

The Wilmington Messenger.

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WILMINGTON, N. C., WEDNESDAY, JANUARY 23 1907.

FIVE CENTS

RESOLUTION PASSED

Brownsville Affair Will Have Another Investigation.

SUBSTITUTES VOTED DOWN

Matter Has Occupied Senate Since Congress Assembled.

Investigation to be Conducted Without Questioning the Legality or Justice of the President's Action—Many Members Object to Foraker's Substitute—Agreement Among Republicans Cited by Bacon as Illustration of Dexterity in Forming Measures on Which They Can All Vote.

Washington, January 22.—The senate today passed the compromise resolution authorizing the committee on military affairs to investigate the facts of the affray at Brownsville, Texas, the night of August 13-14 last, "without questioning the legality or justice of any act of the president in relation to or connected with that affray.

This action came after the subject of the president's discharge of the negro troops had been under consideration almost daily since the first day of the present session of congress, and every phase of the question had been discussed on all sides. Before the adoption of the resolution several substitute measures were voted down. One by Senator Mallory, declaring that the president had authority for his course and acted justly, was tabled by a vote of 43 to 22. Another by Senator McCumber, simply providing for an investigation, without reference to the president, in any manner was tabled by a viva voce vote. The third by Senator Culberson indorsing the president's action and providing for no investigation, was tabled by a roll call vote of 46 to 19. There was no record vote on the resolution adopted.

When the Brownsville resolution was laid before the senate, Mr. Mallory, of Florida, discussed the legal questions involved in the president's discharge of the negro troops. Mr. Mallory offered a substitute for the compromise Brownsville resolution presented yesterday by Mr. Foraker. The resolution of Mr. Mallory provided for an investigation after resolving as follows: "That in the judgment of the senate the recent action of the president in discharging without honor enlisted men of companies B, C and D, of the 25th infantry was within the scope of his authority and power and the proper exercise thereof."

Mr. Mallory said he could not support the Foraker resolution because its language as to the president's power was equivocal. Senator Teller opposed the idea advanced in a recent speech by Senator Lodge that the president, "inherited" power from the king. This was a new doctrine and the Colorado senator said he could see how it might become popular in some localities. Senator Bacon of Georgia, supported the Mallory resolution, 7-11, d. -L. The Mallory substitute. He characterized the agreement among republicans on the Foraker resolution as an illustration of their extreme dexterity in forming measures for which they can all vote, although some of them are directly opposed in sentiment, as in the matter to which that resolution relates."

When Mr. Bacon remarked that if the president was content with a compromise in such language on which those who opposed and supported him could unite, Mr. Aldrich asked: "Did I understand the senator to say that the question whether the president is content with the resolution is the main question?" Mr. Bacon replied that he thought and said what the president might think was far from the important feature "and" he added, "I think the senator from Rhode Island had but one purpose in his question and that was for me to emphasize what I had said to the contrary."

Replying to Mr. Bacon's argument, Mr. Foraker reviewed the history of the Brownsville controversy in the senate to show that the question of the president's power had been raised by the message, the president had sent to the senate on December 17th last. Mr. Foraker maintained that from the beginning all he had contended for was the facts. Mr. Bacon said in reply that while he was far from being an advocate of the president yet he believed the language proposed in the Foraker resolution was an injustice to the president.

Mr. Bacon wanted an opportunity to vote directly on the question, whether the president had the legal power to discharge the negro troops and on the question of tabling the resolution. He spoke of the affray at Brownsville as "an unspeakable outrage."

A roll call was taken on Mr. Foraker's motion to lay the Mallory substitute on the table. This motion prevailed, 43 to 22. Messrs. McCumber, Warner and LaFollette voted with the democrats, and Messrs. Teller and Tillman with the republicans.

Mr. Stone took occasion to review Senator Tillman's "attempt at humor" yesterday. He said he had taken no offense at the reference to himself in Mr. Tillman's characterization of the senate as a "minstrel troupe" and was sorry the senator from Tennessee, (Mr. Carmack) and the senate had eliminated it from the record. He was opposed to having the record "a tomb for platitudes" and he hoped Senator Tillman would reconsider his resolution "not to do so again, but would 'soften his tone' and made many future attempts.

