THIRD OFFICER USED MORPHINE

Hawse, Who Made Charges Against Captain of the San Pedro, a Dope Fiend.

STORY OF SURGEON FOSTER

GAVE ONE DOSE AND REFUSED MORE.

Eureka, Cal., July 27.—"I gave an injection of morphine to Third Officer Hawse of the Columbia, and was solicited for more by him twice afterward, but I refused."

This statement was made by Dr. S. B. Foster, the United States marine hospital surgeon, in answer to inquiries relative to stories circulated about Hawse by passengers on the Elder, who said that the man was a morphine fiend. "I don't know that the officer was intoxicated when he came to me for morphine. In fact, I don't think he was, but I thought it a little queer that an officer of a steamship would want the drug. He told me he was not injured, but was only nervous and unable to sleep. But he said he had taken the drug before, and that it had always a comforting effect."

Saw the Doctor Inject Morphine.

Hawse is the man who made charges against Captain Hanson, which would make it appear that the master of the San Pedro is responsible for a greater loss of life otherwise than would have taken place. In narrating the story of Hawse's solicitations for morphine, Foster told of having given an injection of the drug to one of the Columbia's firemen, whose arm had been broken and who could get no sleep afterward for pain until the morphine was injected.

"I don't know whether this officer saw me give the fireman morphine or not. I made the injection in plain sight of everybody, and it is possible that Hawse was present. At any rate, well along in the afternoon Sunday Hawse came to me and said:

"Doctor, I want some morphine. Can you give me some?"

"I asked him what he wanted morphine for. Well, he said, he was nervous and could not sleep. I told him to go to bed and lie down. I wouldn't give him any morphine. I told him he did not need it. Then I left him. I didn't hear anything more about him until about the time the lights were being put up on the Elder."

The third officer came to me again, asking, "Doctor," he said, "I must have some morphine."

"We went to his room and I gave him a quarter grain, making the injection in his arm. I told him to lie quiet and left him.

"I forgot him entirely after that and thought I would have nothing more to do with him.

Demanded More Dope.

"About midnight one of the officers of—I think the San Pedro—came to me and said the third officer of the Columbia was causing trouble. He said Hawse wanted more morphine, and had sent him to me saying that he would feel better with another injection. Well, I said, I wouldn't give him any more, and said that he had enough already, and didn't need morphine.

"While we were taking Hawse came along, being led by another man. I asked what he was doing, why he was making so much disturbance and why he didn't stay in bed. He said he was going to bed if they would only allow him to do so. Then he was taken away.

Made Third Request.

"The next morning just after dawn I went down in the social hall. I was just about to come upstairs when who should come down but this third officer. He again asked me for morphine, stating that it was absolutely necessary that he should have more of the drug. I told him he couldn't have any more, and that I wouldn't give it to him.

"He turned and went upstairs again and that was the last I saw of him."

Dr. Foster stated that was all that he knew about the third officer.

With regards to the statements Hawse has made concerning Captain Hansen's alleged refusal to allow more passengers aboard the San Pedro, Dr. Foster stated that it looked as if Captain Hansen was right in doing such a thing, if he did not.

"When we came up in the Elder," said Dr. Foster, "the afterhouse of the San Pedro was packed with people. They were standing there so close together that every time the vessel would sway they would be compelled to grab hold of one another to retain their position on the boat. I think Captain Hansen did right to keep the remainder of the passengers in the small boats alongside, if he did."

GIRL KILLS SELF WITH REVOLVER

Accident Occurs at Springville, Where She Was Visiting Fiance.

JESSIE PACKETT VICTIM

DIDN'T KNOW GUN WAS LOADED IS EXPLANATION.

(Special to The Herald.)

Springville, July 27.—While toying with a revolver, which she did not think was loaded, Miss Jessie Packett of Spanish Fork accidentally shot herself in the head this afternoon. The bullet penetrated the brain, death resulting almost instantly. Miss Packett had pointed the revolver at Mrs. Dell Landson, whom she was visiting, when a warning from Mr. Landson that the gun was loaded caused her to turn it around quickly. The quick movement caused the young woman to press the trigger and she fell to the ground wounded.

