

## OPPOSES THE PROPOSES THE FRES COST POSTAL BANKS COUNTRY BANKS LEAVELY

### Rayner Declares Welfare Clause Would Sweep to Oblivion State Rights.

#### CRITICISES WORK OF ROOSEVELT

Washington, D. C., Feb. 7.—Admitting that he had given no consideration to the merits of the postal savings bank bill and declaring that he was not influenced by the banking interests, senator Rayner today addressed the senate in opposition to the measure on purely constitutional reasons.

"I have not," he said, "been able to find any constitutional ground whatever for this measure. No one who has read the constitution of the United States will contend for a moment that it comes under any of the powers of the instrument and the utmost that will be claimed for it, I suppose, is that under the 18th clause of section 8 of article 1, it is a necessary and proper law to carry into execution the delegated powers."

"I have searched in vain for any decision sustaining this contention. It is not a law necessary and proper to carry into execution the powers which give congress the power to borrow money on the credit of the United States, because this enactment, does not purport to be for any such purpose."

Conceding that the government has a right to organize a bank as an instrumentality of government, he contended that no such purposes were embraced in the pending legislation. He also argued against any possible contention that the proposed law was authorized by the constitutional provision regarding postoffices.

Mr. Rayner took up a statement made by Mr. Burkett that authority is found for the legislation under the general welfare clause. He declared there is no general welfare clause in the constitution as an independent grant of power, that no text writer, no commentator, and no court has ever announced the proposition that senator Burkett contended for.

"I know the constitution under the last administration was in a state of collapse," continued Mr. Rayner, "upon a number of occasions upon this floor I attempted to show how it received blow after blow until it was almost sent staggering to its grave. The predecessor of our present president, what ever else he may have been, was not a student of the constitution; he did not care for its restrictions and did not consider himself bound by its limitations."

"We have an occupant of that office now who is thoroughly familiar with the landmarks of his power who with his judicial temperament will not only hold himself in equilibrium, but proposes to hold in proper poise and balance the checks and safeguards of governmental power."

General Welfare Clause.

"He has never said in his message to us under that grant of constitutional power he has proposed this important legislation. One thing I feel sure of and that is that he will never regard the general welfare clause of the constitution as an independent grant of power. Such an interpretation as this would convert us into a centralized government of inherent and unlimited functions, would sweep to oblivion the reserved rights of the states; would render the enumerated powers of the charter absolutely superfluous and unnecessary."

"It would give congress the right to pass any legislation whatever that may in its arbitrary discretion or from political motives, it may determine upon, and in my opinion, destroying the autonomy of the states and obliterating the inviolable decision of the 10th amendment. It would make such a gaping wound in the heart of the constitution that the blood that gave it life would within in its veins."

Frank C. Tays, car inspector Southern Pacific railway, located at Tucson, is in the city on business.

### United States Government Experiments With View to Improvement.

#### WOULD REDUCE FIRE DANGER

Washington, D. C., Feb. 7.—Fire, stolen from heaven by Prometheus, according to ancient Greek mythology, and as a blessing brought by him to earth in a hollow reed after Zeus had deprived mankind of it, levies upon Americans each year an enormous tax calculated by United States government officials at almost a million and a half dollars a day and 1499 lives a year.

As a result of an investigation just concluded by officials of the United States geological survey it has been ascertained that cheaper fireproof materials can be used to advantage in construction, that three to six times the necessary amount of material is habitually used in structural work in the United States, that the building codes are laxly enforced, that the fire loss in the United States is eight times as much per capita as in any country in Europe and that the great fire waste in the United States is due principally to the predominance of frame buildings and to defective construction and equipment.

Contrast between the small losses by fire to government buildings and the immense losses reported from the country as a whole led the geological survey to make an inquiry as to fire losses in the United States and as to their exact cost to the people. Tests to determine the strength and fire resistance of building materials are still being made by the survey, and although these tests are designed primarily to meet the needs of the government as the largest consumer, their results are available to anyone for general use.

Not one person in a thousand knows that the United States government owns buildings that cost more than \$300,000,000 and is spending \$20,000,000 a year for new buildings. It will be a surprise to everyone, too, to learn that not one cent of insurance against loss by fire is carried on these valuable buildings. Insurance at the ordinary rate would cost more than half a million dollars a year, and the government avoids this great tax by constructing buildings that are securely fireproof.

Expensive Tests.