Senator Culberson proposed a substitute which provided for no investigation but simply resolved that the president was authorized by law and justified by the facts in dismissing the negro troops. Explaining the need for the resolution he said the whole question was not in the hands of senators who opposed or denied the right or authority of the position of the president.

The Culberson substitute was tabled by a vote of 46 to 19.

A vote on the Foraker resolution was then taken, and without a roll call the resolution was declared adopted.

The resolution was referred to the committee to audit and control the contingent expenses of the senate in order to submit authority for the expenditures of the inquiry, whereupon Mr. Kean, chairman of that committee immediately announced he had been authorized by that committee to make a favorable report on the resolution and this report was agreed to.

This action concluded the subject preliminary to the investigation authorized.

VARNER MAKES REPORT.

Labor Commissioner Recommends Compulsory School Law and Hours of Labor in Manufacturing Establishments.

(Special to The Messenger.) Raleigh, N. C., January 22.—A charter was granted the Union Power and Water Company, headquarters Raleigh, authorized capital stock \$100,000, Brown Shepherd and William W. Vass, stockholders. The company will build and operate a water plant somewhere in western North Carolina. J. W. Hines, R. B. Davis, Jr., and J. C. Brasswell were here today to urge the claim of Rocky Mount as a location for the proposed state normal college for eastern North Carolina.

President James C. McNeill, of the North Carolina State Firemen's Association, had a conference with the house and senate committees on laws regarding firemen.

State Labor Commissioner H. B. Varner today issued advance pages of his report for 1907. He recommends a compulsory school law or submission of this question to the qualified voters in each county, town or township; for a law requiring all children between the ages of six and 14 years to attend public schools regularly every year; secondly, that no child not able to read and write be permitted to work in any factory unless the widowed mother or totally disabled father is totally dependent upon the labor of such child and has no other support; that no child under 14 shall be permitted to work in any factory at night; that not exceeding ten hours shall be a maximum day's work for all manufacturing establishments, this requirement being only simple justice to operatives and will not retard progress of any industry; fourth, that all manufacturers and other agencies of whatsoever kind addressed for information by his department in preparation of its annual report be required to answer each question fully and accurately; that the salary of the assistant commissioner be increased to \$1,400; sixth, that the law designating the commissioner of labor as inspector of mines be repealed or a sufficient appropriation be made to carry out its provisions.

DEATH OF MIDSHIPMAN HAYNE.

Was Appointed to Naval Academy From Fourth South Carolina District.

Washington, January 22.—The navy department was advised today of the death on Sunday January 20th on board the United States ship Charleston at Magdalena Bay, California, of midshipman Isaac H. Hayne. Midshipman Hayne was appointed to the naval academy from the 4th South Carolina district on June 8, 1901, and was detached from the academy on January 30th, 1905 and assigned to the Kearsarge. He later served on the Lancaster and the Franklin and from the latter was assigned to the Charleston.

BAILEY WINS OUT.

Re-elected U. S. Senator by Vote of 108 to 45.

Austin, Texas, January 22.—Joseph W. Bailey was today re-elected United States senator by a vote in the two branches of the state legislature, of 108 to 45. In the senate, the vote was 19 in favor of Senator Bailey and 17 against; in the lower house it was 89 to 35.

Resignation of Dr. Marshall.

(Special to The Messenger.) Raleigh, N. C., January 22.—The resignation of Rev. Dr. M. M. Marshall, as rector of Christ Episcopal church, will not be acted on until July, when he will have completed 23 years in that position. An assistant will soon be secured to aid him in work.

HARD FIGHT FOR SOFT DRINKS.

Advocates of Preparations Appear Before House Committee.

ACTION DEFERRED ON DOPE BILL.

Druggists and Physicians Testify as to the Harmlessness of Coca-Cola and Pepsi-Cola—Fruit Growers of Johnston County Want Right to Make and Sell Wine and Cider.

