

WIFE RESERTS POOR OLD FITZ

Beaten Pugilist's Bride Elopes With a Pennsylvania Millionaire.

HAD LONG BEEN FRIENDS

Major C. S. J. Miller Leaves New York With Mrs. Fitzsimmons While Trusting Wife Awaits His Return Home.

PITTSBURGH, Pa., Dec. 23.—(Special.)—Pittsburg heard with amazement tonight that Major C. S. J. Miller, the millionaire son of General Charles Miller, commander of the Pennsylvania National Guard, had eloped from the Portland Hotel, New York City, with the wife of Robert Fitzsimmons, the pugilist.

Major Miller resides in Franklin, Pa., where he has a beautiful home and a beautiful wife. He married Miss Fretz ten years ago. She was the most popular young woman in the town, and the most handsome.

Met Her as an Actress. Two years after they were married, Major Miller met Miss Julia Gifford, then playing at a Franklin theater, the woman with whom he has eloped. He invited her to his home, and his wife helped entertain her, but the tongue of gossip had never since connected her name with that of Miller.

At a late hour tonight Mrs. Miller had not learned of her husband's scandal. She was waiting up for him, hourly expecting his arrival from New York with a Spanish nobleman, whom he had written her he had met in Gotham. The couple have no children.

Was Youngest of Mayors. Major Miller, soon after his marriage, was unanimously elected Mayor of Franklin, in succession to his father, and enjoyed at that time the distinction of being the youngest Mayor in the United States. He organized the Franklin Manufacturing Company, the largest woolen waste concern in the country, and he is vice-president of the General Manufacturing Company, capitalized at \$5,300,000. He is easily a millionaire.

Socially Major Miller belongs to the swell clubs in New York. He is an ardent yachtsman and a crack automobilist. In his swift car, Fiat, driven by Chevrolet, he won two races from Barney Oldfield at Bruno's Island here in June.

It Runs in the Family. Major Miller's father, the General, created a sensation here not long ago by divorcing his wife and marrying a singer in a church choir.

ROOSEVELT AS BOSS.

(Continued From Page 1.)

A formal statement was given out which said: In view of recent developments in the Speakership contest, it is the sense of those present that every Republican member of the Assembly from the County of New York should vote at the coming caucus for James W. Wadsworth, Jr.

All the men elected to the Assembly from New York on the Republican and Municipal Ownership tickets have been invited to stand together. Some of them have failed to do so, some have attended some meetings, and some, while agreeing to stand together, with those elected on the Republican and Municipal Ownership tickets, not separately and decided to act separately. The Republican members have made every attempt to unite with those elected on the Republican-Municipal Ownership ticket, but the latter have declined to unite, and now stand alone.

It was the understanding at the meeting that the vote of the Republican members endorsing Mr. Wadsworth was not binding on them.

Despite the fact that the statement was made that the Municipal Ownership Assembly members will not stand together, an effort will be made to secure universal support for Mr. Agnew if he will consent to run.

PLATT IS TAKING NO HAND

Caring for Health and Watching Contest With Equanimity. WASHINGTON, Dec. 23.—(Special.)—Senator Thomas C. Platt arrived this evening, accompanied by his wife, and announces that he will leave Tuesday for Hot Springs, Va., and that he expects to be absent until the middle of January. He says that he is taking no part in the contest in his own state, and that he does not expect to discuss the situation with the President. He declares that his health is of more importance to him than political contests, and that he has reached that point in life where he can enjoy his ease and look with equanimity on the political struggles about him.

WADSWORTH STILL CONFIDENT

Goes to Washington, but Not to See President Roosevelt. WASHINGTON, Dec. 23.—James Wadsworth, Jr., of New York, candidate for Speaker of the Assembly of his state, arrived in Washington tonight to spend the holidays with Mrs. Wadsworth, who is visiting her mother, Mrs. John Hay. Speaking of the campaign for the Speakership, Mr. Wadsworth said that he expected to win, but could not add anything interesting to the situation beyond what is already known.

"Mr. Merritt says he is in the race to stay, and perhaps he is," continued he, "but no appointment of the President and do not know whether I shall see him or not."

