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THE TIMES FOUNDED 1886. THE DISPATCH FOUNDED 1850. WHOLE NUMBER 18,079. RICHMOND, VA., FRIDAY, NOVEMBER 19, 1909. THE WEATHER TO-DAY—FAIR. PRICE TWO CENTS.

JUSTICE PLACED AHEAD OF POLICY

Supreme Court Decides Case Against Railroad.

"WILL DO JUSTICE IF HEAVENS FALL"

Decision as to County Treasurers' Commissions—State Cannot Charge Insane Persons for Care in Asylums—Other Cases in Virginia Court of Last Resort.

IN a decision handed down yesterday by the Supreme Court of Appeals of Virginia, it is ruled that a property-owner living near a roundhouse or terminal yard may recover damages for injury to his property by dirt, soot and other corollaries of the work of cleaning or "hostlering" locomotives. This decision will arouse the greatest interest among the legal fraternity of the Commonwealth.

The case is that of Terrell against the Chesapeake and Ohio Railway Company. The judgment of the Corporation Court of the city of Charlottesville is reversed.

In its pleadings the railroad company asserted that if it is made to pay damages in this case, and the principle is established as law in Virginia it will be difficult to perceive how, where and when a railroad company in the State may establish a permanent terminal yard on which it may do the business necessary to the hostlering of engines. "If the principle were once established," declared the railroad, "the running of trains upon the roads will become difficult—at best a most expensive matter, and possibly may be prevented entirely."

Judge Cardwell, whose opinion shows the deepest thought, says in reply: "It would be a source of regret if, in the administration of justice by the establishment and enforcement of sound principles, the prosperity of our people should be hindered or checked, but it would be not only a source of regret, but of reproach, if material prosperity were stimulated and encouraged by refusal to give every citizen a remedy for wrongs he may sustain, even though inflicted by forces which constitute factors in our material development and growth.

Courts Must Do Duty.

"Courts have no policies, and cannot permit consequences to influence their judgments further than to serve as warnings and incentives to thorough investigation and careful consideration of the causes submitted to them. Those duties being faithfully performed, courts may await the result with patience, if not always with confidence, and say with the great Lord Mansfield: 'Fiat justitia, ruat coelum.'"

It was alleged in this case by the plaintiff Terrell that he was damaged by engines on the track, which rang their bells, blew their whistles, emitted prolonged and deafening roars of steam, and filled the air with vast clouds of smoke, soot, dust, cinders and ashes, which damaged the plaintiff's furniture, clothes, bedding, curtains and food. The railroad demurred to the evidence, which was upheld by the court. The Supreme Court now overrules the demurrer, and remands the case to be further proceeded with in accordance with the views expressed.

Treasurers' Commissions.

Another decision of general interest is one affecting the commissions of county treasurers for collecting taxes prior to the Code of 1904. Before that time there seemed to be doubt as to whether the different funds—general, school and road—should be lumped together for the purpose of ascertaining the proper compensation of treasurers on the graduated percentage system, or whether they should be treated separately. Some citizens of Nelson county entered suit to force the collection of alleged improper commissions retained by Treasurer J. E. Peebles, of that county. The board of supervisors finally agreed to release the treasurer from the difference claimed to be due prior to 1904, provided he would settle in accordance with the latest act for his collections since that time. The Commonwealth's Attorney was instructed to bring suit for the commissions on this basis only. The petitioning citizens were dissatisfied and asked the court to dismiss the suit of the Commonwealth's Attorney and consider theirs. The Circuit Court sustained a demurrer to this plea, and the appeal resulted.

In this case the Supreme Court, by Judge Keith, took occasion to do something unusual—compliment the judge of the lower court. It says: "The learned judge who decided the case in the Circuit Court has not only had great judicial experience, but a wide acquaintance with the administration of affairs in this State." The court further says it regrets that his written opinion was not part of the record. The decision affirms the Nelson court, saying that it is not altogether clear what the intent of the old law was, but if a particular construction has been generally acted upon and acquiesced in for a long period, it would lead to great hardship now to disturb it. "During all this period," it is argued, "treasurers have been elected and re-elected, have stated their accounts before the Boards of Supervisors, who passed upon and approved them as being in accordance with the law. To rip up these settlements at this late day might breed litigation that would extend to every county in the State and cause a great hardship to many innocent people." The decree is therefore affirmed, but without prejudice to the rights of Nelson county in an action at law against the treasurer and his sureties with respect to the levies of 1904, 1905 and 1906.