(Special to The Messenger.) Raleigh, N. C., January 22.—The house committee on propositions and grievances this afternoon, after hearing many representatives of preparations known as soft drinks, deferred action on the Douglas anti-dope bill until Wednesday afternoon. Besides the proprietors and attorneys of the Coca-Cola preparation from Atlanta and the Pepsi-Cola drink from New Bern, many druggists appeared. The evidence from all was that neither drink contained any drug in harmful quantity. Many certificates of like effect were filed from reputable physicians of many towns of the state. Mr. Hancock, chairman of the legislative committee of the State Pharmaceutical Association, declared that such drinks were not harmful, Coca-Cola even not containing as much caffeine per glass as a cup of coffee, while Pepsi-Cola contains only a sixth as much. He advocated striking out the provision of the bill referring to caffeine, but retaining the interdiction on the sale as beverages of preparations containing cocaine, strychnine or any coal tar products.

There was a very large attendance before the liquor traffic committee over the bill giving growers of fruit in Johnston county the right to make and sell wine or cider. The bill was after recommended and reported favorably. Advocates of the original bill claimed that in a special act of the legislature for prohibition in a couple of small towns there was sneaked through provisions which prohibited the sale of wine or cider made from a grower's own fruit.

The democratic county convention almost unanimously recommended the repeal of this special law, asking to be put under the Watts law. The committee would only grant the amendment allowing the sale of owner's own manufacture, in quantity not less than a quart.

The senate insurance committee reported favorably, Senator Drewrey bills relating to insurance companies, to prevent misrepresentations by agents or officers of life companies, to regulate the conduct and organization of life companies, to prevent contributions by insurance companies to political campaigns.

Senator Drewrey is chairman of this committee and the bills are said to be similar to bills passed by the New York legislature. Winborne's bill, introduced in the legislature, today prohibits the bridging of Albemarle Sound at Edgerton, ereothe wresdive dreamIMO sss-Ef-ir

DESTRUCTIVE FIRE AT HAMLET.

Distillery Company's Plant, Eight Residences and S. A. L. Freight Depot Destroyed.

Charlotte, N. C., January 22.—Fire which had its origin in nearby woods, fanned by a high wind, swept into the town of Hamlet, N. C., late this afternoon burning over a large portion of it. The plant of the Carolina Distilling Company, seventeen loaded box cars of the Seaboard Air Line, eight residences and the Seaboard freight depot were destroyed. The loss is seventy-five thousand dollars, partially covered by insurance. Hamlet is sixty miles east of Charlotte.

CARS TO WINTER PARK.

Daily except Sunday at 3, 3:30, 4 and 4:30 p. m. Take the children to Winter Park.

BRISTOW

BANK SAFE DYNAMITED.

Robbers Secured Between \$1,500 and \$1,800—Pursued and Captured After Desperate Fight.

Greencove Springs, Fla., January 22.—A safe in the bank here was dynamited at 2 o'clock this morning and robbed of \$1,500 or \$1,800. The force of the explosion shattered the glass front of the building. Several persons heard two distinct explosions but did not go out to investigate. At 5 o'clock a passing baker noticed the wrecked glass front and gave the alarm. Sheriff Weeks and posse pursued the robbers and during the morning came upon four white men asleep near the road eight miles south of here. As the posse approached the men awoke and at once began firing at the sheriff's posse. The returned the fire, fatally wounding one of the robbers, the bullet passing through his head. After a desperate struggle the other three were overpowered and are now in jail. It is thought the wounded man will die before morning. None of the sheriff's posse. They returned the fire, fatally wounding one of the robbers, the bullet passing through his head. After a desperate struggle the other three were overpowered and are now in jail. It is thought the wounded man will die before morning. None of the sheriff's posse. They returned the fire, fatally wounding one of the robbers, the bullet passing through his head. After a desperate struggle the other three were overpowered and are now in jail. It is thought the wounded man will die before morning. None of the sheriff's posse.

SIMMONS ELECTED U. S. SENATOR

Only Twenty-six Votes Were Cast Against Him.

IMPORTANT BILLS INTRODUCED.

