

UNWRITTEN LAW COVERS EDITORS

That Is Plea of Attorney in Defense of Carmack's Slayers.

SPRINGS SENSATION IN ADDRESS TO JURY

Meek's Position a Surprise, as He Had Disclaimed Belief That Editorial Brought About Killing—Holds Cooper Up as Finest of Southern Men.

NASHVILLE, TENN., March 9.—The unwritten law was extended today to cover editors who attack private or public men by General Meek's, counsel for the defense in the Cooper-Sharp trial for the murder of Senator E. W. Carmack. The sensation was sprung during General Meek's speech, and was pronounced by him to have expressed the belief that an editorial attack justified killing the writer. But when warmed up to his speech with a burst of eloquence, he said:

"You talk of the liberty of the press. Why, gentlemen, no man lives who believes more firmly in the liberty of the press than I do. But when a man in an editorial position turns the liberty of the press into license and undertakes to defame and attack you and your family, what are you going to do? The prosecution will tell you you have your recourse in the courts. Yes, and you get a judgment for \$25,000 against a man not worth the price of a plug of tobacco and a cigar."

"Oh, gentlemen, I tell you that the streets of this our city have run red before with the blood of men who improperly used other men's names in public prints."

General Meek devoted five hours to the speech. He painted the defendants as the finest types of Southern aristocracy and breeding, declared no crime had been committed when Senator Carmack was shot to death, and closed with the remark: "I appeal to the jury to turn loose this gallant old soldier, Colonel Cooper."

So great was the throng which tried to crowd into the courtroom this morning that the architect of the building appealed to the judge, and declared that the trial was a serious accident. Judge Hart hurriedly sent deputies into the corridors and soon cleared them entirely.

General Meek began by saying that Colonel Cooper was shamefully treated by Colonel Fitzhugh. "He accused him," said Meek, "of not paying his debts. They tried to make you believe that he embezzled funds as clerk and master of chancery. What has that to do with the killing of Carmack?"

"The State has charged," said General Meek, "that the defendants know the route that Senator Carmack took and left for his apartments. Now, how could the defendants know this time or route? Senator Carmack's own stenographer said she did not know where Senator Carmack lived."

No Greater Insult.

As to the Carmack editorials General Meek said:

"When a man sits, as Carmack did, behind the editorial counter of a paper and writes, day after day, editorials that attack and assault a man who is not himself in an editorial position he becomes insulting and there is no greater insult possible. The attorney next went into the incident of the pistol scabbard found in Senator Carmack's coat pocket, and denounced the State's attorneys for insinuating that the counsel for the defense 'planted' the scabbard there. He said the State knew that Major Ventres loaned Senator Carmack the revolver with the scabbard on it.

"We have proven," he went on, "that the meeting of the parties was purely and undoubtedly an accidental encounter. We hold that the guilt or innocence of these defendants must rest upon the State of mind they were in at the time the meeting took place."

Counsel described the note that Cooper indited to Carmack, but did not send, and said: "That note was not the declaration of war, and until that note was sent by Cooper and received by Senator Carmack, no understanding and Carmack understood that there was to be no trouble, and that note was never sent."

"You are not trying common thieves or murderers now, gentlemen. You are trying men who come from as fine stock as ever human flesh was made of, the best people of the South."

Miss Lee Attacked.

"Why did they put Miss Daisy Lee, Jim Bradford's stenographer, on the stand?" Meek continued. "I do not say Miss Lee lied. I would not say that about any woman. But I do say that she was mistaken."

Miss Lee alone says that Colonel Cooper was not called back. Now, even if it were material, we have four witnesses against her, who swear that he was recalled—General Wood, Governor Patterson, James Bradford, and Robin Cooper. Yesterday Captain Fitzhugh arraigned this old white-haired soldier for using vile language in Miss Lee's presence. Miss Lee herself said that Colonel Cooper was in another office when he used that language."

General Meek next took John Sharp's case. He asked the jury if they were going to hang a man because he said Carmack 'should have met him at the time they met him.' He declared there was no evidence against Sharp to connect him with the killing.