Cannot Charge Lunatic.

It is held in another case that no citizens of Virginia who is an inmate of a State hospital for the insane can be charged with any of the expenses of his maintenance.

It seems that J. Baldwin Brown was committed to the hospital at Staunton

(Continued on Page Four—Column 1.)

CENTURY EDITOR DIES SUDDENLY

Richard Watson Gilder, Famous Literary Man, Passes Away in New York.

NEW YORK, November 18.—Richard Watson Gilder, editor-in-chief of the Century Magazine since its foundation in 1881, and widely known as an author and lecturer, died unexpectedly to-night at the house of his sister, Mrs. Schuyler Van Rensalaer, of angina pectoris.

Mr. Gilder was taken ill during the delivery of a lecture on Tennyson before the Y. M. C. A. of Orange, N. J., on Wednesday night, November 3. He suffered considerable pain, but managed to finish his lecture. On the way home he collapsed in a Jersey City ferry boat, but managed first to summon assistance from New York by telephone. The illness was first diagnosed as indigestion, and nothing serious was expected. Mr. Gilder was up and about the following day, though he still suffered occasional seizures of sharp pain. His physicians, on second diagnosis, realized the nature of his malady, but they did not acquaint Mr. Gilder with the truth.

This morning Mr. Gilder was resting easily, and no fears were felt. Shortly after 1 o'clock he grew worse, and it was realized that he had only a few hours to live. He suffered great pain, and opiates were administered freely to ease his distress. When the end came at 6 o'clock he was no longer conscious.

Was Youthful Publisher.

Richard Watson Gilder, like many who have risen to place in letters, early showed his bent of mind. Born at Bordentown, N. J., in 1844, one of eight children, he was writing, setting the type for and publishing the St. Thomas Register at Flushing, L. I., when he was twelve years old. Four years later he united with two young colleagues in the production of a campaign newspaper supporting Bell and Evarts for presidential honors.

His interest in politics carried him into the great civil struggle then raging, and while still in his teens, he enlisted with Landis Philadelphia Battery, and served during the campaign of '63, when Pennsylvania was invaded by the Confederate forces. After several ventures he became at the age of twenty-six managing editor of Scribner's, which position he held eleven years. When, in 1881, the magazine underwent a reorganization and change of ownership, Mr. Gilder became editor-in-chief of the Century Magazine, a position he held until his death.

Better known as a poet even than as an editor, Mr. Gilder had published six books of verse, among which are sonnets and lyrics which have found a setting in the American anthology, and have been rated by critics as sure to pass into the heritage of the language.

VATICAN WILL FIGHT

Not Ready to Submit to France's War on Christianity.

ROME, November 18.—In an address to the French pilgrims whom he received to-day, Pope Pius declared that France was making war against the church with an aim of undermining the basis of Christianity.

Catholicism, he declared, was suffering persecution by the French government under the pretext of the separation of state and church. This was proved, he said, by the expulsion of the orders, the trials and condemnations inflicted upon Cardinal Andrieu and other bishops, and the threatened laws which would extend official protection to irreligious teachers and bring about a state monopoly of the schools.

The Papal words are accepted here as confirmation of the opinion that the Vatican believes the struggle organized by the French government on the school question is intended to be a decisive battle for the complete effacement of Christianity as a factor in the rearing of children, or, in other words, the suppression of Christianity in the France of to-morrow. It is asserted that the Vatican is ready to fight on two questions, namely, the denial of legal acknowledgment of the Catholic hierarchy and scholastic instruction.

JANITOR ARRESTED

Angry Over Discharge, He Is Said to Have Fired Hospital.

SAN FRANCISCO, CAL., November 18.—T. T. Saunders, a discharged janitor of St. Luke's Hospital, which was partly destroyed by fire early to-day, was arrested to-night on suspicion of being responsible for the blaze. He resisted arrest, but was overpowered. He refused to make any statement.

