

TRYING TO CONTROL COLORADO RIVER

President Tells E. H. Harriman
That it is Incumbent on Him
To Close the Break.

HE DENIES RESPONSIBILITY.

Mr. Roosevelt Delighted With His Reply
and Will Make Recommendations
to Congress.

Washington, Dec. 20.—President Roosevelt is exerting his efforts to have the break in the Colorado river in Mexico repaired as soon as possible by the California Development company, which, he declares, is ultimately responsible for it. With this end in view he today telegraphed to E. H. Harriman at New York reciting the inability to secure action by Congress because of the adjournment for the Christmas holidays. The president told Mr. Harriman that it is incumbent upon him to close the break, and that action should be taken without an hour's delay.

TELEGRAM TO E. H. HARRIMAN.

Following is the telegram sent to Mr. Harriman: "Replying to yours of the 19th. Reclamation service cannot repair upon work without authority of Congress and suitable convention with Mexico. Congress adjourns today for holidays; impossible to secure action at present. It is incumbent on you to close the break again. Question of future permanent maintenance can then be taken up. Reclamation service engineers available for consultation. This is all the aid that there is in the power of the government to render, and it seems to me clear that it is the imperative duty of the California Development company to close this break at once. The danger is ultimately due to the action of that company in making heading completed in October, 1904, in Mexican territory. The present crisis at this moment only be met by the action of the company, which is ultimately responsible for it, and that action should be taken without an hour's delay. Through the department of state I am endeavoring to secure such action by the Mexican government as will enable Congress in its turn to act. But at present Congress cannot do so without action by the Mexican government. This is a matter of such vital importance that I wish to repeat that there is not the slightest chance for the California Development company waiting an hour for the action of the government. It is their duty to meet the present danger at once, and then this government will take up with it, as it has already taken up with Mexico, the question of providing maintenance for the break."

"THEODORE ROOSEVELT."

MR. HARRIMAN'S REPLY.

To the President, Washington, D. C.—Replying to your telegram of this date. You seem to be under the impression that the California Development company is a Southern Pacific enterprise. This is erroneous. I had nothing to do with its work or the opening of the canal. We are not interested in its stock and in no way have it. We have lent some money to assist in dealing with the situation. What the Southern Pacific company has done was for the protection of the settlers as well as of the tracks, but we have determined to leave the tracks on to higher ground, say way. However, in view of our message, I am giving authority to the Southern Pacific officers in the west to proceed at once with efforts to repair the break, trusting that the government, as soon as you can procure the necessary congressional legislation, will assist us with the burden.

"E. H. HARRIMAN."

PRESIDENT'S ANSWER.

The president's answer to Mr. Harriman follows: "Am delighted to receive your telegram. Have at once directed the reclamation service to get into touch with you so that as soon as Congress adjourns I can recommend legislation which will provide against a repetition of the disaster and make provision for the equitable distribution of the burden."

"THEODORE ROOSEVELT."

TO GOV. PARDEE.

The president made public the following telegram sent to Gov. Pardee of California, dated today: "Am doing everything in my power in matter of break in Colorado river and we have absolutely no power to do anything until permission is granted by Mexico. We are hurrying forward in every way the negotiations for such permission. Until it is granted Congress cannot act."

TO DIRECTOR WALCOTT.

In a note to Director Walcott the president says: "Mexico has behaved admirably and has expressed willingness to do anything within reason that we desire to do in the Colorado river break. Of course, Mexico is not to do the work."

TREE TEA



The Pure
Good Tea

Reported and packed only by
J. BRANDENSTEIN & CO.
San Francisco, Cal.

All the fine cakes and dainty
pastries of the season are the
fruits of using Good Flour.

The best of them are the result
of

HUSLER'S FLOUR!

The immediate work must be done by Mr. Harriman's company, as I pointed out in my telegram to him. But we should be prepared to put a definite request before Congress immediately upon its reassembling. To do that I must, of course, know just what separate or joint responsibilities there should be as regards this country and the California Improvement company. Please formulate a plan at the earliest possible moment, submitting it to the state department, so that Mexico can be fully informed."

CHAIRMAN FOWLER'S REPORT ON THE CURRENCY BILL.

Washington, Dec. 20.—Chairman Fowler of the house committee on banking and currency submitted to the house today his report on the credit currency bill agreed upon by the committee. The report relates the committee's assurance that bank book credits are identical with bank notes, and that it should be at the option of the depositor of a bank to say whether he will have current credit of the bank or a book subject to his check. The report continues: "Your committee asserts that it is impossible to check the obligations of a bank in the form of deposits subject to check or of credit bank notes, providing that the reserves are ample and the same amount is required for the protection of cash. With the same freedom on the part of the bank to issue its credit notes that it has to accept deposits subject to check, the habits of a people will determine whether the deposits of a bank or its credit notes are the larger."

