(Continued from page seven.)

FORAKER'S ACTIONS **AS PUBLIC SERVANT**

Defends Them in a Speech Regarded as Opening of Presidential Campaign in Ohio.

DIFFERS WITH PRESIDENT

But Does Not Credit Stories of His Rostility-Will Maintain Elis Independence-Brownsville Affair.

Canton, O., April 10 .- In the presence of 1,200 people, Senator Joseph E. Foraker tonight delivered an address defending his actions as a public servant and declaring his willingness to abide | PRESIDENT A TIRELESS WORKER. their decision in the future. The of casion was the annual banquet of the Honse on Dura of trade, Senator Foreker was on the program for an address on "Civie Pride," but his speech was hirge-Is directed to his work as senator is regarded as being the opening of the presidential campaign in Ohio.

THE SENATOR'S SPEECH.

Senator Foraker discussed publishes statements regarding the president's attitude toward the senator's speech at this time, replied to a publication mentioning him as one of an anti-Roosevelt combination, reviewed the in-vestigation of the discharge of the ne-gro soldiers on account of the troible at Brownswille, Tex., reiterated his views regarding recent railroad legis-lation, protested against the infringe-ment by one branch of the government on the rights of another branch, de Senator Foraker discussed publishe lation, protested against the infrance-ment by one branch of the government on the rights of another branch, de-clared that the representatives of the people in Congress are accountable only to the people and are not "properly sub-ject to any other influence," denied the right of any one except his consti-tements to call him the account and tments to call him to account, and sounded a note of warning against h-creased surveillance of business met who need "no moral regeneration."

THE "DEADLINE" REPORT.

He quoted a published report that "President Roosevelt has drawn a dead-line for Senato" Foraker," and that "if he attacks President Roosevelt, Presi-dent Roosevelt will be heard from in ao uncertain tones

Senator Foraker said: "The wicked Senator Foraker said: 'The wicked flee when no man pursueth. I have not forecasted the character of any speeches I am intending to make and if I had it would seem incredible to the average mind that such a story could be anything more than a mischief-mak-ing nice dream of an over-ambitious ing pipe dream of an over-ambitious ondent.

"That the president of the United States should become personally en-gaged in a political contest to determine successor is without precedent, un-s it be the bad precedent set by An-w Jackson as to Martin Van Buren.

drew Jackson as to Martin Van Buren. "That he would enter upon such a struggle with a declaration that he is to set limitations upon the freedom of shorth of those who may differ from him, that they are to disregard those limitations at their peril, is without precedent even in the case of Jackson, and is so inconsistent with the dignity of his high office and the properties arways to be observed, that I feel it a duty toward the president himself to enter for him, on my own motion, a dis-claimer of all responsibility for such claimer of all responsibility for such publication

"The time has not yet come, and no-boly knows that better than the presidon't histself, when 'deadlines' can be drawn in debate for anybody to ob-server nor has the time come when any real mar would respect them if they were drawn.

So far as I am personally concerned. So far as 1 am personally concerned, I shall always speak with malice to-ward none, according to my own con-victions whenever and wherever I may have occasion to speak at all."



his company. I never communicated ith him directly or indirectly on any

t whatever, all attention to this with particu-

y so that at the outset such wild, less, crazy stories may be put into class of campaign literature where properly belong.

with the policies of President

they property belong. "But these stories are but samples of many others, all of which, taken to-gether, seem to have for their object the dissemination of the idea that I am

"No man ever occupied the White onse who has been identified with so

DISAGREES WITH PRESIDENT.

"I did not believe either that if Con-gress had the power to make rates, if had the right to delegate that power to any administrative body. Whether I

To any administrative body. Whether I was right in entertaining this opinion will be determined when the supreme-court of the United States passes on the question, as sooner or later it must." Mr. Forsker said all the prosecutions against the railroads, the sugar and beef trusts and the Standard Oll com-pany and other corporations have been

pany and other corporations have been brought under the Elkins law, and the

government secured convictions speed-ly in all cases except where its own tostimony failed, but that no suit of the

kind has been brought under the Hep-

BROWNSVILLE AFFAIR.