Twenty patients, many of them suffering from broken limbs and utterly helpless, were carried out of the burning structure by the police. Nurses and car men from the nearby barns assisted in this work.

It was reported soon after the fire started that one man had been left in the building, but this was denied by the hospital authorities. The patients were taken into the main part of the building.

According to the police, Saunders was discharged from his position three days ago, and since then had appeared at the hospital and created disturbances. Policemen were called to remove him from the hospital just before the fire started, but he escaped in the confusion that followed.

TRAIN WRECKERS BUSY

Fast Mail on Seaboard Ditched and Two Lives Lost.

SAVANNAH, GA., November 18.—Two persons were killed and three others injured when the through fast mail train of the Seaboard Air Line was wrecked two miles south of Denark, S. C., about 3 o'clock this morning. The train was thrown from the track by the removal of a rail while running at the rate of forty-five miles an hour. The dead are a colored fireman, who was caught under the overturned engine, and a tramp who was stealing a ride.

The engineer and two of the passengers were injured, but not seriously.

Every effort is being made to capture the alleged wreckers. Another train on the same road was derailed by wreckers at almost the same place several months ago.

Guilty of Murder.

SYLVANIA, GA., November 18.—Rufus Lucas, survivor in a fatal duel with J. W. Hodges, a merchant of Oliver, this county, in the latter's store, several months ago, was to-day found guilty of murder with a recommendation to the mercy of the court. This verdict carries with it the sentence of life imprisonment. Lucas fought Hodges because the latter, he claimed, had circulated derogatory statements about him.

SUPPORT PLEDGED TO MANY PROJECTS

Resolutions Adopted by Deeper Waterways Convention.

855 NEW MEMBERS ARE PROMISED

Stronger Fortification of Entrance to Chesapeake Bay Urged. After Election of Officers the Convention Adjourns to Meet Next in Providence, R. I.

NORFOLK, VA., November 18.—Resolutions urging the enactment by Congress of such legislation as will prevent ownership or control by railroads engaged in interstate commerce or coastwise shipping on competing water routes, recommending the immediate purchase and enlargement of the Delaware and Chesapeake Canal, and an appropriation necessary for continuance and completion of the Norfolk-Beaufort link, were adopted, and the second annual convention of the Atlantic Deeper Waterways Association adjourned after re-electing officers this afternoon.

The resolutions also proclaim the friendly attitude of the association toward other desirable and practicable waterways projects throughout the country, which it pledges itself to support. They also set forth justification for a continuance of the proposed Atlantic inland waterway north from New York to Boston, the improvement of the Hudson River as far as Troy, and its connection with Long Island Sound through the Harlem River and ship canal.

Providence, R. I., was selected as the next place of meeting.

Mr. Moore Re-elected President.

The re-election of Hon. J. Hampton Moore, of Pennsylvania, to the presidency of the association aroused a storm of enthusiasm, applause and cheers, which amounted to an ovation.

The enthusiasm waned only long enough for Mr. Moore to thank the convention for the honor, which he said he accepted with full knowledge of the responsibilities, when it broke out afresh.

The re-election of Addison B. Burke, of Philadelphia, as secretary-treasurer, met with equal enthusiasm and approval.

The most important speeches were made and the most important business transacted at to-day's sessions. Notable among the addresses was that of Admiral C. S. Sperry, U. S. N., who advocated the fortification of the entrance to Chesapeake Bay, calling attention to the indefensible condition of this marine gateway to the nation's seat of government and other important cities.

Another highly important address was made by Congressman John H. Small, of North Carolina, who emphasized the importance of preventing ownership or control of waterways by competing railroads, the continuance of work on the Norfolk-Beaufort route and the opening up of the Delaware-Chesapeake Canal.

The latter project was also ably advocated by former Senator Anthony Higgins, of Delaware, and August Belmont, of New York, spoke of the Cape Cod Canal. Other speakers were Colonel Pleasant A. Stovall, of Savannah, Ga.; Governor A. J. Pothier, of Rhode Island, and George E. Bartol, president of the Bourse, of Philadelphia. Professor Willis L. Moore, chief of the United States Weather Bureau, was to have spoken, but was not present. He will arrive here in the morning to participate in the ceremonies incident to the visit of President Taft.

