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RELEASED

Mayor Harrison Has No Connection With the Fire Disaster

WAS NOT LIABLE

Judge Tuthill Declares That the Coroner's Jury Put an Unjust Stigma on the Mayor, Who Had Failed in no Particular-The President Could as Logically be Held for the Destruction of a Building Where Loss of Life Occurred at Annapolis or West Point.

Chicago, January 27 .- Mayor Carter H. Harrison was today ordered by Judge Richard S. Tuthill to be immediately discharged from custody in connection with any responsibility for the wholesale loss of life in the Iroquois theatre fire.

The judge declared that the mayor was in no way whatever guilty or l.a- ! ble, and that the coroner's jury in or- ed until his arrest, going out but twice the floor of the Senate. He announced was not denied by some of the lawdering Mayor Harrison hed to the for brief intervals. Two days ago his conviction that both under the ifications were in conflict with the received no instructions on the subgrand jury had put an unjust stigma Behr produced newspapers containing upon the mayor, who had failed in no particular whatever either in omiss on or commission.

Mayor Harrison was released on (writ of habeas corpus which was sued out before Judge Tuthill, after the mayor had surrendered himself to the custody of the sheriff,

In delivering his opinion, Judge Tut-

particularly, and I can say with ut qualification or hesitation, that I find he claimed to have received during the not one word in the evidence, so f r as turbulent municipal election at Mem-I have examined it, which tends even phis January 7. The local officers are doing a greater wrong to Panama the negro. remotely in my judgment, to snow the mayor had any knowledge of this matter or that he was in any respect negfigent of any duty imposed upon him by the laws or by the rules that commonly apply to persons who are responsible for the safety of cthers.

"It seems to me it would be just as logical to say that because there should be a destruction of a building at West Point or Annapolis, by fire, and gives should be lost there, to say that the President of the United States should be held over by a coroner's jury to answer for an indictment by a grand jury for crim nal complicity.

"Now the mayor of the city occupies relatively the same position that the governor does, and that the president does. It seems to me that it is a very great wrong to place upon the mayor of the city this undeserved stigma without any basis in the law or in the

MURDER AT MONROE

H. M. Eubanks Fatally Shot J. E. Withelm as Result of Long Standing Trouble.

Charlotte, N. C., January 27 .- J. E. Withelm, former propietor of the Montoe Hotel, was shot fatally by H. M. Eubanks, in the latter's store at Monroe, N. C., teday. The altercation which resulted in the shooting was the culmination of long standing trouble between the men. Eubanks shot Withelm four times. The victim died in half an hour. Eubanks was married last Sunday.

Harry Vann Fatally Injured While Hunting.

(Special to The Messenger.) Raleigh, N. C., January 27.-Harry

Vann, the eighteen year old son of Rev. Dr. R. T. Vann, President of the Baptist Female University here, was perhaps fatally injured this afternoon

"DOPE" FIEND IS MURDERER

HARRY BEHR CHARGED WITH KILLING MISS SCHAEFER.

Since the Day of the Murder Behr First Democratic Sena-Has Been Staying at a Negro's House Smoking Opium-Suspicions That Point to Him.

Louisville, Ky., January 27 .- With his clothing in several places clotted with blood and his face badly scratched, Harry Behr was today taken into custody as a suspect in connection with the murder of Miss Sarah Schafer, at Bedford, Ind., on the night of January 21st.

Chief of Detectives Sullivan and Detective Maher arrested Behr at the home of Roger White, a negro with with whom he has been coarding since the day following the murder. The grounds given for Behr's arrest are stated as follows:

Behr was met by the negro White on Friday morning on January 22nd, the day following the murder. Behr was coming from the Louisville dock of the ferry line running to Jeffersonville, Ind. Bedford is 75 miles from Louisville. Behr after his arrest told an uncertain and disconnected story to account for his whereabouts at the time of the murder and in explanation of wounds on his face. Some portions of his story are contradicted by his mother who lives in Memphis and North Carolina, on the Panama canal of the voting population in 11 of the other statements by Mrs. Behr fail to fully substantiate details as to time. White, Behr asked for permission to mons spoke in support of the treaty, problem. board with him and smoke a little being the first Democratic Senator to imposed by constitutional action in port from Tokio that Japan has reto the negro's home where he remain- take that position on the measure on Southern states Mr. Harwick said it quested Russia to hasten her reply. accounts of the Schaefer murder and asked Lizzie White to read to him the making power, the President had au- can no longer stand as a political story of the murder. He was smoking thority to enter into a treaty with ward of the government, but must opium frequently and was twice heard Panama, after it became an indepen- He said there had never been a to say that had a woman's blood on his clothing. This morning Behr dent state, for the construction of a disposition in the South to deprive Rosen, the Russian minister at Tokio. awoke from a stupor induced by the canal via the Panama route. He the negro of his civil rights—the M. Kurino reiterates his opinion that 'pipe" and screamed for Lizzie White, said:

calling out that he had killed a woman, The negro notified the detectives and the arrest followed. was a native of Memphis and gave the "I have gone over the testimony of address of his mother there. He de-

have instituted an inquiry as to the night of the murder.

Bedford, Ind., January 27.-The officials and detectives in charge of the investigation here have received no official notification of the arrest of Harry Behr at Louisville and do not believe that he is in any way connected with the murder of Miss Schaefer, The belief is growing among the ininvestigators that the murderer was negro and his motive criminal assault, t is claimed evidence points to this

conclusion. NO AMENDMENTS NEEDED.

in Its Original Form.

Washington, January 27.-The Sentreaty which, in effect, rescinds its former adoption of amendments. Senator Cullom, chairman of the commitoriginal form.

ment of the convention. Assurance executive of the nation." removed and the alterations recom- be accepted as discrediting the state-

DEATH LIST AT HARWICK MINE WILL REACH 174 if he had done no more than this he would have done no more than his duty under the law."

days have elapsed since the terrible catastrophe at the Harwick mine of the Allegheny Coal Company and tonight at midnight, 71 bodies have been recovered and brought to the surface. Only eighteen of these have clude the name of Daniel Lysle of a reasonable time." Interpreting the been identified. The day has been Castle-Shannon, whose body was phrase "Reasonable time" on broad the hill above the pit-mouth, but was one of the men who went down there was any lapse of reasonable fight for escape. Children and woeven while the blackened bodies were in the mine to work last night, but time which would have made it the brought from the top of the shaft became separated from the rest and President's duty to turn to alternate on sleds to the school wandered far ahead of the air. His tive route designated in the statutes. house on the hill above, where the body was found sitting with his back' Mr. Simmons continued: them, there seemed to prevail in the had evidently been overcome by the asserted by some of the opponents of community as a clutch that repressed after-dame. catastrophe has been realized.

night in an official statement posi- yet been ascertained.

their natural feelings of passionate. This brings the efficial number of fication, under the circumstances, is anxiety and sorrow, the grim realiza- known dead up to 174, but the list tantamount to condoning the action er Hawthorn. which sailed from prior to death. His face was calm and tion that there is still much work to may still be incomplete, as it is pos- of the administration, both as to the Jacksonville, Fla., December 4th, for The Allegheny Coal Company to- ers direction, whose names have not gard this treaty, as deeply important some sails. The schooner had been found evidence of eyanide of potes- private burial at Nettley, his flowe, in

tor to Speak in Favor of Canal

IN THE SENATE

The North Carolina Senator Does Not Approve of all the Methods That Have Been Employed, But He Favors Ratification of the Treaty-Several Matters Were Discussed in the House, Among Them the Race Question-Reference to for his platform. Election Methods in the South.

cluded a speech by Mr. Simmons, of figures he showed that the negroes treaty and the passage of a number Southern states, which figures, he According to the story of the negro of bills and resolutions. Mr. Sim- said suggested the magnitude of the

remaining here. The cuts on his face its doing. If what has been done in gro. now following up two-tramps. Some than has already been done to Co- Mr. Harwick replied that higher edy that wrong.

Bedford on a Monon freight on the tions of the President, either in con- the laws of a number of states, innection with the revolution or in recognition of the independence of Panama.

