

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

DIFFERS WITH PRESIDENT.

## But Doe- Not Credit Stories of His pendence-Brownsville Affair.

Canton, O., April 10,-In the presence of 1,200 people, Senator Joseph E. Foraker tonight delivered an address de fending his actions as a public servar and declaring his willingness to abide their decision in the future casion was the annual banquet of the on Dowrd of trage. Semitor Foraker was on the program for an address on "Cirte Pride," but his speech was largefy directed to his work as senator, and is reported as being the opening of the presidential campaign in Ohio.

THE SENATOR'S SPEECH.

Senator Foraker discussed published 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-Reserveit combination, reviewed the in-restigation of the discharge of the ne-gro soldiers on account of the trouble at Brownsville, Tex., referated his views regarding recent railroad legis-lation, protested against the infringe-ment by one branch of the government on the rights of atother branch, de-clared that the representatives of the people in Congress are accountable only people in Congress are accountable only to the people and arc not "properly sub-fact to any other influence," denied the right of any one except his constithents to call him to account, and sounded a note of warning against in-creased surveillance of business men who need "no moral regeneration."

THE "DEADLINE" REPORT.

He quoted a published report that "President Roosevelt has drawn a dead-line for Senator Foraker," and that "if he attacks President Roosevelt, President Roosevelt will be heard from in no uncertain tones.

uncertain tones." 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 had it would seem incredible to the verage mind that such a story could anything more than a mischief-making pipe dream of an over-ambitious ondent

That the president of the United States should become personally en-saged in a political context to determine his successor is without precedent, un-less It be the bad precedent set by An-drew Jackson as to Martin Van Euren.

Grew 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 statch of those who may differ from bur, that they are to disregard those limitations at their peril, is without picedent even in the case of Jackson, and is so inconsistent with the dignity of his high office and the properties aiways to be observed, that I feel it a duty toward the president himself to enter for him, on my own motion, a disnier for him, on my own motion, a dis claimer of all responsibility for such publication

publication. "The time has not yet come, and no-body knows that better than the presi-don; himself, when 'deadlines' can be drawn in debate for anybody to ob-serve; nor has the time come when any real mar would respect them if they were drawn. were drawn

So far as I am personally concerned, "So far as I am personany 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."

RICH MEN'S CONSPIRACY.



Dr. L. A. and all a FEBD. T. HOPKIHS, Prop., 37 Great Jones Street, Hew Tork.

company. I never communicated him directly or indirectly on any whatever, al attention to this with particu-so that at the outset such wild, as, crazy stories may be put into

class of campaign literature where properly belong. In these stories are but samples of

Balt those stores are but samples of many others, all of which taken to-gother, seem to have for their object he dissemination of the idea that I am at war with the policies of President

PRESIDENT A TIRELESS WORKER. "No man ever occupied the White House who has been identified with so many logislative measures as President Roosevelt. He is a titeless worker. He is constantly dolag, or causing to be done, 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.

been president since September, 1991, 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. "I differed from his as to joint state-hood for New Mexico and Arizona, in-sisting that they should not be forced into the Union as one state, unless a majority of the citizens of each terri-

into the Union as one state, unless a majority of the citizens of each terri-tery might so vote. The proposition I favored was adopted by Congress and the people of the territories voted against joint statehood, That was a proposition about which men might well differ. There was no occasion for any bitterness of feeling in connection with its consideration; and there was none on my part, and I never heard that there was any on the part of the president. preside

DISAGREES WITH PRESIDENT.

DISAGREES WITH PRESIDENT. "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-eninth Congress. I was not opposed to that proposition, however, because I did not want governmental control and supervision of railroads en-gaged in Interstate commerce, for I was among the first to advocate such a measure, but because I thought the measure, but because I thought the Hepburn law in that particular was both unconstitutional and unnecessary and that it was a long and serious sto

and that it was a long and serious step in the wrong direction as a matter of public policy. "I did not believe either that if Con-gress had the power to make rates, it had the right to delegate that power to any administrative body. Whether I was right in cutertaining this opinion will be determined when the supreme court of the Frided States reases on the

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. Foraker said all the prosecutions acainst the railroads, the sugar and beef trusts and the Standard Oll com-pany and other corporations have been brought under the Elkins haw, and the Revenuent second conditions spacel. government secured convictions speedi-ly in all cases except where its own testimony failed, but that no suit of the kind has been brought under the Hepburn law.