855 New Members Pledged.

In response to an appeal by Fred T. Donnelly, of New Jersey, chairman of the committee on ways and means, delegates pledged 855 new members, which will provide the treasury with $4,275, nearly twice the amount asked for to meet the expenses of the convention for the coming year.

Much prominence having been given to the lack of favorable committee action on resolutions offered late yesterday by Bernard N. Baker, of Baltimore, urging Congress to enact laws for the upbuilding of the American merchant marine, and to prohibit the ownership of coastwise shipping by competing railroads, President Moore made an address to-day in which he said the objects of the association were specifically for deeper coastal waterways, and not to promote either ship subsidy, the preservation of the forests, or the prevention of tuberculosis; that while the association feels kindly disposed to all the great movements for national betterment, failure by the convention committees to take up outside matters must be received in the proper spirit.

Naval Views of Inland Waterways.

Rear-Admiral Sperry, United States Navy, retired, addressing the association to-day on "The Naval View of Inland Waterways at Home and Abroad," called attention to the demand of an inland water route from New England to Florida, especially for torpedo boats, destroyers and submarines, with ample bonds for destroyers 295 feet in length.

This, together, with the adequate fortification of the capes of Virginia, he declared, would be absolutely essential for the effective protection of the Atlantic coast in the event of war.

In discussing internal coastal waterways as a line of defense and as a secure passage for coastwise traffic in time of war, Admiral Sperry said that in the present undefended state of the entrance to Chesapeake Bay this line of waterways could be cut in two and absolutely blockaded by an enemy.

Admiral Sperry, calling attention to the report of the "Taft National Coast Defense Board," which, in 1906, recommended the fortification of the Virginia capes, said:

"The guns at Hampton Roads afford no protection, as an enemy in Lynnhaven Bay could land there or at any point, as the British did when they burned the public buildings in Washington in the War of 1812."

Speaking of the commercial needs of

(Continued on Page Two—Column 2.)

VOLUNTEERS ENTER AND EXPLORE MINE

They Find Bodies of Twenty Victims of Cherry Disaster.

CHERRY, ILL., November 18.—For the first time since the mine horror of Saturday, bodies of some of the 300 victims were located to-day by daring explorers in the depths of the second gallery.

Twenty bodies were found within seventy feet of the ventilating shaft. One of them, unrecognizable, was brought to the surface, and after considerable delay was taken to the town hall to await identification.

The temper of the people was feared, and an attempt to keep secret the finding of the bodies was made. The men bound themselves to maintain silence. That more than one victim had been discovered was not generally known at nightfall, and a plan was afoot to attempt the removal of the other bodies late at night.

The one brought to the surface was concealed for an hour at the top of the pit before being turned over to the undertaker, and then only because the discovery had become known.

Of the horrors which they encountered in the mine none of the explorers would speak, but their faces were pale and their hands trembled when they emerged. This much was learned: the bodies were scorched and swollen. Death might have been due either to gas or flames.

After the removal of the body the experts held a short conference, and upon the conditions reported it was determined to break the seal of the mine shaft at once. A force of laborers was ordered to the work, and by 5 o'clock the unsealed shaft was belching out gases and smoke.

Preparations were made at once to reduce the temperature in the shaft. A substitute fan, besides the old one near the air shaft, was started, its direction being reversed so as to pull the smoke toward the ventilator.

Volunteers Enter Shaft.

As soon as possible the helmet-armored mine experts descended in the shaft, with leads of hose, prepared to fight the burning coal in the second gallery.

News of the recovery of the first body spread rapidly through the village, and as the ambulance, flanked by soldiers, passed through the streets, women rushed out of their homes and pushed frantically through the crowds in a vain attempt to look into the wagon. Rumor was that the body was that of a boy. Mothers who lost their sons in the mine pushed forward and were told that the body was that of a man. Immediately a score of women who had lost their husbands pressed toward the wagon. State's Attorney Eckhart gently told them that identification would require some time, and the crowd thinned away from the wagon, but until late at night the little brick morgue was surrounded by anxious inquirers.

