

BRANDIS UP THE CHALLENGER EVIDENCE

Brandeis Attacks the Secretary and Says He Is Subject for Criticism.

GIVES PRAISE TO MR. PINCHOT

Washington, D. C., May 27.—In summing up the case of the so-called "prosecution" before the Ballinger-Pinchot investigating committee today, attorney Louis D. Brandeis, counsel for L. B. Glavis, declared that it has been conclusively established that secretary Ballinger is not a man "so zealously devoted to the interests of the common people, so vigilant and resolute in resisting the invidious aggressions of the special interests, that he may be safely depended on to carry forward the broad policy of conservation of our national resources."

"That he is subject to far severer criticism we firmly believe," added Mr. Brandeis.

Mr. Brandeis referred to Mr. Glavis as "the ideal public servant" and to Gifford Pinchot as a "man of character as high as to be even above the suspicion of self-seeking."

He vigorously defended the action of stenographer Frederick M. Kerby in making public confidential information of the interior department bearing on the preparation of the Lawler memorandum.

A Struggle for Democracy.

"This investigation has been referred to as a struggle for conservation," he said. "It is far more. It is the struggle for democracy, the struggle for the small man against the overpowering influence of the big; politically as well as financially; the struggle to establish that every American is entitled to equal justice—in the public service as well as in the courts."

Mr. Brandeis declared that of 461 Alaska coal claimants whose addresses were secured by special agents early in their inquiry, 326 appeared to be residents of the Pacific coast and 164 lived in Seattle, Ballinger's home city.

"While these Pacific coast claimants remained undisturbed by further inquiry into the validity of their claims," he said, "most of the others, those residing in Illinois and Michigan, were on September 24, 1904, to be thoroughly investigated."

Mr. Brandeis referred to Ballinger's trip east to see "his old friend, Garfield," and "his friend and protege, Bennett," on behalf of the Cunningham claimants.

Slams Ballinger.

"He says he was very unwilling to undertake this work and that he rather unexpectedly received only reimbursements of his traveling expenses. If this be so, so much the worse. If against his will and without expectation of compensation, he undertook this service for such men as Charles J. Smith, Charles Sweeney, Horace C. Henry and ex-governor Moore, then it must have been because their will was law to him.

"Is such a man a safe trustee for the people's property?"

As to Ballinger's assertion that he had nothing to do with the coal cases since he became secretary, Brandeis said:

"It needed no specific instructions. Those by whom he was surrounded were of that category who at the winking of authority understood a law and who would never prove insubordinate from over-zeal for the public interest."

Concerning the president's action in the Glavis case, Mr. Brandeis said:

"It is not surprising under the circumstances, that the letter of the president exonerated Mr. Ballinger," he said. He added that it was surprising, that the president should have sent a letter which condemned Glavis and charged him with falsehood, with the suppression of truth, and with neglect of duty."

This afternoon attorney George W. Pepper made his argument in behalf of the prosecution.

SOLDIERS TO HAVE DANCE.

There will be a dance at Fort Bliss for enlisted men and their friends on Saturday at 8:30 p. m. Refreshments will be served.

RUSSELL IS NEW TEXAS JUDGE

Tyler Congressman, Democrat, Selected for Place Over Republicans.

COOPER IS MADE CUSTOMS OFFICER

Washington, D. C., May 27.—Senator Bailey was informed by president Taft this morning that he will send the name of congressman Gordon Russell, of Tyler, to the senate today for confirmation as United States judge of the eastern district of Texas, succeeding the late judge David E. Bryant, of Sherman.

Russell, who is a Democrat, has been urged for appointment against St. C. McDonald, of Paris; W. H. Atwell, of Dallas; George Clark, of Waco, and S. B. Cooper, of Beaumont.