Roosevelt.

not hesitate to say that the testimony so far taken justifies the investiga-tion. I cannot here and now analyze the testimony, but it is enough to say that the evidence already taken war-rants the belief that not a man in that that the evidence aready taken wat rants the belief that not a man in that hattalion fired a gun. I do not be-lieve any testimony can be secured that will refute anything that has been with blacked FERD, T. HOPKINS, Prop., 37 Great Jones Street, New York,

NOT ALONE IN HIS BELIEF.

"I am not alone in this belief. All the officers of that command, who, at the beginning were by circumstantial evidences made to believe some of their

evidences made to believe some of their near wave participators in the shooting, are now of the opinion—and have tes-tified—that all are innocent. "But, however all may be, these men have had a hearing. They have been permitted to state their defense; and whether the defense prevails or not. whether the defense prevails or not, t has been demonstrated that this is a government of law, a government where the rights of citizens, no matter now humble they may be, shall be protected by the law, and under the law, and not a government under which, by autocratic and arbitrary orhow which, by autocratic and arbitrary of-ders and decrees, men may be dishon-ored and stripped of the most valu-able rights. If there he any place in the United States where these senti-ments should be endorsed more hearti-ly than another, it is here, in Ohio: in the state that gave to the nation's gal-axy of great men such defenders and advocates of human rights as Joshua R. Giddings, Benjamin F. Wade, Sal-mon P. Chase, John Sherman and Wil-liam McKinley.

liam McKinley. OFFICE OF A SENATOR.

"No man ever occupied the White House who has been identified with so many legislative measures as President Roosevelt. He is a titeless worker. He is constantly doing, or causing to be dene, something of great importance." This is true, not only as to domestic, but also as to foreign affairs. He has been president since September, 1901, almost six years. "During all that time I have sup-ported all measures that have come be-fore the senate of the United States for consideration with which he was in any way identified, except only three. "If differed from his as to joint state-hood for New Mexico and Arizona, in-sisting that they should not be forced into the United states a majority of the citizens of each terri-tory might so vote. The proposition I proposition about which men might well differ. There was no occasion for any hitterness of feeling in connection with its consideration; and I never heard that there was any on the part of the president. "But running through all this contention there is found another broad and important question. What is the office of a senator? Is he a mere agent to register the will of somebody else, or is he strenged

register the will of somebody else, or is he supposed to have opinions of his own with liberty to stand for them in debate and when he votes? "If he is a mere agent, why have we always tried to select for this great of-fice men of ability and high character? Anybody could follow somebody else. And why, if a senator have no liberty of action, should he be held accountable for the record he makes; and, if there is to be no difference of opinion, why have any discussion, or, in fact, why have any senate or house? "I have always understood and

"I was also unable to agree with the president as to conferring the rate-making power upon the interstate com-merce commission, as provided in the Hepburn law, passed at the first session of the Fifty-ninth Congress. I was not opposed to that proposition, however, because I did not want governmental control and supervision of rallroads en-gaged in interstate commerce, for I was among the first to advocate such a have any senate or house? "I have always understood and thought that representatives of the peo-ple are only accountable to the people that they are not properly subject to any other influence, and for that rea-son I stand ever ready to render to my constituents an account of my steward-ship. It is their right to have it—it is my duty to give it, and if they are dis-satisfied they have a remedy for that dissatisfaction in their own hands. They can select another. gaged in interstate commerce, for was among the first to advocate such a measure, but because I thought the Hepburn law in that particular was both unconstitutional and unnecessary and that it was a long and serious step in the wrong direction as a matter of public points.

ACCOUNTABLE TO HIS CONSTITU-ENTS.

ENTS. "But, while conceding the right of everybody else to differ from me, I de-ny the right of anybody except my con-stituents to call me to account. I never have held any office except by election. I always have been proud of the confi-dence in me so frequently manifested by the intelligent people of this great common wealth. I always am ready to abide by their judgment. I would not avoid or evade it if I could. Therefore it is that I propose to carry my cause directly to them whenever issues may arise in which I am interested. If they agree with me I shall be rejoiced; if not, I shall be satisfied. But while I will thus submit my cause to the peo-ple and abide by their judgment, I will not submit to the dictation or threats or menaces of any kind of boss, big or little, inside or outside the state. Never will I acquiesce without protest in what i do not approve, no matter by whom it may be proposed. BELIEVES IN OUR GOVERNMENT.

