

FORAKER CHARGES ROOSEVELT AND TAFT WITH A SERIOUS CRIME

Declares They Misappropriated the Funds of the War Department to Secure False Testimony in Brownsville Affair—Ohio Senator Bitter in His Denunciation of the President and Secretary Taft.

Washington, Jan. 12.—A renewal of the discussion of the Brownsville affair in the senate today by Senator Foraker, called out a large gathering that filled the galleries to overflowing. The senator had the strictest attention of his colleagues on the floor, nearly all of whom were present, to members of the house, who occupied places in the rear of the chamber. Among the visitors in the gallery there was a large number of negro men and women, many of whom have been present on every occasion when Mr. Foraker has defended the negroes of the Twenty-fifth regiment against the charge of having "shot up" the town of Brownsville on the night of August 13-14, 1906.

Senator Foraker had prepared his speech very carefully, but his reading of the manuscript had all the interest of an extemporaneous address.

Washington, Jan. 12.—Illegal diversion of public funds by the President and Wm. H. Taft while secretary of war, to pay for the investigation by private detectives into the Brownsville affair, was charged by Senator Joseph B. Foraker of Ohio, R. C., in a speech in the senate today, in reply to statements of Herbert J. Brown, of this city and William G. Baldwin of Roanoke, Va., who were employed by the secretary of war to secure evidence of the guilt of the negro soldiers of the Twenty-fifth infantry, U. S. A., in shooting up Brownsville on the night of August 13-14, 1906. The government use of the private detectives was characterized by Mr. Foraker as "atrocious, shocking and revolting."

This charge of illegally diverting \$1,000,000 from the war fund to \$3,000,000 appropriated by the deficiency act of March 3, 1899, was made by Mr. Foraker in concluding his remarks which consisted of a very careful consideration of certain legal phases of the Brownsville affair, and the reading of the affidavits by soldiers whose testimony and "confessions," Mr. Brown alleged, had secured to unravel the mystery of the identity of the men who did the shooting and the affidavits denied with great particularity nearly every statement of importance by the detectives.

Speaking of the \$3,000,000 war fund of 1899 appropriated as an emergency to meet unforeseen contingencies constantly arising to be expended at the discretion of the President, Mr. Foraker said:

"It will probably be surprising information that the appropriation made ten years ago at the close of the Spanish-American war, to enable the President to meet emergency army contingencies, such as were then arising in connection with our military establishment, should have been construed to be a permanent appropriation."

Mr. Foraker declared that the statutes directed the head of each department to make an annual report to congress giving a detailed statement of the manner in which the contingent fund of his department has been expended.

"This appropriation," he said, "being for the war department, the report should have been made by the secretary of war, but so far as I can ascertain, no detailed or itemized reports to congress of expenditures from this fund have been made, but only general reports."

Senator Foraker says that, waiving any question of doubtful objections, and assuming for the sake of argument that the constitutional provision quoted does not apply, "the question remains whether such payments, now under consideration, are legitimate and proper to be made from it. I have indicated, that, granting all I have said, that the payments were clearly illegal and in violation of the following statute provision:

"That no employe of the Pinkerton detective agency or similar agency shall be employed in any government service or by any officer of the District of Columbia."

Speaking of the use of private detectives in investigating the Brownsville affair, Mr. Foraker declared that "it is impossible to find language with which to fittingly characterize such a procedure as this detective business has been from its inception down to the monstrous stages it has reached. It is atrocious, revolting, shocking to every sense of fairness, justice and even common decency."

Mr. Foraker reviewed the statements made by the President in his messages to congress on the Brownsville affair. "It will be noted," he said, "that the guilt of these soldiers, as charged by the President, was, according to the President, conclusively established by the testimony first submitted. The senator said, however, that the President "recognized the necessity of strengthening his case, and thereupon dispatched Mr. Purdy and Mannon Blockson to Brownsville to secure the evidence reported by them."