"There is much in his conduct in these connections of which I disapprove, which I regard as imprudent and unwise; as rash and dangerous to the peace and welfare of this country; as contrary to the policy of duced for the same reason. this government in its dealings with other nations, * especially those on to Mr. Harwick that it was the best this hemisphere and is not calculated presentation of bad cause he had ever to advance us in the affections and esteem of other nations. I do not think, however, that everything the President has done in this connection was wrong. From the bottom and Mr. Williams, of Mississippi, and The Canal Treaty Reported to Senate of my heart, I would be glad for the several others on the minority side. honor of my country, I would be glad Mr. Landis said prosperity was here if I could reconcile all of his acts in to remain if the Democrats would let right and law, but I cannot and to scare it away tomorrow, he added, ate committee on foreign relations to- be honest with myself, I am bound by electing a Democratic Congress day took action on the Panama canal to say, and I have no pleasure in and enacting a measure similar to saying it, that the course of the the Gorman-Wilson tariff bill. The President, both in connection with Republicans, declared Mr. Landis, the revolution in Panama and the would go into the battle on the party recognition of its independence, was tee was authorized to report a dis- to say the least, hasty, rash, improvi- the prosperous condition of the agreement on the amendments al. dent, and dangerous to the peace Southern states and replying to a ready reported which action is equiva- and welfare of this country; and question by Mr. Livingston, of Georlent to reporting the treaty in its justifies the feeling of many of his gia, he said the Democratic states This course of the committee is in cal opponents that he lacks that con- selves. accordance with the decision reached servatism, which considerations of by the Republican Senators more than national stability and safety makes row. a week ago not to permit any amend- necessary and desirable in the chief

having been given to the state depart- Mr. Simmons said he believed that ment and communicated to the senate the President and the secretary of that the Panama republic will permit state should be relieved of all charge the harbor improvements and sanitary of complicity in the Panama revolt. regulations desired by the United He said he did not believe that the States government, the need for posession of information concernamendments to the treaty has been ing an approaching revolution should mended by the committee are held to ment of the President and added: be superflous. It is believed by the "In entire deference to the views of administration that the interests of others on this side of the chamber, this government are fully protected who may differ with me in this opinwas brought to a hospital here tonight.
His shot gun accidentally, discharged, the load tearing away his chin

now and that it is not advisable to lon, I think that the statement of the papers issued by Governor Landam of the buggy, producing concussion of the buggy, producing concussion the load tearing away his chin

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one of the most expensive hotels in the load tearing away his chin

one of the most expensive hotels in the load tearing away his chin lution in Panama. It was his only and trampled on. in view of imminent insurregion, to have on the ground a sufficient force traveling in a smoke fog so dense American citizens. This he did and if he had done no more than this he

duty under the law." Mr. Simmons announced his belief that the change of recommendation by the isthmian canal comm.ss.on Pittsbur. Pa., January 27 .- Three | tively admitted that all of the men from the Nicaraguan to the Pantua who were in the mine when the ex- route had been the result of honest plosion occurred are dead. There are conviction. He also accepted the 171 names on the list, which does Spooner act as a deliberate proone of horror in the little village of found in the mine this morning. He principles he did not believe that

undertakers were ready to receive to the wall of one of the rooms. He, "It is contested and vehemently this treaty that a vote for its ratito us as is the immediate construc- given up as lost.

tion of the canal, and as vexatious as I am sure will be the delays in the commencement of that great work, if this treaty should be defeated, I do not think I could vote

"To my mind you might as well say that I cannot administer on the estate of a dead man without approvnot act upon the admitted fact that Panama is an indepedenent nation without approving of the means by which that independence was achieved."

Mr. Simmons also announced his intention to vote for the various resolutions of inquiry and closed with the expression of a desire that Colombia might be compensated for her loss.

THE HOUSE.

Washington, January 27.-General debate in the House today on the urgent deficiency bill digressed to a discussion of political topics, the race question and aerial navigation. Mr. Burkett, of Nebraska, led off with discussion of the political situation from a Republican viewpoint and Mr. Conrad, of Missouri, spoke for the Democrats.

C. B. Landis, Republican, of Indiana, closed the day in a political speech lasting an hour. He declared that Mr. Roosevelt will be nominated with the record of his administration

Mr. Harwick rejoiced at the happy relation now existing between the North and South. He said the South ylelded to no section in loyalty and Washington, January 27 .- The in that spirit he invoked consideraproceedings of the Senate today in- tion of the race. Quoting census constitute about 36 per cent of those