BELIEVES IN OUR GOVERNMENT. "I believe in our public system of "I believe in our public spaces as government, one state and the other national; one to deal with local affairs, the other with those that are national and international. I believe that as the business of the government and the

is entitled to every reasonable doubt on the subject. If the defendant knew the nature or the quality of his act, or knew the act was wrong, then he com-mitted a crime. All men differ mental-ly and physically and this makes it im-possible, as I said before, for the court to lay down a fixed rule as showing de-liberation and premeditation. "As to the distinction between reason-able doubt and a possible doubt, you were thoroughly examined when you were about to become jurors. The law does not require that the prosecution shall efface every possible doubt. It only requires that the prosecution shall go beyond a reasonable doubt. A Re-corder Smithe once charged a jury, the defendant is entitled to have his guilt established by competent evidence and beyond every doubt. It need not be es-tablished beyond all doubt, for that is an impossibility. Nothing in this world is beyond all doubt. The defendant is entitled to every reasonable doubt and that is all. "A reasonable doubt is such as might arise, in the mind of an intelligent. "A repsonable doubt is such as might "A reasonable doubt is such as might arise in the mind of an intelligent man who if called upon to give a reason for such donkt, would not be at a loss to do zo. A reasonable doubt is not an imaginäry thing. It is such a doubt as arises from the evidence. It is such a doubt as a painstaking man might have after a full, fair and impartial weigh-ing of the evidence. To all such doubts the defendant is entitled. "If any of you have a reasonable doubt that this defendant is guilty of murder in the first degree, but have no doubt that this defendant is guilty of murder in the first degree, but have no doubt that this defendant guilty of murder in the first degree, but have no doubt that he suilty of murder in the second degree, you may find in the sec-ond degree. And so with manslaughter. "You may h this case, let me say once more, find the defendant guilty of murder in the first degree, or guilty of manslaughter in the first degree. "If you vote for acquittal on the ground of insanity, you may state that ground in your verdict. "You must be guided, gentlemen, en-tirely on the evidence. Clamor, preju-dlee as sympathy must not prevail. You must be guided by your reason and your fudgment. "The case has been fully tried, and I have not attempted to make any epi-tome of the evidence. If in any alle. The case has been fully fried, and I have not attempted to make any epi-tome of the evidence. If in any allu-sion I have made to the facts my state-ment does not agree with your recol-lection, you should take your own recollection



Large and small shapes of turkey or ostrich feather construc-

RICH MEN'S CONSPIRACY.

RICH MEN'S CONSPIRACY. Mr. Foraker characterized as a "sort of companion piece" a published state-ment of the president to his friends, naming as members of the combination to "do him up" for his attitude toward Wall street, E. H. Harriman, J. E. Foraker and John D. Rockefeller." "In view of this publication," said Mr. Foraker, "It runs that I may without impropriety say that until it was given but at Washington a few days ago I never heard tell of any combination or trust or conspiracy to oppose the pres-hear of the so-called \$2,000,000 conspir-acy of which we have heard so much uring the last week. "In that I may be pardoned for going further and saying I never saw John D. Rockefeller but once in my life, and that was 20 years ago or more, while I was governor of Omic.