Cooper, an ex-congressman, of Beaumont, was appointed general appraiser of merchandise at the port of New York. Gordon Russell, of Tyler, was born of Georgia parents, in Huntsville, Ala., at the home of his maternal grandfather, Judge James H. Gordon. He was educated at the Sam Bailey Institute, Griffin, Ga., and the Crawford high school, Dalton, Ga., and after a two years' course at the University of Georgia, received from that institution the degree of A. B. He taught school at Dalton, Ga., and during that time read law and was admitted to the bar by the superior court for Whitfield county. He removed to Texas in the latter part of 1879 and located in Van Zandt county; removed to Tyler, Smith county, in 1885; was elected county judge in 1884; in 1892 was elected district attorney and was reelected to that office in 1894; in 1896 was elected district judge of the seventh judicial district and in 1900 was reelected without opposition, was nominated as the Democratic candidate in the third congressional district for the 58th congress in August, 1902, and upon the death of Hon. H. C. DeGraffenreid was elected to fill out the remainder of his term in the 57th congress. He has been there ever since.

TEXANS WANT FEDERAL GRAIN INSPECTOR NAMED

Fort Worth, Texas, May 27.—The Texas Grain Dealers' association at today's session of its convention declared itself unanimously in favor of the appointment of a federal grain inspector for this state. It was announced that a resolution was adopted to the effect that the value of the wheat and oats crops this year in Texas will amount to nearly \$25,000,000. The convention adjourned today after the election of officers.

BROUGHT FROM CALIFORNIA, PRISONER PROVES INNOCENCE

San Antonio, Texas, May 27.—Brought all the way from California a case of mistaken identity was proved this morning when the bankers saw Louis Schneiderman, and declared that he was not Paul VanHouten, who was wanted on a charge of forgery of a check for \$390 on the local banks. Schneiderman declares he will sue the detective agency causing his arrest.

INSURGENTS IN SENATE FAIL TO AFFECT RAILROAD BILL

Washington, D. C., May 27.—Through the defeat in the senate yesterday of a number of amendments offered by "insurgents" and Democrats, the way was paved for an early vote on the administration railroad bill. The "regular" Republicans maintained a firm hold upon the situation during several very important features, notwithstanding the fact that the insurgents and Democrats united their votes on several occasions.

JUMPS FROM TRAIN AND MAY NOT LIVE

Merkel, Texas, May 27.—A man believed to be J. L. Groves, aged 70, of Hermleigh, was probably fatally injured by leaping from a Washington Texas & Pacific passenger train near here this morning. He had a bottle of medicine in his pocket, which was broken, severely gashing his body. He was brought here and attended by physicians but has not regained consciousness.

POISONED FOR INSURANCE, CHARGE

Woman Accused of Committing Bigamy to Murder a Man for His Insurance.

FACING TRIAL IN ST. LOUIS COURT

St. Louis, Mo., May 27.—A poisoning case rivaling the Hyde trial at Kansas City, is now under way in this city.

Mrs. Dora E. Doxey, accused of poisoning William J. Erder, heard herself described as "an avaricious and cold blooded murderer," with the utmost composure when assistant circuit attorney Newton made his opening statement in Judge Grimm's court.

The state's first witness, Dr. F. Arthur Friedberg, the physician who at-



Mrs. Dora E. Doxey.

tended Erder during his last illness, proved an excellent witness for the defense under the grueling cross-examination.

The physician admitted that there was nothing in Erder's condition before his death to indicate that he was being poisoned.

Witnesses and silent data will prove a deliberate plot to murder Erder for his \$2700 life insurance, according to the opening statement of assistant circuit attorney Henry A. Rooskopf. The state's evidence was outlined as soon as the jury was selected.

The state, said Rooskopf, expected to show that Mrs. Doxey had hatched a plot and through the aid of her husband, Dr. Loren B. Doxey, who is awaiting trial, carried it out. He said the state would prove Mrs. Doxey deserted her first husband for Dr. Doxey, a medical expert is ready to testify to the mental and moral effect of morphine as a part of Mrs. Doxey's defense, according to former lieutenant Governor Charles P. Johnson, who was retained by Mrs. Doxey's family. Mrs. Doxey will take the witness stand, if the present plan of the defense is carried out, and will declare that she married Erder, not with the intention of murdering him for his life insurance, but because he urged her to marry him, knowing she was Dr. Doxey's wife, in that he might live openly with her and not offend his mother and sisters. She says she did not know he had any insurance.

EIGHTEEN MINE OPERATORS SIGN

Large Number of Workers Will Return to Coal Mines.

Pittsburg, Kan., May 27.—Eighteen coal mine operators today signed the contract giving the men a 3 cents increase per ton mine run of coal, 5 cents for screened lump and \$5.55 per day, wage work.

