

QUESTION RAISED IN BURTON'S CASE

Does Conviction of a Crime Disqualify a Man for Holding a Seat in the Senate?

NO CASE OF EXPULSION FOR IT.

There Are a Number of Instances Where Senators Have Been Expelled.

Washington, March 28.—Apropos of discussion of the question as to whether the judgment of conviction by the jury as it now stands in the case of Senator Burton disqualifies him from further acting as a United States senator precedents have been looked for in the history of the senate, but no case similar to that of Burton has been found.

Reference to a compilation of senate election cases from 1789 to 1903 shows no expulsion of a senator for conviction of a crime, though there have been instances where members of the senate have resigned before action on charges preferred against them.

The first expulsion from the senate for any cause was that of William Blount, who was a senator from Tennessee from 1796 to 1799.

A special investigation committee found him guilty of the authorship of a letter capable of various constructions, but which, in his own mind, according to the letter, appeared to be "inconsistent with the interests of the United States and Spain." He was found guilty of high misdemeanor and a resolution of expulsion was adopted by a vote of 25 to 1.

For complicity in the Burr conspiracy an action was brought to expel John Smith, a senator from Ohio from October 25, 1803, until he resigned, April 25, 1808.

Indictments had been found against Senator Smith in the courts of Virginia, but he was not convicted. When the resolutions for expulsion were presented to the senate the vote, after long debate, resulted 19 yeas and 10 nays. Two-thirds of the senate not concurring therein, he was not expelled, but about two weeks later he resigned. A number of southern senators were expelled when their states seceded.

Jesse D. Bright, senator from Indiana from March 4, 1845, to Feb. 5, 1862, was expelled on the charge of disloyalty to the United States, after it was shown that he had written a letter to Jefferson Davis, president of the Confederacy, introducing a Texan whose business it was to dispose of "an improvement in firearms."

Another case where a senator resigned without final action having been taken on charges brought against him was that of James F. Simmons, who while a senator from Rhode Island, resigned in August, 1862, under charges alleging that he had received compensation in government contracts. Near the end of Mr. Simmons's second term in the senate a resolution was submitted that he be expelled. The preamble stated that it appeared from a report of the secretary of war that Mr. Simmons had exercised his official influence to procure an order authorizing a certain person to manufacture rifles in behalf of the government, and that Mr. Simmons had agreed to receive as compensation for such service the sum of \$50,000, and that he already had received two promissory notes amounting to \$10,000.

The committee on judiciary reported that the facts were substantially as given and that they were of the opinion that "such a practice is entirely indefensible, and that it was highly improper for a senator of the United States to have acted thus, even when the government sustained no loss thereby."

It was manifest that Congress dis-

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approved of such conduct from the fact that they had promptly passed a law making it a penal offense thereafter, but that to visit a severe penalty on an act which was at the time of its commission not punishable or forbidden by public law would be retroactive in its effect and render the step liable to the objection to which all post facto laws are justly subject. The committee unanimously recommended the resolution, accompanied by a statement of facts so that the senate might take such action as they might think fit. No action was taken. Congress adjourned after the report was made, and Mr. Simmons resigned his seat in the senate before the next session.

James W. Patterson, senator from New Hampshire from March 4, 1867, to March 4, 1873, was charged with bribery as the result of evidence taken by a select committee of the house for the purpose of examining the charges of bribery of members of that body. It was impossible for the senate to consider the charge at the session when it was made, and Mr. Patterson's term expired before the inquiry had been made. The senate voted that it was very questionable if it was competent for the senate to act after Mr. Patterson had ceased to be a member of that body.

PRIZE MONEY DECREE.

Dewey and Others to Get Money Due on Battle of Manila.

Washington, March 28.—Justice Gould of the district supreme court today signed the final decree in the long litigation over prize money for the capture of Spanish vessels and stores at Manila, on May 1, 1898. The suit was instituted by Admiral Dewey and others of the victors. Under the decree the \$25,678, the amount at which the value of the captured stores and vessels was fixed, will be divided after the costs of litigation are deducted, one-half to go to the captors and one-half to the navy pension fund. The only step now left in the litigation is the fixing of the amount of the costs to be charged.

END OF A DEBAUCH.

One Man Killed and Another Probably Fatally Injured.

Redding, Cal., March 28.—Four men and a boy, encamped two miles south of Redding, drank alcohol diluted with water throughout yesterday afternoon and concluded their debauch with a fight last night in which Joseph Davis, a native of Iowa, who followed the occupation of miner, was killed; James Leahy, also a miner, aged 48 years, was so severely injured that it is believed he will die. All but one concerned in the trouble have been accounted for. They claim not to remember anything about the circumstances.

