## OKLAHOMA WILL BECOME A STATE

Roosevelt Will Approve Constitution.

BUT DOES IT WITH WRY FACE

Radical Document With Strong Partisan Bias.

BRYAN GAVE INSPIRATION

Overwhelming Vote in Its Favor Decides President to Take Purely Judicial View of Document. Why It Was Adopted.

E. L. FULTON'S SEAT ASSURED. WASHINGTON, Sept. 26 .- The de-

cision of the President to approve ution of Oklaho moves the last doubt as to the admission of the new state and makes certain the entrance of Senator Fulton's brother, E. L. Fulton, as a Democratic Member of Congress from the new state.

WASHINGTON, Sept. 26 -- (Special.)-President Roosevelt announced this af termoon that he had decided to approve the Oklahoma constitution, which means that all doubt regarding the addition of star to the National flag is re moved; that two more Democratic Sen ators soon will take seats in the upper branch of Congress; that four Democrats and one Republican will be added to the rolls of the House and that seven brand new votes will be added to the Democratic in all probability, in the next electoral college.

Announcement that Oklahoma's consti tution is to receive formal executive ap proval comes as a surprise to many of those most directly interested, for the tip had gone out that the constitution

#### would be rejected Approval Only Technical.

Undoubtedly it would have been re tected, too, had the President felt free after consultation with his legal advisers, to act upon the merits of the document as they appeal to him, or had the convention's work not been so over whelmingly eratified by the voters of Oklahoma and Indian Territory,

It was stated at the White House that the tremendous majority for the constitution at the recent election was the impelling force. Furthermore, it was pointed out that the executive judgment was, generally speaking, confined to the question of whether the provisions of the enabling act had been observed. The final decision followed a conference with Attorney-General Bonaparte this noon Approval, as applied to the President's action in connection with the constitution, is technical and does not express the executive's real position. He does not approve of the constitution at all, but simply signs his name in response to the will of the people who must live under it. for the reasons above stated.

Mr. Roosevelt's actual opinion of the constitution, according to those who are in his confidence, would hardly be fit for publication.

### Radical and Anti-Corporation.

The Oklahoma constitution was the oduct of the joint efforts of the Demo crats and Prohibitionists, who combined against the Republicans. It was intended to be a radical, anti-corporation docu-ment, and at the outset the framers went beyond the limit in the restrictions it was proposed to place on legitimate cor-porations. Feeling was such that lawyers announcing their candidacy for election as delegates to the constitutional conver practically take oath that they were un friendly to corporations. As finally put into shape, the document is declared to have been inspired largely by William J. Out of 112 delegates to the cor convention, the Republicans

#### How It Came to Be Adopted.

Before the constitution was submitted to the voters, Republican leaders in Con-gress gave it out that the President would disapprove it, and this tended to influence Republican voters in the terri-tory and to let it go by default. Later, however, Secretary of War Taft, who was consulted by the President, advised against the view of the Congressional pol-iticians by pointing out that the Executive prerogative was not political but judicial, and confined to judging whether the proposed constitution conformed to the enabling act and the Constitution of

Then the administration began a cam-paign to obtain rejection of the constitu-tion by the voters. Mr. Taft spoke against it at Oklahoma City last month. and urged Republicans to get out and vote to reject. There was a feeling, however, that statchood might be indefinitely postponed if the present constitution was rejected, which inspired thousands of Re-publicans to vote for ... The constitution was adopted by a vote of 150,000 to 50,000. while the Democrats elected their ticket by a majority of about 20,000 only.

#### OBTAINS MONEY FALSELY Charge Against Priest Who Opened Up Land Frauds.

TONY, Wis., Sept. 26.—(Special.)—Rev. Joseph Schell, pastor of the local Catholic Church, who claims to have opened up the Oregon land frauds by a letter to Roosewelt-written while-he was pastor of a

fic Coast state was today arrested upon complaint of a local taxpayer charged with having obtained money under false pretenses from the local township offi-cials. Some time ago the Township Board settled with John Fenne for alleged injuries to his wife who fell upon a defective sidewalk and gave premature birth to twins by giving him a certain amount of cash and agreeing to pay all

The twins died and among the bills pre-sented to the Town Board and paid was a bill of \$19 for attending the funeral serv-ices of the two children. After the bill was paid it was claimed that the priest never saw the children and had not at-tended the services. A local newspaper started the prosecution by making a pub-lic charge which was today followed by the formal charge before the District The arrest was to settle the

The priest defends himself in an ope letter in which he says that he never put in a bill to the Town Board and never ecured any money from the Trustees and ccuses the Trustees and others of trying to belittle his work. The charge follows the efforts made by the priest to secure a Governmental investigation of a local



turns From Europe With Predic-

bank failure which resulted in the dis covery that the Wisconsin priest was the same man who opened the Oregon frauda and the frauds committed upon the Indians in Nebraska a little later. Town Treasurer says that he has both the order and the indorsed check of

RATE LAW VIOLATED ON SHIP-MENTS FROM ORIENT.