"The State declares," said the general, "that these defendants must have known that Senator Carmack would pass the point at which they met him at the time they met him. Well, why didn't they prove it? Senator Carmack stopped at the drugstore, stopped to help Mrs. Williams on a car, stopped to talk to Jordan Stokes. Are these all conspirators? For if he had not stopped he would never have

REHEARING DENIED

Standard Oil Cases and Auxiliaries Are Ousted.

JEFFERSON CITY, MO., March 9.—The decision in the Standard Oil Company of Ohio for a rehearing of the ouster suit recently decided against them, the company's motion for a rehearing was overruled by the Missouri Supreme Court today.

The position of the Waters-Pierce Oil Company was upheld, the motion of the Attorney-General for an absolute ouster of the Missouri company being denied, the company's motion for a rehearing order recently filed by the company was approved, and the judgment of ouster against it was suspended.

The effect of the decision is to expel the Indiana and Ohio companies from Missouri and to restore to the Waters-Pierce Company, of Pennsylvania, whose stock the Standard Oil Company of New Jersey, the right to do business within the State.

The Standard Oil interests expected a rehearing in the Missouri Supreme Court of the United States.

The decision is considered a great victory for the Waters-Pierce Company, and, incidentally, for the minority interest of that concern, which claims to have been making strenuous efforts to free the company from control by the New Jersey corporation.

Decline Proposition.

With this object in view they declined to approve the proposition made by the Standard Oil Company of Indiana that the company be allowed to continue to do business in Missouri under a trusteehip composed of representatives of the court and the company. This proposition excited the fiercest interest in the world, and was given to the State measure of direct control of a corporation's affairs had it been adopted by the court. But it was rejected by a vote of 10 to 4, the Chief Justice, which simply stated that the motion for a notification of the ouster decree had been overruled.

At the judgment of ouster made absolute against the Standard Oil Company of Indiana and the Republic Oil Company of Ohio, the Missouri Supreme Court, which has the right to permit to continue business under provisions included one that the company must be reorganized so as to be free from Standard Oil Company control.

There was nothing in the document to show that this had been done, and on this basis the Attorney-General moved that the ouster decree be made effective at once.

TAFT SIDESTEPS SEEKERS OF AID

He Diplomatically Declines to Declare Himself on 'Insurgent' Movement.

WHITE HOUSE HELP IS EAGERLY SOUGHT

Would-Be Raiders of Rules Declared, After Conference With President, That They Are No Longer in Compromising Mood—Result of Fight Is Feared.

WASHINGTON, March 9.—President Taft today was given an opportunity to declare himself on the "insurgent" movement to revise the rules of the House. Diplomatically, he sidestepped, announcing how he stood, but in doing so he missed no chance to rebuke the "insurgents" of Mrs. Eames, which he was scheduled to attend in company with Mrs. Taft and their guests.

Representative Payne, of New York, chairman of the Committee on Ways and Means, sought the support of Taft for the existing order of things as represented by the Cannon regime, and the insurgent cause was advocated by Representatives Gardner, of Massachusetts; Madison, of Kansas; and Nelson, of Wisconsin.

The visit of the "insurgent" delegation to the executive offices consumed most of the afternoon. The three "insurgents" had heard it charged that Mr. Taft intended to join hands with the House organization in the interest of getting the tariff bill through as soon as possible. Greatly disturbed by these reports, they hurried to the White House to urge Mr. Taft to take a soft seat on the fence and leave the fighting to them.

When they came out of the executive office Mr. Gardner declared with an exhibition of confidence that the insurgents were no longer in a compromising mood.

Final Results.

"We are firmly impressed that Mr. Taft is not opposed to a change of the rules," said Mr. Gardner, "but he is a little fearful that a contest now would be a little of a nuisance and interfere with the passage of the tariff bill."

Mr. Payne was with the President only a few minutes, and he left in a communicative mood concerning the raid on the rules. He said that he had told Mr. Taft that the "insurgents" were ready to report on the first day of the session, but that he could not prophesy what would happen if the present conditions in the House were to continue. Several times during the conference Mrs. Taft sent word that she was ready to start for the concert and she finally prevailed upon the President to start for the concert. The President's military aid was immediately sent back for Mr. Taft.

Unless the House "insurgents" are successful in securing an amendment to the rules, the only important committee of the apical session will be those on Ways and Means and on Rules, according to the present plans of the House leadership.

