

MRS. ROGERS' FATE DISCUSSED

House Reconsiders Yesterday's Action on Att'y Gen'l

HOUSE VOTES TO ADJOURN

Will Take Recess All Next Week - Many Bills Signed by Governor, the Morrill Hall Bill Being One.

Montpelier, Nov. 16.—After having, on yesterday, killed the bill creating the office of attorney general, the House today reconsidered its action and ordered the bill to a third reading. This right-about-face was largely due to Mr. Fitts of Brattleboro, although Mr. O'Sullivan of St. Albans city moved the reconsideration. Mr. Fitts explained the proposed law, telling of the duties of the attorney general, that it is a move toward economy, the creating of the office would serve to improve prosecution and make department uniform. Mr. Fitts stated that only Vermont, Alaska and Arizona are without such an officer. Mr. Proctor of Proctor and Mr. Campbell of Rockingham also favored reconsideration, with the result as above stated.

After refusing a third reading to the bill abolishing capital punishment, the House also took a fall out of the Senate bill creating the office of attorney general, yesterday afternoon. This bill was killed after three amendments had been accepted. The vote refusing a third reading was 89 to 69.

When this had been disposed of, the House annihilated the bill setting apart a section of the town of Lowell to the town of Albany. The part of Lowell is something that the present owners do not want and it is claimed that the twelve families and the seven poll tax payers do most of their business in the town of Albany. The debate was a strenuous one, being participated in by a score of members. The vote refusing a third reading stood 82 to 146, the ayes and nays being taken according to the request of Mr. Groat of Derby.

The one topic of discussion at the State House today was as to whether the legislature would commute the sentence of Mrs. Mary Rogers, sentenced to be hanged for the murder of her husband. The general impression seems to be that the bill will be dismissed. Many of those who voted to abolish capital punishment yesterday will be among those who vote to dismiss the bill to commute her sentence.

Will Adjourn Over Next Week.

First of all today the House adopted the Senate's joint resolution relating to adjourning next Friday afternoon, November 19, to Tuesday, November 22, with an amendment allowing a per diem for the day before they get to work Monday. It is likely that the Senate will concur in the amendment. There were a few grumblers in opposition to the passing of the resolution in the House.

The House put the axe to the following: To prevent double taxation (money loaned at 4 per cent, or less on real estate to be exempt); relating to time when road commissioners shall report; changing town lines between Ira and Pontney; road commissioners to repair bridges; repaving six inch trout law; relating to deduction for debts owing; legalizing appraisal and certain lists of Andover; cities and towns to unite for highway improvement.

Among bills passed by the House today were: Providing for the establishment and maintenance of public warehouses and prescribing regulations for the management (by Stratton of Montpelier); amending the law regulating the practice of pharmacy; penalty of \$10 for allowing minors to play in or frequent pool rooms; putting Vermont National Guard on same basis as regulars in conformity with circulars recently issued by the war department to state militia; providing for the reservation of \$45,000 of the state school tax before distribution (by Mr. Pape of Barre city); liquor licenses not to hold office in public school management; creating a state tuberculosis commission; authorizing the sale of the state camp ground to the United States government.

With no debate, the Senate today killed the House bill relating to the preservation of forests. A count being called for, it resulted as follows: Yeas 9, nays 10. It also refused passage to the bill relating to allowance for widows. The Senate passed the House bill defining and punishing kidnapping, first making an amendment fixing the penalty at not more than \$10,000 instead of not more than \$1,000.

The bill establishing a rule for measuring saw logs and round logs was dismissed, after much discussion.

Small Towns Are Lenient.

The small towns listened to the appeal of the larger communities yesterday and killed the bill increasing the state highway tax from five to eight cents. This action was taken after the bill had been read the third time. Those who spoke against the passage were Mr. O'Brien of So. Burlington, Mr. Pape of Barre city, Mr. Bullard of Burlington, Mr. Taft of Waltham, Mr. Dyer of Middletown Springs and Mr. Bicker of St. Johnsbury. The introducer of the bill, Mr. Newton of Reading admitted that it would be unfair to the large towns but contended that the large towns should help the smaller to construct their roads. By a heavy voice the House did not agree with him and the bill was killed.