Southern Pacific, Pacific Mail, Harriman, Stubbs and Schwerin Are the Accused.

SAN FRANCISCO, Sept. 38.—It was re-corted tonight that the Federal grand dury has found six indictments in this this against officials of the Southern Pacific Railroad and Pacific Mail Steam-ship Company for violations of the rate law. The indictments are said to contain 140 counts, and it is understood that E. H. Harriman, J. C. Stubbs and R. P. H. Harriman, J. C. Stubbs and R. P. Schwerin of the Pacific Mail are included

among the officials named. indictments are said to be based on the charge that the companies have brought shipments from the Orient through this city to Chicago at a rate lower than the one published.

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# M'CARTHY NAMED

Dictator Is Nominated for Mayor.

#### MAKESTHREE-CORNERED FIGHT

Attempt to Persuade Ryan Not to Run.

TAYLOR IS MAN WANTED

Good Government League Will Make Effort to Secure Fusion on Him. History of McCarthy's Rise as Political Leader.

SAN FRANCISCO, Sept. 26 .- (Special.) Amid a storm of applause and hoots the Union Labor Convention tonight nomi nated P. H. McCarthy for Mayor. soon as the nomination was assured Thomas A. Eagan, chairman of the Union Labor County Committee, left the followed by 30 delegates. At first the McCarthy delegates were stunned by the olt but soon they broke forth into fresh cheers for their candidate. The nomination of McCarthy makes a three-cornered fight practically certain. The Republicans have nominated Daniel A. Ryan, and the Democrats at their con vention next Wednesday night will nom inate Mayor Edward R. Taylor

#### Schmitz Said to Have Dictated.

The dictation to the Union Labo convention to nominate McCarthy ame, it is claimed, from ex-Mayor Schmitz at the County Jail, and this is the reason advanced by Eagan and his followers for their bolt. McCarthy is president of the Building Trades Council, one of the largest two union organizations in San Francisco. It numbers a membership of more than all he needs to insure his election is the support of the members of his

McCarthy has practically been dictator in the labor movement in Sar Francisco for 10 years. His power is stronger today than ever before. He i exceedingly unpopular, however, out-

side his own party.

History of McCarthy. A dozen years ago McCarthy was a carpenter employed at the California Hotel. It was at a time that the labor question was becoming an issue in local politics, and some of the leaders of the Democratic party took Mc Carthy, wrote some speeches for him appealing to the labor element and sent him out on the stump. He made good at the start. In a short time McCarthy developed his own idea and

bound the big labor element to him self. He has risen rapidly until he has become the labor dictator.

Three-Cornered Fight Denounced.

McCarthy was particularly close to Schmitz during the latter years of the felon Mayor's administration. McCarthy has denounced Heney and Langdon from the platform ever since the graft investigation was set on foot. He has been a asistent enemy of the prosecution

given rise to grave criticism by the con servative element in 'the community. Ryan is blamed for accepting the Repub Hean nomination when he could have forced the fusion of the Democrats on Taylor and Langdon. The Union Labor



Mrs. Annie Besant, World's President of Theosophical Society.

convention adjourned without nominating a candidate for District Attorney or for the 18 places on the Board of Supervisors. McCarthy will endeavor to secure a strong candidate to oppose Langdon, The Good Government League will make strenuous efforts during the week to induce Ryan to withdraw from the race and thus make possible the election of Mayor

### BATTLE WITH INSANE MAN

Miner With Throat Cut Gives Detective Desperate Struggle.

SEATTLE Sept. 26 .- (Special.)-With his throat cut from ear to ear. Peter Johnson, an insane miner, recently arrived from Nome, gave City Detective Frank Clark the fight of his life tonight The fight took place in Johnson's room, and it was not until the landlord had in response to the detective's cries for help that the insane man was overpowered. The room looked like a shamthe blood which flowed in streams from pital and it is expected that his death will

TOO LATE

## FISH AT MEETING

The three-cornered fight for Mayor has Harriman Has Proxies of Majority.

Deposed Railroad President Returns to Attack.

REAL ISSUE IN CONTEST

Says It Is: Shall Harriman Lines Fatten on Illinois Central-Accuses Harriman of Making Large Loans to Himself.