Reviewing the voting qualifications anese legation does not credit the reyers of ability that any of these qual-Spooner act and his general treaty 55 amendment. He said the negro ject. On the contrary, he apparently

right to earn a living, and the right of protection to life and property. "What has been done in Panama There can be no political equality, reply. has been done and cannot be un- he said. He quoted statistics and To the officers Behr stated that he done. It was not done by the Demo- said it was shown that as illiteracy cratic party, neither could that party ity increased, from which he deduced Fire Marshal Musham and Building clared that he left Memphis last Thurs. have prevented its doing, and there- that education had been detrimental nearly completed railroad line around ton of our Southern uplands and val-Commissioner Williams and the mayor day night, coming to Louisville and fore, it is in no way responsible for rather than beneficial to the ne-

are endeavoring to follow Beht's lombia. Surely the defeat of this education unfitted the negro for movements from Memphis. Others treaty will not either undo nor rem- work; that it gave him an ambition too high to be realized in the South be believed would not be broken, but possibility of his having ridden out of "I am not here to defend the ac- or elsewhere. Calling attention to cluding Ohio, Vermont, Massachusetts, Connecticut, Maine, Oregon, California, Wyoming and Idaho, he said if the representation of the Southern states were to be reduced because of the voting qualifications imposed, the representation of the states named would have to be re-

Mr. Grosvenor, of Ohio. remarked

Reference to election methods in Southern states precipitated numerous colloquies between Mr. Landis this connection with my notions of it stay, but the Democrats could record. He caled attention to political friends as well as his politi- were prosperous in spite of them-

The House adjourned until tomor-

FATAL STREET CAR COLLISION.

Caused by a Fog Making it Impossible to See But a Short Distance-Forty Persons Injured.

St. Louis, January 27.-At least forty persons were injured today in was necessary. Others were bruised Both cars were northbound and

to protect the lives and property of that it was impossible to see objects a block away. The accident occurred while the front car was stationary, owing to a quarrel between the conductor and a passenger over a fare. The second car was coming at high speed through the fog, the motorman, Chrystopher Juergin, ringing his gong. Juergin stuck to his post, but could not avoid a crash. the middle of the first car. Juergin, cyanide of potassium. not include Selwyn M. Taylor, or the two men who were on the tipple above the mine shaft when the excrushed and his back was broken.

> A panic ensued on both cars. Those of the passengers who had not been wreckage by their stronger felows.

Schooner Hawthorn Suffered Acci-

London, January 27 .- The Schoon-

TAKES TIME

ing of his death, as to say that I can- Japan Probably Will Not Press Russia for a Reply

RAISE WAR TAX

Japanese Government Decides on a Financial Programme—There no Change in the Situation, Conferences Are Being Held in an Effort to Frame the Reply-The Czar Wants Peace, But Believes it Proper to be Prepared for all Emergencies.

St. Petersburg, January 27.-The exchanges regarding the Russian response to the Japanese note are still progressing, and the foreign office here announces today that there is no changes in the situation. The Japarealizes that the delay is consequent upon exchanges between St. Petersburg, Vicerov Alexieff and Baron de Japan will not press Russia for a

Prince Kuhilkoff, minister of railroad communications, will leave here in a few days for Irkutsk to inspect the will come sooner or later when the cot-Lake Baikal, which connects the two leys will no longer be king beyond the ends of the Siberian railroad. This frontiers of the United States. connection, which will permit the movement of through trains is consided of great advantage, especially in the event of winter military exigencies, The czar when voicing his approval of Prince Kuhilkoff's mission said in substance that he desired peace, which that it was proper to be prepared for all emergencies.

Tokio, January 27.—It is understood that the cabinet, assisted by the elder statesmen has completed a financial programme which it is anticipated will be published shortly. It is said to include the issuance of exchequer bonds to the amount of 100,000,000 yen and 'ncreasing taxes to the extent of fifty

Colombo, Ceylon, January 27.-The Japanese cruisers Niashin and Kasuga have arrived here.

London, January 27.-The Times this morning publishes the following dispatch from its Toki correspondent:

"The government has resolved to impoes a war tax by doubling the land tax and the income tax, thereby obtaining additional revenue of 44,000,-000 yen (\$22,000,000).

Senator Daniels Re-Elected in Joint

Richmond, Va., January 27.-The general assembly in joint session today confirmed the vote of the separate branches yesterday electing John W. Daniels to be United States Senator to succeed himself. In his speech thanking the general assembly Senator Daniels criticised the administration's policy regarding Panama and said in sending troops down there he had violated a truce with a friendly country. He said he never could support such

New York Embezzler Arrested Texas.

San Antonia, Texas, January 27 .-Herbert Robertson accused of embeza rear end collision between two lishing house, was arrested here toheavily loaded cars on the South day by an officer from New York. Broadway line. Seven men lie se- The arrest was made on extradition

FIGHT ON KING "COTTON"

EUROPEAN COUNTRIES REVOLT AGAINST AMERICAN PRODUCT.