PANAMA CANAL TROUBLES.

Chicago Lawyer Seeks to Enjoin Secy. Shaw and Warren.

Washington, March 28.—Warren B. Wilson, lawyer of Chicago, today filed in the district supreme court a bill in equity for an injunction against Secy. Shaw, the republic of Panama, the New Panama Canal company of France and others to stop the construction of the Panama canal. He asks that Secy. Shaw be enjoined from permitting the payment of moneys under his control under the pretended authority of the void act of June 28, 1902, entitled, "An act to provide for the construction of a

canal connecting the waters of the Atlantic and Pacific oceans." He avers that there is no appropriation by law of any money for the payment of any of the construction expenses and declares that the act of June 28, 1902, is in violation of the Constitution of the United States, and is null and void. He charges that the treaty is wholly unconstitutional and invalid, both in the United States and in Panama, in its essential features, and confers no rights and imposes no obligations on either of the parties directly concerned. Mr. Wilson charges that if even the act were valid its terms and conditions have not been complied with and do not authorize the proposed payments, which will, therefore, he alleges, violate the Constitution.

Mr. Wilson, who came here solely to institute the proceedings, left for Chicago tonight. He said that in bringing the proceedings he represented no person or persons whatever except himself, although he does not expect people to believe that statement. He said that the question appealed to him personally and that he proposed to fight the case along to the United States supreme court, which was the only tribunal that could pass finally on so important a matter.

FRENCH TEACHING ORDERS.

Government Bill to Suppress Them Passed by the Chambers.

Paris, March 28.—By the decisive majority of 316 to 269, the chamber of deputies tonight passed the government bill for the suppression of all forms of teaching by the religious orders. This supplements and completes the work begun by the former premier, M. Waldeck-Rousseau, in 1901.

The first law suppressed the unauthorized teaching orders which had for a long time carried on their vocations despite the lack of legal sanction, but the new law does not make any distinction between authorized and unauthorized congregations, but sweeps away the whole fabric of teaching by religious orders, thus in effect substituting the system of state schools for those heretofore conducted by the orders.

Besides affecting the educational system, the passage of the bill is the achievement of the principal work undertaken by Premier Combes, and it is believed that the premier will now voluntarily retire.

Moorish Pretender Active.

Paris, March 28.—Advices received by the foreign office from Morocco say that Buhamara, the Moorish pretender, is again active. Several depredations have occurred and it is feared they mark the beginning of fresh and serious opposition to the sultan.

Wants Magistrate Removed.

New York, March 28.—Charging "willful and fraudulent neglect of duty," Capt. F. Norton Goddard, president of the anti-policy society, has caused to be served on Magistrate Seward Baker a copy of a petition in which, on April 8, he will ask the appellate division of the supreme court to remove the magistrate from office.

It is alleged that while sitting in police court the magistrate discharged certain prisoners arrested on complaint of the anti-policy society; that subsequently these prisoners were indicted by the grand jury, and that with one exception they pleaded guilty and were sentenced.

PRESIDENT'S OLD AGE PENSION ORDER

The Senate Discussed it for Three Hours but Did Nothing in The Matter.

CARMACK WAS AGAINST IT

Said no Authority for it Existed—Foraker Thought it Both Wise And Prudent.

Washington, March 28.—The senate today for three hours discussed the recent order of the pension bureau making old age an evidence of disability and then passed the District of Columbia appropriation bill.

The discussion of the pension order was based on the resolution offered some days ago by Mr. Carmack, directing the committee on judiciary to inquire into the authority of the executive branch of the government to make such an order.

Mr. Carmack contended that no such authority exists, but several Republican senators argued that the order was in line with the regulation issued by Judge Lochren, commissioner of pensions under Mr. Cleveland, fixing 65 years of age as an evidence of infirmity. They also declared that the new order would have only the effect of affording prima facie evidence of disability and not that of giving a pension solely because the age of 62 years had been reached by the pension applicant.

Mr. Foraker asked if it was not true that Mr. Cleveland had issued a similar order in regard to Mexican pensions, but Mr. Carmack insisted that the action on Mexican pensions was the result of legislation and not of an executive order.

Mr. Carmack admitted, in response to suggestions from Mr. McComber and Mr. Aldrich, that the first step fixing old age as an evidence of disability had been taken by Mr. Cleveland. "But," he said, "that does not help the case. I admit that the first violation of the law in this respect occurred at that time. The order in that case was, however, comparatively reasonable and the precedent has been violently seized upon by the present occupant of the White House to extend the practice."