CHICAGO, Sept. 26,-(Special.)-All doubt as to the outcome at the annual meeting of the Hilinois Central stockholders of the war between the Harriman and Fish factions was set at rest today by an official statement to the effect that President J. T. Harstaff already have proxies for more than a majority of the entire outstandfirmed this statement, but refused to the Harriman faction had 50 per cent of the stock in their possession and n proxies, he replied:

"Oh, we already have more than that, but I shall not give you any figures

on that subject. Asked whether the four retiring diectors would be renominated, Mr. "I cannot eay as Harahan replied:

to that." Those best acquainted with the sitnation, however, do not hesitate to lecture that the annual meeting will witness a dramaticalight; and the tion of Mr. Fish from the board of the ompany is expected. This will undoubtedly be done, provided the Harriman faction has sufficient proxies to accomplish it. It will, however, require more than a majority as the cumulative system of voting pertains. and, by concentrating all of his proxies it is more than likely Mr. Fish will

The directors whose terms expire are: Stuyvesant Fish, E. H. Harriman, John Jacob Astor and A. Hackstaff, the last named having been elected to fill out the term of the late

J. C. Welling. Tonight State's Attorney Healy stated that he had no intention of looking into the Fish matter further. "I understand," said he, "that Mr.

Fish had full authority from the board

to loan money to whom he saw fit and

FISH FIRES ANOTHER BLAST Says Real Issue Is Shall Road Fat-

ten Harriman System. NEW YORK, Sept. 26.-Stuyvesant Fish might made public a reply to a circula letter sent out on Tuesday last by Prest dent Harahan of the Illinois Central, in

which he declares the charges made by Mr. Harahan were not new, but had been published long ago and "each met by me and disposed of."

But the one point at issue to be decided by the stockholders of the Illinois Central at the coming annual meeting is now he touched upon," says Mr. Fish. "That issue is this: Shall Illinois Central be come a mere feeder and fattener of the Union Pacific? Can any such perversion of the purposes and opportunity of the Illinois Central be profitable to the stockholders? Will Illinois Central stock holders submit to having all of their voice



Cuba, Who Has Nipped Conspiracy

trol of their property delegated to on man, under the power of attorney plan which Mr. Harriman has so adroitly used to his own profit?"

of the Union Pacific to show how thi

Harriman's Varying Excuses. uld be done and continues

"A certain interest does, however, at tach to some of the specious excuses now put out by Mr. Harriman and his finan ial associates for my having been ousted, And there is also interest attaching to the reasons why it has been necessary to change and modify those excuses so

"The circular of September 24, which is fathered by Mr. Harahan, shows on its face that it emanates from Mr. Harriman, in that it contains precisely the same allegations that he had injected into his to blacken his character. Her two comlestimony before the Interstate Com- panions were at hand, it would seem, to

charges, which was widely published at

the time, and says: Real Cause of Fight.

But the reason given last February by Mr. Harriman for having turned me out of the presidency of the Illinois Central was by no means the only one which he had given. At the last meeting of the stock-holders of the Illinois Central Railread Company held on October 17, 1906. Mr. Harriman and his attorney. Mr. Cromwell, made their fight solely on the ground that I would not consent to election into the Illinois Central board of another director of the Union Pacific-Southern Pacific system. But when called to testify before the Innois Central board of another director of the Union Pacific-Southern Pacific system. But when called to testify before the Interstate Commerce Commission, Mr. Harriman could not stand on either the proposition that he had quarreled with me because I would not add to the Union Pacific Southern Pacific representation in the Illinois Central board, or on the vague generalities of the letter of November 7, 1906, which he had caused the other directors to join with him in signing and handling to me at the opening of the meeting of the board of directors held on that day. Nor yet on the statement that he was and had been the principal owner of Illinois Central stock, because it had just then been proved in the hearing before the Interstate Commerce Commission that he had sold his Illinois Central holdings to the Union Pacific in July, 1906. Nor on the statement that the Illinois Central had not grown and progressed, as that was emphatically contradicted by the annual reports of that company which were in the possession of the commission.

#### Money Lent to Harriman.

Hence the necessity for him then to invent yet another charge, which he did by frumping up an accusation against me in respect to matters which had happened four years before, which were and had atways been fully shown in the books of the company and were perfectly well known to the directors of the filinois Central Railway Company in the Autumn of 1903 and again in 1904 and for a third time in 1905.