Miss Packett, who was 19 years old, lived at Spanish Fork with Mrs. Caroline Mendenhall. She was engaged to marry a cousin of Landson and was at their home for a short visit. Yesterday afternoon Mr. Landson started away for a short horseback ride. When he was preparing to leave Miss Packett took his revolver and began pointing it at Mrs. Landson, who stood near by. Twice she snapped the trigger, laughing all the while, but the revolver did not go off.

"My God, that is loaded!" exclaimed Landson, rushing toward the girl.

His shout apparently frightened her, for she immediately threw her hand into the air. The revolver barrel was turned toward her, and just before Landson reached her side it exploded.

The girl became unconscious immediately. The bullet perforated the left cheek and entered the brain. Physicians were summoned, but long before their arrival the girl was dead.

The body will be taken to Spanish Fork for burial Monday. Miss Packett was an orphan, her parents having died when she was very young. Since that time she has lived at Spanish Fork.

MONSTER STILL AT LARGE.

No Clue to the Man Who Stabbed Five Little Girls in Berlin.

Berlin, July 27.—The criminal who yesterday stabbed five little girls upon the streets of Berlin is still at large.

The theory that finds the greatest favor among medical men is an epileptic, who probably has recovered his normal condition and is now without any recollection of what he did yesterday—that his attitude towards these dreadful acts is that of a complete stranger.

The newspapers publish warnings to parents, and in almost all sections of the city children are being kept in doors today. Today all policemen, whether they were on duty last night or not, were ordered out on patrol duty at once. Between 7,000 and 8,000 guardians of the peace are thus doing patrol service.

Five or six men were arrested during the night, but were released this morning.

MONSTER LAUNCHED.

Portsmouth, July 27.—The battleship Bellerophon, another of the Dreadnaught class, was launched here this afternoon by Princess Henry of Battenburg. The new warship has a tonnage of 18,600, which is 700 more than the Dreadnaught, and she embodies a number of improvements gained as a result of the Dreadnaught trials. The Temeraire, the third ship of this class, will be launched the latter part of August.

DRYDOCK BIDS OPENED.

Washington, July 27.—F. McLellan & Co., incorporated, of Seattle, Wash., was the lowest of five bidders today for the construction of what will be the largest government drydock in the country, to be located at the Bremerton naval station, Puget sound. Their bid was $1,192,284. The dock will be 652 feet long, 115 feet wide and 38 feet deep.

WEDDED AT LOS ANGELES.

Los Angeles, July 27.—Judge S. M. Ballou, recently appointed by President Roosevelt to the supreme bench in the judiciary of Hawaii, was married in this city today to Mrs. Lucia Burnett, a daughter of the late Thomas P. Burnett, vice president and general manager of the San Pedro, Los Angeles & Salt Lake railroad.

Hermion temple No. 8 will hold regular meeting on Wednesday evening at 8 o'clock at K. of P. hall. By order of SATRE C. KLONTZ, M. of C.

RtA

Every-day clothes are Sunday clothes if we sell them to you. Ours are the worth-more kind, made by Hart Schaffner & Marx.

Richardson & Adams Co.

172 MAIN STREET.

HAYWOOD CASE GIVEN TO 12 TRIED AND TRUE MEN

Continued from Page 1.

sat about the jury room with their backs against the wall and seemed to be in rather sullen mood. Occasionally one or two fo them would walk to a window and stand gazing out without talking to each other. John H. Murphy of Denver, the general counsel for the Western Federation of Miners, is very ill tonight in St. Alphonse hospital and it is reported that his life is all but despaired of. He is suffering from tuberculosis and has been too ill to attend the trial for a fortnight. Mr. Murphy has been their counsel for the federation for seven or eight years. He has acted in the Haywood case only in an advisory capacity.