Later—Seven volunteers carried hose into the main shaft to-night and turned a stream of water on the burning second gallery.

The recovered body was identified as that of Ole Friborg, unmarried.

CAPITAL STOCK TREBLED

It Means Rich Pickings for Wells-Fargo Stockholders.

NEW YORK, November 18.—Wells, Fargo & Co. to-day announced an increase in the capital stock of the company from $8,000,000 to $24,000,000. The new issue of $16,000,000 is to be offered to stockholders, to whom a stock dividend of $300 per share is to be declared.

This action was taken at a special meeting of the directors of the express company here to-day, and is subject to the approval of the stockholders at a meeting to be held on December 22 next.

The dividend of $300 per share is to be paid out of the accumulated surplus earnings of the company. The new stock will be offered to holders of the old stock at par, in the proportion of two shares of new stock for one of old.

The division of the company's surplus which will result from to-day's action of the directors, if approved by the stockholders, will take its place among the richest distributions of profits by a large corporation in the history of American financial operations. Worked out, the dividend plan gives each stockholder funds for the purchase of two shares of the new stock at par and $100 in cash.

WILL WAIT FOR WINGS

Laird of Skibo Not Anxious to Go Up in Airship.

NEW YORK, November 18.—"No," said Andrew Carnegie, when asked for an opinion on the future of aviation, "I sha'n't go up until I have wings. I have no ambition to try it in any other way."

Mr. Carnegie sailed to-day on the steamer Jefferson for Norfolk, Va., to join President Taft on the Mayflower for the trip to Hampton, Va., where both are to deliver addresses before the Normal and Agricultural Institute on Saturday.

"As for business," he continued optimistically, "our troubles are over. Good times are here for a long stay."

Mr. Carnegie was pleased at the popular interest taken in the movement for deeper waterways, and thought the Ohio River merited special attention. The Panama Canal, he instanced as "a monument to American endeavor."

CHINATOWN IN TERROR

Its Denizens Hear That Band of Hatchetmen Is Coming.

DENVER, COL., November 18.—Denver's Chinatown is in terror to-day as the result of warnings received from San Francisco that a band of thirty hatchetmen is on the way to Denver to exterminate members of the Yee Tong, of whom there are nearly 100 in Denver. This action is a result of the feud that is now raging in San Francisco between the Yee Tong and the On Yick Tong.

Yee Quong, proprietor of a restaurant, received a letter yesterday warning him and advising him to tell other members of the Yee Tong in Denver to be on their guard.

Ye Wah Fung, who keeps a curio store, was also warned that the death sentence had been passed on him. Guards have been stationed in Chinatown.

Elliott Escapes Execution.

ATLANTA, GA., November 18.—Governor Brown to-night commuted to life imprisonment the death sentence of Dr. J. M. Elliott, of LaGrange, who was to be hanged to-morrow for the murder of G. L. Rivers, in September, 1908.

HOUSE-CLEANING IS BEGUN BY LOEB

Six Suspected Custom-House Employes Abruptly Dismissed.

MORE THAN FIFTY WILL BE OUSTED

Commission of Eight Experts Appointed to Eliminate Graft and Make Department Model for Country — Said That Undervaluations Amount to $20,000,000 a Year.

NEW YORK, November 18.—The expected shake-up in the New York custom-house, as a result of the sugar fraud exposures and agitation, began to-day with the abrupt dismissal of six suspected employes by Collector Loeb. At the same time came the announcement that a house-cleaning commission of eight customs experts—whose integrity is unquestioned—has been appointed by Mr. Loeb to take up at once the work of "making the New York custom-house a model for the entire country."

Although the names of the six men dismissed to-day were not given out, Mr. Loeb said that all of them were customs inspectors. Four were formerly assistant weighers on the sugar docks, and are now under charges which are being investigated by Henry L. Stimson, special counsel for the government in the sugar investigations. The direct reason for the dismissal of the other two inspectors was said by Collector Loeb to be their acceptance recently of tips from steamship passengers.

According to report, more than fifty other inspectors are to be ousted by Collector Loeb within a few days.

