

UNITED STATES STANDS PAT Nothing in Canal Case to Discuss

Earl Grey's Attitude Based Upon Wrong Idea of Facts

fact, the British contention rests upon apprehension of things that may happen in the future to the injury of British shipping, which, in all probability, never will occur.

Secretary Knox begins his note, which was delivered to the British foreign office through Mr. Laughtlin, the American charge at London, by the fact statement that he can not agree with the British interpretation of the canal treaties, so far as they limit the freedom of action of America or infringe British treaty rights. Pointing out that the Grey note was issued without consideration of the president's toll proclamation, the secretary states that Sir Edward Grey, chiefly with the possibilities of what the president might do under the canal act, whereas the proclamation has entirely changed the situation.

OBJECTIONS ARE DISCUSSED

Taking up the three objections made by the British government, Secretary Knox first discusses that which applies to the exemption from tolls of the government vessels of Panama. This is a surprise to the United States, which always has asserted without challenge that the status of the countries immediately concerned by reason of their political relation to the territory in which the canal was to be constructed, was different from that of all other countries.

He does not believe therefore that the British government intended to propose arbitration of this question.

In regard to a second British objection, that the Panama canal act might be thought to confer upon the president the power to discriminate in the use of the canal in favor of all ships belonging to the United States and its citizens, over the foreign trade, by granting them reduced tolls, the note quotes from the memorandum attached to the canal act by the president, when it was signed, as follows:

QUOTES THE PRESIDENT

"It is not therefore necessary to discuss the policy of such discrimination until the question may arise in the exercise of the president's discretion."

As no question yet has arisen on this point, Secretary Knox says that the existing treaty, "it may not have been possible to settle by diplomacy," the note holds that the suggestion of arbitration is premature before passing on that stage of the question. Secretary Knox emphatically disclaims entertaining any doubt as to the right to exempt American ships and other government vessels from tolls, as they are part of the government's protective system, and it is not understood that Great Britain challenges the right of the United States to protect the canal or to require an explanation of what relation the movement of a particular vessel through the canal has to its protection.

EXEMPTION NO DISCRIMINATION

Thus clearing away all nonrelevant objections, the note proceeds to discuss the British assertion that the exemption of the United States coastwise vessels from tolls is a discrimination against British vessels. Mr. Knox recalls Sir Edward Grey's admission of the right of the United States to grant subsidies to its shipping generally or any particular branches, and although it is "a form of subsidy" to exempt the coastwise shipping from tolls, he regards it as objectionable, as throwing an unfair share of the burden of upkeep in the canal on foreign shipping.

The secretary points out that Great Britain does not claim the right to participate in American coastwise trade, but objects to the exemption of that trade from tolls because they may adversely affect British rights to equal treatment in the payment of tolls or to just and equitable tolls. He also recalls the British objection that coastwise trade can not be circumscribed so completely that benefits conferred upon it will not affect vessels engaged in the foreign trade. Thus cargo intended for a American port beyond the canal and shipped on board a foreign ship could be sent to its destination more cheaply through the operation of the proposed exemption by being landed at a United States port before reaching the canal and then sent on as coastwise trade, to the detriment of foreign ships in direct trade.

Taking this statement in connection with one by Mr. Innes on the same point, to the effect that, perhaps no objection could be taken to the exemption of limit bona fide coastwise traffic, Secretary Knox declares this to be an admission of the American right to exempt its vessels in the coastwise trade from tolls.

"As to this," says the secretary, "it is

Sir Edward Grey, whose position is held untenable by Secretary Knox.



be in the position of subsidizing or aiding not merely its own coastwise vessels, but foreign vessels as well."

CONGRESS HAS POWER

Summarizing the British objections and commenting upon them, Secretary Knox does not deny that congress has the power, through the president, to violate the terms of the Hay-Pauncefote treaty in its aspect as rule of municipal law. That, he says, only would become a just ground for complaint in the event that the power was used against British shipping. It is the improper exercise of this power, and not its possession, which alone can give rise to an international cause of action, remarks the secretary.

Only when complaint is made by Great Britain that British vessels actually have been subjected to unequal treatment or inequitable tolls, Secretary Knox asserts, can the question be raised whether the United States is bound by the Hay-Pauncefote treaty to collect tolls from United States vessels and whether British vessels are entitled to equal treatment.