LEGISLATIVE NOTES.

It will be an absolute impossibility for the legislature to clean up its work before Thanksgiving.

According to Mr. O'Sullivan's resolution newspapers may not solicit subscriptions in the State House.

The Senate passed today a bill prohibiting a candidate for office from being on the ballot of more than one party.

The much heralded attorney general bill was slaughtered by the House as if it were nothing more than legalizing the grand list of Goshen's Gore.

Through the killing of the bill to increase the state highway tax from 5 to 8 cents, Barre city will be saved from being milked to the extent of about \$1,000.

The man who said at the early part of the session that this legislature is not a legislative body would do well to amend his statement. Words are flowing freer than water.

The correct vote laying away the bill abolishing capital punishment was yeas 158, nays 83. Representative White of Hyde Park was in his seat and did not vote, not being able to speak above a whisper.

The Senate is still dead set on adjourning next Friday afternoon to a week from the following Tuesday. That body yesterday unanimously adopted the resolution providing for that adjournment.

Conference committees of the House and Senate will attempt to break the deadlock on the question of Sunday hunting of deer and the amendment to H. 51, the Senate insisting that the auditor's vouchers be public.

The state of Vermont is asked for a contribution of \$3,500 for erecting a janitor's house near the Bennington battle monument, when \$1,500 additional is raised by subscription. The sum of \$500 is asked also when \$250 is raised by subscription.

The Senate got into the habit of reconsidering yesterday afternoon when it resulted from the dead the bill relating to voters in town meetings. Then they ordered it to lie. The bill provides that no man can vote in March meeting unless he has paid a tax the year previous and presents receipt for the same.

The 24th annual report of the State Board of Agriculture contains many half-tone illustrations. By a happy coincidence the frontispiece of the report is a full page picture of "A Vermont Hayfield," and is from a photograph taken on the farm of Dana H. Morse of Randolph, the newly appointed member of the board.

Among the bills which have failed to pass muster in the Senate was that providing for a general city charter for all Vermont cities. The bill was identical with the one killed by the House yesterday forenoon; also relating to hunting on Sunday and relating to the protection of birds, and, on an adverse report by the committee, the House bill providing for the taking of water for public use.

Happgood of Peru feels highly elated over the passage this afternoon of House bill No. 404, forbidding the posting of advertisements within the bounds of the highways. He has spent a large amount of money the past year for the purpose of making his town attractive for a high grade of summer residents. No advertisements are in sight within several miles of his village, the people making their own law so far. He claims that his town is the banner town of the Union in that respect, so far as hoard from, as well as having the only hotel with an outside fireplace. He contends that an occasional glimpse of a deer is far preferable to a constant view of tobacco and patent medicine advertisements.

Many Acts Become Laws.

Gov. Bell today signed a large number of measures, as follows:

S. 52. An Act in amendment of Section 4171 of the Vermont Statutes, relating to the Insurance Commissioners. Senator Well's bill.

S. 55. An Act to incorporate the South Hero Aqueduct Company.

S. 64. An Act to amend Sections 3 and 30 of Number 163 of Acts of 1900, entitled, "An Act to amend the Charter of the City of Montpelier."

S. 70. An Act amending Section 1 of No. 98 of the Acts of 1896, relating to the seizure of certain devices for fishing.

S. 75. An Act to amend No. 157 of the Laws of 1896, entitled, "An Act to Incorporate the Howe Seale Company of 1896."

S. 91. An Act to enable the City of Rutland to obtain, build and equip a City Hall, to Issue Bonds for that Purpose.

S. 104. An Act to Incorporate the Union Telephone Co.

S. 105. An Act to amend Section 5394 of the Vermont Statutes relating to Fees of Witnesses.

S. 122. An Act changing the corporate name of Troy Conference Academy.

H. 90. An Act amending Section 856 of Vermont Statutes, relating to deaf, dumb, blind, idiotic and feeble-minded children.