Mr. McComber, chairman of the committee on pensions, said that the present practice is to assume disability at the age of 65. He contended that according to the order that a man has reached the age of 62 years is taken only as prima facie evidence of disability. "I do not think the order extraordinary," said Mr. Foraker, in conclusion. "On the contrary, I consider it wise and prudent and I believe that the president, the secretary of the interior, the commissioner of pensions and all who had anything to do with it are entitled to much credit."

The pension question was held aside and the District of Columbia appropriation bill was passed after a little discussion of amendments.

CLEVELAND FOR GOVERNOR.

At Trenton is Talked of for New Jersey's Chief Executive.

Trenton, N. J., March 28.—In the statehouse corridors, Democrats asked each other: "How would Cleveland do for a Democratic candidate for governor of New Jersey?"

It was said that Cleveland would not refuse the chance of being governor of his adopted state before rounding out his career in politics. Also it was declared that he would refuse to allow his name to go before the Democratic national convention, but would not refuse the state nomination.

No one was ready to give the source of these stories, and it was impossible to learn their author.

The presence of James Smith, former United States senator, here was said to be the cause of the rumor, and he is credited with circulating the story to note the effect it would have on the old-time boomers.

Certain it is that the rumor was received with enthusiasm among Democrats.

Ten Victims of Storm.

Little Rock, Ark., March 28.—The storms in the northwestern part of the state caused ten deaths, as follows: J. B. Curtis, a prominent farmer of Newton county; three negro children. Six persons were killed in and near Gainesville, as follows: T. L. Williams, Mrs. F. M. Dalton, Frank Ellings, Lena Ellings, Lena Byrns, child of Whit Crouch, child of Mitchell Wyatt.

SOLD WAR SECRETS.

Lt. Irkroff Sentenced to Twenty Five Years' Penalty Servitude.

St. Petersburg, March 28.—Capt. Irkroff of the Manchurian commissariat service, sentenced to 25 years penal servitude for having sold information in connection with the quartermaster's department to Lieut. Col. Ashkima, ex-military attaché of the Japanese legation at St. Petersburg, will be sent to the quicksilver mines at Nohchinsk, eastern Siberia, to serve out his sentence.

The papers in the case of Capt. Leontiev, recently arrested for having sold to a foreign power a list of secret agents maintained by the Russian general staff in the frontier districts of Russia's western neighbor are in the hands of the general staff. A court-martial will be appointed to try the captain.

Paradise Lost Manuscript.

London, March 28.—It is announced that the manuscript of Milton's "Paradise Lost," which was offered for sale at public auction Jan. 25, but which was withdrawn because the reserve price of \$25,000 was not offered, has now been sold to an American collector, whose name and the amount paid are not disclosed.

The Telegraph editorially expresses regret that the heirloom was not preserved for the British nation and says: "Let us be thankful that Westminster Abbey and St. Paul's cathedral are not portable, for otherwise they would be purchased by an American millionaire."

Lake Tahoe Rising.

Truckee, Cal., March 28.—The rise of Lake Tahoe is causing great damage to numerous resorts around its shores. The water is so high that the waves are breaking up the wharves and buildings, and the loss to the proprietors will be enormous. The big wharf at Tahoe City was demolished last week and the Tahoe Navigation company expects to lose the long wharf on which its supply of fuel and other equipment is stored. The water is up to the stringer of the wharf now and is expected to go at least two feet higher. The Tevis boat-house and the various resorts at Tallac, McKinney's Brookway and Tahoe City

were all damaged to a greater or less extent during the past few days. The water is now higher than at any time since 1861, and is within four inches of the top of the dam. It will continue to rise even after the overflow of the dam has been repaired. The loss will reach many thousands of dollars.

British Squadron Sails.

New York, March 28.—A British squadron of three battleships and six cruisers has sailed for the north seas. World dispatch from Hongkong. They are said to be engaged in maneuvers.

Dividends for April.

New York, March 28.—A compilation by the Journal of Commerce of dividends so far announced by industrial corporations payable in April shows an increase of more than \$2,300,000 over the same month in 1903 and of about \$2,100,000 over April two years ago. Next month's total based on the returns so far, foot up \$22,200,000.

Russians Chasing Jap Ships.

New York, March 28.—A Russian cruiser and destroyer have passed here bound westward, says a World dispatch from Gibraltar. Evidently they were chasing a large Japanese ship which was reported as having passed here to the eastward on Friday last.

This vessel, having sighted the Russian ships, turned, passing westward several hours ahead of the Russian ships.