The advantages of a credit currency are set forth in the report as follows: "It will lower and equalize rates of interest throughout the United States. It will make rates practically uniform throughout the year. It will give to the country districts as economical credit as the cities enjoy, where checks are chiefly used. It will give to people who use currency in their smaller purchases as economical credit as enjoyed by those who use checks in their larger transactions. It will make it possible for the banks generally to serve such of their customers as may want currency without disturbing their reserves to the great injury of other customers who have loans which must be paid before the currency can be advanced; for it is impossible to a bank whether it owes a depositor or a note holder."

"It will almost wholly prevent panic and will always avert a ruinous crisis."

"If at any time contraction of credit becomes necessary because too much of the commercial fund has been diverted and transformed into the investment fund, a credit currency will facilitate liquidation without that destruction of values incident to a fixed quantity of currency such as we now have."

KANSAS-COLORADO IRRIGATION CONGRESS.

Washington, Dec. 20.—Atty.-Gen. Miller of Colorado today began the rebuttal argument for that state in the Kansas-Colorado irrigation case on trial in the supreme court of the United States. His argument was intended to support the Colorado law of water appropriation, and he also contended that under the common law prevailing in that state the appropriation is sustained. He claimed that even under the general rule the state has a right to sue within its borders for beneficial purposes under the use of priority of riparian rights. He stated that there was practically no testimony to show that Kansas had suffered any damage, the only real question involved being the last address in the interest of Colorado was made by Atty. Gen. F. Valle of Denver, who contended that the court must necessarily deal with the question under existing law and not as a constitutional convention called to frame new laws. He said that the Colorado law is coming to be interpreted so as to make it conform to circumstances and conditions. He said in this case the Kansas court had held that a riparian right includes water for the irrigation of riparian lands, and further that the right extends to the divide of the watershed of a given stream.

"If," said Mr. Valle, "that is true, the case of Kansas falls."

Atty.-Gen. Coleman of Kansas followed Mr. Valle, replying to the Colorado contention that that state could not properly be made the defendant in the present proceeding. E. Dumont Smith of Kansas, made the last argument of the series. He made a plea for an equitable distribution of the Arkansas waters between the states and urged the right of the court to perform this function. He suggested the Colorado use in the distribution of water as the proper basis for the settlement of the question.

"What we want is equality and not monopoly," he said.

When Mr. Smith concluded, the court took the case under advisement.

EVIDENCE IN THE SCHMITZ-RUEF TRIAL.

San Francisco, Dec. 20.—William J. Burns, the detective who has been gathering the evidence upon which the recent indictments found by the grand jury are based, was a witness today in the case of Mayor Eugene E. Schmitz and Abraham Ruef, charged with extortion. In answer to a question, the witness stated that for years he has been employed as a special agent of the interior department. An attempt was made by Atty. Ach, for the defense, to show that Burns severed his connection with the government at the request of Special Prosecutor Heney, but the evidence was not admitted. The court also sustained the objections of the prosecution to questions concerning when Burns arrived in San Francisco, whether he knew James D. Phelan or Rudolph Spreckels, or whether he had received money from them. He stated, however, that he had received no money from Heney.

In answer to further questions, he stated he had known Ruef for about three years. He stated he did not know Grand Jurors Gallagher, Dwyer or Young. In fact, he stated he knew none of the members of the grand jury except in a very casual way.

"I have," said the witness, "passed the time of day with some of them."

"Is it not a fact that your sole reason for being in San Francisco is to aid the prosecution in securing indictments?"

The question was objected to and the objection sustained.

Burns stated that he had been introduced to Grand Juror Sonntag, but had never discussed with him any of the matters under investigation by the grand jury. He had, he said, talked perhaps three or four times with Foreman Oliver. Nothing was said about Ruef, Schmitz, Nicholas, Duffey or any of the witnesses.

"Did you talk about a conspiracy to indict Mr. Ruef and Mayor Schmitz, or about a meeting between Fremont Older, Mr. Phelan, Mr. Heney, and Mr. Henery?"

"I never spoke to Mr. Phelan in New York in my life," spoke up Heney. "Well," said Ach, "we'll leave your name out of a conversation he had with Jean Loupe, a restaurant man, at which time Loupe denied having paid Ruef for police protection."