The "insurgents" are uncertain as to their course if they succeed in amending the rules so as to provide for a committee on Rules and Committees.

The insurgents will follow their personal inclination in regard to the Republican caucus, which will be held in the morning. It is said, while others will leave, should an attempt be made to outline a policy in regard to the tariff bill, the night will come on the floor next Monday when Congress convenes. Letters are being sent broadcast over the country asking constituents to write to the members to vote against ordering the previous question on an anti-republican motion for the adoption of the rules of the last House as the rules of the new House. The adoption of this motion will be regarded as a defeat by the "insurgents" for the entire Congress.

NEARLY DEATH BLOW

Government Again Fares Badly in Standard Oil Case.

CHICAGO, March 9.—The government's case in the retrial of the Standard Oil Company of Indiana, which has fared unfortunately in Judge Anderson's court, yesterday averted a death blow today. Judge Anderson held that the government was not to be allowed to introduce evidence that there was a standard rate for oil shipments between Whiting, Ind., and East St. Louis at the time of the trial, which the defendant is charged, and that the defendant knowingly accepted a lower rate. The court held that the government must convince him that it would be able to prove this.

At the request of Assistant District Attorney Stone, the court has adjourned till tomorrow to allow time for the preparation of arguments to show that the required evidence will be forthcoming. Judge Anderson's ruling will, it is said, compel the government to ask for leave to amend the indictment. Although the government counsel did not directly state that a refusal to allow this amendment to be made would be a death blow to the government's case, admissions made this inference obvious.

WIFE IS MURDERED

She and Her Husband Quarreled Over Possession of Children.

BALTIMORE, Md., March 9.—Lying dead beside her bed, on which her baby daughter lay screaming, Mrs. Augusta Zacharda was found today by neighbors. She had been shot and killed by her husband, Charles Zacharda, a Bohemian, following a quarrel over the custody of another daughter, Eileen, aged six years. The couple were divorced, and the court had given the mother possession of the children, of whom there are four. The father, however, has been living with their father and grandmother.

Mrs. Zacharda yesterday met Eileen and finally passed the girl carrier and took the child home with her, keeping her all night. The quarrel and shooting followed the father's demand for the immediate return of Eileen, who, with her baby sister, were the only witnesses of the affair. Zacharda was arrested in his mother's house shortly after the shooting.

INCOME TAX PASSES

It Will Put Heavy Financial Burden on Foreigners.

PARIS, March 9.—The Chamber of Deputies today passed the income tax bill of 1909. The bill, which has been going on for several months, and the Clemenceau government has on several occasions staked its existence on the passage of the measure.

It is finally passed, but carries an important amendment postponing its application until a parallel bill assuring revenue to the various communes and departments becomes law.

The present measure bears heavily on foreign residents, whose taxes are automatically quadrupled, their incomes being calculated at seven times the amount of the rent they pay. The opponents of the measure are preparing to put up a strong fight in the Senate.

SCHOONER IN TROUBLE

Runs Into Gale, and Loses Main and Mizzen Mast.

BOSTON, Mass., March 9.—Disabled at sea by the loss of her main and mizzen masts, the schooner Ann J. Matton, bound for Norfolk, Va., with a cargo of lumber, was reported today by the British steamer Cythiana, Captain Trinnick, which arrived from Norfolk. The schooner lost her masts in a gale on March 4. Captain Trinnick fell in with her in latitude 37° 00' north, 73° 00' west, and took her in tow, but after five hours the lawyer parted. Captain Trinnick's offer to take on the schooner's crew was refused.

IF A LION ATE ROOSEVELT

'He Would Disagree with the Lion,' Bonaparte Says.

BALTIMORE, Md., March 9.—Former Attorney-General Bonaparte said today he thought he would follow the example of his late chief and talk no more about the "lion" who should have low him, he said, "who would disagree with the lion."

COMMISSION GOVERNMENT

Dr. Elliot Believes That Is Best Plan for Cities.

BIRMINGHAM, Ala., March 9.—Dr. Charles W. Elliot, retiring president of Harvard University, who spent the day here, will leave early tomorrow for the University of Alabama, at Tuscaloosa.