At 8 o'clock tonight Judge Wood decided to change the jury quarters and to give them accommodations in one of the larger rooms on the first floor of the courthouse. Up to this time there had been no sign from the juryroom that there was any chance of an agreement.

Charge of Judge Wood.

Judge Wood's charge and instructions, delivered to the jury in the Haywood case this morning, were lengthy, making altogether about 12,000 words.

Before delivering his instructions, Judge Wood said:

"Gentlemen of the Jury: The evidence in the case having been introduced, and the argument of counsel being completed, it now devolves upon the court to instruct you in relation to the law of the case, but before doing so I desire to join with counsel for the state and the defendant in congratulating you upon the approaching termination of your duties, and I also wish to extend to you and each of you the thanks of the court for the attentive manner in which you have thus far performed your duties as jurors in this case.

Solemn Duty of Jurors.

"You have been selected to this responsible position and for the performance of this important duty from a very large number of your fellow citizens after a long, painstaking and most thorough examination by able counsel. The oath which you took as jurors when sworn to try this cause imposed upon you the most solemn duty that devolves upon any citizen, that of sitting in judgment upon your fellow man.

"You have been called here at the busiest season of the year, and perhaps when many of you could not well afford to be absent from your respective avocations, but the duties imposed here are necessary and essential under our system of government, and if any of you consider the performance of this duty a burden or a hardship, you should feel fully recompensed therefor in the fact that your selection to try this cause from the very large number of jurors examined is a splendid testimonial to your citizenship and should be accepted as a guarantee that you will give this case that conscientious consideration which the law imposes upon you when you take it with you to your jury room for final action thereon."

Instructed as to Evidence.

After the customary instructions as to the general duties of the jurors as to the law and evidence, Judge Wood instructed the jurors, in accordance with his ruling made some days ago, after argument by counsel, as to the admissibility of the evidence bearing on the connection of Steve Adams with crimes committed in western Idaho. This evidence, and also that introduced by the defense regarding deportations in Colorado and the employment of Pinkerton detectives by the mine owners, Judge Wood instructed the jury not to consider, on the ground that no proper connection had been made in either case.

Instructions as to the necessity for the clear and conclusive proof beyond any reasonable doubt of every material fact were followed by the quoting of the indictment on which Haywood, together with Moyer and Pettibone, was arrested. On this subject Judge Wood said:

Counts in Indictment.

"There are three counts in the indictment, but the substance of each of them is the unlawful, wilful, deliberate, premeditated and felonious killing of the said Frank Steunenberg with malice aforethought. The essential elements of the offense charged in the indictment consist of the following features:

"First, there must have been a killing; second, that killing must have been unlawful; third, it must have been wilful; fourth, it must have been deliberated upon; fifth, it must have been premeditated; sixth, it must have been accompanied by malice in the mind of the person or persons doing the killing; and unless these features, and each and every one of them, are proven to your satisfaction beyond a reasonable doubt, then the defendant cannot in any event be convicted of murder in the first degree."

The language of the statute is given as murder in the first and second degree and voluntary and involuntary manslaughter.

Must Have Proof Beyond Doubt.

Continuing, Judge Wood said: "The court instructs the jury that under the law no jury should convict a citizen or citizens of crime simply because there is strong reason to believe that he is guilty, but before the jury can lawfully convict they must be convinced of the defendant's guilt beyond all reasonable doubt.

"If it is possible for you to reconcile the facts in this case upon any reasonable theory consistent with the innocence of the defendant, William D. Haywood, it is your duty to do so and find the defendant not guilty.

"I further instruct you, gentlemen of the jury, that while proof has been admitted of the commission of other crimes by the defendant and his associates, and tending to prove the commission of such other crimes by them, that it has only been admitted for the purpose of showing the existence of a conspiracy to accomplish certain objects, and that such crimes and the crime resulting in the death of ex-Governor Steunenberg as well were all incidents of such conspiracy; but you must not forget that the defendant is being tried for the murder of Frank Steunenberg and for that crime alone. But you are privileged to take such other matters into consideration as part of the evidence in the case, and as incidents and circumstances bearing upon the question of his guilt upon the charge of the murder of Frank Steunenberg.