"I told him," said Burns, "that I did not believe him. I said we knew the facts." Burns was on the witness stand when court adjourned.

FORAKER DEFENDS NEGRO SOLDIERS

Senator Says President Exceeded
His Constitutional Power
In Discharging Them.

THINKS HE WAS IMPOSED ON.

Senator Lodge Came to Executive's Defense; Says He Does Not Make up
Mind in Advance.

Washington, Dec. 20.—Immediately after the senate convened today Senator Foraker's resolution looking to an investigation by the senate of the president's discharge of the three negro companies of the Twenty-fifth infantry was taken up, and Senator Foraker addressed the senate in its support. He began with the broad declaration "that the president misconceived his constitutional powers when he discharged the troops, and he also misconceived the testimony on which his action was based."

Mr. Foraker said that the president's constitutional power was simply to command the army and navy as commander-in-chief, while to Congress the constitution gave power to raise armies and to make rules and regulations for their government.

The regulations prescribed that no man could be summarily discharged without a right to be tried, and the articles of war, he argued, prescribed minutely how these trials are to be conducted; that all punishments should be in accordance with the directions of courts-martial. He contended, after reading at length from the articles of war, that it was inconceivable that the president should be absolutely without restraint.

The president, he said, stated in his message that these soldiers were guilty of mutiny and had been discharged for that reason. He followed this with the article of war providing that a court-martial should direct this punishment. This was all to guard against the exercise of an autocratic power, Congress, to guard against excessive punishment, had limited the penalties.

Mr. Foraker cited cases from the work of Gen. Davis on military law, where refusal to give testimony was an offense under the head of "disorder" and was punishable by court-martial. Taking up the individual records of the soldiers, Mr. Foraker said the first man on the list was a sergeant who had served 25 years. Each time his enlistment had expired his record was good and was characterized as "excellent," "good soldier," "character excellent."

"Why, Mr. President," declared Mr. Foraker, with great vehemence, "an atrocious crime has been committed if that man is not guilty. He goes forth branded as a murderer."

Mr. Foraker held that the case does not present an open question, but that the authorities gave head of cases along similar lines, in all of which justice had been administered after court-martial.

"Congress has always been careful," he continued, "to provide that no man found guilty of an offense should be punished otherwise than as Congress might direct."

"The president says this is the most atrocious crime ever committed. If these men committed the crime and did shoot up Brownsville, I agree with him. But what I want to call attention to is that the president has misconstrued, by his executive power, the evidence. The president says the guilt of these men has been established by the testimony of scores of eye-witnesses, as shown by the report of Maj. Blockson. I have counted the witnesses in that report, and there are just 21. Their testimony was taken by a specially constituted citizen committee, and no oaths were administered."

Mr. Foraker then read extracts from the testimony, eliminating as "eye-witnesses" those who said they had not seen the shooters, until he had reduced the number of actual eye-witnesses to eight. As to these, he remarked that their testimony was "utterly unsatisfactory and insufficient."

Replying to a question from Senator Knox as to whether eye-witnesses were taken except that furnished in the Blockson report, Mr. Foraker said he had been unable to discover any other, and in this he believed the president had been misled.

"Should the military committee be given authority to examine witnesses?" Mr. Foraker continued. "I know that I can get some testimony that will throw additional light on this matter."

Mr. Foraker repeated that he believed the president had been imposed upon. "But," he added, "if he is a big enough man and a just enough man to undo what he has done when he finds out the true situation."

When he concluded he gave notice that he would submit his resolution regarding an investigation so as to make it mandatory on the military committee. This resolution will be called up after the holidays.

Coming to a defense of the president, Senator Lodge remarked that he was

Don't Sneeze FOR THAT

COLD IN THE HEAD
LaGRIPPE, COUGH
NEURALGIA, ACUTE CATARRH
BRONCHITIS

No Remedy ever devised by
brain of man is so quick or
complete a cure as

CARMELITER GRIPPE-COLD CURE

CAPSULES
TASTELESS-EASY TO SWALLOW

PER 25¢ BOX
CURES YOUR COLD
In 24 Hours or
MONEY REFUNDED

Mailed by Carmeliter Co., New York. Sold by
F. C. SCHRAMM, "Where the Cars Stop,"
WILLES-HORNE DRUG CO.,
By the Monument, DRUGGILL &
FRANKEN, Southeast corner Main and
3rd South Sts.

not one of those who, on approaching a new subject, made up his mind in advance. He preferred to reach his conclusion after he had examined the evidence. This he had not had time to do. He had seen enough of the testimony to ascertain that there were two sides to the question. There was a question of justice involved, not only to the men discharged, but also to the president and the secretary of war. He believed it incredible that reputable army officers would deliberately falsify reports because one of them was the son of a Democrat and another was born in South Carolina.