H. 106. An Act to Provide for Fire Drills in certain Schools in the State.

H. 116. An Act relating to Chief of Police.

H. 121. An Act to Provide for the repairing and preservation of the Hubbardton Battle monument.

H. 131. An Act to regulate fishing in Shelburne Pond.

H. 161. An Act to change the name of "Hog Back Island."

H. 189. An Act to incorporate the Eastern Vermont Telephone and Telegraph Company.

H. 40. An Act relating to fishing.

H. 76. An Act providing for the erection of a monument.

RATIONS HAVE BEEN REDUCED

Russian Ammunition Also Is Said To Be Depleted

PORT ARTHUR'S CONDITION

General Stoessel, Commander of the Port Arthur Forces, Wounded and in Hospital, Orders Troops to Stay.

Headquarters of the Third Japanese Army before Port Arthur, Nov. 14.—Via Fusan, Nov. 15.—(Delayed in transmission.)—Spies and Russians who have surrendered report that the rations in the fortress have been reduced. The wounded found by the Japanese are evacuated. The Russian artillery shells are made partly of killed wood and do not explode. This shows the Russians are short of material for making heavy ammunition. The capture of the eastern fortified ridge will mean the surrender of the fortress in a couple of weeks unless the garrison there retires to the isolated forts. This seems improbable, however, and cold weather and lack of food and ammunition renders desperate resistance unlikely.

STOESSEL IN HOSPITAL?

Will Not Relinquish Command and Orders Soldiers to Die.

Headquarters Third Japanese Army before Port Arthur, Nov. 15.—It is reported that Gen. Stoessel is wounded and in a hospital but that he refused to relinquish the command of the garrison and that he has issued orders to the troops to die at their posts rather than surrender. The Japanese now believe that the garrison has almost reached the limit of human endurance.

It is said that the spirit of Russian troops has been dampened by continuous work, lack of supplies and hopelessness of their ability to make any successful defense of the fortress. It is said further that many of the Russian soldiers are ready to surrender, but are kept at their posts by officers, who threaten them with revolvers, and that several soldiers who were suspected of desire to desert have been shot as warning to others.

A Russian Boat at Che Foo.

Bulletin—Che Foo, Nov. 16.—A Russian torpedo boat destroyer has just entered the harbor. She has not been communicated with owing to the roughness of the sea. It is said that a Japanese torpedo boat destroyer has been seen outside watching the movements of the Russian vessel.

Growing Cold at Mukden.

Mukden, Nov. 15.—There was very little fighting in this vicinity November 13 and 14. The weather is growing colder day by day and furies of snow are frequent.

THROWN FROM LOAD, NECK WAS BROKEN

Frank Lapoint of Danby Meets Death While Driving Down Hill With Load of Wood.

Rutland, Nov. 16.—Word was received here today that Frank Lapoint was killed yesterday at Danby while drawing wood to the quarry at that place. Lapoint and a companion were coming down hill with a load of wood drawn by four horses. The horses lost control of the load and Lapoint was thrown off and under the horses' feet, breaking his neck and mangling his body. The leg of one of the horses was also broken, and the animal had to be shot. The other man escaped without injury.

CONFERENCE ADJOURNED.

An Immense Sum Appropriated for Missions by Methodists.

Roston, Mass., Nov. 15.—The annual conference of the missionary committee of the Methodist Episcopal church was adjourned tonight. During the week a total of nearly \$1,537,000 was appropriated for missionary work in 30 foreign countries and in 16 languages in the United States.

UNUSUAL COLD IN ITALY.

Wind Doing Considerable Damage and Causing Much Suffering.