Dr. Elliot's principal address today was at the High School auditorium, where he discussed "Government by Commission in Municipalities." He said the highest efficiency in municipal government is accomplished by small governing bodies placed in office by universal suffrage. He gave the Mayor of his investigation in Galveston and other Texas cities which are under commission government, saying: "In Galveston there are now no aldermen. The citizens get a day's work for a day's pay from every employee of the city. The same could be said in few instances in my home city, Cambridge, and cannot be said in any case in Boston."

Dr. Elliot presided at a luncheon at the Country Club by the Board of Education, and to-night Mr. and Mrs. W. P. Harding were named in honor of Dr. Charles W. Elliot.

PURE PATRIOTISM HIS SOLE MOTIVE

For No Other Purpose, Says Dickinson, Did Taft Make Him Secretary.

NEW CABINET MEMBER REPLIES TO CRITICS

Holder of War Portfolio Acclaims Undiminished Democracy and Decries Conditions Which He Believes Menace to Eu- ropean South—Addresses Iroquois Club.

WASHINGTON, D. C., March 9.—It was officially announced at the Department of State today that General Garcia Veloz has been appointed Cuban minister to the United States, to succeed Senator Quesada, resigned. General Garcia was appointed by President Gomez during his latter part of his administration, and the Department of State was officially advised of the appointment, subject to the approval of the United States government. No action was taken in the matter by the administration of President Roosevelt, and an effort was made to induce present administration to reject the appointment on the ground that General Garcia had antagonized the United States government and its administration of Cuban affairs.

The announcement made at the State Department today indicates that President Taft and Secretary Knox have no objections to make to the appointment of General Garcia, and that the Cuban patriot of that name, and has been prominently identified with Cuban affairs.

FOR SETTLE EXPOSITION

Eight Warships to Go to Washington Port for Opening.

WASHINGTON, D. C., March 9.—Eight of the finest vessels of the United States Navy will take part in the opening ceremonies of the Alaskan-Yukon-Pacific Exposition at Seattle. These are the armored cruisers West Virginia, Colorado, Maryland, Pennsylvania, Tennessee, California, South Dakota and Washington. They comprise the first fleet, commanded by Rear-Admiral William T. Swinburn. This squadron has just completed the practice cruise to the coast of South America, and is now working its way up the west coast. Nearly all of the vessels are now at the Naval Station at Washington. The orders for this large aggregation of warships to take part in the Alaskan-Yukon-Pacific Exposition were issued today by Secretary Meyer, by direction of President Taft. According to this order the squadron will arrive at Seattle, Wash., on March 30, in time for the opening ceremonies, and will remain there until June 8.

NEW CENSUS BILL

Friends of Measure Believe Congress Will Pass It.

WASHINGTON, D. C., March 9.—The passage of a new census bill during the special session to take the place of the one which expired on March 3, is confidently predicted by his friends in Congress. Representative Crumpacker, of Indiana, who introduced the bill, prepared the new measure. He believes it will not only meet with the approval of the House, but that Congress, but will receive the signature of President Taft.

The plan for the selection of clerks by the House and the temporary census clerk, prepared in the vetoed bill, has been abandoned.

TIME IS EXTENDED

Battleships Need More Repairs Than Anticipated.

WASHINGTON, D. C., March 9.—It having been found that some of the battleships of the United States Navy need more extensive repairs than was anticipated as a result of their experience in the practice cruise to the coast of South America, the time allowed for their repair has been extended from May 15 to June 15. The battleships Kearsarge, Kentucky and Illinois are being repaired at the Atlantic fleet. The cruiser Des Moines, now at the naval station, Guantanamo, Cuba, has been ordered to New Orleans to give the officers and crew a short season of liberty.

SENSATION FAILS

Mooted Resolution Quietly Referred to Committee on Rules and Committees.

PHILADELPHIA, Pa., March 9.—At today's annual meeting of the Pennsylvania stockholders, a resolution of the directors, which would have opened to competitive bidding by responsible banking houses, was referred to the incoming board of directors for their consideration. The resolution has been widely advertised as a sensation to be sprung at the meeting.

PENSIONS FOR OLD AGE

Bill Prepared and Will Be Presented to Congress.

