided that required labor cannot be obtained in South Africa, and it is impossible to use white labor. They, therefore, think that the only alternative is to admit Chinese laborers.

### WEATHER CONDITIONS.

It is warmer in Florida, the Mississippi and Ohio valleys, and generally east of the Mississippi and south of the Ohio. Snow is probable tonight in the northern portion of the middle Atlantic States.

The temperature changes will not be important. Somewhat warmer weather will prevail in the eastern district.

The winds along the middle Atlantic coast will be fresh west to southwest; on the south Atlantic and east Gulf coasts light to fresh northeasterly. Steamers departing today for European ports will have fresh westerly winds and fair weather to the Grand Banks.

### TEMPERATURE.

9 a. m.	32
12 m.	30
1 p. m.	32

### THE SUN.

Sun sets today	5:02 p. m.
Sun rises tomorrow	7:17 a. m.

### TIDE TABLE.

Low tide today	2:46 p. m.
High tide today	8:42 p. m.
Low tide tomorrow	3:17 a. m.
High tide tomorrow	9:13 a. m.

## DISBROW CASE MAY GO TO JURY TOMORROW NIGHT

### Judge Orders Night Sessions and Early Sitings.

RIVERSIDE, L. I., Jan. 14.—The fate of Louis A. Disbrow, indicted for the murder of Clarence Foster, whose dead body, with that of Sarah R. Lawrence was found in Tiana Bay in June last, will not remain in doubt much longer if Justice Maddox, who is presiding over the trial, can help it.

The trial proper began late yesterday afternoon. When the court adjourned at 9 o'clock last night twenty witnesses had been examined.

Court opened again at 9 o'clock this morning. Justice Maddox wanted to begin business at 6:30 o'clock. The lawyers on both sides protested they were tired and thought that 9 o'clock was early enough to begin the day's work, especially when the court held night sessions.

Judging by the rate of progress made yesterday, the prosecution should finish its evidence today. The defense will not take up quite as much time, and the case should be with the jury by tomorrow night.

The first witness of the day was Erasmus W. Tutbill, the station agent at Eastport, who told about the telegram which is alleged to have been sent by Disbrow to Mrs. Lawrence telling her that her daughter and Clarence Foster had gone away together and that he, Disbrow, would not rest until he had found them.

The next witness was John S. Lawrence, the father of the girl who was drowned with Foster.

### WOMEN WANT CARNEGIE TO PAY THEIR GAS BILLS

### Light Shut Off by Library He Gave Contribution For.

SYRACUSE, N. Y., Jan. 14.—The board of managers of the Woman's Union and Employment Society of this city, has delegated Mrs. Charles G. Saul to ask Andrew Carnegie to pay the bills for gas burned in the day nursery department of the institution.

The Carnegie library is in course of construction next to the Woman's Union Building, and shuts out the light, so as to compel them to use gas. The ladies think that it is no more than fair that Mr. Carnegie should stand the extra expense.

### STATUE FOR TILDEN.

Representative Sulzer of New York introduced a bill today appropriating \$50,000 for the erection of a bronze statue to the memory of the late Samuel J. Tilden in Washington.