Fifty hundred men returned to work at Fort Smith, Ark., today and it is expected that most of the companies will sign within three days.

One of the concerns signing is the Sheridan company, employing 1500 men, the head of which called district president Howatt, of the miners' union, to Kansas City for the purpose of signing an agreement. The contract is based on a proposal made at a conference at Indianapolis recently.

RIOTERS DEPORTED FROM A GEORGIA COAL MINE

Durham, Ga., May 27.—Twenty-five Italian miners, accused of intimidating the officials of the Durham Coal and Coke company's mines here and who were arrested by state troops sent here by Gov. Brown, were forcibly deported without trial.

Col. James W. English, Jr., one of the principal owners of the mines, swore out warrants charging the Italians with riot and trespassing. Later he withdrew the charges on promise of the men never to return.

INSURANCE LAW MAY BE REVISED

Senator Hudspeth Says Governor May Call Legislature in Special Session.

EL PASOANS TO HOLD MEETING

Returning from Austin with the positive assurance from governor Campbell that if the insurance law did not reduce the rates, he would reconvene the legislature and have the law repealed, senator Claude B. Hudspeth will make a report of his trip to Austin, Friday night at the regular meeting of the Retail Merchants' league.

"Governor Campbell was emphatic when he stated that if the rates were not reduced he would call a special session of the legislature and have the law repealed," senator Hudspeth said Friday morning. "He used a strong adjective when he said it, and his gesture in referring to the situation that the governor was in dead earnest about the matter. He said that when the bill had been presented to him to be signed, it had been represented that the rates would be lowered all over the state by the legislature."

"If such was not the case," he said in plain words that he would call a special session to repeal the law.

Good Opinion of El Pasoans.

"They must think El Paso people are a pack of fools," the governor said when I told him about the increased rates, I assured him that we had never been given credit for being such.

"Then the insurance companies must think El Paso is in old Mexico," the governor replied. Then he followed with the emphatic statement that he would call the special session. I have differed with the governor on many things, but he is in earnest about this matter and I intend to see that El Paso gets fair treatment from the insurance companies.

"That law will not stand as it is if I can help it. It gives the insurance companies all the profit and the people none. The insurance companies claim that it will reduce rates. They also claim that it would give a uniform rate throughout the state. This has not been done. If the rates are not reduced when the fire rating board meets on June 21 as I think they will, then the law will have to be repealed. I can see no necessity for the law as it stands. If the law were wiped out, the rates would still remain higher than heretofore. I have been accused of meddling. I represent the people of El Paso and I do not propose to see them gulled to the extent of \$700 a day on increased rates by a gigantic insurance trust. I will meddle next year at the legislature. They have ten days to put out a man against me and I would not be surprised if they did this."

Board Members Question Power.

"The fire rating board does not think it has the power to force the insurance companies to collect under the old rates until the new ones are adjusted. I have the opinion of one of the best lawyers in Texas that the law does not compel agents to collect under the new schedule. The rating board said that if the special agents of the insurance companies who were here while I was at Austin would agree not to collect the new rates, the board would ratify this action.

"The fire insurance companies should never have had a man on that board, any more than the railroads should have a man on the railroad commission. This is one of the weakest points of the bill.

"I met with the chamber of commerce at San Antonio Wednesday and addressed the meeting. I stated El Paso's trouble with the fire insurance rates and asked for their cooperation. They said that while their schedule had not been received, they would help El Paso and make a man to cooperate with El Paso in making a protest against providing El Paso would send a representative to the meeting of the fire rating board to be held at Austin on June 21. I met the speaker before the chamber of commerce there, the members said they had not yet been stung.

Raise for San Antonio.

"I told you that the board was buzzing close to their heads and I see by the Thursday San Antonio paper that their new schedule raised the rates as much as 400 percent in some cases. I have a hunch that the speaker went off half cocked about my position in the matter. The Herald stated my position correctly when it stated that if we could get a reduction of the rates from the fire rating board that we could not get it in some other way."

Actuary's Opinion Unchanged.

A. H. Rodes, the actuary who is in charge of the collection of rates, said Friday that the law plainly states that the insurance agents are required to collect the premiums under the new schedule by June 15, and all of this talk of getting the governor or the fire rating board to abrogate it was out of the question, as the law plainly states that the collections of the new rates must be made.

