

Partly cloudy and warmer tonight. Tomorrow cloudy; probably rain.

NUMBER 3816.

WASHINGTON, TUESDAY EVENING, NOVEMBER 22, 1904.

PRICE ONE CENT

HITCHCOCK FAVORS DISTRICT CONTROL OF CORPORATIONS

Would Extend Power Over Those Enjoying Street Franchises.

REPORT SO RECOMMENDS

Commissioners Should Regulate Railroads, Light Companies, Etc.

Secretary Hitchcock has made the first move toward giving the District Commissioners the powers they desire to control absolutely the doings of street railroads, electric light, gas light, and other concerns using the thoroughfares of Washington.

In his annual report, in which he is now working, the secretary recommends that the Federal Government be allowed to transfer the control of such concerns and various public buildings in which the District alone is interested, such as Freedman's Hospital, to the District Commissioners.

The recommendation will place the matter of a transfer in the hands of President Roosevelt, who may send it to Congress, for the latter body to make such changes in the law as may be necessary.

"The Commissioners," said an officer of the Department of the Interior today, "have long complained that they have no power to compel street railroads to obey them, and that the dual control of certain hospitals and other institutions is not satisfactory. This has been brought to the attention of the Secretary, and he has determined to try and remedy the matter."

"It is the belief in this department that the District Commissioners should control all business concerning buildings and affairs in the District, which do not come directly within the province of the Federal Government, and we expect that the action taken will bring about the change desired."

FEDERAL BENCH PERJURERS ALL, HINTS ATTORNEY

Swayne's Counsel Intimates Judges Generally Violate Law.

LIE ABOUT EXPENSES

Only One Witness Heard in Malfeasance Case Against Florida Jurist.

The investigation of charges of malfeasance in office against Judge Charles Swayne, of the northern district of Florida, was continued this morning before the subcommittee of the House Judiciary Committee.

It was marked by an effort on the part of Judge Swayne's counsel to show Federal judges all over the country were guilty of the crime in the indictment alleged against him.

Sworn Expenses.

This referred to the practice of the judge to charge "actual expenses" at the rate of \$10 a day for each day he held court outside his district. This amount is fixed by law as the maximum which may be charged; a judge is supposed and required, indeed, to charge only what he expends.

The members of the subcommittee present were Representatives Palmer of Pennsylvania and Clayton of Alabama. Representative Gillett will not be in Washington, probably, before Congress convenes.

The prosecution was represented by Benjamin S. Liddon, and Swayne by former Senator Higgins of Delaware.

Protest Against Press.

Counsel for Judge Swayne inaugurated proceedings with a protest against reports of the evidence at yesterday's hearing that had appeared in certain newspapers.

Representative Clayton three weeks ago upon this indignation by declaring that Judge Swayne was not being tried by the newspapers, and that the committee held no jurisdiction over their performances.

There was but one witness examined at the morning's hearing.

W. O. Bradley, chief of the division of judicial accounts in the office of the auditor for the State and other departments, testified that he had examined a statement of Judge Swayne's account with the Government, showing payments made to him for expenses in holding court in Alabama, Louisiana, and Texas. The statement was offered in evidence by the prosecution.

A Usual Practice.

It appeared from the statement that Judge Swayne had charged expenses at the rate of \$10 per day.

Former Senator Higgins of Delaware, counsel for Judge Swayne, wanted to know whether this was not the universal practice of other judges under like circumstances. Representative Palmer, chairman of the subcommittee, declined to permit the question on the ground of its irrelevancy.

"Judge Swayne is the only judge who is being tried," said Representative Palmer. "It would not affect the merits of this case if all the other judges in the country were violating the law."