Concerning the loan by him as presi dent of the Illinois Central to Mr. Dresser, Mr. Fish says that it was made on collateral which at the time was "marketable and abundant." After the failure of the Dresser firm, the collateral was sold letter, she said, was to be used as her at a loss, "but," says Mr. Fish, "If my personal enemies can only claim that they caused the company a single small loss in respect to the millions, I might say hundreds of millions, loaned in the Mayor to come to her house and give meanwhile (more of it to Mr. Harriman her the letter. This he refused to do, than any other individual). I am content to let the matter rest there. It is needless to add that on no other loan made | to entrap him in his private office. by me, and of course on none to me, did Illinois Central Railroad Company ever lose a dollar. He continues:

Nor need I refer to the so-called investment in July, 1906, by Harriman and his associates of about \$130,090,000 of the money of the stockholders of the Union Pacific in the purchase from him and them of their securities which have in the meanwhile, depreciated by some \$25,000,000.

#### Original Cause of Quarrel.

But as the Union Pacific party has seen the Illinois Central, I may as well say nov as at another time, that my difference with Mr. Harriman and Mr. Charles A Peabody, who were then, as now, also di-rectors of the Union Pacific, began in 1904, when they sought to have the board of directors of the Illinois Central Railroad Company delegate the powers vested in it and offered membership therein and the chairmanship thereof. This I prevented. Then began the large purchases of Illinois Central shares by or through Kuhn, Loeb were secretly turned over to the Union Pacific in July, 1906.

## CREATES SCENE IN MAYOR'S OFFICE

Woman Attempts to Entrap Lane.

MALE CONFEDERATES AID HER

Bold Plot to Blacken Chief Executive's Reputation.

PLAN ALMOST SUCCEEDS

screams of Mrs. Belle Waymeier, Former Restaurant Waitress, Bring Others Besides Friends Who Were Concealed Near.

Mayor Lane's private office, on the sixth floor of the Hamilton building, was the scene of a sensational episode last night at about 6 o'clock, when a woman who calls herself Mrs. Belle Waymeier, after gaining admission on pretext of having an innocent mission, sought to place Dr. Lane in a compromising position by throwing herself upon him and tearing open and disheveling his gar-

The woman at the same time gave vent to piercing screams, apparently as a signal to two men, evidently accomplices. who were lurking in the hallway, as well as to alarm the other occupants of the building. The two unknown confederates mmediately broke down the door leadng from the hallway into the Mayor's as, but Janitor Best and others were also attracted by the outcries of the woman and entered at the same time as stairs with her two friends.

Seen in Violent Struggle.

All saw the Mayor engaged in a violent struggle with Mrs. Waymeier. He was demanding loudly that she release him and had managed to get hold of one of her arms. With the other arm she still had a firm hold on him. woman suddenly released her grasp, on the appearance of the outsiders, and in the excitement disappeared down the

sairs with her two friends Her purpose in having the remarkable encounter with Dr. Lane was evidently merce Commission last February."

Mr. Fish here quotes the reply to these assault on her by the Mayor. Others were to be called in after the three had successfully carried through their scheme. The prompt arrival of Janitor Best and other spectators at the same time as the two male accomplices rendered the plot

#### abortive.

Little is known of the woman in the ase except that from April 27 to June 28 last she was employed as a waitress in the Washington-street restaurant of the Hazelwood Cream Company. Absolutely nothing is known of her confederates, save that they had been seen frequently of late lounging around the sixth floor of the Hamilton building, and had aroused the suspicions of the tenants. Dr. Lane has submitted the facts in the case to Chief of Police Gritzmacher, who has detailed officers to search for and arrest the participants. So far the police have discovered noth-The account of the episode and the

eyents that led up to it, given by Dr. Lane, indicates that the plot was carefully laid, and that the schemers had been carefully developing their plans for the past six weeks. Beginning by calling at the Mayor's office at the City Hall to interest him in the recovery of her child, which the woman said was in Kansas, Mrs. Waymeler had sought to enlist his sympathy and gain access to his office so that she and her confederates might besmirch his reputation.

How Trap Was Laid.

With a desire to assist her as he best could Dr. Lane fell a victim to the woman's wiles. So deserving did she succeed in representing herself that Dr. Lane offered to give her a letter certifying that she was a worthy woman. This credentials in going East after her child. That she did everything possible to carry out her plot is shown by the fact that Mrs. Waymeler endeavored to get the and then the scheming trio evidently determined on yesterday's startling attempt

"Six weeks ago the woman giving her name as Mrs. Waymeier first came to my office in the City Hall," said Dr. Lane last night. "She told me that she separated from her husband, a circus performer, in Kansas. She had given her 5-year-old child to him, she said, but now longed to regain possession of it. Her first request was to know if she could be prosecuted here if she kidnapped her hild, which was with her husband's parents, and brought it here.

#### Gave Her Good Advice.

"I advised her not to do so, but told her that I did not believe that a court would separate a mother from her child if she should gain possession of it. The woman went away, but came back and told me she had decided to give up the child. Later she came again to the City Hall and said she was determined to regain the child. "All that I knew of her was that

(Concluded on Page 5.