The new commission, which is expected to devise a scheme of reorganization for the customs administration at the port of New York, is headed by John C. Williams, deputy collector, and Mark P. Andrews, a member of Mr. Loeb's personal board of legal counsel. The other members represent all the important departments of the customs service. They are John J. Rasskiewicz, deputy surveyor; William Sprague, deputy collector; George J. Smythe, member of the United States Civil Service Board; Matthew M. Coneys, deputy surveyor, and John C. Hathorn and Stephen W. S. Tennent, deputy appraisers.

Hold First Session.

The eight men, known as the collector's "advisory commission," held their first session in the custom-house this afternoon. Their meeting lasted until late in the evening, but nothing was given out as to the business which occupied their attention.

The collector was asked if the twenty-two weighers whose names he had submitted to the United States Civil Service Commission as "undesirables" had been indicted by the Federal grand jury for complicity in the sugar frauds, but he declined to either confirm or deny the report.

Mr. Loeb refused to discuss the charge of a former special deputy that the government had been defrauded of duties aggregating nearly $1,000,000 through the underweighing of lemons admitted at this port between 1898 and 1904.

That the first information of frauds against the government in connection with sugar importations was brought to the Treasury Department as far back as 1898, was declared to-day by William Theobald, a former confidential agent of the Treasury Department.

Mr. Theobald said that he was assigned to make an investigation on the sugar refinery docks in Brooklyn at that time, but was "called off" after three days' work, and the investigation was not continued.

The former Treasury agent said that the sugar frauds were a small item in the amount of money the government lost annually from undervaluation of merchandise, which would reach $20,000,000.

Has Mass of Evidence.

BUFFALO, N. Y., November 18.—George F. Cross, in charge of the New York district for the Treasury Department at the time the Williamsburg sugar cases were investigated, and who is now in charge of the Buffalo district, said to-day that the government has much evidence in the criminal cases now pending of which the public knows nothing.

Mr. Cross said the Williamsburg cases had been referred to him with instructions to make a thorough investigation.

"The making of the photographs of the weighing machines with the spring attachments," said Mr. Cross, "was in line with our determination to conduct an investigation that would be productive of conclusive evidence. Richard Parr's work made it so. He is an efficient official and true to the government.

"Owing to the criminal cases now pending I cannot discuss all the evidence secured by Parr or by the government. The evidence so far as it has been given to the public is in the main correct."

STAY IS GRANTED

Court of Appeals Acts in Case of Labor Leaders.

WASHINGTON, D. C., November 18.—The Court of Appeals of the District of Columbia, upon request of counsel for the labor leaders, to-day granted a stay until November 29 of the issuance of the mandate sentencing President Gompers, Vice-President Mitchell and Secretary Morrison, of the American Federation of Labor, to jail for contempt of the Supreme Court of the District of Columbia in the Bucks Stove and Range case.

Chief Justice Shepard stated that if the labor leaders had by November 29, the day the Supreme Court of the United States reconvened, filed in that court a petition for certiorari, on application a further stay of the mandate would be granted pending the determination by the higher tribunal of the application.

As a result of this action Gompers, Mitchell and Morrison need not hasten from Toronto to Washington, as it will not be necessary for them to surrender under their bonds, nor will they have to have recourse to habeas corpus proceedings.

BITTER FIGHT MADE FOR STATE RIGHTS

Railway Commissioners Denounce Attempt of Federal Officers to "Hog" It All.

WASHINGTON, D. C., November 18.—The feeling of resentment on the part of some railroad commissioners against what they term the wish of the Interstate Commerce Commission to "hog" all the supervision over railroads, reached a climax at the convention of National Association of Railway Commissioners to-day, when the convention was asked to approve the Esch bill of the last Congress to empower the Interstate Commerce Commission to investigate all accidents on railroads engaged in interstate commerce.

Commissioner Earle, of South Carolina, led in the denunciation of the bill. The discussion finally resulted in Commissioner Clarke, of the Interstate Commerce Commission, and Commissioner Burr, of Florida, offering a suggestion that the bill be approved if amended so as to specify that it was in no way to interfere with the rights of the State. This course was pursued.