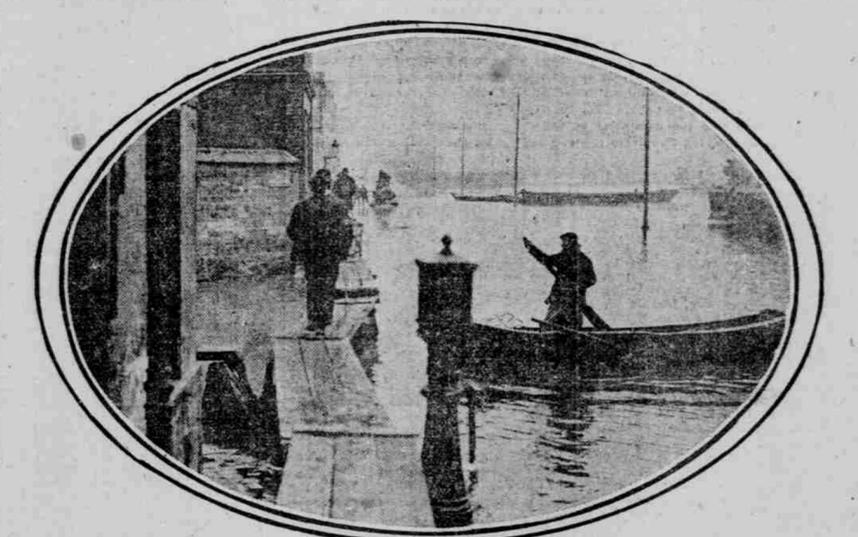
To attain this degree of security from fire for government buildings the government has gone to considerable expense and the results obtained fully repay the cost. The tests to determine the strength and fire resistance of building material it has been determined that American builders can with safety use cheaper fireproof materials than they do. It has been learned that the difference in cost between fireproof and inflammable buildings is less than generally supposed and the officials predict that this difference will soon become so small that it will cease to encourage the construction of flimsy buildings. It has been found that three to six times the necessary amount of material is habitually used by American builders in structural work. The necessity also is shown for better building codes in cities and especially of a better enforcement of the codes already enacted if the present enormous fire losses are to be diminished.

Cost of Fires.

After a careful investigation it has been determined that the total cost of fires in the United States in 1907, excluding that of forest fires and marine losses (in themselves extensive) but including cost of fire protection, due to bad construction and excessive premiums over insurance paid, amounted to the enormous sum of \$45,000,000. A tax of 1 cent on the American people exceeding the total value of all the gold, silver, copper and petroleum produced in the United States in that year. The cost of building construction in 1907 in 49 leading cities of the United States reporting a total population of 12,000,000.

(Continued on Page Two.)

## Flood Scenes In Paris



QUAI DE LA GARE TRAMWAY ROUTE UNDER WATER.

## HEADON CRASH OF FREIGHT TRAINS

### One Man, Going to Find a New Home, Killed in Car With His Household Effects.

#### ACCIDENT NEAR SIERRA BLANCA

Out of the fog appeared the two swaying, breathing engines and with a thud they met, head on. Air brakes worked out slowly, and by the collision one life was taken, one man injured, and four freight cars demolished on the Texas & Pacific, three miles east of Sierra Blanca, at 3:15 this morning.

Riding in an emigrant car with his horses and household furniture, W. F. McGonagill, of a well known Texas family, was killed outright, although his car was not overturned. W. T. Brown, engineer of the west bound freight train, suffered a badly sprained right leg, while engineer William Garlick, of El Paso, driving the east bound freight, was uninjured.

The body of McGonagill will arrive in El Paso about 6 o'clock tonight on the delayed T. P. passenger train. Engineer Brown was removed to his home in Toyah. Word of no other injured man has reached this city.

Sudden death came to W. F. McGonagill when his affairs were lightened by the hope of a new endeavor. He had sold his ranch at San Angelo, and was moving to a recently purchased farm near Clint, where a brother, J. A. McGonagill, already had located.

A wife and children had been left at San Angelo to follow by passenger train when the new home was ready. Another brother, Henry McGonagill, of El Paso, survives, as well as a number of cousins, one, Clay McGonagill, the "roper."

A thorough investigation of the indirect cause of the fatal wreck is being made by the division officials of the Texas & Pacific, both freight trains being of that company.

#### SMARTIES TORTURE HYPNOTIC SUBJECT

### Three Dalhart Young Men Are Arrested and Charged With Assault.

Dalhart, Tex., Feb. 7.—Complaint was filed against three prominent young men of this city this morning for assault and battery on Lee Traverser, a hypnotist subject, who was asleep in a local store window. The subject was to sleep 30 hours before being awakened at the opera house.

The three who have been arrested applied electric batteries to the man and burned him with a lighted cigar and acid, while the hypnotist was absent. The subject left the window and wandered about the streets and through the railroad yards for an hour before the hypnotist could be found to awaken him.

Local physicians say that the man's condition this morning is critical. His life was greatly endangered by the means used by the trio and the cold contracted while walking the streets in his underclothes.