In the message he sent to the senate after the report of the committee on military affairs, he reiterated that the facts claimed by him had been by that testimony thoroughly established.

When the committee reported, Senator Foraker said, everybody apparent-

ly supposed the investigation was ended. He continued: "But not so. As though conscious that, notwithstanding all his assertions and declarations as to the sufficiency of the testimony, it was, in fact, unreliable and insufficient to justify his order of discharge, he was forced with the further message of December 14, 1908, in which we were informed that detectives had been employed by the war department and that they have been at work for months."

ments of the detectives in relation to alleged "confessions" secured from Boyd Conyers, the senator asked Mr. Clay of Georgia what kind of a man Arnold was.

Senator Clay said he had known Arnold fifteen or twenty years and that he was a "most excellent man in every respect."

"I don't think that Arnold needed a certificate of character," declared Mr. Foraker, "except only to those who believe ill of all those who do not agree with them."

Commenting on the report of Herbert J. Brown, who had charge of the investigation by detectives, Mr. Foraker declared that he had been shocked and horrified when he read his statements.

"I wish," he said, his voice resounding throughout the chamber, "somebody else who prates about the dishonesty of other people," evidently meaning the President, "could be shocked and horrified."

As the police examined letters and newspaper clippings found on Hilliard's person, it was learned that he had been a guest of the Duke of Newcastle, at Hot Springs, Ark., and also at New Orleans. One letter was a notice from the office of J. Pierpont Morgan & Company, notifying Hilliard that there was twenty pounds sterling at that office to his credit, received from the London agents of the firm of Couttes & Company.

Hilliard, who is reputed to be wealthy, is well known at the Waldorf-Astoria, from where he set out last evening in evening attire, apparently in good spirits. He is known to be in mining in the West, and it is said that he has an office in Denver. His age is forty years, and his appearance distinguished. During the excitement incident to the finding of the prostrate form, the wounded man's name was given out as Hilliard, but his papers shown Hilliard to be correct.

HE WAS WELL-KNOWN IN CLUB CIRCLES OF DENVER

Denver, Jan. 12.—Robert Osborn Hilliard, who was shot by a highwayman and robbed of his money in Central park New York, last night, is well known in club circles of this city and Colorado Springs. He is reputed to be wealthy, and the possessor of large interests in Wyoming. He was in this city less than a month ago and made his home at the Exclusive Denver club.

In his official order the governor states that "in the excited state of the public mind at the time of Godding's trial, 'no one could have a fair trial and that case had been prejudiced.' The language and conduct of the prosecution during the trial is also criticized as 'highly improper.' Godding was sentenced on November 7, 1908.

The reports that the governor intended pardoning Godding created excitement in the town of Rocky Ford, and several weeks ago a delegation of depositors of the defunct bank and other prominent citizens appeared before the governor and made emphatic protest. At that time Governor Buchtel told his visitors that the reports were substantially correct, but gave no intimation that he contemplated ordering Godding's sentence reduced.

EFFORT TO STAMP OUT "HIGH GRADE" TRAFFIC

Colorado Springs, Colo., Jan. 12.—Licensing of ore purchasers as a means to stamp out the traffic in "high grade" in Colorado is proposed by the Cripple Creek Mine Owners' and Operators' association, and an attempt to have this idea made into law. At the annual meeting of the association held in this city, a committee was named to draft a bill to this effect. In a statement, Secretary Arnold said there is now more high-grading in progress than for a long time. The aim of the proposers of the new law is to reach the proprietors of so-called "high grade" mines, whose stock specimens of rich ore finds ready sale and make those who conduct the business liable to heavy fine and imprisonment.