Other Crimes Cut No Figure.

"It makes no difference, however, in this case what crimes have been committed in Colorado, in the Coeur d'Alenes or elsewhere, or who is responsible for the commission of such crimes, if any there be. The defendant cannot be convicted unless the state has established beyond a reasonable doubt that he is guilty of the felonious killing of Frank Steunenberg.

"A conspiracy, within the meaning of the criminal law, consists of a combination between two or more persons for the purpose of accomplishing a criminal or unlawful object, or a lawful object in an unlawful manner. As applied to this case and under this indictment, proof of conspiracy is only proper insofar as it may tend to show a common design to encourage the particular murder charged against the defendant, and it can only be introduced for the purpose of establishing the position of the members of the combine as accessories to the crime of murder.

Conspiracy Defined.

"It is not essential to the formation of a conspiracy that there should be a formal agreement between the parties to do the act charged. It is sufficient if the minds of the parties meet understandingly, so as to bring about an intelligent and deliberate agreement to do such acts, and commit the crime charged, although such agreement be not manifested by any formal words. A conspiracy in the first instance may be established by evidence having no relation to the defendant, by acts of different persons at different times and places, or by any other circumstances which prove its existence. It is sufficient if the state prove beyond a reasonable doubt that such a conspiracy existed at the time of the commission of the unlawful act, and that the defendant on trial was a member of such conspiracy. An act done by a party to an unlawful conspiracy in furtherance thereof and naturally flowing from the common design, is the act of each and all of the conspirators. And where murder is committed as the result of such conspiracy, each one of the conspirators, even though he was not present at the place of the crime, if he aided, abetted and encouraged the commission of the unlawful acts resulting in the crime charged, is equally guilty.

Actual Presence Immaterial.

"If the prosecution has failed to prove these facts beyond a reasonable doubt, you should find the defendant not guilty. If, however, you believe in this case from the evidence, beyond a reasonable doubt, that the defendant, William D. Haywood, aided, abetted, advised and encouraged the killing of Frank Steunenberg, then the defendant is guilty, and it would be immaterial whether he was actually present at the time of the killing or not.

"The jury is instructed that the witness, Harry Orchard, claims that he was an accomplice in the commission of the offense charged in the indictment. Under the statutes of this state a person cannot be convicted of a crime upon the testimony of an accomplice unless such accomplice is corroborated by other evidence which of itself, and without the aid of the testimony of the accomplice, tends to connect the defendant with the commission of the offense charged, and the corroboration is not sufficient if it merely shows the commission of the offense or the circumstances thereof.

"By corroborative evidence is meant additional evidence of a different character to the same point.

Distrust of Accomplice.

"The law views with distrust the testimony of an accomplice on account of the motive which he may have for laying the responsibility of his crime upon another when by so doing he may secure immunity for his own participation in the crime charged. For this reason the law exacts such corroboration and, although the jury may believe that the testimony of an accomplice is true, still the jury could not convict the defendant upon such testimony unless they further find that the testimony of the accomplice is corroborated by other and independent evidence.

"This corroborative evidence need not be sufficient of itself to establish the guilt of the defendant, but it must tend in some degree to implicate and connect the defendant with the commission of the crime charged.

Corroborative Evidence.

In order to ascertain whether or not the testimony of the accomplice is corroborated, as the law provides, it must be before a conviction would be warranted, you should eliminate from the case the evidence of the accomplice and examine the evidence of the other witnesses with the view to ascertain if there be evidence tending to connect the defendant with the offense. If there is, the accomplice is corroborated: if there is no inculpatory evidence there is no corroboration, though the accomplice may be corroborated in regard to any number of facts sworn to by him.

"In this case the state relies upon circumstantial evidence to establish the connection of the defendant with the conspiracy sought to be proven by the evidence taken in connection with the direct testimony of the accomplice, Harry Orchard.