"I had the pleasure of meeting him in connection with the ceremonies con-nected with the laying of the corner-sione of the Young Men's Christian asstone of the Young Men's christian as-sociation building at Cleveland. With that single exception, I never saw him, never spoke to him and never com-municated with him in any way, direct-

or indirectly. "Mr. Harriman I have seen oftener, I have seen him three times-twice at the White House: the last time as an hon-ored guest at the wedding ceremonies of the president's daughter. On neither of these occasions did I have any conversations with him. "The only other time I ever saw him

was to meet him at a dianer party giv-on by Senator and Mrs. Depew, where Speaker Cannon and his daughter, Son-ntor Speaner and his wife, Senator Elkins and his wife, and many others, resent

Exapt only the brief conversation of the evening in the presence of all



BROWNSVILLE AFFAIR. "Another session of Congress has just closed," he continued. "There were numerous measures pending and acted upon with which the president was prominently identified. So far as I can recall I supported everyone of them. There was one matter, however, about which I have taken a different view from him. I refer to the discharge, without honor, of the members of com-panies B, C and D of the Twenty-fifth infantry, on account of the shooting af-fray at Brownsville, Tex. This was an incident, not a policy. But it was an incident of such character that I feit it my duty as a representative of the people of Ohio to do with respect to it what I have done. what I have done.

"It was charged-and the president was made to believe-that certain mea of the Twenty-fifth infantry had made a murderous midnight assault upon the sleeping men, women and children of Brownsville; that they had 'shot up' the town as the expression goes, and that they had killed one man, and wounded another, and put in jeopardy the lives of many. He believed that this was done by a few, but that others of the battalion knew and refused to disclose the identity of the men who did it. "As a result he ordered that the whole battalion should be dismissed without honor, the innocent and the guilty alike; the guilty because they were guilty, the innocent because they guilty. a murderous midnight assault upon the

guilty.

INJUSTICE TO OLD SOLDIERS.

'Among these men were old soldiers who had seen many years of service. Their services had been honest, faith-ful, gallant and distinguished. One of Their services had been honest, faith-fai, gallant and distinguished. One of them had served continuously for 26 years. In 15 months he could have re-tired on a pension for life. His serv-ice had been rendered het only on the fontier of this country, but in Cuba and in the Philippines. It had covered both war and peace, In all the long period not one single black mark had been registered against him. He nover had been court-martialed; he had never been punished. He had never been when reprimanded. On every one of his numerous discharges it was recorded that his character was excellent, and that his services had been efficient. —The case is but an illustration, in a little stronger degree, of many others, A tumber had served more than 29 years; many of them almost 20 years; all had acquired distinct and valuable parade all these rights were swept away from them in an instant by an executive order, which put them all the in common disgrace, and sent them addrift with their countrymen, whom they had done so much to de-failed in the shooting or who had become accessories after the fact, by protecting criminals who had. MEN GIVEN NO SHOW,

MEN GIVEN NO SHOW,

These men had been given no op-pertunity to be heard. It seemed to me that no man in this country was so humble that he should not be given a day in court somewhere, or some time or some place, to make his defense, confront his accusers, and refute their losithmany against him; and especially should soldiers have the benefit of such a beautory

should soldiers have the benefit of such a hearing. "I believed that this was their right under the Constitution. I did not be-lieve that even the president, as com-mander-in-chief of the army,had power to deprive them of this right. "But without regard to that question I felt that they should have this op-portunity. I secured it for them, it was a long, hard contest in the senate which resulted in the adeption of a resolution ordering an investigation. which resulted in the adoption of a resolution ordering an investigation. I spoke repeatedly in favor of the pro-position, but the record will be searched in value to the one word of disrespect toward anybody from the president down to the humblest man figuring in aby way is connection with the mat-ter. "It was with me simply a great, broad go, yon of constitutional power on the on hand and constitutional right in the other. It has been said that it was an effort the secure the

hat it was an effort to secure the

duties of the government multiply it will become more and more strikingly manifest that our fathers were wise in provide and the strikingly will become more and more strikingly manifest that our fathers were wise in providing such a system, and that, in-stead of talking about the obliteration of state lines, we should now more than ever be careful to preserve to the states their proper rights and functions, just as we always have been zealous to pro-tect the federal government in the ex-ercise of all the powers delegated to it, either expressly or by implication. "I believe also that our fathers were wise when they created three depart-ments of government and made them soparate, independent and co-ordinate, and that the rights of each should be jealously protected against infringe-ment by either of the others. "This provision is of such vital char-acter and has such direct relation to the public welfare and the rights and liberties of individual citizens, that no public clamor, no alleged exigency, no party considerations, no personal ad-vantage of any kind, can justify or ex-cuse any man who, in the discharge of public duty, consciously disregards or violates it." Concluding, the senator said: "We can be proud also of the honor

said:

"We can be proud also of the honor and integrity of the business men of this country. What they most need today is not so much an increased sur-veillance and guardianship of law as that liberty of action and trust and con-fidence in protection under the law which they always have heretofore en-toyed. "We can be proud also of the honor Joyed.