#### TARIFF WAR WITH GERMANY IS OFF

Washington, D. C., Feb. 7.—The threatened tariff war between the United States and Germany is now a thing of the past. President Taft today issued a proclamation in which it is declared that German goods imported into the United States are entitled to the minimum rate of duty.

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LOSSES WIFE; KILLS HIMSELF TO JOIN HER  
Tulsa, Okla., Feb. 7.—Heartbroken over the recent death of his wife, Dr. J. W. Saunders, aged 30, who came here from Fitzgerald, Ga., a month ago, ended his life today by shooting himself. His family is prominent in Georgia.  
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SCENE AT THE PONT NATIONAL.

Paris, France, Feb. 7.—The foreign subscriptions to the flood relief fund now exceed \$800,000.

The river Seine has fallen 16 feet from the crest. More caverns of the crests and falling houses are reported as the receding waters withdraw their supporting pressure.

The cabinet today decided to ask parliament for \$4,000,000 as an additional credit necessary for the relief of flood victims.

## SOUTHWESTERN SAID TO HAVE BOUGHT ROAD

Tucumcari, N. M., Feb. 7.—It is reported here today that the El Paso & Southwestern Railroad company has purchased the Tucumcari and Memphis line from here to Memphis, Tenn., and will take it over just as soon as it is ready for operation.

Nothing official has been given out, but it is supposed that the tour of inspection by Dr. Douglas, president of the Southwestern, was made for that purpose last week.

General manager H. J. Simmons and superintendent G. F. Hawks met Mr. Douglas in Amarillo yesterday and brought him here in a special train.

After an inspection of the Dawson coal camps, they will go to El Paso.

Officials of the Southwestern in a position to speak are out of the city, but the rumored purchase is not generally credited.

#### SICKLY SENTIMENT SAVES A WOMAN

### No Conviction of Mrs. Ford on the Blackmailing Charge.

Cincinnati, O., Feb. 7.—The second trial of Mrs. Jeannette Stewart Ford on the charge of blackmailing Chas. L. Warriner will be set within the next two or three weeks according to prosecuting attorney Lunt, of Hamilton county.

The jury at the first trial was discharged yesterday after failing to agree. It is understood the last ballot was eight to four for acquittal. The prosecutor reiterated his opinion that the failure of the first jury to reach a verdict was the result of "a sickly sentimentality that makes it almost impossible to convict women."

#### PRISONERS CIT THROUGH JAIL FLOOR; ESCAPE

Fl. Worth, Tex., Feb. 7.—Eleven prisoners confined in the city jail made their escape early this morning. They cut a hole through the ceiling of the jail into the city water department, unlocked the doors and walked unconcernedly away.

None of the prisoners were charged with serious crimes.

This is the fourth time prisoners have escaped in this way.

## EL PASO CAN TALK TO DENVER

### Long Distance Telephone Connection Is Completed. Conversation Possible.

#### IF NOT NOW, IN FEW DAYS

Alamogordo, N. M., Feb. 7.—"Hello, Denver," for the first time was called by manager Homer W. Schofield Saturday afternoon when the A. T. T. company (the Colorado Bell) connected 27 with the Alamogordo telephone system board.

This line runs by way of Socorro and Albuquerque to Denver, and connecting with the Alamogordo telephone system, El Paso has a through line to Denver, Kansas City, Chicago and all intermediate points.

The manager of the El Paso & Southwestern Telephone company said today that he had not been advised by Alamogordo that El Paso could talk to Denver, but that this ought to be possible if certain stretches of the line between here and Alamogordo had been filled in with copper wire. The line to Alamogordo belongs to manager Schofield, of Alamogordo, he said, and as soon as it was ready for Denver business, this would no doubt be announced by Mr. Schofield. If El Paso cannot talk to Denver now, it can in a few days, anyhow.

Mattar's Place Robbed.

S. M. Mattar, who conducts an oriental store at 208 Mesa avenue, was robbed Saturday or Sunday night of \$400 worth of goods, the burglars taking only the finest goods in stock. Turkish rugs, lace, silks, drawwork, jewelry and handkerchiefs were stolen by the robbers, who probably forced an entrance through the rear door.

Among the things taken was one Turkish rug valued at \$100.

Six weeks ago burglars forced an entrance through the transom over the front door and got away with \$800 worth of goods. Mattar says this is the fourth time in three years that he has been robbed, his home in East El Paso having been rifled one time and his store three times.

## BURGLARS TAKE TIME TO CRACK A STRONG BOX

### Move Safe to Blacksmith Shop and Work on It With Chisels and Hammers.

Weatherford, Tex., Feb. 7.—Burglars in looting the store of W. M. Herring, at Adel, 20 miles north of here, late Saturday night, daringly rolled the safe outdoors across the street to a blacksmith shop, where with hammers and chisels they tried vainly to open the vault.