Cork Helmets for Russians.

St. Petersburg, March 28.—In view of the experience of the British forces in South Africa during the Boer war the war department is considering the equipment of the Russian troops with cork helmets for the summer campaign in the far east.

Maguire's Tongue Removed.

New York, March 28.—After two weeks of preparation a surgical operation for the removal of the tongue has been successfully performed upon Thomas Maguire, a well known theatrical treasurer, formerly of San Francisco, but who has been attached to New York playhouses for several years.

Maguire was a victim of cancer at the roots of his tongue, caused by excessive smoking. A few weeks ago the doctors informed him that his only chance for life lay in the entire removal of the tongue. He cheerfully submitted and said in bidding farewell to his friends who gathered around the operating table, that he should soon learn to talk with his fingers. The surgeons now believe he will rapidly recover his health.

Price of Coal Fixed.

New York, March 28.—Prices for coal here during the year beginning April 1 have been fixed at a meeting of the retail dealers' association on a basis partially 10 cents higher than for the current month.

After the first of the coming month, when a 50-cent reduction by the coal roads goes into effect, the dealers who buy 2,240 pound tons, will sell 2,000 pounds for \$5.35, and with \$5.75 for the same period last year.

One June 10 cents will be added to the price, and, on Sept. 1, it will jump to \$6.25—last winter's rate. Increased rent, higher wages and taxes are the causes to which the dealers attribute the necessity of an advance over the older rates.

Octavius D. Baldwin Dead.

New York, March 28.—Octavius Dunham Baldwin, formerly a conspicuous figure in financial circles here, is dead, from heart disease. He came here as a lad from the country, and beginning his business career as an errand boy, rose to the presidency of the Fourth National bank and resigned that position in 1888. He continued active in financial affairs, however, until compelled to retire by ill health in 1899.

Prof. A. B. Arnold Dead.

San Francisco, March 28.—Prof. A. B. Arnold, eminent as the author of several surgical treatises and a distinguished classical scholar and translator of old Hebrew and Arabic writings, is dead at the advanced age of 55 years. Dr. Arnold was born in Germany, in 1839. Prof. Arnold was well known in Baltimore, where he resided for years, and throughout the east generally.

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Annual statement for the Year ending December 31, 1903, of the condition of the

MUTUAL BENEFIT LIFE INSURANCE COMPANY.

The name and location of the company, Mutual Benefit Life Insurance Company, Newark, N. J.

Name of President, Frederick Frelinghuysen.

Name of Secretary, Edward L. Dobbins.

The amount of its capital stock is \$1,000,000.

The amount of its assets is \$1,453,497.12.

The amount of its liabilities (including capital) is \$9,906,656.13.

The amount of its income during the preceding calendar year is 16,013,423.03.

The amount of its expenditures during the preceding calendar year is 11,024,787.72.

The amount of losses paid during the preceding calendar year is 6,024,009.88.

The amount of its income during the year is 47,242,857.00.

The amount of risks in force at the end of the year is 337,674,876.00.

State of Utah, Office of the Secretary of State, ss.

I, James T. Hammond, Secretary of State of the State of Utah, do hereby certify that the above named insurance company has filed in my office a detailed statement of its condition, from which the foregoing statement has been prepared, and that the company has in all other respects complied with the laws of the State relating to insurance.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Utah this 22nd day of February, A. D. 1904.

J. T. HAMMOND, Secretary of State.

Annual statement for the Year ending December 31, 1903, of the condition of the

THURINGIA INSURANCE COMPANY.

The name and location of the company, Thuringia Insurance Company, Erfurt, Germany.

Name of U. S. Manager, F. G. Case, 10 William St., New York City, N. Y.

The amount of its statutory deposit is \$1,200,000.00.

The amount of its assets is \$1,129,400.00.

The amount of its liabilities (including capital) is \$1,129,400.00.

The amount of its income during the preceding calendar year is 1,129,400.00.

The amount of its expenditures during the preceding calendar year is 1,129,400.00.

The amount of losses paid during the preceding calendar year is 1,129,400.00.

The amount of its income during the year is 1,129,400.00.

The amount of risks in force at the end of the year is 1,129,400.00.

State of Utah, Office of the Secretary of State, ss.

I, James T. Hammond, Secretary of State of the State of Utah, do hereby certify that the above named insurance company has filed in my office a detailed statement of its condition, from which the foregoing statement has been prepared, and that the company has in all other respects complied with the laws of the State relating to insurance.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Utah this 22nd day of February, A. D. 1904.

J. T. HAMMOND, Secretary of State.

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