### BROWNSVILLE AFFAIR.

Another session of Congress has just "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, shout which I have taken a different view from him. I refer to the discharge, without honor, of the members of com-national; one to de 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

negro vote. It tries the patience to answer such charges—but that claim might be disposed of, one would think, by the simple statement that for more than 30 years I have been honored with that vote almost te a man, and simply because, as on this case, I have always upheld their rights under the Constitution and the laws. "The investigation has been in pro-gress; it has not yet been completed. I would prefer not to speak of the re-mult they have been fully deter-mined; but challenged as I am I do not hesitate to say that the testimony so far taken justifies the Investiga-tion. I cannot here and now analyze that the evidence already taken war-cants the belief that not a man in that battalion fired a gun. I do not be-lieve any testimony can be secured that will refute anything that has been established.

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 men were participators in the shooting, are now of the opinion—and have tes-tified—that all are impect." lified-that all are innocent.

"But, however all may be, these men-have had a hearing. They have been pormitted to state their defense; and whether the defense prevails or not, it has been demonstrated that this is a government of law, a government where the rights of clizens, no matter how humble they may be shall be how humble they may be, shall be protected by the baw, and under the law, and not a government under which, by autocratic and arbitrary orders and decrees, men may be dishon-ored and stripped of the most valu-able rights. If there be any place in the United States where these sentithe United States where these send-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 advacates of human rights as Joshua R. Giddings, Benjamin F. Wade, Sal-mon P. Chase, John Sherman and Wil-ham McKinley.

OFFICE OF A SENATOR.

"But running through all this conten tion there is found another broad and important question. What is the office of a senator? Is he a mere agent to register the sull of the amere agent to register the will of somebody else, or is

register the will of somebody else, or is he supposed to have opinions of his own with liberty to stand for them in dehate and when he votes? "If he is a more 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

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 satisfied they have a remedy for that dissatisfaction in their own hands. They can select another.

ACCOUNTABLE TO HIS CONSTITU-ENTS.

"But, while conceding the right of everybody else to differ from me, I de-ny the right of anybody except my con-The right of all 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 commonwealth. 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, hig or little, inside or outside the state. Never will I acquiesce without protest in what stituents to call me to account. I never will I acquiesce without protest in what I do not approve, no matter by whom it

# BELIEVES IN OUR GOVERNMENT.

"I believe in our public system of 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

# JEROME WAS MERCILESS TO EVELYN NESBIT THAW

(Continued from page seven.) against the defendant and such evi-dence may be presented as will offset these allegations and establish his in-sanity at the time of the commission of the act. The law presumes that sanity the act. The law presumes that satisfy is the normal condition of man and wherein insanity is the plea, as the condition of mind of the defendant at the time of the act, that becomes the crucial question of the jury to decide. "If there existed in the mind of the defendant an insane flusion it is not an character that if true it would result in

character that if true it would result in his injury. "Proof of partial or tocipient insanity is not sufficient as an excuse. The set-field law of the state is that as long as that power to appredate the nature and quality of the act is present, no man must commit erime if he would escape the consequences. "If he cocks, alms and discharses a revolver, as it is alleged here, did he know when he cocked and fired the weapon that the act was wrong and that it would probably destroy a life, and did he know that the act was for-bidden by law? That is the question which the law must have answered. "There the rule of evidence the story, claimed by the defendant's wife to have