MERRITT ATTACKS GOVERNOR

He Also Alludes to Presidential Interference in State. NEW YORK, Dec. 23.—E. A. Merritt, Jr., candidate for the nomination for Speaker of the New York State Assembly, made a public statement tonight in which he said that "in the face of the repeated demands for their resignation or removal by people and parties of all sorts, the Governor has continued to extend over Francis Hendricks, the Superintendent of Insurance; Frederick D. Kilburn, State Superintendent of Banks, and George W. Aldridge, State Railroad Commissioner, the necessary protection of his official power. It is not to be

wondered at that they should cleave to the Governor," said Mr. Merritt. "The President is said to be out for Wadsworth. If so, he is taking a part which is not the first case of Presidential interference in the politics of the state. Such interference has heretofore resulted in disaster to the Republican party of the state.

"The conference held here yesterday, consisting of the leading members of the assembly and about half of the Republican members-elect, by their expressions of opinion show clearly that the action of the Governor is most distasteful to every man who has had any real legislative experience. For all disagreeable consequences no one can be held responsible except the Governor and his kitchen cabinet, who have forced a false and unnatural situation.

WILL ALLOW GAGE TO LIE

Roosevelt Will Not Offend by Forcing Bishop's Confirmation. WASHINGTON, Dec. 23.—(Special.)—If the Senate purposes waging warfare against the President, it will discover the "Chick" Roosevelt is not so easily won up to a certain point. This was made manifest today by the announcement from the White House that J. B. Bishop, of New York, secretary of the Panama Canal Commission, recently nominated to fill a vacancy on the commission, will not be permitted to exercise the function of a Commissioner until his nomination has been confirmed by the Senate.

Although a warm personal friend of the President, Mr. Bishop has assumed that his defense of the President and his Secretary of War from the severe criticism directed against him in both branches of Congress meant that the Executive purposed making an issue of him, even if in doing so he offended the Senate, which just before the holiday recess was inclined to view Bishop's nomination somewhat in the light of an affront.

Mr. Bishop announced yesterday that he would at once perform the duties of his new office. Additional significance is attached to this from the fact that the commission is understood to be about evenly divided on the question of a lock and sea-level canal, and the vote of the new member must affect the final decision. The President, however, will give Congress no occasion to complain upon this score, for after the conference at the White House today, Mr. Bishop announced that he was not serving as Commissioner and would not do so until his confirmation. He is continuing to act as secretary.

It was made clear by a number of Senators before they departed for their homes that Bishop's nomination would not be reported to the Senate until the committee on the Panama Canal has received assurances from the White House and from the Secretary of War that Bishop was not to occupy the dual position of Commissioner and secretary. The Senate will not listen to the former New York editor receiving a salary of \$10,000. The members of the appropriation committee point to Mr. Bishop's testimony before them recently to show that he has very little specific knowledge of canal work.

McClellan's Majority Reduced.

NEW YORK, Dec. 23.—(Special.)—Official returns of the vote for Mayor were completed tonight by accountants, who worked all day at the City Hall to complete the returns before Christmas. Chairman Dull announced that he would not give out the figures before Tuesday. The returns show that McClellan received about 300 votes less than he was credited with in the returns. The result would reduce his majority over Hearst to about 1500. The certificate of election will be issued Tuesday.

DEFIES THE PRESIDENT

BAXTER REFUSES TO RESIGN WHEN DEMAND COMES. Nebraska District Attorney Charged With Dereliction of Duty Defies Attempt at Removal. OMAHA, Neb., Dec. 23.—(Special.)—United States District Attorney Baxter defied the resignation demanded by President Roosevelt two weeks ago, and has defied the President to remove him from office. In a letter to a member of the Nebraska delegation in Washington, he announced that he had no intention of complying with the President's request. He states that he will not resign at the present juncture.

The information that the resignation of Mr. Baxter had been requested was made public a few days after the announcement that United States Marshal McCreary would be dismissed, but it was understood that the request had been in the hands of Mr. Baxter for over a week at that time.

The contest is an outcome of the fight for the Nebraska reservation, which is now being fought by Judge Munger on W. G. Comstock and Bartlett Richards, wealthy cattlemen, who pleaded guilty to charges of illegal fencing of public land in Nebraska. The action of the court was severely criticized by Secretary Hitchcock, who it was understood, had the support of the President. The Secretary declared that the information that the resignation of Mr. Baxter had been requested was made public a few days after the announcement that United States Marshal McCreary would be dismissed, but it was understood that the request had been in the hands of Mr. Baxter for over a week at that time.

BIGELOW PAYS IN CHECKS

Bankrupt Makes Five Per Cent Dividends on Debts. MILWAUKEE, Wis., Dec. 23.—(Special.)—Forty-three checks, aggregating \$107,388.45, were mailed by the Wisconsin Trust Company, trustee for Frank G. Bigelow, bankrupt, in payment of a 5 per cent dividend of claims against Bigelow, which was ordered by Referee in Bankruptcy John S. Maxwell last week. The largest check was received by the First National Bank, the bank's claim against Bigelow is \$1,500,000, and a check for \$75,000 was received. The smallest check was for 30 cents, representing the claim for the fee of W. W. Helleneguth for repairs to Bigelow's harness.