Rome, Nov. 15.—Unusually cold weather and wind storms from the north prevailing throughout the peninsula are causing considerable damage and much suffering, especially in the south, where such low temperature is very rare. There have been several bad accidents in the Alps.

Scratch on Wrist May Be Fatal.

Rouses Point, N. Y., Nov. 15.—Fred Gero scratched his wrist while skinning the carcass of a cow last week and now lies at the point of death with blood poisoning.

Called Out on a Still Alarm.

The chemical engine was called out on a still alarm at 2:45 this afternoon for a small blaze in the house of Ed. Cheever on Academy street.

BELL MUST COME DOWN

Is Too Heavy a Weight For Spaulding Tower

TO BE PUT IN FIRE STATION

Petition for Extension of City Water Pipes - Wants Taxes Back - Dead Trees in Park.

At the meeting of the board of aldermen last evening it was stated the school commissioners had ordered the fire bell taken out of the Spaulding school tower because it is dangerous to the safety of that building. The walls of the school tower are already cracked from its weight. The bell weighs 2700 pounds. Contractor Bugbee had been asked to give a price on building several feet additional to the fire station tower to hold the bell and Alderman Burke stated his lowest figure was \$400. The matter was referred back to the property committee to see what Mr. Bugbee would do about installing the bell.

The joint committee on streets and the health board reported against granting W. Durkee a permit to connect with the surface sewer on Prospect street. Accepted.

The report of the street committee recommending C. P. Heath be granted a permit to hang a sign on the block occupied by him on Merchant street was accepted. He was refused permission to hang a sign at the corner of Main and Merchant streets.

A resolution appropriating \$1000 to the poor department was passed to its second reading.

The land owners on Upland avenue petitioned for an extension of the city water mains on that street. Mr. Youngson and Mr. Kenerson appeared in behalf of the petition. The matter was laid on the table until such time as the city accepts the street.

Several warrants were ordered paid. Richard A. Hoar, attorney for P. C. Owens, requested the city to return the taxes paid under protest by Mr. Owens in 1899, 1900 and 1901 on land Mr. Owens had never owned. Referred to the city attorney.

The matter of transferring the library lot to the Aldrich library trustees by deed was referred to the city attorney. The matter of cutting down dead trees in the Park was referred to the property committee with power to act.

The Pentecostal church requested recognition in the next distribution of state funds. It was voted to include the church in the distribution. George Patch, manager of the opera house, asked to have new scenery purchased for the opera house stage or have that now there repaired. The matter was referred to the property committee to report back.

Alderman Adie asked who had charge of sweeping Main street, and it was stated the street department had charge. Several present protested on the way it had been done for a week past, especially against the sweeping of the street in the early evening hours.

DIED VERY SUDDENLY.

Charles A. Magoon Shortly After Returning Home Last Evening.

Charles A. Magoon died very suddenly last evening at a little after 7 o'clock at his home, 31 Hill street. Mr. Magoon had been down town all the afternoon, and it is claimed he was more or less under the influence of liquor when he went home. On the way home it is reported he stopped at Mr. Robinson's, 89 South Main street, and asked Mr. Robinson to come up after supper and help him put up a stove. When he went up a short time after he found Mr. Magoon vomiting violently and it was only a few minutes before he died. A doctor was called, but he did not arrive until after Magoon had died. Mr. Magoon had been employed more or less on the city streets the past year. He was not a very strong man.

An autopsy was held at 3 o'clock this afternoon to determine the cause of death.

The funeral will be held at nine o'clock Thursday morning from his late home, 36 Hill street. The remains are to be taken to Middlebury for interment.

TWO FUNERALS.

Mrs. Roger Donahue and Michael Butler Buried Today.

The funeral of Mrs. Roger Donahue was held at 7 o'clock this morning from the home of Mrs. LePage on Prospect street, and the body was taken to Northfield on the 8:35 train where services will be held from the Catholic church.