"In order to justify an inference of legal guilt from circumstantial evidence, the existence of the inculpatory facts must be absolutely incompatible with the innocence of the accused upon any rational theory, and incapable of explanation upon any reasonable hypothesis other than that of his guilt.

Must Consider Orchard's Position.

"If you believe from the evidence that the witness, Harry Orchard, was induced or influenced to become a witness and to testify in this case by any promise of immunity from prosecution or punishment, or by any hope held out to him that if he testified against the defendant, he would not be prosecuted or punished, then the jury should take such facts into consideration in determining the weight which ought to be given to testimony so obtained. Such testimony should be received by the jury with caution and scrutinized with great care.

"And, if from the evidence it appears that any favors have been extended by the authorities of the state of Idaho to the witness, Harry Orchard, and there is any promise, either express or implied, relating to further favors to be received by him on account of his testimony in this case, then these are proper matters for the consideration of this jury, as affecting the credibility of his testimony.

"Certain articles have been received in evidence from the Miners' magazine for the sole purpose of determining whether or not any motive existed upon the part of the defendant to participate in the offense charged in the indictment, and not for the purpose of establishing in any wise the commission of such an offense.

Testimony of Defendant.

"The jury is further instructed that by statutory provision the defendant in a criminal case is made a competent witness in his own behalf, and where he testifies, as in this case, becomes the same in all respects as any other witness, and his testimony must be tested by the same rules or tests that are applied to other witnesses, and the jury may take into consideration the interest he may have in the case in determining the weight to be given to his testimony.

"In conclusion, you are to determine the question as to whether or not the defendant killed and murdered Frank Steunenberg as charged in the indictment, or aided and abetted such killing. If so, you should find him guilty; if not, you should find him not guilty.

"Under the indictment in this case the defendant may, if the evidence warrants it, be convicted of murder of the first degree, murder of the second degree, or manslaughter.

Mine Owners Eliminated.

"Gentlemen of the jury, the court now delivers this case into your hands. It is your duty to consider it and deliberate upon it without fear and without favor. If the evidence shows that any individual or individuals, any person in any private or official capacity, or any class or classes of people are interested in any way in the conviction or acquittal of this defendant, this fact or facts should not be considered by you or have any influence upon your deliberations. You are here to try to determine this case between the state of Idaho and the defendant, William D. Haywood.

"I herewith submit for your consideration appropriate forms of verdict suitable to any conclusion you may reach."

DEATH OF PIONEER OF WHITE PINE COUNTY

(Special to The Herald.)

Ely, Nev., July 27.—The death of William Thompson, one of the pioneers of the county, occurred last week at the Smithson ranch in Snake valley. He was 87 years of age, and death was due to paralysis of the heart. Two years ago he selected a spot midway between the Smithson and Robinson ranches where he wished to be buried. His request was granted, and the body of the old Nevadan was put to rest where he had designated.

HARD LUCK OF CLERKS.

Goodland, Kan., July 27.—All clerks here in the office of the master mechanic of the Rock Island railroad have been discharged for refusing to wear overalls and clean and dress cars during the short strike of the carmen early this week.

RESTRAINING ORDER.

Montgomery, Ala., July 27.—Federal Judge Jones today issued an order restraining the state railroad commission from forcing the Louisville & Nashville railroad to run into the new union depot at Mobile.

ABSINTHE EXCLUDED.

Brussels, July 27.—This is the last day that absinthe may be sold in Belgium, as the law prohibiting its manufacture and sale goes into effect tomorrow.

SWITCHED BRICKS ON HIM.

Oklahoma Banker the Victim of Clever Sharpers.