New Hanover County Exempted From Provisions of Bill to Regulate Speed of Automobiles—Bill to Prevent Fraudulent Sale of Merchandise in Bulk Passed Final Reading in House.

(Special to The Messenger.) Raleigh, January 22.—Senate session began at 11 o'clock, Rev. R. L. T. Vann offering prayer.

Bills were introduced as follows: By Seawall, to fix a reasonable time limit for transportation of freight. By Burton, to provide for the relief of the indigent aged and infirm. By Burton, to forbid the sale of certain toy fireworks. By Brees to prevent drunken persons from traveling on railways or street cars. By Bellamy, to enlarge the power of the Southern Mutual Home Company. By Daniel, to lessen the number of challenges allowed defendants in civil and criminal actions. By Mitchell to make it unlawful for any tenant to leave his landlord until all debts are paid. By Drewry regulating the retirement of capital stock in certain cases. By Long, to provide for separate quarters for prisoners suffering from tuberculosis. By Buxton to prevent discrimination in freight rates by railways.

At noon President Winston announced that the hour had come for the election of a United States senator and nominations were in order. Drewry said it was always pleasant to perform a duty in harmony with the best impulses of the heart. The democratic caucus with but one voice had elected F. M. Simmons to succeed himself. Drewry spoke feelingly of the patriotic services of Simmons, making him well-worthily to represent North Carolina. He declared that Simmons knew no sections in the state; had restored to North Carolina her place in the past and guaranteed it in the future. He then nominated Simmons, declaring him worthy of the highest honor the legislature could bestow. Carter, republican, said it was a pleasant duty and a golden opportunity to use superlatives but in the manufacture of a United States senator, brevity was the soul of wit, anyway whatever he might say would be breath wasted on the desert air. The legislature he declared had no higher honor to bestow than that of membership in the greatest legislative body in the world. He did not rise to nominate a stranger to the people of North Carolina, nor a stranger to statesmanship, but a man who had heard duty's call, had shirked no public trust, never yielded to glittering temptations, but one in every way worthy of the high office. This man was born like other great and noble statesmen in a log cabin and rocked in poverty's cradle, but had grasped the skirts of opportunity, had not hidden his talents, was a man of high experience, and character, and above reproach. This man, he declared was Spencer B. Adams, whom he then nominated. Mitchell seconded the nomination of the choice of the democratic caucus. Burleson seconded the nomination of Adams. Drewry and Carter were appointed tellers. Their report shows that Simmons received 32 votes and Adams 2. It was announced that the joint session of the house and senate, at which the result of this balloting would be announced, would be held Thursday at noon.

HOUSE.

In the house the session began at 10:30 without prayer. Carter, republican, said it was a pleasant duty and a golden opportunity to use superlatives but in the manufacture of a United States senator, brevity was the soul of wit, anyway whatever he might say would be breath wasted on the desert air. The legislature he declared had no higher honor to bestow than that of membership in the greatest legislative body in the world. He did not rise to nominate a stranger to the people of North Carolina, nor a stranger to statesmanship, but a man who had heard duty's call, had shirked no public trust, never yielded to glittering temptations, but one in every way worthy of the high office. This man was born like other great and noble statesmen in a log cabin and rocked in poverty's cradle, but had grasped the skirts of opportunity, had not hidden his talents, was a man of high experience, and character, and above reproach. This man, he declared was Spencer B. Adams, whom he then nominated. Mitchell seconded the nomination of the choice of the democratic caucus. Burleson seconded the nomination of Adams. Drewry and Carter were appointed tellers. Their report shows that Simmons received 32 votes and Adams 2. It was announced that the joint session of the house and senate, at which the result of this balloting would be announced, would be held Thursday at noon.