SUBSTANTIAL CASE DESIRED

"Until these objections rest upon something more substantial than mere possibility," he says, "it is not believed that they should be submitted to arbitration. The existence of an arbitration treaty does not create a right of action; it merely provides a means of settlement to be resorted to only when other resources of diplomacy have failed."

Therefore, the secretary holds that it is not now necessary to discuss questions of fact which have not yet arisen. The note concludes as follows:

"It is recognized by this government that the situation developed by the present discussion may require an examination by Great Britain into the facts above set forth as to the basis upon which the tolls fixed by the president's proclamation have been computed and also into the regulations and restrictions circumscribing the coastwise trade of the United States as well as into other facts bearing upon the situation, with a view of determining whether or not, as a matter of fact, under present conditions there is any ground for claiming that the act and proclamation in question subject United States vessels to equality of treatment or to unjust and inequitable tolls."

METHOD OF PROCEDURE

"If it should be found as a result of such an examination on the part of Great Britain that a difference of opinion exists between the two governments on any of the important questions of fact involved in this discussion, then a situation will have arisen which, in the opinion of this government, could with advantage be dealt with by referring the controversy to a commission of inquiry for examination and report, in the manner provided for in the unratified arbitration treaty of August 3, 1911, between the United States and Great Britain."

The necessity for inquiring into questions of fact in their government controversies under diplomatic discussion was contemplated by both parties in negotiating that treaty, which provides for the institution, as occasion arises, of a joint high commission of inquiry, to which, upon the request of either party, might be referred for impartial and conscientious investigation any controversy between them, the commission being authorized upon such reference to examine and report upon the particular questions or matters referred to it, for the purpose of facilitating the solution of disputes by elucidating the facts and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

"This proposal might be carried out either under a special agreement or under the unratified arbitration treaty above mentioned, if Great Britain is prepared to join in ratifying that treaty, which the United States is prepared to do."

MINNEAPOLIS FIREMEN HURT

MINNEAPOLIS, Minn., Jan. 23.—Three firemen were hurt, one seriously, and property valued at \$50,000 was destroyed here today by fire.

YESTERDAY'S FIRE RECORD

Box 199, 12:12 p. m.—Two story frame structure at 2444 Hyde street, owned and occupied as a dwelling by F. Marshall. Damage slight; cause, upsetting of coal oil heater.

Box 491, 4:22 p. m.—Two story and basement frame building, 224 Fifteenth street, owned and occupied as a dwelling by J. Ryan. No loss; cause, heap of rubbish.

Box 52, 9:58 p. m.—second alarm. 10:02 p. m.—Two story frame structure at Second and Bryant streets, occupied by Daunt & McGregor as Panama Bar. Loss, \$5,000; cause, explosion of gas tank. John Bell, porter, burned to death.

MAY NOT MEAN WAR

Those delegates best acquainted with the Turkish system think that the latest move has not the resumption of war as its aim, but to squeeze better conditions for the Turkish empire. They cherish the hope and believe that if the war is resumed M. Sazonov's recent declarations to the Turkish ambassador will insure Russia's active intervention. They think that Russian action would not lead to a European war, as generally has been believed, but would result in the complete dismemberment of the Turkish empire, including the loss of Constantinople and the Asiatic provinces.

The beginning of an agreement on this subject is understood already to exist among the powers, which gradually are becoming familiarized with the idea that the complete suppression of Turkey would mean the extinguishment of a source of constant disturbance to peace.

RESIGNATION OF KIAMIL PASHA
and Cabinet Occasions
Fighting in Ottoman Capital

Continued From Page 1

and a half later when he returned from the palace with an irate appointing Mahmud Shekfat Pasha grand vizier. While awaiting the return of Enver Bey the enthusiasm of the crowd was kept at a fever pitch by speeches and the waving of banners. On his return from the palace the Young Turk leader proceeded to the residence of Mahmud Shekfat to communicate the imperial message.

In the meantime Talat Bey assumed provisionally the portfolio of the ministry of the interior and Izzet Pasha that of war. In an interview Talat Bey said the movement had not been planned, but was the outcome of popular feeling owing to the attitude of the government with regard to Adrianople. If Adrianople were abandoned, he said, disturbances would break out over the length and breadth of the empire. With regard to money, he said the whole nation would make a sacrifice.

NO COMPROMISE POSSIBLE

"No compromise is possible," he continued. "The change in the cabinet means that we are going to save the national honor or perish in the attempt."

"We do not want a continuation of the war, but we are determined to keep the fortress of Adrianople at all costs. That is an indispensable condition of peace."