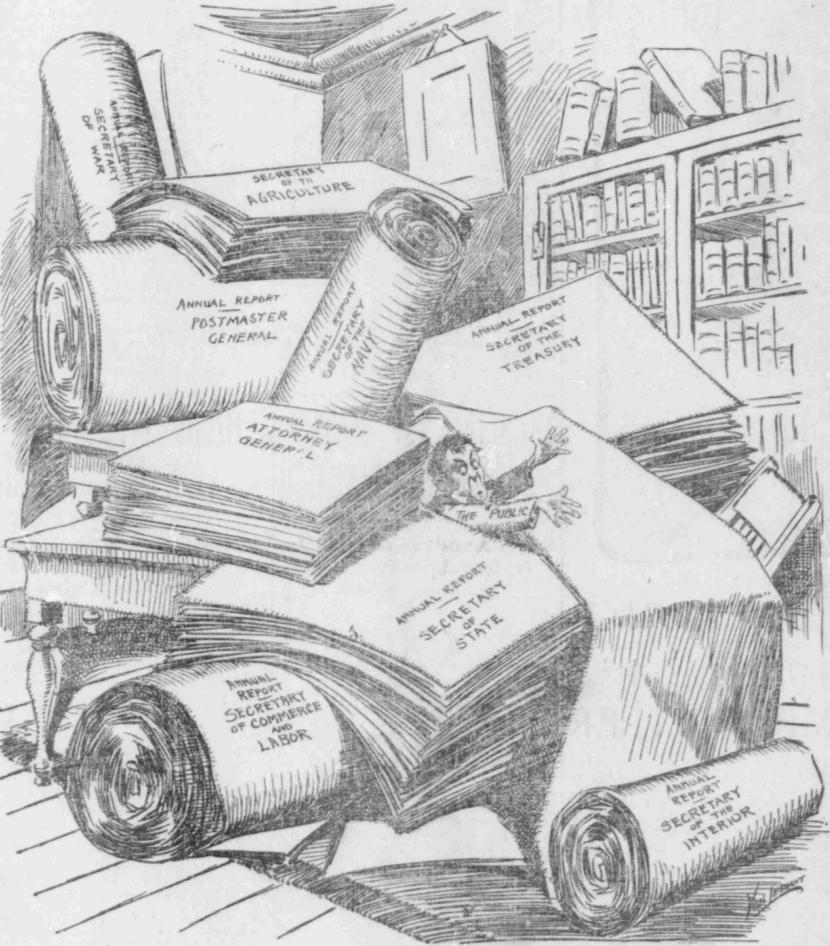
The judge held court in his district, he is entitled to "actual expenses, not exceeding \$10 a day for each day he holds court in the district, and to furnish a sworn statement of expenditure."

Certificates on File.

In response to a query from Representative Clayton, Mr. Higgins admitted that there were on file in the Treasury Department certificates of Judge Swayne showing he had expended \$10 on each day that sum was charged and had been paid.

The adjournment was taken until 10 o'clock tomorrow morning, when Mr. Liddon expects to have on hand a number of witnesses from Florida, Louisiana, and Texas, who will testify to the amount of Judge Swayne's actual expenses, when he held court in these States.

The adjournment of the hearing hereafter will be from day to day only. Representative Palmer announced this morning that he must be more positive in his demand, and that the hearing would be pushed to its conclusion as rapidly as possible.



THE ANNUAL AVALANCHE.

COMMISSIONERS ARE GRATIFIED

The District Commissioners, when informed of Secretary Hitchcock's recommendation to the President, expressed great gratification at the fact that the officers of the Federal Government were taking their side in the effort to give the Commissioners a fair part in the management and control of the street railroads in the District.

They also remarked that the Secretary's recommendation to give the Commissioners control of the charitable institutions, such as Freedman's Hospital, was made last year. They said that this recommendation is exactly right, as the Commissioners ought to have absolute control of those institutions, whose support a part of the District revenue is expended.

They summed up the opinion of the Board of Commissioners on the subject by saying that they were glad the recommendations had been made, and that they would do their best to carry out any additional duties that Congress might give them.

It was thought there is a great probability of the Commissioners winning their contention on this point.

DEATH OF RAFFALE WAS ACCIDENTAL

Death from accident was the substance of the certificate given by Coroner Nevitt today in the case of Rinaldo Raffale, an Italian, twenty-five years old, who died at the Emergency Hospital last night. The man was riding a bicycle Sunday afternoon at Fourteenth and D Streets northwest, when he ran into one of Dowse's carriages driven by Charles Bolden, a negro, twenty-five years old. The Italian scrambled to his feet, brushed himself off, and said to Thomas Kendrick: "It was my fault; I just try to ride do my best." Yesterday he was operated on because it was believed his intestines were ruptured.

Raffale's relatives, who live at 302 Fourteenth Street northwest, took charge of the body. The funeral will be held tomorrow morning.