which the law must have answered. "Inder the rule of evidence the story, claimed by the defendant's wife to have been told by her to the defendant, is admitted not as affecting the character of the deceased, but that you might consider what effect such a story would have upon the defendant's mind. In considering her story, her credibility as a witness is highly material, and ev-erything that she has said or done must be taken into consideration. Her admissions regarding the relations ex-isting between herself and the defend-ant prior and subsequent to this trag-edy and prior to her marriage, or any other act should be weighed in connec-tion with her story. "A wide latitude was allowed on creast coall that was developed along with other facts. The letters, the will, and the codicil before you were not ad-mitted under any ruling as to their competency, but by consent of counsel. "There has been ny denied from pistol short wounds inflicted by the defendant. "The resulted from pistol short wounds inflicted by the defendant. "The legal presumption is that the defendant was sane when he committed prosecution to incoduce preliminary

the act. It was not incumbent on the prosecution to introduce preliminary testimony to show that he was same. The burden of proof is on the de-

Whoever denies sanity must prov-"Wheever decles sanity must prove that insanity is present. The law as-sumes that all men are same as it as-sumes all men innocent. The burden of proving a crime is on the prosecution, but the burden of overthrowing sanity is on the person claiming it. The de-fendant is entitled to the benefit of the doubt in this case. "The hypothetical questions answered by the expects assumed certain facts

by the experts assumed certain facts and the answer was only the opinion of the expert on those assumed acts. You are not obligated, nor are you permitted to accept opinions as you would facts. In considering the testimony of medical experts you are to consider their experience and knowledge, and you should consider the quality of the medical tes-timony and not its quantity. "The so-called irresistible impulse has

Unnory and not its quantity.
"The so-called irresistible impulse has no blace in the law and is not an excuse, nor is every person of a disordered mind. While the burden of proof of insanity is on the defendant, he also is cutitled 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 committed a crime. All men differ mentally and physically and this makes it impossible, as I said before, for the court to lay down a fixed rule as showing deliberation and premeditation.
"As to the distinction between reasonable doubt to become jurors. The law does not require that the prosecution shall efface every possible doubt. A Recorder Smithe once charged a jury, the defendant is entitled to have his guilt established by competent evidence and beyond all doubt. The defendant is antitled to have his guilt established by competent evidence and beyond all doubt. The defendant is entitled to have his guilt beyond all doubt. Nothing in this world is beyond all doubt. The defendant is all.



Large and small shapes of tur. key or ostrich feather construc.



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

to "do him up." for his attitude toward Wall street, E. H. Harriman, J. E. Foraker and John D. Rockerfeller." "In view of this publication." said Mr. Foraker. "I trust that I may without impropriety say that until it was given out at Washington a few days ago I never heard tell of any combination or trust or conspiracy to oppose the pres-ident in anything; much less did I ever hear of the so-called \$5.000,000 conspir-acy of which we have heard so much

acy of which we have heard so much during the last week. "I trust 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 Povernov of Obio was governor of Ohio.

"I had the pleasure of meeting him in connection with the ceremonies con-nected with the laying of the corner-stone of the Young Men's Christian as-sociation building at Cleveland. With that single exception, I never saw him, never such a kim and a such as never spoke to him and never com-municated with him in any way, director indirectly. Mr. Harriman I have seen oftener, I

All. Harrhand 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 aeither of these occasions did I have any con-versations with him. "The only other time I ever saw him was to meet him at a dimear pair and

was to meet him at a dinner party giv-rn by Senator and Mrs. Depew, where Speaker Cannon and his daughter, Sen-tor Spooner and his wife, Senator Elkins and his wife, and many others, resent.

"Ext pt only the brief conversation of the evening in the presence of all



ray at E-Pownsville, Jex. But it was an neident, pot a policy. But it was an neident of such character that I feit a my duty as a representative of the people of Ohio to do with respect to it what I have done.

people of Ohio to do with respect to it what I have done. "It was charged—and the president was made to believe—that certain men 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 distinsed; without honor, the innocent and the guilty alike; the guilty because they were guilty, the innocent her used they could not be distinguished from the

could not be distinguished from the guilty

# INJUSTICE TO OLD SOLDIERS.

<text><text><text><text> said: foyed.