TAGGART WANTS HIS BOYS.

WORTHER, O., Dec. 23.—(Special.)—Attorneys for Captain E. F. Taggart decided tonight that an effort to bring Taggart boys back to Wayne County is to be made at once. Judge Eason said tonight that the case is ended.

CANADIANS SEIZE TATLER.

Gloucester Fishing Schooner Did Not Pay License Fee. ST. JOHNS, N. F., Dec. 23.—An interchange of cablegrams respecting the alleged seizure of an American herring fishing vessel by the Newfoundland authorities has developed the fact that the vessel meant was the Gloucester fishing schooner Tatler, which was

IS A TRUST A?

Courts Will Decide Rules of Testimony.

CASES IN PREPARATION

Roosevelt Suggests That Attorneys Find Whether or Not a Corporation Can Refuse to Give Evidence During Trials.

WASHINGTON, Dec. 23.—(Special.)—Upon suggestion of President Roosevelt, the right of a corporation to refuse to testify on the ground that it cannot be forced to incriminate itself is to be tested by the Government. The Department of Justice is understood to have under preparation cases that are aimed to thoroughly determine the rights and immunity of corporations. The decision will be of the utmost importance, for if it is held that a corporation is not entitled to the immunity granted in individual cases, the legal pathway of the Government in its fight against the trusts will be cleared of an obstacle that has hindered and often prevented a trial in court on the cases presented. A well-known authority said today:

"The Supreme Court has already held that a corporation is a person within the meaning of the 14th amendment, where it protects persons from taking the property without due process of law. What they may decide as to this larger question is uncertain. In a day when the greatest business is done in corporate form, the argument is strongly pressed that the safeguard of the liberty ought not to be extended to the artificial person, which, after all, is merely the creature of the state. It is literally making a creature above the power of the creator."

FAVORS THE HOME-MAKER.

President Commends Wilson's Policy With Grazing Land. WASHINGTON, Dec. 23.—President Roosevelt, in a letter addressed to Secretary Wilson, commending his policy in agriculture, on the subject of fees for grazing horses and cattle in the National forest reserves, upholds the Secretary in the regulations formulated by him and which will become effective January 1, 1906, whereby certain rules are laid down for the granting of grazing permits. The communication is the result of a protest sent to the Secretary from one of the Western States and is based on a report by Mr. Wilson, to whom the protest was referred. The letter of the President follows:

"I have received your letter of December 20. I cordially approve of the policy you are carrying on. Our effort is to keep the grazing lands in the hands of the people, and to the benefit of the stockman and the farmer who actually live in the neighborhood of the reserves. To prevent the waste and destruction of the reserves, it is necessary that they can be permanently used by the stockman no less than by the public. You are to spend a certain amount of money. Part of this money is to be used to purchase a small fee for each head of stock pastured on the reserve.

Lowest third of the actual value of the grazing is at present charged, and it is, of course, perfectly obvious that the man who pastures his stock should pay something for the use of the reserve. It is not to be to the benefit of the pasture and he pays for it but a small fraction of the value that it is to him, and this money is in reality returned to him in the form of the forest reserve permanently available for use.

You this year make a special reduction of the ranchmen pay but have not. This is in accordance with the policy of your department as regards the Western lands, which is to favor the American stockman who actually live in the neighborhood of the reserves. The other regular occupants of the reserve range, that is, the larger class of ranchmen, are to be treated in the smaller men. If, after these have been admitted, there still remains an ample pasture, then the owners of transient stock, the men who drive the tramp herds or tramp herds, should be admitted. These men have no permanent abode, do but little to better the land, and in view of the events of the recent past, it is believed in Washington that a real foreign demonstration against China for the preservation of the rights of American stockmen would be best with more than the mere verbal objection of Japan.

NEW COMMANDER OF KEARSARGE.

PHILADELPHIA, Dec. 23.—The command of the battleship Kearsarge, now stationed at League Island Navy-Yard, was today transferred from Captain Raymond P. Rogers to Captain Herbert Winslow. Captain Rogers has been ordered to shore duty at Washington, his two-year term of sea service having expired.

Navy in Hurry for Officers.