Guthrie, Okla., July 27.—A special to the State Capital from South McAlester says that J. J. McAlester, president of the American National bank of that city, was today swindled into paying $10,000 cash for a worthless brass brick. A brick was offered to the banker by a man representing himself to be a miner. It was taken to Muskogee, appraised at the government office and stated to contain 80 per cent of pure gold. When the deal was completed the McAlester banker was given the imitation instead of the brick the appraiser had examined. The swindle was discovered a few hours after the transaction. Mr. McAlester is Democratic candidate for railroad commissioner, and one of the most influential bankers in Indian Territory.

DEGRADATION OF COPPER.

Announcement Made by Distinguished English Scientist.

London, July 27.—Sir William Ramsey, the distinguished chemist, has promised to communicate in writing in the near future to the Chemical society the results of his researches into radium emanations. In this connection the announcement is made that he has succeeded in degrading copper to the first member of its family—that is, lithium.

The Lancet today says the discovery marks an epoch in the history of chemical sciences, and believes it is a realization of the transmutation of metals.

The announcement is likely to reawaken the discussion of the transmutation of elements, which raged a year or so ago, when several prominent scientists repudiated the transmutation idea, while others just as strongly supported it.

Sir William Ramsey himself modestly disclaims ability to transmute elements, but he believes that the result of his degradation of copper will be of far-reaching importance.

DISAPPOINTED IN LOVE.

Frank Bellows of California Drinks Muriatic Acid and Dies.

Oakland, Cal., July 27.—Frank Bellows, timekeeper for the Roebling Construction company of San Francisco, committed suicide last night at Berkeley by drinking the contents of a four-ounce bottle of muriatic acid. He left no letters, and there appears to be no reason for his act, although the coroner hints at disappointment in love. Bellows came here from Chicago six months ago. He is 23 years old, a son of Mr. and Mrs. William Bellows, retired capitalist of Chicago, and has two brothers at the head of the Bellows Publishing company, 378-388 Wabash avenue, Chicago.

ARRIVAL OF MAGILLS.

Clinton, Ill., July 28.—Fred H. Magill and his wife, who were arrested in San Diego, Col., July 13, on a charge of murdering Mrs. Pet Magill, first wife of Magill, arrived here at 2 o'clock this morning in charge of Sheriff Campbell of Dewitt county.

The prisoners were taken to the county jail. There was no demonstration at the depot, although a good-sized crowd was present when the party arrived. The grand jury will meet Monday to take up the case.

SNOW IN WYOMING.

Laramie, Wyo., July 27.—Rain has been falling here every day since Wednesday, the total precipitation exceeding two inches. At Sherman, twenty-six miles east of here, it snowed last night, and the crest of the mountains is covered with several inches of snow.

FAIRBANKS IN BOSTON.

Boston, July 27.—Vice President Charles W. Fairbanks arrived here this afternoon from the west and proceeded soon afterward to join his family at Denver, where they are spending the summer.

HIRAM JENKINS, JUSTICE OF THE PEACE

(Buffalo News.)

Squire Hirum Jenkins, our J. P.,
'S curiousest man I ever see!
He keeps his papers in his hat,
An' allus knows where the law is at!
"Fer what's the odds if—" Hiram sed,
"Y' carry it in er on yer head?"

The Squire, as far as I have saw,
Hez heaps more common-sense than law,
The which, it allus 'peared t' me,
Cum nearer tew the real idee;—
Er leastwise in one case it did—
The case o' Wes Tidd versus Tidd.

It 'pears the Tiddsses, Wes an' Kate,
Had fin'lly 'greed t' separate
An' sost t' back out gracefully.
Had 'greed t' meet at half-pas' three
At Squire Jenkins' an' divide
Sost both of 'em 'd be satisfied.

The witnusses was gathered thare
From 'round about the Tidds, t' sware
They cudn't live, nowise, them two,
Like lovin' folks had orter do;
I see the Squire's eyes growed dim
An' nuthin' seldum fazes him!

Fer jist a spell the room was still,
An' not a word er sound, until
The Squire riz up, tremblin'ly;
"Now, Wes an' Kate," he sez, sez he,
"I've found that trubble cums in pairs,
An' weddin's here is God's affairs.