Quantities of burned matches and cigar stubs show that the robbers took plenty of time and worked un-molested.

#### NEW ORLEANS GREET'S KING OF CARNIVAL

New Orleans, La., Feb. 7.—Halling Rex, "King of the Carnival," New Orleans today approached the climax of the Mardi Gras festivities, the sirens of the river craft and the cheering thousands on shore welcomed the approaching monarch as he came up the Mississippi river and landed from the royal yacht.

The formality of turning over the keys of the city to the king concluded, the parade followed.

It is believed the attendance on Mardi Gras is the largest on record.

#### BOY CONFESSES ROBBERY POSTOFFICE

Tulsa, Okla., Feb. 7.—Will Gardner, aged 17, today confessed in the United States commissioner's court to robbing the postoffice in Sapulpa. He was bound over to the federal grand jury.

#### DAWSON ON TRIAL

In Justice E. H. Watson's court, Jack Dawson, an employe of the International Water company is being tried this afternoon on a charge of assaulting Ike Wolf with an ink bottle. The case is being argued before a jury.

#### COOK KILLS HIMSELF; NOT THE EXPLORER

Muskogee, Okla., Feb. 7.—W. H. Baker, a well known chef here, shot and killed himself in his room above a restaurant here last night. Despondency was the cause.

#### WARRING CHINESE FEARED FOR RELATIVES AT HOME

## SIGN PEACE PACT

San Francisco, Cal., Feb. 7.—Ten days before the expiration of the temporary truce, the On Yicks and the Yee family, two Chinese toughs whose war in the last four months has cost ten lives, signed a permanent peace pact in this city last night at the office of the Six companies.

The war, which started here over the abduction of a woman, spread throughout California and finally into other states. A nation-wide feud was threatened, but a summary imperial edict from the Chinese government put a sudden end to the fighting. The edict said unless the toughs ceased fighting, they would be prosecuted here and their relatives in China would be made to suffer.

## El Paso and The Herald

From Dalhart (Tex.) Evening News.

El Paso will soon rival Denver as the verdict of men who are in a position to know. And there is a reason. El Paso has a newspaper which has the city's interests at heart and the people of El Paso stand by that paper as citizens support their booster in few other communities. The Herald has reason to be proud of its circulation and influence, but it has more reason to be proud of the city and community which supports it and which it was a factor in building.

## ROBBERS ARE ACTIVE IN EL PASO

### Residence Looted on Oregon Street and Turkish Bazaar Stripped of Valuables.

#### MOTORCYCLE IS STOLEN

Burglars were busy in El Paso Saturday and Sunday nights.

One of the worst of the robberies reported was at the home of Thomas W. Ormond at 708 North Oregon street, the burglary occurring this morning between 12:30 and 1 o'clock.

It is believed that the burglars entered by the front door, which was open. They went to the room of Mr. Ormond, stole his week's pay from the pocket of his trousers, then went to the room of his 15-year-old son, Louis, who is a Herald carrier, stole all the money in his pocket, took every stitch of clothing they could find and even robbed him of his school books.

Following this, the room of Sidney Johnson, upstairs, was robbed, the burglars getting away with his gold watch, a diamond stud and a pair of cuff buttons. Mrs. Woolyard, who also rooms at the house, heard someone trying to enter her room and thought it was her husband who had been out late working on plans for a building. Mr. Woolyard came home about 12:50 and heard someone on the second floor, but supposed it was one of the other roomers who was in the bathroom, so did not investigate. This morning when Mr. Ormond started to work he found there was no money in his trousers. Louis found he had no clothes and Mr. Johnson was minus his cuff buttons, his watch and his diamond stud.

Motorcycle Stolen.

Saturday night burglars forced an entrance through the rear door of the Smith Machine company on North Campbell street near San Antonio street and stole a \$225 motorcycle.

#### ATTEMPTED HOLDUP IS FRUSTRATED

Strangers Ask Women for Ride in Electric Car, But Move Away When Men Are Discovered on Seat.

After the show at the El Paso theater Sunday night, two men made an attempt to get into the automobile of D. E. Doane, of 1921 Magoffin avenue, on Campbell street near the alley in the rear of the theater. Mrs. E. R. Howe and Miss Maud Doane were occupying the front seat while Mr. Doane and a man from the garage were sitting in the small seat in the rear. The man nearest the machine asked the women in front: "May I ride with you?"

Mr. Doane in the rear replied: "We have a lead."

As Mr. Doane spoke, a second man, who was standing near the curb, started toward the machine with the remark: "This looks like a hoodoo."

The electric sped on and the two strangers turned away, the occupants of the car believing that a holdup was intended.