The funeral of Michael Butler was held this morning at 9 o'clock from St. Monica's church, Rev. P. M. McKenna officiating. Interment was in the Catholic cemetery.

NASHUA DEAL CLOSED.

Fred Lake Will Remove Ball Team to Lynn, Mass.

Nashua, N. H., Nov. 15.—Fred Lake announced today that he has closed a deal with General Collins for the Nashua baseball franchise in the New England league. The consideration was \$1,750.

Manager Lake says that he will hire new players to take the places of those who have been drafted. He will turn the Lowell team over to his partner, Mack.

JUDGE A. G. FAY REAPPOINTED CITY JUDGE OF BARRE

OTHER CITY JUDGES.

E. M. Harvey at Montpelier, E. C. Mower at Burlington.

Montpelier, Nov. 16.—Governor Bell has made the following appointments of city judges: Barre, A. G. Fay. Montpelier, E. M. Harvey. Burlington, E. C. Mower. Bennington, Edward L. Bates. Rutland, Willis M. Ross. St. Albans, Lee S. Tillotson. Mower and Harvey are new appointments, the others having held office at least one term.

In this connection it is interesting to note that a bill was introduced in the Senate today requiring the judge of the Montpelier city court to furnish a bond.

A PLEASANT EVENING.

Barre Class of Congregational Church Elects Officers for Six Months.

A well attended meeting of the Barre Congregational Barre class was held in the vestry last evening. At 8:30 all were served with an excellent oyster stew prepared by the ladies of the church. Following this the semi-annual election of officers took place. Those elected to serve for the next six months are as follows: President, E. N. Philbrick, vice-president, A. W. Beattie, secretary, E. E. Parker, treasurer, E. E. Barrett, press reporter, Chas. Wisbart, teacher, Dr. O. G. Stedman, assistant teacher, Rev. F. A. Poole.

Remarks were made by Rev. Mr. Poole, Dr. Stedman, H. G. Woodruff, Dr. Mann, Jas. Adie and others including Mr. Philbrick, the incoming president. A fund was started to provide a reading-room and meeting place for the class, and subscriptions to the amount of \$35 were secured.

WAS ENJOYABLE AFFAIR.

Ladies of Maccabees Give Private Dance - Well Attended.

The Ladies of the Maccabees held a very enjoyable private dance in the Pavilion last evening. There were about fifty couples present. Gilbertson's orchestra of eight pieces furnished excellent music and a very pleasing dance programme was carried out until two o'clock. Refreshments of punch, cream and cake were served by the ladies during the evening. The floor manager was Wm. Holden and the committee of introduction was Mrs. Mabel Gravin and Mrs. Ethel Tobin.

DEAN—WILSON.

New York Young Man Comes to South Ryeigate for Bride.

South Ryeigate, Nov. 16.—Miss Eliza Wilson, daughter of Mrs. William Wallace of this place, and Harry J. Dean of New York were united in marriage last evening at the home of the bride, her step-father, Rev. William Wallace, officiating. A large number of friends and relatives were present, and after the ceremony a reception and wedding supper were given to the community.

Mr. and Mrs. Dean and New York friends left at 10 p. m. on a special train for Woodsville, from which place they took the night train for New York.

TO CUT OUT PROGRAMMES.

Barre Merchants Agree Not to Advertise in Them—No More Gifts.

The merchants of the city have entered into an agreement not to contribute prizes to fairs and other entertainments, and notices to that effect have been posted in all stores. The calls on the merchants to give articles had become so numerous and frequent it became absolutely necessary to take this step as a matter of self preservation. The merchants have also agreed not to advertise in programmes.

FOR NON-SUPPORT OF FAMILY.

Charles W. Thompson on Trial Before Jury This Afternoon.

The case of Charles W. Thompson for non-support of his family is being tried in city court this afternoon before a jury. Grand Juror J. Ward Carver and E. L. Scott prosecuting, J. Burton Bailey and E. K. Davis defending.

Happily Surprised.