"I hate t' see y' throw away
Yer he'pmeet, Wes; why, ever' day
An' ever' minute, boy, I see
The one God took away frum me;
When Kate is lyin yender, Wes,
Then you'll think diffurntly, I gess—"

Erbout that time us fokes in there
Found what we needed most was air,
An' drifted out an' hung our heads
An' sot around the Baptist sheds;
'Twas haps convenienter, I gess,
T' talk o' crops than talk o' Wes!

When it was time—Hi understands!—
He sez: "Rise up an' jine hands
Now won't ye take this woman, Wes,
T' be yer wife? The answer's 'yes!'
An' vicy versy, Kate—" sez Hi,
"T' be yer husband? Same reply!

An' now they're peaceful—Kate an' Wes—
As Blackbirds in a pie, I gess;
An' there's where Hirum's common-sense
Jist sorter busts up precedents!
"Like Vaccynation," Hi sez, "when
It fails t' take, then try again!"

Hirum Jenkins, J. P.! Law!!
'S curiousest man I ever saw!

MARY'S CONTRIBUTION.

(Judge's Library.)

The congregation of a village church had been untiring in their efforts to raise a certain sum of money much desired by the pastor, to be used in beautifying their place of worship. During evening service shortly after a most generous and unexpected amount had been placed in the good pastor's hands, he was quite overcome, and praised their kind and generous impulses, explaining that, no matter how small the offering, God would reward them.

"Take, for instance," said he, "the case of little Mary—poor but generous—who wanted to contribute; and nothing affected me so much as when little Mary Kelly walked down the aisle and laid an egg on the altar."

NO ARBITRATION FOR VENEZUELA

Secretary Root's Note Regarding Five American Claims Fails of Its Purpose.

CASTRO DOES NOT WEAKEN

UNCLE SAM LIKELY TO SEND WARSHIPS.

Caracas, Venezuela, July 25, (Thursday), via Willemstad, Curacao, July 27.—The foreign office yesterday handed American Minister Russell the answer of the Venezuelan government to the second note from Secretary Root regarding the arbitration of five American claims.

The government persists in its refusal to arbitrate the claims in question.

The opinion is held here in some quarters that this answer may lead to the severing of diplomatic relations between Venezuela and the United States.

Washington, July 27.—The state department officials were not surprised to be informed of the second refusal of President Castro to submit to arbitration the claims of certain American corporations and individuals against the government of Venezuela.

Some time ago Mr. Russell, the American minister at Caracas, was instructed to proceed with the presentation of the cases which had been carefully prepared in Washington, and taken by the minister to Caracas when he returned to that capital from this country last spring. Though the state department has not yet been officially advised of this last action on the part of the Venezuelan foreign office, it was acquainted with the failure of the first effort made by Mr. Russell several months ago to secure consideration for these claims.

List of Claims.

The five claims which form the basis of the present negotiations are those of Alberto Felix Jaurett, the Orinoco corporation, the Orinoco Steamship company, the New York & Bermudez Asphalt company, and the United States & Venezuelan company, otherwise known as the Critchfield concern. It is not possible to estimate accurately the total of these claims. Jaurett fixes his damages at $50,000, because he was expelled from Venezuela and deprived of a profitable and flourishing business. The Orinoco Steamship company, with its smaller company, the Manoa corporation, made claims to concessions covering iron mines, asphalt privileges and hardwood concessions. The Orinoco Steamship company claimed exclusive rights of brancnes of the Orinoco river, which were otherwise bestowed by the Venezuelan government. The New York & Bermudez corporation was based upon the right of the company to take asphalt from La Felicidad lake, and is among the oldest and best known of the claims pending against the Venezuelan government. The United States & Venezuelan company claims to have been deprived of the right to mine asphalt and to operate a narrow gauge railroad about fifteen miles long.