BEAT HER WITH A POKER

Robbers Over-power Woman, Then Escape With \$300 in Jewelry

New York, Jan. 12.—Mrs. H. Semmling, the wife of the New York publisher, was attacked by two robbers in her home at Stapleton, Staten Island, late yesterday, dragged into a closet and left in a semi-conscious condition while the intruders ransacked the place. She is in a serious condition today. A stove poker was used by one of the robbers in beating the woman, fifteen cuts being inflicted on the head. Regaining her senses in the closet, Mrs. Semmling painfully crawled through a window and gave the alarm. The robbers, however, escaped with jewelry valued at \$300 and there is no clue to their identity.

IS FOUND DYING IN PARK

Englishman Either Shot by Thieves or Attempted Suicide

New York, Jan. 12.—Notwithstanding a bullet wound through his body at a point two inches above the heart, it was said at Roosevelt hospital today that Robert Osborn Hilliard, the Englishman who was found dying in Central park last night, his white shirt stained with blood, would probably recover. Although Hilliard said that he had been attacked and shot by a robber, the police are inclined to think that the case is one of attempted suicide. After some search the revolver which was at first reported missing, was found near the scene of the shooting with one chamber empty. The weapon was of 38 calibre. It had been discharged at such close range that it had ignited the wounded man's clothing which was smouldering when he was found.

As the police examined letters and newspaper clippings found on Hilliard's person, it was learned that he had been a guest of the Duke of Newcastle, at Hot Springs, Ark., and also at New Orleans. One letter was a notice from the office of J. Pierpont Morgan & Company, notifying Hilliard that there was twenty pounds sterling at that office to his credit, received from the London agents of the firm of Couttes & Company.

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HUSBAND KILLS WIFE

He Then Attempts Suicide, and Is in Critical Condition

Oxford, Ohio, Jan. 12.—Mrs. Millie Donnelly was murdered in her home here last night, having been shot through the head. On a table in the room was found a note, signed by Frank Donnelly, the woman's husband, in which he wished all good-byes and asked that his body be sent to his sister at Shelbyville, Ind., early today. Donnelly walked into the office of J. D. Marshall, at Hamilton, with his throat slashed and his wrists bleeding and with three pistol shots in his head. He cannot live. He is 56 years old.

PRICES OF EXPORTS FROM ITALY AND SICILY SOAR

DESTRUCTION BY EARTHQUAKE IS CAUSE OF INCREASE.

Messina Lemons Go Up to \$1 Per Box and Reggio's Flavoring Extract, Burgomot to \$10 Per Pound.

New York, Jan. 12.—Prices of products from Sicily and Calabria have jumped in the local market from 25 to as high as 250 per cent as a result of the decreased importations which naturally followed the recent by one of the robbers in beating the woman, fifteen cuts being inflicted on the head. Regaining her senses in the closet, Mrs. Semmling painfully crawled through a window and gave the alarm. The robbers, however, escaped with jewelry valued at \$300 and there is no clue to their identity.

destruction, was the main shipping point. The price of Messina lemons has gone up to about \$3.50 per box, the increase varying from 75 cents to \$1.00 per box.

California lemons have proportionately increased. Two hundred thousand boxes of lemons were destroyed in the warehouses in Messina, but inasmuch as outlying plantations did not suffer greatly, other supplies will be available as soon as conditions are adjusted and transportation facilities opened.

Bergomot, which is used in flavoring extracts and which came from the stricken town of Reggio exclusively, has risen in price from \$2.65 a pound to \$10. Increases are also noted in citric acid, lemon oil, orange oil and other extracts.

TO MAKE PALESTINE A JEWISH COLONY

Chicago, Jan. 12.—The Knights of Zion, at their annual convention yesterday, appointed a committee to prepare a plan to make Palestine a Jewish colony. Plans were also outlined for the establishment in the middle west of a seminary for the teaching of Hebrew.