Police Officer J. J. Conroy, who apprehended Bolden and kicked him up, but when Coroner Nevitt ascertained that the Italian extorted the driver the latter was released.

THE WEATHER REPORT.

The north Pacific storms continue their rapid eastward movements north of the forty-fifth parallel. One has just passed off the Canadian coast, another of marked intensity is central over northern Lake Superior, while a third one of still more pronounced character is now moving into British Columbia. The storms have each in turn caused quite high temperatures on their eastern and southern sides, but have not been attended by any precipitation of consequence after crossing the Rocky Mountains.

The moderate southwestern disturbance continues its slow eastward movement, and is central this morning over Alabama, extending more toward the northeastward, as a result of storm rains continued in Tennessee and the east Gulf States, and extended into the western portion of the South Atlantic States.

TEMPERATURE.	
9 a. m.	37
12 noon	41
1 p. m.	42
2 p. m.	40

DOWNTOWN TEMPERATURE.	
(Registered Alfieck's Standard Thermometer)	
9 a. m.	37
12 noon	41
1 p. m.	42
2 p. m.	40

THE SUN.	
Sun sets today	4:52
Sun rises tomorrow	6:59

TIDE TABLE.	
Low tide today	1:30 p. m.
High tide today	7:45 p. m.
Low tide tomorrow	2:11 a. m., 2:16 p. m.
High tide tomorrow	7:59 a. m., 3:07 p. m.

WEDS HER SOLDIER AFTER FREEDING HIM

Her Husband Returns to Guardhouse. Rowed Four Miles to Merry.

PORTLAND, Me., Nov. 22.—Marie Gardner, a young woman employed as governess in the family of Lieutenant Colonel Calif, commandant at Fort McKinley, crept between alert sentries at 10 o'clock at night, and breaking the window of the guardhouse, liberated her soldier-lover, M. J. Whitty.

Then the couple made their way to the shore of the island, and taking a small boat, rowed to Portland, four miles away, where they were married by a Justice of the Peace.

A gale, which had steadily increased, nearly swamped them on the way back, but with their skill half filled they finally made the fort shore. Sergeant Whitty immediately returned to prison. He is from Richmond, Va., and five weeks ago was committed to the guardhouse for terrorizing Portland citizens with a revolver.

All Winners at Wineman's, 914 F. —Adv.

IT COMES HIGH, TURKEY DOES

Every Pound Will Cost 25 Cents.

PERHAPS MORE TOMORROW

Can Get a Cheaper Sort as Low as Twenty Cents, But Not the Select Sort.

Thanksgiving in Washington, as well as elsewhere, may prove a bitter disappointment to many persons who are looking forward to the conventional consumption of King Turkey on that day.

When the industrious wife who does wonders with a small weekly allowance goes to purchase a gobble large enough to meet the demand of her family, she will find that the price of the delectable bird has, perhaps, soared beyond her means.

At the Center Market, where the annual supply of turkeys is the largest in Washington, the lowest price is 25 cents a pound for the lower priced article is the best—perhaps good enough to satisfy the taste of the fairly exacting—but it is not of the same class that last year sold for 15 cents, and four years ago at 12 or 13 cents. For that quality the dealer asks from 22 to 23 cents, and for the Philadelphia picked turkey the consumers are required to pay 25 cents.

Increasing Scarcity.

Poultry dealers attribute the high price of turkeys to their increasing scarcity in the past few years. They are emphatic in their denial that the retail price has been advanced in greater proportion than the wholesale cost.

As to the prospect of the price either increasing or decreasing, the dealers say that it is likely that the retail price will remain unchanged. It has been advanced gradually throughout the past twelve months and is now at the point reached some time ago.

No attempt is made to deny, however, that the demand has fallen off greatly ever what it was last year. The extra cents a pound has prevented many families from buying, and the birds in the past have enjoyed turkey dinners on Thanksgiving will go without them this year.

CARTOONIST C. NELAN PASSES AWAY IN GEORGIA

ATLANTA, Ga., Nov. 22.—Charles Nelan, the well-known newspaper cartoonist, died last night at Cave Spring, Ga. The cause of death was consumption.

Last World's Fair Excursion.

Via Pennsylvania Railroad, Wednesday, November 23, only \$1 for the round trip. Tea-day tickets good only in coaches. Leave Washington 10:59 a. m. Last opportunity to visit St. Louis, or to see the Fair at such an extremely low rate.—Adv.