BOSTON, March 9.—In connection with a movement to establish an old age pension system, former United States Senator C. W. Hinds, of Boston, was in this city today. Mr. Hinds has embodied his views in a bill, which, together with a strong petition bearing the names of citizens in all parts of the country, he proposes to present to the extra session of Congress.

FLAGSHIP IN NEW YORK

Connecticut Will Unload Ammunition and Go Into Dock.

[Special to The Times-Dispatch.]
NEW YORK, March 9.—The battleship Connecticut, flagship of the Atlantic fleet, on its return from Hampton Roads, the Connecticut anchored off Tompkinsville to land her ammunition, and after completing that process will dock in the Brooklyn Navy-yard for an overhauling.

PEACE CONFERENCE

It Will Be Held Aboard Ship of American Squadron.

MEXICO CITY, March 9.—According to private advices here, Zelaya, of Nicaragua, has accepted the conference between Mexico, Guatemala and Costa Rica, with the view of arranging a permanent peace for Central America. The conference is to be held on one of the warships of the American Pacific squadron.

HORSES IN SAUSAGE

Chicago Butcher Is Convicted of Using Dissected Flesh.

CHICAGO, Ill., March 9.—J. J. Schmidt, a butcher, was today found guilty of using diseased horse flesh in the manufacture of sausage. The conviction was secured by the State law, which imposes a penalty of a fine of \$1,000, a year's imprisonment in the county jail, or both.

YAMAMOTO ARRIVES

Japanese Navy Will Visit American Squadron.

SAN FRANCISCO, Cal., March 9.—Inspector Yamamoto, of the Japanese navy, arrived today on the steamer Nippon on his way to Europe. He is making a study of shipbuilding and the interest of his government, and he will visit the principal shipyards in this country before crossing the Atlantic.

LOCAL OPTION DEFEATED

Electors of Pennsylvania Are Denied Right to Vote on Question.

HARRISBURG, Pa., March 9.—The local option bill, which authorized the electors of any borough, township or ward of any city to vote upon the question of the sale of liquor, was defeated in the House today.

NO RATE LAW

Senate Accepts Recommendation of Railroad Commission.

TOPEKA, Kan., March 9.—The Senate today adopted the report of the Railroad Commission, which recommended that the 2-cent rate bill be not passed. This ends the 2-cent fare legislation in the Kansas Legislature at this session.

20 PER CENT. CUT

That Reduction Is Provided for in Minimum Tariff Rates.

WASHINGTON, D. C., March 9.—Maximum and minimum duties which are provided in the tariff bill which is to be introduced in the House by Chairman Payne, of the Ways and Means Committee, when the special session convenes. A paragraph will be inserted in each separate schedule providing for a minimum duty on articles under that schedule. Twenty per cent. is understood to be the average reduction in duty on the minimum duties. Some articles will be excepted from the provision for a minimum duty, and greater or lesser rates of reduction will be provided.

The United States was the first country to adopt maximum and minimum tariff duty, and it is to be made the American tariff more pliable in accordance with the reduction in duty on the minimum duties, and the maximum and minimum provisions were incorporated.

NO OBJECTION TO GARCIA

Department of State Reports on New Appointment.

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WHAT THE BOARD DID

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Concurred in annual budget.
Awarded contract for new flume.
Fixed blame for failure of old flume.
Approved plans for municipal electric plant.
Appointed committee to consider changes in the form of city government.

NEW \$2,000,000 BUILDING

Plans for Bureau of Engraving and Printing Completed.

WASHINGTON, D. C., March 9.—The new \$2,000,000 building for the Bureau of Engraving and Printing has been completed, and the supervising architect of the building has been named. The Bureau of Engraving and Printing are now going over the details of the interior plans with a view to completing all the preliminary arrangements for the new building. A definite estimate can be made now of the time when actual work will begin. It is probable that ground will be broken in the coming summer, and that when the frost falls the foundation will have been laid.

The delay thus far has been caused by the fact that the important officials to have Director Ralph pass on all the details in order that when final decision on the plans is made, the work will be proceeding rapidly without being held up by minor changes during its progress.

MEYER'S FIRST CASE

Court-Martial of Ensign Davis Is Placed Before Him.