It is believed here that in rejecting for the second time the United States proposition to arbitrate those claims, the Venezuelan government is seeking to take advantage of the fact that The Hague conference is just about to embark upon the consideration of the famous Drago doctrine, involving the right of a state to forcibly collect debts due by another to its citizens. President Castro is probably presuming that the United States, as an ardent advocate of that doctrine, would scarcely care to weaken its argument at The Hague by threatening a display of force now to collect these pending claims. It is pointed out that this is a mistaken conception of the position of the United States in reference to the Drago doctrine, which in substance is that force may be used in case a debtor nation refuses to submit a case to arbitration, or to any fair means of settlement.

John Hay's Opinion.

The late John Hay expressed himself in no uncertain terms on these claims. Writing to Mr. Bowen, then minister of the United States at Caracas, under date of March 10, 1905, Mr. Hay said:

"The attitude of the Venezuelan government toward the government of the United States and toward the interests of its citizens who have suffered so gravely, and of the wrongs arbitrarily committed by the government of Venezuela, shows that justice should now be fully done, once for all. If the government of Venezuela finally declines to consent to an impartial arbitration insuring the rendition of complete justice to those injured parties, the government of the United States may be regretfully compelled to take such measures as it may find necessary to effect complete redress without resort to arbitration."

A. S. Kendall treats diseases of animals without the use of therapeutics, bacteriology or histology. No diplomas, no red tape. Practical knowledge; thirty years' experience. Office, McCoy's stables. Both 'phones 81.

GREAT POWERS ALL LINING UP

American Proposal on Collection of Debts Gaining Support at The Hague.

VARIOUS OPINIONS STATED

LYRICAL HYMN LAUNCHED BY PERSIAN.

The Hague, July 27.—The peace commission, before which the collection of public and private debts has been discussed today, voted on the American proposal in the premises, which provides for the concluding of an agreement in which there shall be introduced "some limitations in the use of force for the collection of contractural, public and ordinary debts."

The vote on the American proposition is of greater importance that at first sight appears. Apart from the actual vote, the discussion that preceded it led to most interesting declarations in favor of a permanent court at The Hague and of general arbitration, both of which are also American propositions. If all of these are adopted, it will be a great victory for the United States.

Reservation by Japan.

The sitting of the committee in the afternoon began with a statement from Keiroku Tzuzuki, head of the Japanese delegation, who said that Japan adhered to the American proposition as far as the employment of armed force was concerned, but reserved its vote on the question of obligatory arbitration until all the elements of discussion had been presented. Senor Candamo declared that Peru supported arbitration in the matter of contractural debts and would not offer any opposition to such arbitration being extended to all pecuniary obligations.

Samad Khan of Persia addressed a lyrical hymn to the American proposition, calling it the most fragrant flower blossoming from the convention. Dr. Gaston Carlin, head of the Swiss delegation, announced that Switzerland was satisfied with the American proposition, if it were given a more precise form.

Position of Great Britain.

Sir Edward Fry recognized the difficulties which international arbitration presented. Nevertheless, he added, the British delegation had associated itself with the American and Portuguese proposals. England, as Sir Edward attempted to show by examples, had always practiced arbitration, and in 1905 had signed treaties of this nature with ten powers. The result of this practice, he continued, had not always been conclusive, but, despite that, England believed that the moment has come for the conscience of the civilized world to find expression in this way.

Count Tornilli of Italy said that the American proposition seemed somewhat ambiguous. In what cases should recourse be had to arms, he asked. Why did the proposition only apply to creditors. The proposal, he asserted, was dumb regarding recourse to national courts. He preferred that there be no recourse to arms. It had been said that the American courts were competent in the matter, but this was not so everywhere, nor had the question of public debts been sufficiently elucidated.

General Horace Porter here demanded that a vote be taken, but accepted the motion of Dr. Beldiman to separate this question from the arbitration convention. M. Bourgeoise of France, the president, observed that this was a point for the conference to decide, and it was finally agreed to take a vote as to whether the American proposition should be referred to an examining commission. The motion on this question was passed by a very large majority.

The vote was then taken and the president declared that the proposition will be referred to the examination commission as proposed.

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