JAPANESE SANK ESCAPING FLEET

Three Torpedo Boat Destroyers Riddled.

LEFT PORT ARTHUR TWO DAYS BEFORE

Razortropy Escaped Carrying Duplicate Dispatches.

LONDON, Nov. 22.—A dispatch to the "Express" from Nagasaki gives a new version of the report of the sortie of certain boat destroyers from Port Arthur, which was stated yesterday to have occurred at the same time as the Ruzortropy left.

The correspondent of the "Express" says that the three boats left two days before the Ruzortropy, carrying duplicate dispatches of a dispatch from General Stoessel.

There were some badly wounded officers on board the boats, who preferred to risk their lives at sea than to meet certain death in the unsanitary hospitals of Port Arthur.

The Japanese cruiser Kasuga sank the first destroyer after a fight lasting half an hour, in which all the Russians were shot or drowned except four who were rescued from the sea by boats from the Kasuga after the destroyer sank. One of those thus rescued has since died.

The cruiser Matsushima sank the second destroyer twenty-five miles from Port Arthur, receiving herself an ineffective blow from a torpedo.

Two Japanese torpedo gunboats sighted the third destroyer off Liaotshien at midnight and chased her until 4 o'clock in the morning, when the engines of the torpedo boat broke down. The gunboats discharged two torpedoes at her, both of which struck almost simultaneously. The destroyer sank with all on board.

The correspondent adds that the Japanese naval officers express the highest admiration for the bravery of the crews of the destroyers.

JAPS SEIZE GERMAN SHIP

TOKYO, Nov. 22.—The German steamship Bataken was captured yesterday by the Japanese while attempting to run the blockade of Port Arthur.

RUSSIA WILL BUY CONFISCATED COAL

BELFAST, Nov. 22.—It is announced that the Russian government has decided to pay in full for the coal taken from the steamship Allanton.

The Allanton, a British vessel, was seized by the Russian Vladivostok squadron on June 16 while she was on her way from Muroran, Japan, to Singapore, with a cargo of coal. She

(Continued on Second Page.)

BOOKS OF FIRM ACCUSE STUTLER

"Journal" of Contractors Shows Entry of Loan.

THIS IS EXPLAINED ON GROUNDS THAT

Loan Was Then Transferred by Mr. Lilly.

The most sensational evidence that has yet been adduced in the inquiry into the administration of the affairs of the Street Cleaning Department by its superintendent, Warner Stutler, developed at the two hours' session held by the District Commissioners today.

The "Journal" of the firm of Lilly & Robinson, former street cleaning contractors, under date of October 17, 1899, bore an entry for \$400, which was explained by a footnote, saying the amount was contained in a "note on W. S."

Why Entered in October.

Questioned by the Commissioners, Robinson, Stutler's accuser, swore that he made the entry in question on the date under which it appeared, or within a month of that date. This corroborated Robinson's claim that he had loaned Stutler \$400 in May or June of 1899. When asked why the entry appeared under an October date Robinson said the loan was made in June by his partner, Mr. Lilly, and was in October transferred to the accounts of the firm of Lilly & Robinson. A different aspect of the case was the failure of two witnesses summoned by Robinson to stand by certain assertions he made in the session yesterday afternoon. He had said that Stutler obtained information from him about his bids for a contract for street cleaning, which, imparted to a rival bidder, R. V. Rusk, enabled Rusk to under-bid Robinson.

Robinson's Witnesses Fall Him.

The two witnesses he mentioned to substantiate this charge were R. V. Rusk, the contractor concerned, and Thomas N. Conrad. On the witness stand today, both gentlemen swore they knew nothing of Stutler's having done as Robinson charged. They further swore that they had never said they knew anything about the matter.

It was after this testimony that Robinson submitted certain books and accounts to the court to substantiate his evidence that he had loaned to Stutler various sums of money. He put in as evidence two books of bank check stubs, a ledger, and a journal of the firm. An hour was consumed by his explanation of how the accounts showed information from him about his bids for a contract, and by the attempts of Stutler's counsel to break down his evidence.

Sum of \$630 Involved.

The whole amount involved in these transactions was \$630, \$100 more than Robinson originally alleged in his affidavit against Stutler. The \$100 discrepancy in the journal was the most conclusive proof of the transactions having taken place as claimed by Robinson.