Scarcely had Secretary Moseley, of the Interstate Commerce Commission, finished the report of a special committee recommending the approval of the Esch bill, before Commissioner Smith, of South Dakota, was objecting that it would interfere with the right of the States to investigate.

Mr. Moseley said he was amazed to hear such a statement. But it was not until Commissioner Earle obtained the floor that the situation became delicate. "We have heard you ask for uniform classification, uniform demurrage, uniform this and uniform that," said Mr. Earle, shaking his finger at Mr. Moseley.

Getting Tired of It.

"We are getting tired of it. Are you going to take everything? I'll tell you right now, I, as a railroad commissioner of South Carolina, am not going to adopt your uniform demurrage code."

Mr. Earle continued that if the Federal inspectors should come to some wreck in South Carolina claiming precedence on his inspectors there would be a fight.

"It would not be so bad," he added, "if you had competent men, but you send out inefficient, political appointees that try to lord it over us with the badge of Federal inspectors."

Mr. Moseley explained that at present railroads are required to report on wrecks, and it was desired to have these reports more accurate and more in detail, with a view of preventing the railroads from "lying" about them, as had been claimed they sometimes do.

Cost of accounting must be applied to railroad accounts if supervision of rates by public officers is to be intelligent and fair. This was the position taken to-day by Associate Justice O'Brien, of the Supreme Court of Minnesota, in addressing the convention on the subject of apportionment as between State and interstate traffic of a railway valuation made for rate-making or rate-regulating purposes.

During the day the committee on legislation recommended, among other things, the enactment of a law requiring railroad securities holders to exhaust all their rights in State courts before going into the Federal courts.

UNIONISTS AT ODDS

Action of Machinists Throws Convention Into Bitter Debate.

TORONTO, ONT., November 18.—A resolution declaring that the International Association of Machinists permitted its members to take the places of union elevator constructors who were on strike for higher wages in Chicago, and asking that the machinists immediately withdraw their men from such employment, plunged the convention of the American Federation of Labor to-day into a long and bitter debate, during which it was declared that as a result of too much labor politics the labor movement in Chicago demands purification.

The convention voted to investigate the controversy, and requested that the machinists at present employed on elevator construction be withdrawn until the trouble is settled.

Amalgamation of the International Union of Elevator Constructors with the International Association of Machinists was recommended.

President James O'Connell, of the Machinists' Association, declared that "the machinery of the country is reeking with non-unionism," and appealed to the building trades department of the federation "to assist the machinists in their efforts to unionize their product."

A year's truce was declared by the convention in the dispute between the brewery workers, firemen, teamsters and engineers.

The entire day was given over to the discussion of various jurisdictional disputes reported by the committee on adjustment.

COLONEL ASTOR IS SAFE

His Yacht Thought to Have Been Seen at Anchor in Harbor.

NEW YORK, November 18.—Some assurance that Colonel John Jacob Astor's yacht, Nourmahal, which has been missing in West Indian waters for ten days, safely outrode the recent hurricane, was brought here to-day by Captain J. Durie, of the steamship Anneta, which arrived with fruit from Jamaican ports. Captain Durie, learning on landing of the solicitude felt for the Astor party, reported that on Sunday, November 14, he sighted a boat which he believed to be the Nourmahal, riding at anchor in the reef harbor of Hawk's Nest, San Salvador, the island which Columbus made famous by his landing in 1492.

JOLT FOR GRAFTER

Briber Pleads Guilty and Gets Sentence of Three Months.

CAMBRIDGE, MASS., November 18.—Municipal "graft" received a jolt in the Superior Court here to-day, when George H. Warren, of Malden, was sentenced to serve three months in the house of correction after pleading guilty to a charge of bribery involving only $5.

Warren admitted that he gave William E. Dunn, sealer of weights and measures of the city of Malden, $5 to refrain from prosecuting a coal company in which Warren was interested, and which was charged with giving short weight in its sales.

Death Rather Than Trial.

LAFAYETTE, IND., November 18.—Elias Ray, one of the wealthiest landowners of Indiana, killed himself with a penknife to-day rather than go to court to face trial for the murder of one of his employes last spring.

AMERICANS KILLED BY ZELAYA'S ORDERS

High-Handed Action Has Aroused This Country.