Bills and resolutions were introduced as follows: By Gallett, to ascertain the amount of the state's stock in the Atlantic and North Carolina Railway and the North Carolina Railway. Also to provide for investigation and examination into the affairs of all insurance companies doing business in this state. By Kitchen to amend the divorce law by making ten years separation a cause for divorce. The bill to prevent fraud in the sale of merchandise in bulk came up as a special order. Doughton advocating it strongly, saying it was entirely fair to all honest merchants, was not in restraint of trade, but to the advantage of all reputable wholesalers and retailers. So just in fact that it was the law of 26 states and territories, this bill having been warmly recommended by the wholesale and retail merchants associations of merchants of North Carolina. McRae of Robeson, said the bill was intended to catch fishy merchants and that there were some of that class of retailers in the state, but that like a dog net the bill would also catch a good many small but honest retailers and so was a stigma upon all.

THE THAW TRIAL.

State's Witnesses Hold Final Conference With District Attorney.

New York, January 22.—The principal witnesses for the state in the case of Harry K. Thaw, who will go on trial tomorrow for the murder of Stanford White had their final secret conference with the district attorney and his assistants today. Nearly all the witnesses who are expected to testify against Thaw have been reached by subpoena and were on hand today. They were taken to the conference room separately and each was questioned with the purpose of learning just what testimony may be expected when the witness goes on the stand. Thaw passed a quiet night in his cell and was up early in anticipation of a long session with his attorneys and the customary daily visits from his wife, mother and sisters.

CARS TO WINTER PARK.

Daily except Sunday at 3, 3:30, 4 and 4:30 p. m. Take the children to Winter Park.

A. C. L. WRECK

Engineer and Two Colored Firemen Killed.

Charleston, S. C., January 22.—Taking an open switch about three quarters of a mile south of Yemassee last night at 8:30 o'clock, vestibule No 88 of the Atlantic Coast Line, crashed into extra freight No. 42, waiting on the siding. The passenger and freight engines, three vestibule Pullmans and several freight cars were demolished. Engineer Johnson, of the passenger train, was killed outright and the colored fireman of both engines crushed to death. A woman and two men were badly hurt. How the switch came to be left open, the Atlantic Coast Line officials do not undertake to say.

Engineer Horton had run his train on to a siding near Yemassee, to await the north bound vestibule. The passenger train came on at the usual speed and taking the open switch, ran straight into the waiting freight. The two engines were completely wrecked. Engineer Horton and the injured passengers were brought to Charleston. The body of Engineer Johnson will be sent to Florence, his home.

Dead: E. D. Johnson, engineer, No. 88, Florence, S. C. Edward Dehn, Manchester, passenger, a Cuban with ticket from Havana to New York. Edward Barnes, fireman, No. 88, Florence.

Willis Johnson, fireman freight train, Charleston. Alex. Orellis Brooks, freight brakeman, Florence, S. C. Injured: J. J. Horton, freight engineer, Charleston, S. C., serious. N. W. Beddall, West Pottsville, Pa. Miss D. E. Simmons, Baltimore. D. Whitefield, Pullman porter. L. A. Massey, Pullman porter. W. S. Hill, Pullman porter.

creditors with the amounts due them, and shall notify each one of these immediately of the proposed sale. The penalty shall be a fine not less than \$100 or over \$500 and by jailing prisoners not less than 60 days or over two years or both fine and imprisonment. At noon Speaker Justice announced that the special order was the election of the United States senator. Douglas in a brief and eloquent speech nominated Simmons for reelection. Harshall of Caldwell placed in nomination Spencer B. Adams of Greensboro. Morton of New Hanover, said it was his pleasure to present the name of a live man; one who led the people of the state in the past from the thralldom or radical rule and disgrace. A grand representative of North Carolina's best type of worthy citizenship and high official integrity and ability, F. M. Simmons, Parker of Jones also seconded the nomination of Simmons. The role was called and when the first name was called that of Speaker Justice, he voted for Adams. Amid uproarious laughter he blushing arose and changed his vote to Simmons, begging pardon of house and declaring that Adams was at the moment in his mind, but that Simmons was in his heart. When the name of Pugh of Dare was called he said he had been elected as an independent and proposed to show his independence of partisanship by casting his vote for "That grand and noble statesman, Spencer B. Adams." Of the other republicans Owens of Sampson and Rector of Henderson voted for J. J. Britt. All the democrats voted for Simmons, the vote being Simmons 83, Adams 21, and Britt 2.