Thomas N. Conrad, of 216 I Street northwest, said T. Conrad Dodge had told him that he thought Stutler's position was a very good one.

Flynn's Business College, 8th and K. Business, shorthand, typewriting—\$25 a yr.—Adv.

YOUNG TRACED TOLD IN COURT

Witnesses Give Minute Details of What Happened in the Hansom Cab and On the Way to the Hospital.

NAN PATTERSON SHOWS THE TERRIBLE STRAIN OF TRIAL

Cabman Fails to Identify Picture of Dead Turfman—Also Proves Poor Judge of Passing Time.

NEW YORK, Nov. 22.—Evidence today in the trial of Nan Patterson, the actress charged with the murder of Caesar Young, together with the statement by the prosecutor that the people would show that J. Morgan Smith, brother-in-law of the defendant, had purchased the revolver with which the shooting was done, indicates that the prosecution hopes to prove its case on two points; first, that Caesar Young, when he left the house the morning of the killing, did not have in his possession a firearm, and second, that the revolver came into Miss Patterson's possession through J. Morgan Smith.

The prosecutor also states that he will produce a witness to show that Smith was overheard to say to a woman on the night before the crime was committed that she must do it and that the young woman replied:

"I cannot do it. I won't do it, and you must do it yourself."

A Sleepless Night.

Miss Patterson passed a sleepless and restless night in the Tombs. The scathing arraignment of the prosecutor and the sight of her lover's garments with the bullet hole stained with his life blood had been too much for her nerves, and she collapsed when she returned to her cell in the Tombs.

The reaction over Miss Patterson calmed herself and said:

"Well, the first day is over and I find nothing in it to hurt me."

Her face was pale and bloodless and looked almost chalky against the somber setting of her black dress and veil as she came into court this morning and sat by her old father.

Miss Patterson was much perturbed at the gaze of the curious throng in the courtroom. When she reached her seat she turned and kissed her father.

She did not raise her veil and sat talking quietly against the wall, while the roll call of the jurors was being intoned.

Women Crowd Court.

Rarely has a murder case in this city attracted such a motley crowd as this trial. Swarms of women resort to every possible means to gain admittance to Judge Davis' court while the court officials are being importuned for passes to hear the proceedings.

This morning was no exception to the run of trial days, and the throng paced the corridors, hoping to get in, though the court's officers only permitted those to enter who had passes.

Not a few women and men lined up on the curbs of Center Street and watched keenly the Bridge of Sighs to catch a glimpse of the defendant as she passed over from the Tombs to the District Court building, where the trial is being held.

The prosecution purpose bringing a skeleton in court to prove that Young could not have shot himself. District Attorney Jerome, on looking the skeleton over this morning, decided to relieve the judge of its gruesome aspect in court, and send for a physician and had it decapitated.

Norris on Stand.

Police Sergeant Walter Norris, of the Leonard Street station, where the defendant was brought when arrested, was the first witness today. He identified the revolver which Policeman Junior handed to him when he brought Miss Patterson into the stationhouse.

Witnesses said that the revolver was then opened by the captain and it was found to contain three loaded shells, one exploded shell, and one empty chamber. He turned the revolver and shells over to Captain Sweeney, he said.

Witness was excused and Capt. Dennis Sweeney was sworn. He is captain of the Leonard Street precinct.

He said that he was in command of the precinct at the time of the shooting, and that he was on duty when the revolver about 11 o'clock on the day of the shooting.

Saw the Defendant.

Captain Sweeney identified the revolver with which the bookmaker was shot. He said:

"I saw the defendant the morning of the shooting in the back room of the station and talked with her. She told me she was twenty-one years old."

"She said that Young had shot himself."

"The first she knew of it was when she heard a muffled shot and her companion fell over in her lap."

"She told me that she had met Young by appointment. She said they had taken a cab at Fifty-ninth Street and Columbus Circle, and after having a drink in a cafe, they had driven to the Fifth Avenue Hotel, where Young bought a hat. Miss Patterson said she did not remember what occurred after that, except that Young shot himself."

"Captain Sweeney, did you ask me if any words passed between them in the cab?"

"Yes, I did, but she said that there had been no talk." She said they were never parted.

"Do you know J. Morgan Smith?"

"Yes, I do."

"Did you hand him a grand jury subpoena the day before the grand jury met?"