DRASTIC MEASURE MAY NOW BE TAKEN

Explanation Demanded From President of Nicaragua, Rebels Are Recognized and Warships Rushed to Scene. Taft, Incensed, Refuses to Meet Minister.

WASHINGTON, D. C., November 18.—Announcement that this government is tired of the high-handed actions of the small Central American republics practically was contained in a dispatch sent late to-day to the Bluefields Steamship Company, which sought the protection of the State Department from interference by the insurgents now operating against President Zelaya. An hour later a peremptory note, couched in diplomatic language, but none the less direct, was delivered to Senor Felipe Rodriguez, charge d'affaires of the Nicaraguan legation, demanding a full and complete explanation of the execution of the two Americans—Leonard Grace and Leroy Cannon—who were executed by order of Zelaya when they were found in the insurgent army.

Pending a satisfactory explanation of the occurrence, President Taft has refused to recognize Isidoro Hazera, the new Nicaraguan minister. Mr. Taft is thoroughly aroused by the actions of the Zelayan government, and apparently is determined to make the lives of United States citizens much safer and considerably more respected in Central America than they have been hitherto.

Attitude Shown.

The attitude of the government was clearly shown late to-day, when the State Department sent a dispatch to the Bluefields Steamship Company, the headquarters of which are in New Orleans. The company's regular steamer was about to sail for Bluefields, Nicaragua, with a miscellaneous cargo, counted in which were a number of rifles and other munitions of war. The corporation was warned by agents of the Nicaraguan insurrectionary forces that the vessel would be liable to seizure, and the steamship people promptly called on the State Department to declare the protection this government would give in such a case.

The Sate Department promptly replied. The answer was the result of a conference between the President and the Secretary of State, and carried full weight. It gave the steamship concern no encouragement, and practically recognized the revolutionary forces operating against the Zelayan administration, a proceeding for which there probably is no parallel in the records of this government. The dispatch, directed to the steamship company at New Orleans, and signed, "Knox, Secretary of State," read:

"If the announced blockade or investment of the Nicaraguan port of San Juan del Norte (Greytown) is effectively maintained, and the requirements of international law, including warning to approaching vessels, are observed, this government would not be disposed to interfere to prevent its enforcement. A naval vessel will be ordered to Greytown to observe and report whether the blockade is effective."

Nicaragua has been one of the Central American republic that has given this government more trouble in the last few years than any other, save, perhaps, Venezuela, under the sway of President Castro.

Reserve Is Ominous.

The State Department to-day maintained a quiet and reserve that was described by one diplomat as "ominous." It was learned, however, that both President Taft and Secretary Knox practically have determined on the exertion of some forceful moral suasion, if nothing more, with a view to bringing the Central American States to a realization of their responsibilities.

The execution of the Americans is held here to be indefensible. It is evident that the temper of the administration has been thoroughly aroused, and if occasion warrants the State Department may advise some drastic action.

For some years the situation in Nicaragua has been anything but satisfactory to the United States. Last year Minister Coolidge resigned from his place and returned from the Nicaraguan capital. It was given out then that Mr. Coolidge returned merely because of his health, but it eventually leaked out through diplomatic channels that he practically was forced to withdraw in order to save his dignity and preserve the standing of this government. Since then there has been no diplomatic connection between the two governments except through the Nicaraguan legation here.

Warships Rushed to Scene.

WASHINGTON, D. C., November 18.—Two American vessels have been ordered to proceed to Nicaraguan waters, and President Taft has postponed indefinitely his meeting of Isadore Hazera, the new minister from Nicaragua to this country, as the result of news received here to the effect that two Americans, Leonard Grace and Leroy Cannon, captured while serving with the revolutionist army in Nicaragua, have been sentenced to death by President Zelaya's orders, and it is believed that the sentence has already been carried out.

Orders have been issued for the cruiser Vicksburg to proceed in all haste to Corinto, and the gunboat Des Moines will proceed at once to Port Limon to observe events and report the situation at that point by wireless.

The news as to the two Americans reached the State Department last night from the American consul at Managua, who stated that their capture had been followed almost immediately by a death sentence.

The consul immediately appealed to President Zelaya to commute their