WASHINGTON, Dec. 23.—The Navy Department has decided upon February 23 as the day for the graduation class of 1906 at the Naval Academy. The reason for the graduation of the cadets in advance has been the pressing need of officers, and if this condition still prevails, it may require the graduation of the next class in February, 1907.

Fairbanks Entertains Riley.

WASHINGTON, Dec. 23.—Vice-President Fairbanks entertained at dinner tonight James Whitcomb Riley and the members of the Gridiron Club.

SEARCH FOR MURDERERS

Mexican Authorities Detain Persons Connected With Diaz Tragedy. EL PASO, Tex., Dec. 23.—It was learned today that the Mexican authorities at Santa Basala have detained all possible persons connected in any way with the murders of Ruth and Murray, who were murdered at Santa Basala, Mexico, by Mrs. Sophie Rutherford, wife of the dead Philadelphia man, is among the number, and it is understood that the authorities are endeavoring to learn from her something of the feeling that existed between her husband and O. B. Finstad, who was arrested yesterday. Louis G. Goughner, who also was wounded in the attack on Finstad's home, is understood to be under surveillance in the hospital.

Accused of Producing Shaw's Play.

NEW YORK, Dec. 23.—Arnold Daly, the actor, was held in \$100 bail in the Tombe Police Court today, charged with giving an immoral performance in presenting George Bernard Shaw's play, "Mrs. Warren's Profession."

UNDER FIRE

Editor of Fads and Fancies Is Grilled.

MEMORY IS DEFECTIVE

Assistant District Attorney Osbourne Drags Out Story of Business Methods in Publishing the \$1500 Book of Society.

NEW YORK, Dec. 23.—(Special.)—Under scathing cross-examination today, Colonel Mann, editor of Town Topics, who accuses Peter F. Collier and his son, proprietors of Collier's Weekly, and Norman Hapgood, the editorial writer, of criminal libel, told of his business relations with Robert A. Irving, who was arrested last week on a charge of attempted blackmail growing out of the "Fads and Fancies" scheme. Colonel Mann was a reluctant witness and continually answered questions with "I can't remember." The lawyer brought out the admission that Mrs. Huntington's subscription had been made in two payments of \$1000 each in cash.

"I didn't get a dollar of it," declared Colonel Mann, under fire of questions. "It was turned into Town Topics."

"Did you not tell the reporters that you had a cartload of scandals that would blow up New York if they were printed?"

"As near as I can recall," answered Mann, "I said that cartloads of scandalous matter were coming into my office, which I never used. I never admitted Irving had obtained most of the subscriptions to 'Fads and Fancies,' receiving a commission of 15 per cent, which may have amounted in the aggregate to \$15,000. He declared that he could not remember having given Irving letters of introduction to Grover Cleveland and Frederick Gebhart, and he denied he had made statements to William K. Alfred C. and Reginald Vanderbilt."

"Did you get the Vanderbilts as subscribers?" demanded Assistant District Attorney James O. W. Osbourne.

Colonel Mann again protested that he could not remember, whereupon the lawyer ordered him to produce his list. Colonel Mann opened a copy of "Fads and Fancies."

"Did you regard these contracts and receipts as proper safeguards?"

Again a long wrangle followed, but Colonel Mann finally admitted that he had been sent out for duty, and had taken with him a retinue of disreputable characters from St. Petersburg, with whom he was committing all sorts of debaucheries. When reproached by General Karapakin, he is said to have drawn a revolver on the commander-in-chief, if he did not actually strike him. Boris is one of the Grand Dukes whom the czar holds responsible for the conditions in Russia today.

SHAFT FOR FIRST MORMON

Church Leaders Erect Monument in Joseph Smith's Memory. SOUTH ROYALTY, Va., Dec. 23.—In memory of Joseph Smith, Jr., founder of the Mormon faith, a monument which had been erected on the site of his birthplace was dedicated today. The memorial is located in the town of Sharon, three miles from the village, where in a little farmhouse Joseph Smith was born 108 years ago on December 23, 1805. Present Joseph Smith and a party of about 500 followers of the Mormon Church and representatives of the Smith family were present from Salt Lake. The exercises were held in a memorial cottage near the monument.

Brief addresses were delivered by several of the Mormon officials, and President Smith offered a dedicatory prayer. The monument was unveiled by Miss Abby Wells, daughter of Julian F. Wells, a member of the Smith family, who is the project of erecting the memorial originated.

ALL MEETINGS FORBIDDEN

Cossacks Drive People From Streets With Heavy Knouts. ST. PETERSBURG, Dec. 23.—(Midnight.)—Late tonight, after an order had been issued to the prefects forbidding meetings of any description, public or private, Cossacks and troops cleared the Nevsky and Moskalska prospects and other thoroughfares.