BAD CORPORATIONS.

"Bad men and bad corporations and rusis there are and always have been trusts there are and always have been and always will be, but also there is a law for their prevention and punish-ment, and with respect to all such let the law take its course. We are now the law take its course, we are prosper-enjoying the most unexampled prosper-ity we ever have known. That it is a sound and genuine prosperity is evi-denced by the fact that the recent panics and heavy losses in stocks and se-curities have not caused the failure of single banking or mercantile house in the whole country.

CUTICURA SOAP SHAMPOOS And light dressings of Cuticura at once stop failling hair and dandruff.

HERMANN GOT GOOD BERTHS FOR HIS RELATIVES

Washington, April 19 .-- The principal decomments in the cross-examination of Binger Hermann were his admissions that while he was commissioner of the general land office he gave positions to six of his relatives. Reference again was made to the "itp" which Mr. Hermann is

made to the "lip" which Mr. Hermann is alleged to have given F. P. Mays re-garding the Blue Mountain forest re-serve, but Mr. Hermann, while admitting that he dictated the telegram could not remember its details. It was also brought out that Hermann had received a part of the government on a mortgage, and that he received some of the compensation of CV L. Miller, a son-ta-law, but declared that it was in payment for advances he had made Mil-er.

Mr. Hermann admitted that he wanted to become Fulted States senator in 1963, but denied that it was his plan to have his resignation as commissioner of the land efficie held up until after the sena-torial election.

Good home cooking. Regular din-ner, 24c. Steaks and short orders all day. 18 West Third South Street.

recollection. "It is the duty of each juror to con-sider the evidence, all the pertinent statements of counsel and the sugges-tions of your fellow-jurors. "I have endeavored faithfully te guard the rights of the defendant as well as the rights of the people in the many rulings I have had to make, and I have tried with clearness and fairness to instruct you in the law. "The facts must carefully be

to instruct you in the law. "The facts must carefully be weighed. Remember the oaths you took 'to well and truly try' this issue. Weigh the evidence carefully, consider it and discuss it and return your ver-dict according to your oaths." Justice Fitzgeraid supplemented his charge by again clearly defining the legal definition of reasonable doubt and saying no man should vote for a verdict as long as a reasonable doubt existed in his mind. He did this by request of Mr. Jerome. The defense also requested a special charge on sev-eral points, but Justice Fitzgeraid said that he had practically dwelt on all that he had practically dwelt on all of them, with the exception of a few on which he decilined to say anything. He granted the defense an exception

to his ruling. The jury then retired, at 5:17 p. m. Under the statutes of New York, mur-der in the first degree is punishable with death: murder in the second de-gree, by imprisonment for life; and manslaughter, in the first degree, by imprisonment not to exceed 20 years. If the verdict should be one of ac-quittal on the ground of insanity, the disposition of the prisoner would rest with Justice Fitzgeraid. Thaw having already been declared same by the realready been declared same by the re-port of a commission which Justice Fitzgerald has approved and con-firmed; it would seem that the prisoner must be released.

THE RICHEST MAN IN THE WORLD.

WORLD. The sichest man in the world can not have his kidneys replaced nor live with-out them, so it is important not to neg-lect these organs. If Foley's Kidney Curo is taken at the first sign of danger, the symptoms will disappear and your health will be restored, as is strengthem and builds up these organs as nothing else will Occar Bowman, Lebanon Ky, writes. I have used Foley's Kidney Cure and take great pleasure in stating it cur-and take great pleasure in stating it cur-ed me permanentity of kidney disease, which centainly would have cost me my the 'Fold by P. 1997 Dang P.