Kiamil Pasha and the other members of his cabinet remain in their residences under guard.

A proclamation nominating Mahmud Shekfat Pasha as grand vizier was read at the porte at 7 o'clock tonight. On Mahmud Shekfat Pasha's arrival he was greeted enthusiastically by the great assemblage outside. The portfolio of foreign affairs has been offered to Husein Hilmi Pasha, the present ambassador at Vienna and a former grand vizier.

Whether this means war to a finish, with the "Young Turks" in the saddle, or merely is another exhibition of the resources of Turkish diplomacy, none can say; nor can any one predict definitely whether the powers will attempt to force Turkey to make peace or stand as spectators while events take their course.

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FORECASTED RESULTS

The Turkish delegates have cherished the conviction that the abandonment of Adrianople by the ministry would bring about the resignation of Enver Bey, and the cabinet into power. The fact that Shekfat Pasha has been appointed grand vizier, while Talat Bey, who is a prominent member of the Young Turk committee and deputy grand vizier, has been made minister of the interior is significant. The Young Turks have labored valiantly for some time to regain power; their army, which has been made up of great and prominent soldiers, who recently returned from Tripoli and joined the Tehtatli army, are responsible largely for the revulsion of feeling.

The delegates of the allies received the news with expressions of anger and sarcasm. Some offered the opinion that the Constantinople coup was premature, and that the cabinet should participate in the grand council because he knew he would succeed Kiamil Pasha.

FEAR THE MONEY LENDERS

They chafe more angrily under such a suggestion, delay which the Turks have also because every day means to them an enormous burden in keeping their armies under arms. The withdrawal of their men from industry and commerce every day means their country in the power of the money lenders of Europe. They dread that condition beyond all others, as tending to undermine the real independence of their kingdom.

They declare that their alliance is as strongly knit as at the beginning of the war and that they are ready to resume hostilities at a moment's notice. They cherish the hope and believe that if the war is resumed M. Sazonov's recent declarations to the Turkish ambassador will insure Russia's active intervention. They think that Russian action would not lead to a European war, as generally has been believed, but would result in the complete dismemberment of the Turkish empire, including the loss of Constantinople and the Asiatic provinces.

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BLAMES HIS ASSOCIATES

Promoter Says Ad Copy for Mines Was Sent From Partner on Ground

NEW YORK, Jan. 23.—Responsibility for his statements to the effect that the mines promoted by A. L. Wisner & Co. were productive or promising of early results was placed today upon his associates by A. L. Wisner in the trial of himself and John J. Meyers on charges of using the mails fraudulently in the promotion of oil and mining stocks. Wisner testified that his data for advertising was obtained from his associates on the ground.

NOTHING JOLLY IN THIS

Captain Jolly of Marine Corps Leads Jolly Life and Is Dismissed

WASHINGTON, Jan. 23.—The navy department announced today that President Taft had approved the verdict of a Norfolk court which found Captain Ward Jolly of the Marine corps guilty of absence without leave and non-payment of d-bits. He accordingly is dismissed from the service. Captain Jolly, who was appointed from Iowa in 1898, lately was stationed at Philadelphia.

Mrs. Mitchell Cited—Judge Graham yesterday cited Mrs. Abby Gilson Mitchell to appear before him Friday to show cause why she shall not turn over to the Union Trust company, personal property of the estate of her late husband, Michael Aaron Mitchell. The Union Trust company, as executor, alleges that she is about to leave the state. Mitchell died January 8 leaving property worth \$10,000 to his near relatives.

TWO PRINCIPALS IN BIG LABEL SUIT IN MISSOURI

Continued From Page 1

made a confession to Chief of Police W. J. Petersen and told his wife brokenly of what had happened. It developed that Sears had taken the first sums to supply medical attendance to his wife when their baby came.

LIKEABLE YOUNG MAN

Sears is a clean-cut, likeable man and has a host of friends. He always stood high with the bank officials and had risen from one of the minor positions to that of paying teller within four years. He was born in San Francisco and came to Oakland to take a position in the bank. Sears' friends believe that he was led into the larger peculations by some one acting for one of the pool-rooms in San Francisco, where Sears played the races. This man acted as a go-between and is said to have placed the bets for Sears. Sears admitted to Petersen that he had played the newspaper tips and outside of that knew nothing of the horses he was playing.

Efforts on the part of the police to find the agent acting for Sears have been unsuccessful. It became known to the bank officials a week or more ago that Sears was playing the races, and he is said to have been seen with a stranger, to whom, it is thought, Sears turned over the large sums he stole from the bank in the hope of seeing even.