Actors Have Christmas Tree.

DENVER, Dec. 23.—Before his departure today from Denver, William F. Crane, the actor, prepared a pleasant surprise to be given the members of his company while en route to San Francisco, where they will open with "The Actor's Life." Mr. Crane has arranged to have a decorated Christmas tree set up on board the train and on it will be hung presents for all the members of the company. With Mr. Crane in addition to his theatrical company, are his wife and several friends. The party occupies two special cars on the Union Pacific's Overland Limited.

Mme. Bernhardt Is Pleasured.

NEW YORK, Dec. 23.—Madame Sarah Bernhardt, appearing in "La Recluse," tonight closed her two-week engagement at the Lyric Theater. The company will depart tomorrow afternoon for Syracuse, where a performance will be given Monday night.

Accused of Producing Shaw's Play.

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Garments to Order for Cost of Material and Making

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Satisfaction Guaranteed in All Cases. Garments to Order in a Day if Required. Full-Dress and Tuxedo Suits a Specialty.

108 Third Street

OREGON ROADSSUED

An Eastern Shipper Appeals Against Rate on Rubber.

TO COMMERCE COMMISSION

All Railroads Operating West of Chicago Made Defendants in Suit Backed by United Interests of Country.

WASHINGTON, Dec. 23.—A complaint directed against all railways operating west of Chicago and charging unreasonable and discriminatory rates on rubber tires for bicycles and vehicles was filed today by the Interstate Commerce Commission to day by the Fluke Rubber Company, of Chicago, Mass.

"This question was objected to by counsel for Colonel Mann and was withdrawn," said Osbourne. "Colonel, you must not make me laugh."

NOBEL PRIZE WINNERS.

Rewards for Those Who Have Been of Aid to Humanity.

NEW YORK, World. The Nobel prizes, founded by his vast fortune by Alfred Nobel, the inventor of dynamite, to reward each year those who have most aided humanity by scientific or medical research, by idealistic literature, and by the promotion of peace, have been assigned this year to:

1905—Roentgen, X-rays; Van 't Hoff, physical chemistry; Savitrov, physicist; Niels Bohr, physicist; Sauerbrey, chemist; Finson, discoverer of Finson rays; Howard Crosby, M. D., M. P., of the London Arbitrator.

1904—Eaton Rayleigh, British Royal Institution; William Ramsay, Professor of St. Petersburg Military Academy of Medicine; Frederic Mistral, Provençal poet, and Jose Echegaray, Spanish dramatist.

Already the lengthening list is becoming an international upper house of the truly great men of Europe—the men whose achievements dwarf the deeds of warriors and the petty contrivances of ordinary statesmanship.

Habit-forming Medicines.

Whatever may be the fact as to many of the so-called patent medicines containing injurious ingredients as broadly published in some journals of more or less influence, the fact is certainly true that many of these medicines have been of great benefit in arresting need attention to this subject. It has, in a considerable measure, resulted in the most intelligent people avoiding such foods and medicines. It may be fairly safe to say that the habit-forming ingredients of these medicines are composed of opium, morphine, cocaine, and other habit-forming drugs. Neither do they contain any narcotics or injurious agents, their ingredients being purely vegetable, extracted from the roots of medicinal plants found growing in the depths of our American forests and of our own country's fields.

CARS MEET BROADSIDE ON

Ten Persons Received Injuries in Accident at Los Angeles. LOS ANGELES, Cal., Dec. 23.—Ten persons were more or less seriously injured in a broadside collision of two street-cars at Long Beach avenue and Twenty-second Street this evening. A car on the Long Beach branch line crashed into an Ascot Park car. The following are among the injured:

Mr. Milton King, Compton; badly cut about head and internal injuries. Mrs. H. B. Palmer, internally injured and badly bruised. Henry Winter was hurled through a window of the Ascot Park car.

No Consumptives in Schools.

CHICAGO, Dec. 23.—The school medical committee of the Board of Education yesterday took a hand in the fight to stamp out tuberculosis in Chicago and to prevent its spread in the public schoolrooms by adopting, without a dissenting vote, a resolution calling for the appointment of a committee to draft a rule providing exclusion from the public schools of all victims of the disease.

The committee was also empowered to prepare a plan for the medical examination of all "suspect" pupils, with a view to determine whether or not they should be admitted to the schoolrooms. Tuberculosis was held to be as infectious as smallpox, scarlet fever or diphtheria.