CALHOUN IS BEING TRIED

Francis J. Heney Will Prosecute Alleged Bribe-giver

San Francisco, Jan. 12.—Patrick Calhoun of New York and San Francisco, president of the United Railroads and director of several large eastern corporations, appeared in Judge William P. Lawlor's department of the superior court today for the opening session of his trial on an indictment charging him with offering a bribe to Fred Nicholas, a former member of the board of supervisors, legislative body of the city and county of San Francisco. The charge is based upon one of nineteen indictments returned against the railroad president by two grand jurors and was an outcome of the municipal scandal of 1905, when sixteen supervisors confessed to wholesale acceptance of bribes for the award of privileges to public service corporations, and the mayor of the city, Eugene E. Schmitz, was removed from office and imprisoned with bonds fixed at over \$1,000,000. Calhoun, together with three other officials of the United Railroads, was accused in the various indictments, of having authorized and assisted in the payment of \$200,000 to the supervisors who constituted the board granted to the corporation a permanent permit for an overhead trolley on several of the roads formerly operated by a cable system.

Tiery L. Ford, chief counsel for the United Railroads, and former attorney general of California, was thrice tried upon a similar indictment. Twice the jury disagreed and upon the third occasion, a verdict of acquittal was returned.

Although the majority of the indictments against Calhoun were returned nearly two years ago, he has not been tried on any of them, and to the continuance granted at various times his attorneys have repeatedly taken exceptions.

The Calhoun trial will be held in Carpenter's hall where Francis J. Heney was shot and seriously wounded during the trial of Abraham Ruef, and where Ruef suffered his first conviction and heard the judgment of fourteen years in the penitentiary pronounced by the same judge.

Today's proceedings promise to be somewhat barren of development unless the defense shall present some motion relative to the selection of the jury. Judge Lawlor has summoned 150 citizens as a first panel and it is probable that the court will require the full morning session to hear the excuses of those who believe themselves disqualified or otherwise exempted from service on the jury.

Assistant District Attorney Francis J. Heney and John O'Gara will conduct the prosecution, while the defendant will be represented by A. A. Moore, Stanley Moore, Lewis A. Blynt and William A. Abbott. It is possible that additions to the staff of the defense may be made, but Assistant District Attorney O'Gara last night expressed a belief that no addition would be made to the forces of the prosecution.

IS LIKELY A CASE OF MISTAKEN IDENTITY

Chicago, Jan. 12.—Assistant County Attorney Anderson recently wrote a note to George R. Lowry, 5735 Lexington avenue, informing him that his father was at the county hospital and needed support. He has received the following reply from Pawtucket, R. I.:

"Dear Sir—Your interesting letter was under the impression that my father died forty-five years ago, so are all the rest of the family who were at the funeral. If you have unrecruited him, I think it is your duty to look after him."

"Yours respectfully," "GEORGE A. LOWRY."

"P. S.—Your letter was addressed to George R. Lowry, 5735 Lexington avenue, where I live."

Mr. Anderson has thus far failed to solve the mystery.

DISASTER IN COAL MINE

Fifty to One Hundred Miners Lose Lives in Explosion

Bluefield, W. Va., Jan. 12.—As the result of another explosion at the Lick Branch mine at Switchback, about twenty miles from here, between fifty and one hundred miners were killed at 2:30 o'clock this morning. The number may be largely increased, as from 280 to 300 miners were at work at the time and it had not been ascertained shortly before noon how many had survived.

This afternoon a rescue party had not been able to enter the mine on account of the intense heat. It is thought that, following the explosion, the mine caught fire, although but little smoke is finding its way out. The mine officials refuse to give an estimate of the number that may have perished, but at the pit mouth it is now believed that over 100 have perished.

While the officials cannot now suggest a cause for the explosion, miners place the blame on some of the foreign miners who may have entered with an open lamp.

On December 28 last, an explosion occurred in this mine, which up to that time had been regarded as a model mine. On that occasion the cause was not ascertained and the death list reached fifty. The last body in connection with that explosion was brought to the surface only last Friday after which the state mine inspector declared that the mine was again safe and work could be resumed. The majority of the miners who were engaged to resume work at the mine were Americans, with a few foreigners and some colored workers as laborers. It was stated that the mine was examined early today, before the new shift went to work and was reported to be perfectly safe. In spite of this, however, soon after work was begun, the explosion occurred, with a death list that will probably far exceed that of the December explosion.