Three following additional bills passed their third and final reading: Providing for summoning of juries from adjoining counties or any county in the same judicial district in trials of felonious assault in civil cases when counties or municipal corporations are parties. To make married women engaged in merchandizing or manufacturing with knowledge and consent of husband liable for debts contracted under such business. To regulate the speed of automobiles, engines, water cycles on public roads. Following counties excepted from the provisions of this act, Mecklenburg, Buncombe, Iredell, Rowan, Scotland, Halifax, Wilson, Cabarrus and New Hanover. To give judges in trials of case of criminal assault, joint resolution thanking Governor Elrod of South Dakota for his recent message.

Kingston, Jamaica, Monday, January 21.—The publication today in the daily Telegraph of Governor Swettenham's letter to Rear Admiral Davis has greatly intensified the resentment of the residents against the governor for rebuffing the tenders of American assistance and there is a movement on foot to demand the recall of the governor. A small minority, mostly officials, support Governor Swettenham and their views were voiced today by the Rev. Mr. Graham, pastor of the Methodist church, who declares that the governor was justified in resenting the landing of Americans. "This is a British colony, not Cuba or a Spanish American republic," he said.

The correspondent of the Associated Press sought Governor Swettenham today and spoke to him of the Davis incident. The governor said that he had not invited Rear Admiral Davis to land sailors. Asked if he indorsed the action taken by Rear Admiral Davis, the governor replied: "That is a matter between myself and Rear Admiral Davis, to whom I must refer you."

The governor said that his reference in his letter to Rear Admiral Davis to a tramp pillaging the house of a New York millionaire was merely a jocular parallel. A meeting of the relief committee was held here today on the call of the governor to discover the precise conditions attending the difference between the governor and the admiral. At the close of this meeting and after having read Governor Swettenham's letter to Rear Admiral Davis, the Most Reverend Doctor Enos Nuttall, archbishop of Jamaica, said that if he found the conditions warranted, he would send a personal explanatory cablegram to President Roosevelt.

Washington, January 22.—An expression of gratitude from Governor Swettenham, of Jamaica, for the sympathy and aid extended by the United States to the victims of the disaster on that island, is published. The publication of the text, in a graceful note from Esme Howard, the British charge here, was made public today. In his letter Mr. Howard takes occasion to inform this government that his majesty's government is causing official inquiries to be made as to the authenticity of the letter credited to Governor Swettenham reads as follows: Jamaica, January 20. "The Hon. Elihu Root, State Secretary, Washington. "Jamaica profoundly grateful to your excellency for expression of sympathy and for the very practical aid so kindly given by Admiral Davis and the entire particular service squadron of the United States navy. (Signed.) "Governor."

TILLMAN RE-ELECTED.

Only One Member of Legislature Refused to Vote for Him.

Columbia, S. C., January 22.—Ballots were taken today in the senate and house of representatives for B. R. Tillman for United States senator. The senate voted solidly for Senator Tillman's re-election, while in the house one member, Rev. Coke D. Mann, of Oconee county, declined to vote. Mr. Mann stated as his reasons that Tillman had never explained satisfactorily his alleged connection with the Hubbel rebates and further that he charged the prohibitionists with aligning themselves with the bar room element against the state dispensary. Mr. Mann asked that his objections be printed in the journal. Tillman's election will be affirmed in joint assembly tomorrow.

Made His First Speech.

Washington, January 22.—Senator Sutherland occupied the first three hours of the session of the senate today delivering his first speech in that body. It was in behalf of the right of Reed Smoot of his own state to a seat in the senate.

WANT HIM RECALLED

Resentment Against Swettenham Very Strong.

OFFICIALS ENDORSE ACTION

Admiral Davis Had Not Been Invited to Land Sailors.

Pastor of Methodist Church Asserts That Governor was Justified in Resenting Landing of Americans— "This is a British Colony, Not Cuba or a Spanish American Republic," Says Rev. Mr. Graham—British Government Making Official Inquiries as to Authenticity of Letter..

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