"Yes."

"On cross-examination Captain Sweeney said that when he first saw the defendant she was pale, though calm. The captain said that the case had been entered as one of suicide on the stationhouse blotter."

Cabman a Witness.

Captain Sweeney was then excused and Frederick E. Michaels, the cabman who drove the fatal cab, was called.

Witness said that he drove public hansom No. 1,055. He identified several photographs of the cab. Michaels said:

"On the morning of June 4 I was standing at Fifty-ninth Street and Broadway. It was a little after 8 o'clock when I was approached by a man and a woman. I did not see where they came from."

"Do you recognize this defendant as the woman who approached you that morning?"

"Yes."

"Now, I ask you if this is a picture of the man who accompanied the defendant?"

"I really could not say."

"What did the man say?"

"He asked me to drive to West Fulton Street and stop at Knox's hat store."

"Did he say anything more?"

"No, he did not. I drove down Seventh Avenue, through Twenty-fourth Street to Knox's in the Fifth Avenue Hotel. I pulled up and the man got out and went in the hat store. He had a new hat on when he came out. He told me to drive to some place where they could get a drink. I drove down to Bleecker Street and West Broadway, where the man opened the trap and told me to stop. It was on the southeast corner, and the pair went in a saloon and stayed a few minutes. They came out and I drove west again."

Neither Was Drunk.

"Was either the man or the woman under the influence of liquor?"

"They were not."

"Well, what happened then?"

"I drove down West Broadway in about the middle of the street."

"What happened after you crossed Canal Street?"

"I heard a pistolshot."

"Where were you when you heard it?"

"I can't say definitely; it was below Canal Street."

Michaels, continuing his story, said:

"It was a sharp report I heard coming from the inside of the cab. My horse plunged ahead. I pulled the horse up and the man got out and ran a half. The defendant opened the trap window and said: 'Drive to a drug store and look down in the cab and see what happened.'"

"No, I didn't."

"Are you sure?"

"Yes."

"Up to this time did you hear any sound other than the shot, come from the cab?"

"I did not."

"You heard no quarrelling?"

"I did not."

Hailed by Policeman.

Michaels identified the druggist, Denison, whom he had called. Witness said he knew Denison, and that he took him to a hospital, and he started off after receiving directions from a bystander.

Michaels said that at Franklin Street, Policeman Junior hailed him, opened the door of the cab, stepped in, and all drove to the hospital.

"Did you see the man when he was carried into the hospital?"

"Yes."

"Well, now, is not this a picture of the man who was carried into the hospital?" Michaels asked, showing the witness photographs of the dead man.

"I really could not say."

"Well, didn't this man make some impression on you? Men are not shot in your cab every night, are they?"

"I only saw the man once and I never carried him before."

Michaels said the defendant and a policeman were driven by him to the Leonard Street station and that was all he knew of the case.

Michaels was then turned over to the defense for cross-examination. Lawyer Levy asked the cab driver step by step from the time the young man engaged the cab until the defendant was taken to the stationhouse.

"You say you heard no talking?"

"No, I did not."

"Well, can you ordinarily hear conversation when perched over your seat?"

"No."

"Can you hear loud talking?"

"Hardly."

"Now, how long was it after you heard the shot that the woman opened the trap door and asked you to drive to drug stores?"

"I should say a little over three minutes," was Michaels' answer.

Put to Test.

"Now, I am going to clap my hands and when you think the length of time has passed that elapsed between the shot and when the woman called you, tell me."

Lawyer Levy clapped his hands and noted the time on his watch.

"Now," said Michaels when he thought sufficient time had elapsed. "Seven seconds," snapped the defendant's counsel. The prosecutor took Michaels in hand again and the cab driver said that he did not see any smoke at any time coming from the cab. When excusing Michaels, the prosecutor said:

"Now, you wait around here and perpendicular."

Army and Navy Football Game.

The Pennsylvania Railroad will operate special trains direct to Franklin Field, Philadelphia, Saturday, November 28, leaving Washington at 10:10 a. m., returning at conclusion of the game. Coaches, parlor cars, and dining cars. Round trip \$4.00. Pullman space now on sale.—Adv.

Indorsed by Physicians and Hospital.

Father John's Medicine is not a patent medicine, but a physician's prescription, fifty years in use. Cures Colds—Adv.