The mine is the property of the Pocahontas Consolidated Collieries company and is situated in the Taz river district, a territory that, until the December explosion, had been unusually free from gas.

CROWDS CHEER HENEY

Enthusiastic Reception Accorded Him Upon His Return Home

San Francisco, Jan. 12.—A cheering crowd of several hundred persons gathered in the Ferry building to greet Assistant District Attorney Francis J. Heney, and his wife on their return last night from an absence of several weeks in the east. The reception accorded the prosecutor was entirely informal and very enthusiastic. In a short speech in reply, he acknowledged the compliment and declared that he had returned to preside the great prosecution cases "until every grafter in San Francisco is put where he belongs."

"I will take personal charge of the prosecution of Mr. Calhoun," said Heney. "I am in splendid shape physically and am eager to resume my work here."

Special Police precautions were taken to guard the attorney against any repetition of the assault on him. Twenty-five patrolmen gathered closely about him, but at his own request, refrained from forcing the crowd away to any distance. With Dr. Beasley, who first treated him at the time he was shot by Morris Haas, Heney was photographed several times, and he brought laughter from the crowd by remarking, when the first flash powder charge was unexpectedly fired with a report like that of a pistol, "and I never even-batted an eye."

SMALL BOYS OF AUSTIN TO BE DEPRIVED OF TOY WEAPONS

Chicago, Jan. 12.—No more are the small boys of Austin to be supplied with air guns, toy pistols and other weapons with which to kill pigeons, shoot cats and jeopardize the lives of their playmates. To complete the extinction of any martial spirit that may have been implanted in them, they are to be deprived of soldier uniforms.

The Woman's club of Austin has decided the slaughter of birds is in violation of the conservation of nature and the boys are to be the last five years for a cure for insanity. His lifeless body was found in bed.

CLOSING QUOTATIONS OF WORLD'S MARKETS

OPENING PRICES OF STOCKS ARE SHADED

New York, Jan. 12.—Opening prices of stocks today were shaded for the most part from those prevailing at the close last night. There was a mixture of gains, but they were in the less important stocks and were all small. Interborough Metropolitan declined 1 and the preferred, Warrent preferred and Tennessee Copper 3/4. Liquidation was resumed with a further break in the Erie and New York public utilities stocks, particularly Consolidated Gas. Selling was brisk for wheat, but when the market showed steadiness, purchases fell off. Erie first preferred dropped 3/4, Consolidated Gas 2 3/4, Lake Erie and Western 2 1/2, Tennessee Copper 1 1/2, Union Pacific and Erie 1 3/8, Reading, Wabash preferred, Atchafalaya and Northwestern 1 1/4, and Rock Island preferred, Ontario & Western, Kansas & Texas, Great Northern preferred, Chesapeake & Ohio, Kansas City Southern Colorado Fuel, Interborough Metropolitan preferred and Brooklyn Transit 1.

NEW YORK STOCKS.

Amalgamated Copper, \$1 1/8. American Car and Foundry, 48 3/8. American Locomotive, 55 7/8. American Smelting, \$1 7/8. American Smelting, pd. 103 1/4. American Sugar Refining, 128. Anaconda Mining Co., 48. Atchafalaya, 95. Atchison Railway, pd. 101 1/4. Baltimore and Ohio, 109 3/8. Brooklyn Rapid Transit, 69 3/4. Canadian Pacific, 175 3/4. Denver and Rio Grande, 39 1/2. Erie, 112 1/2. Erie preferred, 112 1/2. Erie Railway, 29 1/8. Great Northern, pd. 142 1/2. Great Northern Ore Cts., 70. Illinois Central, 143. New York Central, 125 3/4. Reading Railway, 137. Rock Island Ore, 24 1/2. Rock Island Co., pd. 59 7/8. Rock Island Co., pd. 59 7/8. Southern Pacific, 117 1/8. Southern Railway, 26 1/8. Union Pacific, 177 3/4. United States Steel, \$1 7/8. United States Steel, pd. 112 7/8. Western Union, 18 3/4. Western Union, 67. Standard Oil Company, 65 1/2.