The actuary has prepared a bulletin which will be a supplement to the schedule of El Paso, giving the changes which have resulted in the El Paso risks since the reinspections have been made. It will be in the hands of the agents to make the corrections before the collections are made.

OVERSTREET, OF INDIANA, IS DEAD

Indianapolis, Ind., May 27.—Former congressman Jesse Overstreet, author of the gold standard law of 1900, died this morning.

Jesse Overstreet, Republican, of Indianapolis, was born in Johnson county, Ind., December 14, 1859; received a common school and collegiate education, and was admitted to the bar in 1886; served as secretary of the national Republican congressional committee through the campaigns of 1898, 1900, 1902 and 1904; was elected to 54th, 55th, 56th, 57th, 58th and 59th congresses, and reelected to the 60th congress.

Decceased is a cousin of Rev. Charles L. Overstreet, of El Paso.

ESTRADA'S ARMY SURROUNDED BY FEDERALISTS AT BLUEFIELDS

Washington, D. C., May 27.—The Madrid government forces have completely surrounded the city of Bluefields, the last stronghold of the Estrada faction in Nicaragua, according to a cablegram received at the navy department today from captain Gilmer, of the gunboat Paducah.

"It is quite evident that there is much less disposition to interfere with the Madrid cruiser Venus than was at first manifested. In other words, so long as her commander observes the rules of civilized warfare and refrains from bombarding an unfortified town as well

as from interfering with foreign commerce, he probably will not be molested by the American naval commanders.

Admitting the existence of a state of war at Bluefields, certain inherent provisions must be conceded to the belligerents on both sides, else the struggle would never come to an end.

Captain Gilmer, of the Paducah, the senior American naval officer on the spot, has given the instructions usual in such cases. These allow him considerable liberty of action but of course would not warrant him plunging the United States into war with either of the Nicaraguan factions unless a great

emergency should arise, which is not anticipated.

For instance, he would not attempt to prevent the Venus from bombarding the bluff, four miles from Bluefields, which commands the approaches to the town. The bluff is understood to be defended by two six pounders and is garrisoned by an armed force, so that it is a proper point of attack under the rules of modern warfare.

Likewise, the navy department holds, it is not captain Gilmer's business to interfere if the Venus should stop and search a Nicaraguan vessel belonging to either faction.

Damaging Evidence Against Official Of Sugar Trust

Charles R. Heike.



Charles R. Heike.

Letter of Heike Is Read in Which He Talks of "Liberal Weights" from Custom House.

New York, N. Y., May 27.—Charles R. Heike, in the circuit court heard Henry L. Stimson, for the government, slowly read letters in which Heike spoke of the "liberal weights we receive from the customs house."

As secretary of the sugar trust, Heike is charged with conspiracy to defraud the government of customs duties on imports of raw sugar.

Counsel for Heike fought bitterly to bar the letters, but judge Martin overruled the objections and they became part of the record.

The first was dated December 24, 1904, and addressed to Frank G. Turner, superintendent of the South Boston refinery. In it the writer speaks of differences in statements relating to sugar cargoes and adds:

"These differences are due to two causes. First, the desire of the superintendents to make as good a showing of their work as possible; second, by the liberal weights and rates which we receive from the customs house, and which, of course, we do not undertake to correct. These customs house weights are generally taken as a basis for the meltings. To charge the meltings on the proper basis we have adopted a system."

The system of charges is then outlined.

Defendants Plead Guilty.

Three of the defendants in the sugar underselling conspiracy will plead guilty, according to an announcement made today by their counsel, Henry C. Cochran. The men are former assistant dock superintendent Harry W. Walker and two government weighers, Jean F. Voelker and James Halligan, Jr.

Shortly after the opening of the trial today when the prosecution announced that it rested its case, counsel for Walker, Halligan and Voelker withdrew former pleas of not guilty and entered pleas of guilty to all charges. Sentence was deferred and court adjourned until Tuesday.

UNIONS MAY WAR ON THE GROCERS

Threaten Retaliation for Attack Made by Grocers on Huckster Wagons.