Foreign Countries Determined Emancipate Themselves from Dependence on America-Scarch for New Sources of Supply.

Washington, January 27 .- " Revoit against American cotton" is the aftle of a long report just received as the state department from United States Consul General Mason at Beries, Ger-

Mr. Mason says that foremost among the economic movements in Surepe which may have a serious meaning for important interests in America to the present simultaneous desire for Great Britain, France and Germany to emancipate their textile industries from dependence upon American cotten, The portentous feature of the situation is that there is, not only in Germany but throughout Europe, a growing feeling of resentment against this depe and a determination that thee spinning and weaving industries must at any cost be emancipated from such vascalage by the development of whelly new

sources of supply. The German press charges that the American cotton market is at mercy of speculators who drive ap and down the prices to suit their own purposes. Thus far the movement is in fis infancy, but its future may be eminous for the cotton growers of our Southern States, says Mr. Mason. Experiments in the East African colonies during the last two years have been successful. It is announced that there are many thousand square miles of land in Bast Africa with soil and climate well adapt-

Throught the German consul at Galveston, arrangementa are being made to send over and educate at agricultural schools and on plantations in Texas a number of young Gernans who before going will contract to spend a number of years as superintendents of plantations in the German-African colonies. Coolie labor from China will be employed in case the native gribes prove too incompetent.

It will be many years before this European crusade for colonial cotton may be accomplished, but says Mr. Mason, whether we like it or not the day

GOVERNMENT RESTS ITS CASE.

Testimony Confined Entirely to Postoffice Inspectors.

Washington, January 27 .- In the trial of August W. Machen and others charged with conspiracy to defraud the government in connection with the sale of Groff letter bex fasteners, the prosecution today rested its case. The testimony was confined entirely to postoffice inspectors who had been instrumental in securing the material upon which the indictment was based.

Inspector Mayer, continuing his cross examination referred to what took place upon the occasion of his visit to the house of D. B. Greff, and declared that he made no premise of immunity from prosecution to Groff. Inspectors Williams and Farrell detailed their conversations in Toledo with Dr. and Mrs. Lorenz, prior to their arrest. At their call upon Mrs. Lorenz, they said, they had secured from her the statement that she never knew or heard of D. B. Groff and that she had received no checks from him and had no knowledge of her husband receiving any. In answer to various questions put to Dr. Lorenz, both inspectors stated that Dr. Lorenz said "that is none of your business. That is my personal affair and I don't propose to answer."

Serious Accident to Dr. Fox, of Guilford College.

(Special to The Messenger.)

Greensboro, N. C., January W .- Dr. M. F. Fox, a prominent practicing physician of Guilford cotlege, was a lving here on Asheboro street this evening with two spirited horses when the tongue to his buggy broke, the horse sprang forward causing the broken tongue to fly back, str'king ham with such force on the head it kno had him

EXAMINATION SHOWS THAT WRIGHT COMMITTED SUICIDE

London, January 27 .- A postmorten impression of the cause of death, Porexamination has shown that Whitaker tions of the deadly tabloids, still un-The second car crushed its way to Wright committed suicide by taking Wright evidently having swallowed

The investigation made indicates that Wright must have swallowed the poison while standing before Justice Bigham, after receiving his sentence, It is recalled that Wright pulled a handkerchief from his pocket and ap-

the fatal dose. At the post mortem examination Wright's features showed no trace of the suffering he must have endured peaceful. His brain was found to clum, which confirmed their previous Surry.

several of them. A revolver was found on his person fully loaded. It was cealed in his hip pocket and is an evidence of his strong determination to end his life.

It is now supposed that Wright's ostentatious | consumption of tabloids for indigestion and insomnia during the last day of the trial was designed to disguise, in case of necessity the taking of the fatal dose. According to the doctors the dead man prolonged his agony by taking too many of the cyanide of potassium tabloids, es a smaller dose would have brought death

more swiftly. At the consent of the home secretary. be done before the full extent of the sible that some boys may have gone revolution and to the recognition. If Portland has arrived at Barbadoes have been abnormally large and as Wright's body will be handed over to into the pit to work under their fath- I thought that, as favorable as I re- with the loss of her deck load and the examination proceeded the doctors his relatives, after the inquest, for