WASHINGTON, D. C., March 9.—The first court-martial case to be presented to Secretary Meyer for action was that of Ensign Garrett S. Davis, of the court martial at Newport, R. I., on the charge of neglect of duty while the vessel was at Charleston, S. C.

CLAIMS SELF-DEFENSE

Lumsden Seeks to Prove That He Was Pierced.

NEW YORK, March 9.—In the trial today of John C. Lumsden, of North Carolina, an inventor, for the killing of the late Governor Seward, the defense attorney, in Seward's office last December, Policeman Diehl, who arrested Lumsden, testified that Lumsden said he fired in self-defense and that Lumsden was not armed with a pistol. Lumsden from the South and organized a company and I was president. When I came here to get my money they turned on me and almost broke my leg."

The widow of the broker, Mrs. Kate Seward, testified to seeing her husband in the office. The defense objected to her testimony, and contended that she had been called merely for effect.

SNOW-STORM RAGING

Fall Is Heaviest at This Season in Ten Years.

WINONA, MINN., March 9.—A severe snowstorm is raging in Southern Minnesota today. Snow began falling early today. To-night there are four inches of snow on the level. Telegraph and telephone communication is impeded. Street cars in Winona were compelled to stop to-night. The weather observer reports that the storm is now unusual in southern Minnesota in a half century, and that the fall of snow is the greatest in ten years at this time of the year.

BOY BOUND AND GAGGED

Negro Then Devotes Himself to Ran- sacking House.

SAVANNAH, Ga., March 9.—Seventy-year-old Evelyn Rabey was surprised alone in his father's home today by a masked negro burglar, who, threatening with death with two pistols and a knife which he carried, bound the old man with a rope to a chair and gagged him with a bundle of cloth until the burglar had ransacked the house. The boy's brother entered the house while the negro was upstairs ransacking rooms, and brought a crowd of men to the rescue. The negro fled, and after a chase, escaped.

URGE HIGH TARIFF

Oil Producers Seek Protection Against Mexico.

BEAUMONT, Tex., March 9.—At a meeting of the oil producers of the Texas-Louisiana fields here this afternoon a resolution was adopted requesting Texas and Louisiana Senators and Representatives to urge a high tariff on crude oil from Mexico into the United States.

Mexico is now producing an excess of oil, which the producers declare, threatens to flood this country at prices which would be ruinous to the American producers.

GUARANTEE BILL PASSES

House Falls in Line for Measure Bryan Advocated.

LINCOLN, Neb., March 9.—The lower house of the Legislature today passed the guarantee bill, which was framed by a joint committee of the two houses. The vote was 22 to 23, all the Democrats and five Republicans supporting it. The measure is one of the issues which W. J. Bryan declared to be paramount in the Nebraska campaign last fall.

KEEL IS LAID

Whistles Blow as Work Is Begun on New Battleship.

NEW YORK, March 9.—While the "Star Spangled Banner" was played by the Marine Band the keel of the battleship Florida was laid today at the Brooklyn Navy Yard. The ceremony took place in the presence of the yard's commandant, Rear Admiral Goodrich, and as the initial plate was placed in position all the whistles in the yard sounded a salute.

PROHIBITIONISTS WIN

Senate Refuses to Recommit Resolu- tion by Majority of Twenty.

DES MOINES, Ia., March 9.—Advocates of constitutional prohibition won a decided victory in the House today, when the motion to recommit the resolution was defeated by a majority of 20 votes.

\$48.75 to California.
Tourist Sleeper without change via Washington Sunset Route, 829 E. Main St., Richmond.

WOULD NOT GIVE SITE FOR BUREAU

Marshall Ward Defeats Ef- fort of Entire City to Bring It Here.

LACKED TWO VOTES IN UPPER BRANCH

Flume Contract Awarded, Modified Report on Collapse of Old Conduit Being Adopted With- out Censure for Engineer.

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NEW \$2,000,000 BUILDING

Plans for Bureau of Engraving and Printing Completed.

WASHINGTON, D. C., March 9.—The new \$2,000,000 building for the Bureau of Engraving and Printing has been completed, and the supervising architect of the building has been named. The Bureau of Engraving and Printing are now going over the details of the interior plans with a view to completing all the preliminary arrangements for the