MAY BUY SUPPLIES BY THE CARLOAD

BY THE CARLOAD

As a counter move against the proposed ordinance to tax the hucksters, a movement originated by the retail grocers, the labor unions may go into the grocery business.

Many working people have been in the habit of buying their vegetables from the huckster wagons because of its convenience and also because they say their money "goes further" there than it does at the grocery stores.

The retail grocers in meeting assembled viewed the diverted trade with alarm and were instrumental in having a "corrective" ordinance introduced into the city council, taxing the hucksters.

A movement is now on foot among the union men, and will be brought before the next meeting of the Central Labor union, to meet this move of the merchants by combining and ordering groceries by the carload from some eastern point every month.

If the plan carries, the unions will have a man go to the houses of the union people the first of every month and take orders for groceries for the ensuing 30 or 60 days, getting the groceries at wholesale prices.

SHIPPERS CHARGE ROADS WITH FRAUD

Allege Unlawful Combination to Raise Freight Rates.

Chicago, Ill., May 27.—Next Tuesday, the day before the increased freight rates on western railroads go into effect, a delegation of shippers from the principal cities of the west will appear before attorney general Wickersham in Washington with a petition that the government ask the federal courts to declare the committee which agreed upon rates in behalf of the carriers an illegal combination.

The shippers claim to have evidence that will completely support their contention that the rates were advanced illegally.

LUCK SAVES BARNEY OLDFIELD FROM DEATH

Indianapolis, Ind., May 27.—Once more the luck that hovers over Barney Oldfield has stuck to him when he needed it. While going 80 miles an hour in a practice run before the first race was called this afternoon, Oldfield broke a steering knuckle in his machine and the car was thrown upon an embankment but Oldfield escaped injury.

NAVY MAKES NEW TARGET RECORD

Norfolk, Va., May 27.—A new world record for big gun shooting, which incidentally emphasizes the superiority of the United States naval marksmanship, has just been made by the new battleship South Carolina. With her forward turret 12 inch guns she made 16 "bull's eye" target hits out of 16 shots in four minutes and 51 seconds.

BIG NIAGARA FALLS FIRE

Niagara Falls, N. Y., May 27.—The plant of the Hooker Development company, one of the largest chemical concerns in the country, was destroyed by fire early today. The loss is \$400,000.

DIVERS LOSE SUNKEN SUBMARINE AND MEN

Calais, France, May 27.—The hope that any of the 27 men imprisoned in the French submarine Pluviose, sunk off here yesterday, survived, was all but abandoned this afternoon.

Reports by divers indicate that the hull was crushed by the collision with the British mail boat.

A flotilla of torpedo boats and dredgers with a force of divers worked throughout the night in efforts to raise the submerged vessel, but little was accomplished.

Later this afternoon the Pluviose was lifted from her mud bed by a swift undercurrent and swept from view of the divers who have not been able again to locate her.

KNOX PROMISES TO RUSH WORK ON DAM

Washington, D. C., May 27.—Senator De La Barra, Mexican ambassador to the United States, had a conference with secretary Knox Thursday with the result that the officers of the reclamation service will push forward the work of completing the international dam across the Rio Grande at Eagle, N. M.

There has been some delay in the construction of this important work by reason of claims for damages filed by persons owning land adjacent to the dam but these have been disposed of by the action of the courts which fixed the damage sustained by the land owners at \$200,000. This amount will be paid in once by the United States.

The construction was authorized by a treaty between the United States and Mexico in 1907. By it Mexico surrenders all rights to damages in behalf of her citizens growing out of the construction of the dam or by reason of the diversion of the waters of the Rio Grande and in consideration of these and other concessions, the United States has agreed to deliver from the Rio Grande to Mexico a total of 2,612,000,000 cubic feet of water, annually for irrigating purposes.

Treat For The Herald Children Next Week

Next Wednesday and Thursday will be Herald children's day at Washington electric park. The Herald will resume its children's days at the park this season and will give the little ones free tickets for various concessions every month. The first treat is going to be for next Wednesday and Thursday, June 1 and 2. Coupons will be printed in the paper next week.

There will be lots of fun for the boys and girls of the Herald family playing under the shady trees, looking at the animals, riding the merry-go-round and Cupid's slide and looking at the pictures in the theater.

Watch for the coupons.