A surprise party was given to Charlie Minard at his home, 26 Elm street, last evening by a number of his young friends. All enjoyed the evening immensely with music and games, then proceeded to the dining room, where there was a bountiful supply of refreshments. At the close of the evening they presented the young gentleman with a very handsome gold ring. There were about 25 in attendance.

In Interest of Textile Workers.

James Moffitt and Thomas Foley of Fall River, Mass., are in the city in the interests of the United Textile Workers of America, soliciting funds and appropriations in aid of the strikers in Fall River. They will visit the different unions and business firms of the city. The textile workers went on strike July 21st, and are still out, an effort to reopen the mills having proved a failure.

Candidate for District Attorney.

Montpelier, Nov. 15.—It is announced here that Alexander Dunnett of St. Johnsbury is a candidate for the office of district attorney for the district of Vermont.

Named By Governor Bell to Be His Own Successor, After a Spirited Contest of Three Candidates For the Position.

ATTORNEYS FAVORED

FRANK S. WILLIAMS

All Three Candidates Had Agreed to Abide By Their Choice But Agreement Was Not Kept—Other City Judges.

All Three Candidates Had Agreed to Abide By Their Choice But Agreement Was Not Kept—Other City Judges.

Governor Bell today reappointed Allard G. Fay to be judge of the city court of Barre. The reappointment of Judge Fay ends a local contest that has been in progress among the legal fraternity in Barre for two months now. Judge Fay, H. W. Scott, and F. S. Williams all announced themselves as candidates for the position, about as soon as the state election was over, finally all three agreeing to go into a meeting of the attorneys of the city and let them decide. After several ballots Mr. Williams

was declared the choice of the attorneys and it was supposed this settled the matter, but neither Judge Fay nor Scott kept their agreements and the friends of all three of the candidates were soon hustling for them as much as if there had been no promise to support the choice of the attorneys. Numerous citizens and lengthy petitions have been sent to the governor in behalf of the different candidates, with the result as announced above.

JUDGE ALLARD G. FAY.



JUDGE ALLARD G. FAY.

Judge Fay has already held the office four years, this appointment being for a third term. He has been a painstaking and conscientious official, attending closely to the duties of the office.

Allard G. Fay was born in Brookfield, Vt., in 1856, the eldest son of Gardiner and Matilda Sanery Fay. His father was a soldier in Company I, Tenth Vermont Volunteers, and was killed November 27 at the battle of Orange Grove, Va. The family was left in straightened circumstances and Allard, early inured in the stern school of necessity, was put out to service and ever after he was eight years old "holed his own row."

His early school privileges, limited but well improved, were supplemented by a course of study at Goddard seminary, where he paid his tuition by performing the duties of janitor. In 1877 he varied his experience by a year's service as cattle herder on the Western plains. Entering the law office of Heath & Carleton in 1881, he there pursued his legal studies until he was admitted to the bar in October, 1884. Meanwhile he was for a time assistant county clerk of Washington county.

He soon began practice in Plainfield, where he married Carrie, daughter of Luther Cree of Montpelier. Soon after he moved to that city and was associated with the famous trial lawyer, Charles H. Heath, until the death of the latter in 1889. He afterwards formed a legal partnership with Hon. George W. Wing of Montpelier, which lasted three years, later practised nearly three years at Lancaster, N. H., and in August, '95, came to Barre and located in Bolster block.

Liberal in his religious belief, Mr. Fay has been an active member of the Universalist church, has served the society as clerk and trustee, and during five years was superintendent of the Sunday school.

Subjects of S. A. R. Addresses.

Montpelier, Nov. 15.—The subject of the address to be delivered by the Rev. Dr. G. Glavin Atkins of Burlington at the public meeting of the Vermont Society, Sons of the American Revolution, to be held in representatives' hall, is "The Venture of Liberty." The paper by ex-Gov. Frederick Holbrook of Brattleboro will deal with personal reminiscences.