MEN GIVEN NO SHOW.

"These men had been given no op-pertuality 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 testimony against him; and especially should soldiers have the benefit of uch a hearing

"The benefit of solutions 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-schief of the array 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. I spoke repeatedly in favor of the pro-position, but the record will be searched in value to find one word of disrespect toward anybody from the president down to the humblest man figuring in any way in connection with the mat-ter. "It was with me signale a

"It was with me simply a great, bread question of constitutional power on the one band and constitutional slight on the other. It has been said ight it was an effort to secure the

duties of the government multiply will become more and more strikingly manifest that our fathers were wise in providing such a system, and that, instead of talking about the obliteration of state lines, we should now more than ever be careful to preserve to the states

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 separate, independent and co-ordinate, and that the rights of each should be icalously protected against infringe-

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 while eigmor no alloged exigency, 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 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-foyed.

BAD CORPORATIONS.

"Bad men and bad corporations and rusts there are and always have been and always will be, but also there is a aw for their prevention and punish-ment, and with respect to all such let the law take its course. We are now 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 pan-ics 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 fallling hair and dandruff.

# HERMANN GOT GOOD BERTHS FOR HIS RELATIVES

Washington, April 10.-The principal daelopments in the cross-examination of Bluger Hermann were his admissions that while he was commissioner of the genwal land office he gave positions to stx of his relatives. Reference again was made to the "tip" which Mr. Hermann is

made to the "tip" 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 relegram could not remember its details. It was also brought out that Hermann had received a part of the government compensation of his brother as payment of the compensation of Cy L. Miller, a son-in-law, but declared that it was in payment for ndvances he had made Mil-ter.

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

day.

Good home cooking. Regular din-ner, 25c. Steaks and short orders all day. 18 West Third South Street.

initialed to every reasonable doubt and that is all. "A recisionable doubt is such as might arise in the mind of an intelligent man who, if called upon to give a reason for such doubt, would not be at a loss to do to. A reasonable doubt is not an imaginary 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 he is guilty of murder in the second degree. And so with manstaughter. "You may in this case, let me say once more, find the defendant guilty of

accond degree, you may find in the sec-ond degree. And so with manshaughter. "You may in this case, let me saw once more, find the defendant guilty of murder in the first degree, guilty of murder in the second degree, or guilty of manshaughter in the first degree. "If you vote for acquittal on the ground of insanity, you may state that ground in your verdiet. "You must be guided, gentlemen, en-tirely on the evidence. Chamor, preju-dice or sympathy must not prevail. You must be guided by your reason and your judgment. "The case has been fully tried and

your judgment. "The case has been fully tried, and I have not attempted to make any epi-tome of the evidence. If in any alu-sion I have made to the facts my state-ment does not agree with your recol-lection, you should take your own recollection.

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 failhfully to 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 right clearness and forecast

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 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-diet according to your oaths." Jusdoe Fitzgerald supplemented his charge by again clearly defining the legal definition of 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, out Justice Fitzgerald said that he had practically dwelt on all of them, with the exception of a few on which he declined 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

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-quital on the ground of insanity, the disposition of the prisoner would rest with Justice Fitzgerald. Thaw having already 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 richest man in the world can not have his kidneys replaced nor live with our provide the superstant not to ner-be these organs. If Foley's Kidney Cure is taken at the first sign of danger, the support of the superstant of danger, the support of the support of the support inds up there organs as nothing else will be restored, as is strengthens and will be restored, as is strengthens to support with the restored, as is strengthens to support will be restored, as is strengthens to support with the restored, as is strengthen else will be restored as the strengthens of the support with the grant pleasure in stating it cur-ed me permanently of kidney disease, which certainly would have cast us my the work of the support of the support of the support of the stating would have cast us my

Jos. E. Taylor, PIONEER UNDERTAKER