Mr. Lodge said that the record of the Twenty-fifth regiment showed that four other times since 1885 it had been involved in similar escapades.

Senator Scott concluded the debate, saying that he had talked with a regular army officer who had commanded the Twenty-fifth regiment for 16 years and declared it to be as reliable as any in the service. Negro troops, he said, were the only ones who had never failed to win a battle against the Indians.

"If I have studied the history of the Spanish-American war accurately," he concluded, "I am right in the conclusion that if it had not been for the Tenth cavalry, possibly we would not today have the privilege of having that gallant and old splendid regiment in the White House."

The senate adjourned at 2:45 p. m. until Jan. 3, 1907.

CASTRO OF VENEZUELA.

Latest Advice Say He Cannot Live

Another Week.

Port of Spain, Dec. 20.—Latest Caracas advices indicate that President Castro is much worse and it is even claimed that he cannot live more than a week longer. Should he die First Vice President Gomez will immediately assume the presidency, and will be supported by a large section of the army. The authorities gave head of cases along similar lines, in all of which justice had been administered after court-martial.

"Congress has always been careful," he continued, "to provide that no man found guilty of an offense should be punished otherwise than as Congress might direct."

"The president says this is the most atrocious crime ever committed. If these men committed the crime and did shoot up Brownsville, I agree with him. But what I want to call attention to is that the president has misconstrued, by his executive power, the evidence. The president says the guilt of these men has been established by the testimony of scores of eye-witnesses, as shown by the report of Maj. Blockson. I have counted the witnesses in that report, and there are just 21. Their testimony was taken by a specially constituted citizen committee, and no oaths were administered."

Mr. Foraker then read extracts from the testimony, eliminating as "eye-witnesses" those who said they had not seen the shooters, until he had reduced the number of actual eye-witnesses to eight. As to these, he remarked that their testimony was "utterly unsatisfactory and insufficient."

Replying to a question from Senator Knox as to whether eye-witnesses were taken except that furnished in the Blockson report, Mr. Foraker said he had been unable to discover any other, and in this he believed the president had been misled.

"Should the military committee be given authority to examine witnesses?" Mr. Foraker continued. "I know that I can get some testimony that will throw additional light on this matter."

Mr. Foraker repeated that he believed the president had been imposed upon. "But," he added, "if he is a big enough man and a just enough man to undo what he has done when he finds out the true situation."

When he concluded he gave notice that he would submit his resolution regarding an investigation so as to make it mandatory on the military committee. This resolution will be called up after the holidays.

Coming to a defense of the president, Senator Lodge remarked that he was

many perplexing international difficulties, and especially in Turkey, where many men who have American naturalization papers demand the protection of the United States. If the recommendations of the committee be enacted into law this country will go practically upon the same basis that England now is, and will be able to terminate the American citizenship of persons who live outside this country.

STUDENTS EXPELLED.

Paris, Dec. 20.—The teachers and students of the famous St. Sulpice seminary here were expelled today. Among the students were a number of British subjects and one American, who read an energetic protest. He claimed they were there under an agreement with the French government. The foreign students also announced their intention of calling the attention of the embassies to the action.

TWO MINERS KILLED. FIFTEEN INJURED.

Pittsburg, Kan., Dec. 20.—In an explosion in mine No. 1 of the Fidelity Coal company at Stone City today, two miners were killed and 15 others badly burned. Five kegs of powder taken into the mine by a party of 17 men exploded at the bottom of the mine as the men were leaving the cage. The killed are:

Oliver Catteroes and John Day, both of Stone City.

It is supposed a spark dropped from a pipe one of the men was smoking into one of the open kegs of powder. The mine at the bottom was badly wrecked, but the damage has not been estimated at this time.

Never can tell when you'll mash a finger or suffer a cut, bruise, burn or scald. Be prepared, Dr. Thomas' Electric Oil instantly relieves the pain—quickly cures the wound.

Exceptional Fur Values
At Meheys' Xmas clearance sale.
Knutsford fur store.

Only two more days in which to get your MOUNT'S Christmas pie mince-meat.

Elegant and Exclusive
Designs in furs at Meheys', Knutsford.

FRUIT TREES!