BANK LOSES NOTHING

The bank will lose nothing from Sears' shortage. The Fidelity and Trust company of Baltimore was surety for Sears, and the loss will be borne by that company. Arthur C. Skaffe is attorney for the concern. Among the bank officials are William G. Henshaw, president, and Victor H. Metcalf, vice president and manager. On its board of directors are such well-known men as Congressman Joseph R. Knowland, Charles T. Rodolph, Metcalf, Henshaw and Percie C. Black.

Mrs. Sears was hysterical after the interview with the police, and she was taken to her home, where she is being cared for by her mother. She is said to be in a very nervous condition.

RAISED CERTIFICATE FOUND

Frank Murphy, an ex-convict and slave to the drug habit, when arrested in Chinatown yesterday had in his possession a \$1 silver certificate that had been raised to \$20. Murphy was turned over to Chief Harry Moffitt of the secret service. Murphy claimed to have found the raised bill in a vacant lot.

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SAME OLD STORY IN SAME OLD WAY IS TOLD BY SEARS

Lure of the Betting Ring Captures Bank Teller, Who Steals Big Sum From Employers

Continued From Page 1

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STAMP BROKERS IN LEAGUE WITH OFFICE THIEVES

Illegal Traffic in Government Letter Issue Extending Over Country Is Unearthed

Continued From Page 1

Boston, Philadelphia, Baltimore, Pittsburg, Chicago, Indianapolis, St. Louis, Minneapolis, Cincinnati, New Orleans, Kansas City, Denver, San Francisco, Seattle, Portland, Ore., and many other cities has reached large proportions.

In New York approximately 20 so-called brokers make a business of purchasing postage stamps at a discount ranging from 50 cents to 90 cents on \$1 and selling them to merchants at prices varying from 95 cents to 99 cents on \$1.

BOYS STEAL PRINTED CARDS

One stamp broker in New York who sells from \$200 to \$1,000 worth of stamps a day to merchants, it is alleged, has been purchasing some of his supply from an employe of the New York state government in Albany, who is said to have confessed to postoffice inspectors that he permitted to the stamp broker from \$25 to \$50 a week in stamps stolen from the state.

One broker advertised by means of a sign carried through the New York financial district at the noon hour that he purchased printed uncancelled postcards. This resulted, it is said, in a many office boys stealing cards from their employers and selling them to him for 35 cents a hundred.

The printed portion of the cards, then was skillfully covered by the broker with a piece of thin paper and the cards resold. The culpable broker, according to his admission to the inspectors, sold during the last year more than 2,000,000 postal cards, many of which were stolen by office boys.

U. S. REDEEMS AT QUARTER LOSS

The department redeems postal cards from original purchasers at 75 per cent of their face value. Recently a member of congress and a former deputy commissioner of police of New York city requested the third assistant postmaster general to redeem over a million cards for a constituent of the congressman.

Inquiry by inspectors developed the fact that the cards were the property of a stamp broker, whose business is declared by the department officials to be clearly illegal.

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BISHOP MOORE IS LIBEL DEFENDANT

Kansas Woman Demands Big Sum From Methodist Church Prelate

Continued From Page 1

KANSAS CITY, Jan. 23.—Trial of a libel suit brought against Bishop David H. Moore of the Methodist Episcopal church of Cincinnati, and Mrs. George O. Robinson of Detroit, president of the Methodist Home Missionary society, by Mrs. Carrie E. Cope of Topeka, Kan., began this afternoon in the United States court in Kansas City. Each defendant is sued for \$50,000 damages.

The suits grew out of the disposition of \$10,000 left to Kansas home missions by Mrs. Fanny Murray of Atchison county, Kan., who died in 1907. Two Methodist societies claimed the fund. Mrs. Cope obtained part of the funds and the other society sued her. Bishop Moore was appointed by the conference to investigate the controversy.

Mrs. Cope alleges that Bishop Moore, in a letter to Mrs. Robinson referring to the fund, said: "I don't believe you will ever see a cent of it."

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1/2 Off

\$50 Suits & Overcoats \$25

1/2 Off

\$40 Suits & Overcoats \$20

1/2 Off

\$30 Suits & Overcoats \$15

1/2 Off

\$25 Suits & Overcoats \$12.50

1/2 Off

F. C. Keller & Company
Clothiers

10 KEARNEY STREET CHRONICLE BLDG