Chicago Livestock.

Chicago, Jan. 12.—Cattle—Receipts, estimated 5,000; market steady; heaves \$4.00-4.25; Texas \$4.25-4.50; western \$4.00-4.25; stockers and feeders \$3.25-3.50; cows and heifers \$1.75-2.00; calves \$7.50-8.25. Hogs—Receipts, estimated 25,000; market 5 cents higher; light \$5.00-5.25; mixed \$4.50-4.75; heavy \$5.00-5.25; rough \$5.00-5.25; good to choice heavy \$5.75-6.00; pigs \$3.00-3.25; bulk of sales \$5.70-6.00. Sheep—Receipts, estimated 18,000; market steady; natives \$2.00-2.25; western \$1.50-1.75; yearlings \$6.00-6.25; lambs, native, \$5.00-5.25; western \$5.00-5.25.

Kansas City Livestock.

Kansas City, Jan. 12.—Cattle—Receipts, 11,000; market steady to strong; stockers and feeders \$3.40-3.50; bulls \$3.25-3.40; calves \$4.00-4.25. Hogs—Receipts, estimated 10,000; market 5 cents higher; light \$5.00-5.25; mixed \$4.50-4.75; heavy \$5.00-5.25; rough \$5.00-5.25; good to choice heavy \$5.75-6.00; pigs \$3.00-3.25. Sheep—Receipts, 14,000; market steady to 10 cents lower; muttons \$4.25-4.50; lambs \$5.00-5.25; range wethers \$4.50-4.75; fed ewes \$3.00-3.25.

Chicago Closes.

Chicago, Jan. 12.—Close: Wheat—May \$1.04 5/8; July \$1.25 1/2; Sept. \$1.14. Corn—Jan. 57 3/4; May 61 3/8-1/2; July 61 5/8; Sept. 61 5/8. Oats—May 51 1/2; July 46 1/8; Sept. 39 1/8. Pork—Jan. \$16.50; May \$16.75-1/2; July \$16.75-1/2; Sept. \$16.75-1/2. Lard—Jan. \$10.50; May \$10.50; July \$10.50; Sept. \$10.50. Rye—Cash 75 1/2-3/4; May 77 1/2-3/4; July 77 1/2-3/4; Sept. 77 1/2-3/4. Barley—Cash 61 1/2. Timothy—March \$4.05. Clover—March \$9.00.

Sugar and Coffee.

New York, Jan. 12.—Sugar, raw—Firm; fair refining \$3.25-27; centrifugal 56 test \$3.25-27; molasses sugar \$2.95-3.02. Refined, steady; crushed \$5.25; powdered \$4.75; granulated \$4.65. COFFEE—Steady; No. 7 Rio 7 1/8-1/4; No. 4 Santos 8 1/8-3/8.

Wool.

St. Louis, Jan. 12.—Wool, unchanged; territory and western medium 17 a21; fine medium 15a17; fine 12a14.

Metal Market.

New York, Jan. 12.—Lead, dull, \$4.12 1/2-1/4; tin, 22 1/2; copper, easy, 14 3/8-5/8. Silver, 52 1/2.

MAN DIES FROM AN OVERDOSE OF CHLORAL

New York, Jan. 12.—Thomas A. B. Talbot, founder of Wall street brokerage firm, died yesterday of an overdose of chloral, according to the coroner. Mr. Talbot was 73 years old and had been using the drug for the last five years for a cure for insomnia. His lifeless body was found in bed.