A large assortment of the finest quality of fruit, side and ornamental trees at very low prices. We make a specialty of dealing direct with the farmers. Write for our catalog. FREE. We pay the freight. Schroeder-Son Nursery Company, Lafayette, Colorado.

BOWERS, JEWELER, SOUTH MAIN.

PIANOS.

High grade and medium easy payments, one price only, cash reductions; estimates on piano repairing without cost; see our catalog. FREE. NEW YORK & WESTERN PIANO CO., No. 52 Market St., near Postoffice.

The Stamp of Superiority

On Leather Novelties is the Delish Bros. signature. It stands for the highest character of workmanship and real leathers. Our Delish Bros. novelty line is most complete.

FOR RHODES SCHOLARSHIPS.

Washington, Dec. 20.—The bureau of education is advised by Dr. Parkin that Rhodes trusts that the next examination in the United States for Rhodes scholarships will be held on Jan. 17 and 18, 1907, in each state and territory.

CHANGES IN NATURALIZATION LAWS RECOMMENDED.

Washington, Dec. 20.—Recommendations for changes in the naturalization, expatriation and passport laws and regulations of the United States were submitted to Congress today by a special commission designated by the state department to investigate the present laws in accordance with a request from the house committee on foreign affairs. The committee consisted of Dr. David Jayne Hill, United States minister to The Netherlands, and James B. Scott, solicitor, and Gallard Hunt, chief of the passport bureau of the state department.

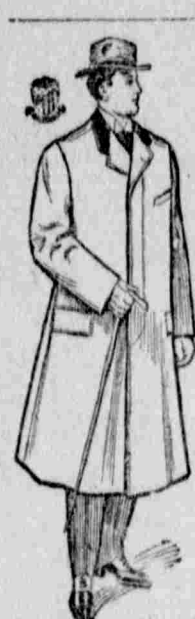
Revolutionary changes in the passport system are made; the status of American women marrying foreigners is defined; the citizenship of minor children is made clear, and provision is made for the expatriation of American citizens who live abroad indefinitely.

Under present laws a man who is once an American citizen is always an American citizen. The result has been

CHRISTMAS HINTS

TO OUR LADY FRIENDS!

This is the season of the year that we always have the pleasure of waiting on hundreds of Lady Patrons. We enjoy it, too. Wish there were more holiday seasons—for the ladies can't come too often. We are aware that GOOD OLD SAINT NICK finds it very hard work filling men's socks with suitable gifts.



A Man Likes Something He Can Wear

GET HIS PRESENTS
AT A MAN'S STORE,
AND THEN YOU
CAN'T GO WRONG.

This Whole Store is a Veritable Christmas Tree of Gifts.

BEAUTIFUL TIES. FAULTLESS SHIRTS. "JUST RIGHT" UNDERWEAR. HOSIERY. SWEATERS. FANCY VESTS. FINE HANDKERCHIEFS and MUFFLERS. GOOD COLLARS and CUFFS. SUSPENDERS. HANDSOME UMBRELLAS. ELEGANT SUITS and OVERCOATS. CORRECT HATS.

SMOKING JACKETS

In Great Variety at
25% Discount.

Let us be your official "stocking filler," and "He" will be highly pleased.

STORE OPEN EVENINGS.

BARTON & CO., CLOTHIERS TO MEN AND BOYS.

45-47 MAIN ST.

ONE THOUSAND GRABS!

WILL BE GIVEN OUT
BY SANTA CLAUS.

THIS IS NO BLUFF, SATURDAY EVENING'S GRAB SALE

to commence at 7 o'clock p. m. These grab bags contain Dolls, Xmas Presents Clothes, Shoes and lots of Valuable Articles Values as high as \$2.00. Each grab will be 10c While they last. Santa Claus will meet you at 7 P M and Saturday Evening in the window of

PEOPLE'S CASH STORE,

CORNER RICHARDS STREET.

Beautiful XMAS GIFTS

In

Diamonds, Watches, Jewelry,
Silverware, Cut Glass,
Clocks, Etc., at

25 TO 50 PER CENT

LOWER THAN THE LOWEST. Come and Convince Yourself. Every article guaranteed as represented. Engraving done gratis. We will exchange any article after the holidays.

DIAMONDS

Sold with a written guarantee to refund the full amount paid for them at the expiration of three years, which means you can wear

Diamonds Three Years for Nothing.

Reference: Walker Bros., Bankers.

I. SIEGEL,
Jeweler and Diamond Broker

175 S. MAIN STREET
THE POPULAR PRICE JEWELRY HOUSE.